

ORDINANCE NO. 18 - 1682

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90-51 "MAXIMUM FRONTAGE OF BUILDINGS AND FACADE ARTICULATIONS." OF "CHAPTER 90 ZONING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ADDRESS FAÇADE ARTICULATIONS, MAXIMUM BUILDING LENGTHS AND BUILDING SEPARATIONS IN THE H30C AND H40 ZONING DISTRICTS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

1 **WHEREAS**, the Town Commission of the Town of Surfside, Florida, recognizes that
2 changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the
3 Town's regulations are current and consistent with the Town's planning and regulatory needs;
4 and

5 **WHEREAS**, in 2015, the Town conducted a Corridor Study of Collins to Harding from
6 94th Street to 88th Street to evaluate development and aggregation potential with the goal of
7 preparing possible code modifications; and

8 **WHEREAS**, on January 12, 2016, as an initial effort to address building mass and views
9 in the H30C and H40 zoning districts, the Town Commission adopted modifications to the
10 maximum wall length code section to require forecourts; and

11 **WHEREAS**, the Town finds that the implementation of the forecourt requirements has
12 not achieved the corridor views, building mass, or aesthetic goals providing compatibility with
13 the character and charm of Surfside; and

14 **WHEREAS**, the Town Commission therefore desires to limit building lengths and
15 require building separations to ensure the establishment of view corridors and development at a
16 mass and bulk appropriate to the Town; and

17 **WHEREAS**, the Town Commission and Planning And Zoning Board held a joint
18 meeting on February 6, 2018 to analyze the building length and building separation issues and
19 take public input; and

20 **WHEREAS**, the Town Commission held its first public hearing on these regulations on
21 March 13, 2018; and

22 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
23 reviewed the revisions to the Code for consistency with the Town’s Comprehensive Plan at a
24 duly noticed hearing on March 29, 2018 and April 26, 2018; and

25 **WHEREAS**, the Town Commission has conducted a second duly noticed public hearing
26 on these regulations as required by law on May 8, 2018; and

27
28 **WHEREAS**, the Town Commission hereby finds and declares that adoption of this
29 Ordinance is necessary, appropriate, and advances the public interest.

30
31 **NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**
32 **THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:**

33 **Section 1. Recitals.** Each of the above stated recitals is true and correct and the recitals are
34 incorporated herein by this reference.

35 **Section 2. Code Amendment.** The Code of Ordinances of the Town of Surfside,
36 Section 90-51 “Maximum frontage of buildings and facade articulations “ of Chapter 90
37 “Zoning” is hereby amended as follows¹:

38 Sec. 90-51. - Maximum frontage of buildings and facade articulations.

39 90-51.1 Continuous wall frontages.

40 (1) Continuous wall frontages in the H120 district shall not exceed 150 feet in length in the
41 ~~H120 district. Continuous wall frontages in the H40 and H30C district shall be articulated as~~
42 ~~follows:~~

43 ~~(1) Forecourt spacing and minimum dimensions:~~

44 ~~a. When utilized to meet building articulation requirements, forecourts shall be spaced~~
45 ~~no more than 150 feet apart from each other.~~

46 ~~b. When lot frontages measure less than 100 linear feet, then the minimum~~
47 ~~dimensions of the forecourt shall be 20 feet wide and 15 feet deep.~~

¹ Additions to text are shown in underline. Deletions to text are shown in ~~strikethrough~~. Additions to the text after first reading are shown in double underline. Deletions to text after first reading are shown in ~~double strikethrough~~.

48 ~~e. When lot frontages measure greater than 100 linear feet and less than 200 linear~~
49 ~~feet, then the minimum dimensions of the forecourt shall be 20 feet wide and 20~~
50 ~~feet deep.~~

51 ~~d. When lot frontages measure greater than 200 linear feet, then the minimum~~
52 ~~dimensions of the forecourt shall be 30 feet wide and 20 feet deep.~~

53 ~~e. In lieu of providing a forecourt of the specified size and space apart from each~~
54 ~~other as outlined in subsections (1)a. — d., a building can provide "forecourt~~
55 ~~equivalency areas" that are spaced throughout the front facade of the building. The~~
56 ~~total sum area of the forecourt equivalency areas shall not be less than the forecourt~~
57 ~~area that would be required if a regular sized forecourt were provided. Forecourt~~
58 ~~equivalency areas shall not be spaced further than 100 feet apart. Forecourt~~
59 ~~equivalency areas cannot be used uniformly across the front of a building in order~~
60 ~~to provide a uniform, larger setback.~~

61 (2) Continuous wall frontages in the H30C zoning district shall not exceed 90 feet in length,
62 subject to the following:

63 a. There shall be a minimum building separation of 12 feet between buildings on the
64 same property.

65 b. The building facades facing each side of the separation area shall provide a
66 minimum of 10% wall openings per façade and a minimum two-foot area for
67 plantings along each façade.

