

ORDINANCE NO. 2016-1644

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 90 ZONING SECTION 90-51. "MAXIMUM FRONTAGE OF BUILDINGS"; SPECIFICALLY AMENDING SECTION 90-51.1 CONTINUOUS WALL FRONTAGE OF 150 FEET IN THE H120 DISTRICT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, currently, all individual property sites located in the Town of Surfside ("Town") that have redevelopment potential are less than 150 feet in length; and

WHEREAS, the Town desires to modify the maximum width of buildings on the east side of Collins Avenue to 150 feet in length; and

WHEREAS, the proposed amendment to the Code limits potential aggregation of properties, removes the articulation requirements and restores the 150 foot limitation which was present in the Code prior to 2008; and

WHEREAS, the Town Commission has adopted regulations to address the specific needs of this unique community and continues to amend these regulations as they may best suit the needs of the community; and

WHEREAS, the Town Commission held its first duly noticed public hearing on these regulations on November 10, 2015 and recommended approval of the proposed amendments to the Code of Ordinances, having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the Local Planning Agency for the Town has reviewed the revisions to the code for consistency with the Town's Comprehensive Plan at a duly noticed hearing on December 17, 2015 and recommended denial; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on January 12, 2016 and further finds the proposed change to the Code necessary and in the best interest of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AS FOLLOWS:

Section 1. Recitals. The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Code Amendment. The code of the Town of Surfside, Florida is hereby amended as follows:

Sec. 90-51. Maximum frontage of buildings.

90-51.1 Continuous wall frontage shall not exceed 270 feet in the H30C or H40 districts and 150 feet in the H120 district, and be articulated as follows: The following articulations shall be provided:

- (1) *H30C*: For every 50 feet, a minimum three-foot change in wall plane.
- (2) *H40*: For every seventy-five (75) feet, a minimum six-foot change in wall plane.
- ~~(3) *H120*: For every 100 feet, a minimum six-foot change in wall planes. The change shall be either vertical or horizontal. The maximum 270-foot continuous wall frontage is limited to a building platform no greater than 30 feet in height. This platform may contain habitable and non-habitable spaces. Buildings are permitted above the 30-foot high platform subject to the following:
 - a. A tower above the platform shall provide a continuous wall plane no greater than 150 feet in length with a minimum six-foot vertical or horizontal change in wall plane.
 - b. The distance between more than one tower located on a platform shall be a minimum of 40 feet.
 - c. If a platform is provided, the side setbacks of any tower shall be a minimum of 20 feet from the setback of the platform.~~
- (4) (3) Structured parking garages: see section 90-49.4.

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 5. Inclusion in the Code of Ordinances. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and the word “Ordinance” may be changed to “Section” or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective upon adoption on second reading.

PASSED and ADOPTED on first reading this 10th day of November 2015.

PASSED and ADOPTED on second reading this 12th day of January, 2016.



Daniel Dietch, Mayor

ATTEST: 

Sandra Novoa, MMC, Town Clerk

APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:



Linda Miller, Town Attorney

On Final Reading Moved by: Commissioner Karukin

On Final Reading Seconded by: Commissioner Olchyk

VOTE ON ADOPTION:

Commissioner Barry R. Cohen	yes	_____	no	<input checked="" type="checkbox"/>
Commissioner Michael Karukin	yes	<input checked="" type="checkbox"/>	no	_____
Commissioner Marta Olchyk	yes	<input checked="" type="checkbox"/>	no	_____
Vice Mayor Eli Tourgeman	yes	<u>Absent</u>	no	_____
Mayor Daniel Dietch	yes	<input checked="" type="checkbox"/>	no	_____