68 c. Buildings may have a one-story (fifteen feet in height or less) connecting floor or
69 breezeway provided such connection is set back a minimum of:

70 1. 15 feet from the front building line if located on the ground floor;

71 2. 25 feet from the front building line if located on the 2nd floor; or

72 3. 35 feet from the front building line if located on the 3rd floor.

73 (3) Continuous wall frontages in the H40 zoning district shall not exceed 150 feet in length,
74 subject to the following:

75 a. There shall be a minimum building separation of 17 feet between buildings on the
76 same property.

77 b. The building facades facing each side of the separation area shall provide a
78 minimum of 10% wall openings per façade and a minimum two-foot area for
79 plantings along each façade.

80 c. Buildings may have a one-story (fifteen feet in height or less) connecting floor or
81 breezeway provided such connection is set back a minimum of:

82 1. 15 feet from the front building line if located on the ground floor;

83 2. 25 feet from the front building line if located on the 2nd floor; or

84 3. 35 feet from the front building line if located on the 3rd floor.

85 (4) In the event property is developed with more than 150 linear feet of lot frontage facing
86 Harding Avenue and an equal or greater lot frontage facing Collins Avenue, no wall
87 frontage facing Harding Avenue or Collins Avenue shall exceed 150 feet in length, subject
88 to the following:

89 a. There shall be a minimum building separation of 17 feet between buildings on the
90 same property and the building separation shall run from Harding Avenue directly
91 through to Collins Avenue.

92 b. The building facades facing each side of the separation area shall provide a
93 minimum of 10% wall openings per façade and a minimum two-foot area for
94 plantings along each façade.

95 c. Buildings may have a one-story (fifteen feet in height or less) connecting floor or
96 breezeway provided such connection is set back a minimum of:

97 1. 15 feet from the front building line if located on the ground floor;

98 2. 25 feet from the front building line if located on the 2nd floor; or

99 3. 35 feet from the front building line if located on the 3rd floor.

100 (5) In lieu of providing all building separations required in the H30C and H40 districts, a
101 building may provide one or more building separation equivalency areas as follows:

102 a. The total sum of the provided building separation equivalency areas shall not be
103 less than the sum of the total building separation areas that would be required if
104 the separations required in subsections (2), (3), or (4) above, as applicable, were
105 instituted.

106 b. Building separation equivalency areas shall be no more than 250 feet apart.

107 c. Any building separation for a property with more than 150 linear feet of lot
108 frontage on both Harding Avenue and Collins Avenue shall run from Harding
109 Avenue directly through to Collins Avenue.

110 d. The building facades facing each side of the separation area shall provide a
111 minimum of 10% wall openings per façade and a minimum four-foot area for
112 plantings along each façade.

113 e. Buildings may have a one-story (fifteen feet in height or less) connecting floor or
114 breezeway provided such connection is set back a minimum of:

115 1. 15 feet from the front building line if located on the ground floor;

116 2. 25 feet from the front building line if located on the 2nd floor; or

117 3. 35 feet from the front building line if located on the 3rd floor.

118 ~~(2)~~(6) Structured parking garages: see section 90-49.4.

119 ~~(3)~~(7) Buildings within a district designated as a historic district per Miami-Dade
120 County shall be excluded from these requirements.

121 * * *

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

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

127 **Section 5. Inclusion in the Code of Ordinances.** It is the intention of the Town
128 Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made
129 a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be
130 renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed
131 to "Section" or other appropriate word.

132 **Section 6. Effective Date.** This Ordinance shall be effective upon final adoption on
133 second reading.

134

135 **PASSED** on first reading this 13th day of March, 2018.

136 **PASSED** and **ADOPTED** on second reading this 8th day of May, 2018.

137

138 On Final Reading Moved by: Commissioner Paul

139 On Final Reading Second by: Vice Mayor Gielchinsky

140

141 **FINAL VOTE ON ADOPTION**

142	Commissioner Cohen	<u>yes</u>
143	Commissioner Michael Karukin	<u>yes</u>
144	Commissioner Tina Paul	<u>yes</u>
145	Vice Mayor Gielchinsky	<u>yes</u>
146	Mayor Daniel Dietch	<u>yes</u>

147

148

149

150

151

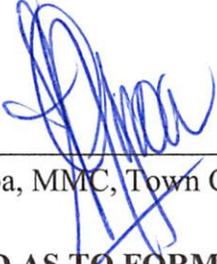
152



Daniel Dietch, Mayor

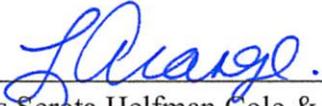
153
154
155
156
157
158
159
160
161
162
163
164
165

ATTEST:



Sandra Novoa, MMC, Town Clerk

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



Weiss Serota Helfman Cole & Bierman, P.L.,
Town Attorney