

**ORDINANCE NO. 19 - 1705**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-41, "REGULATED USES", TO ESTABLISH LIMITATIONS ON HOTELS IN THE H-40 ZONING DISTRICT SOUTH OF 93<sup>RD</sup> STREET INCLUDING: A PROHIBITION ON BALLROOMS AND BANQUET FACILITIES AS HOTEL ACCESSORIES; PROVIDING DISTANCE SEPARATION STANDARDS BETWEEN HOTELS; PROVIDING LIMITATIONS ON EVENT AND/OR MEETING ROOM SPACE; PROHIBITING STRUCTURED PARKING FACILITIES, AND REQUIRING THAT PARKING STRUCTURES INCORPORATE HOTEL AND/OR ACCESSORY USES; CREATING EXEMPTIONS FOR EXISTING AND APPROVED DEVELOPMENTS, AND FOR HISTORICALLY DESIGNATED PROPERTIES; AND AMENDING SECTION 90-51 "MAXIMUM FRONTAGE OF BUILDINGS AND FAÇADE ARTICULATIONS" TO ESTABLISH CONTINUOUS WALL FRONTAGES FOR HOTELS IN THE H40 ZONING DISTRICT SOUTH OF 93 STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

**WHEREAS**, the Town Commission of the Town of Surfside ("Town Commission") finds it periodically necessary to amend its Code of Ordinances and Land Development Code ("Code") in order to update regulations and procedures for maintain consistency with state law and to implement municipal goals and objectives; and

**WHEREAS**, at a joint special meeting of the Town Commission and Planning & Zoning Board held on September 19, 2019, and in order to address impacts from large-scale hotels with certain accessory uses utilized by the general public, the Town Commission directed staff to evaluate and prepare an ordinance establishing limitations on hotels within the H40 District south of 93<sup>rd</sup> Street and to address continuous wall frontages of such hotels; and

**WHEREAS**, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendment on October 24, 2019 with due public notice and input; and

**WHEREAS**, the Town Commission held its first public hearing on October 10, 2019 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 Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on November 12, 2019 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<sup>1</sup>:**

**Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein by this reference:

**Section 2. Town Code Amended.** Section 90-41. – “Regulated Uses” of the Surfside Town Code of Ordinances is hereby amended and shall read as follows<sup>1</sup>:

**Sec. 90-41. Regulated uses.**

Applicability and validity of tables. Nothing shall be used to misconstrue or reinterpret the provisions, limitations and allowances made here in.

- (a) *Purpose.* Permitted uses are considered to be fundamentally appropriate within the district in which they are located and are deemed to be consistent with the comprehensive plan. These uses are permitted as of right, subject to the required permits and procedures described in this section. Permitted uses require final site plan review and approval for compliance with the standards applicable to a particular permitted use as provided in this zoning code.
- (b) *Permits required.* Except as explicitly provided herein, no use designated as a permitted use in this chapter shall be established until after the person proposing such use has applied for and received all required development permits.
- (c) *Table—Regulated uses.*

	H30A	H30B	H30C	H40	H120	SD-B40
<b>Lodging uses</b>						
Hotel	-	-		P(7, <u>31, 32, 33, 34</u> )	P(7)	-
Suite-Hotel	-	-		P(7, <u>31, 32, 33, 34</u> )	P(7)	-

<b>Retail &amp; General Commercial Uses</b>						
Structured parking facility	-	-	CU(23)	CU(23)	CU(23)	-
<b>Accessory Uses</b>						
Structured parking facility				P(35)		

Key: P: Permitted Blank: Not Permitted (#): Refer to Notes CU: Conditional Use

(d) *Uses table notes.*

\* \* \*

(31) H40 hotel properties south of 93<sup>rd</sup> Street: may provide a beauty/personal services, restaurant, coffee shop, bar or lounge, gift and sundry shops and health spas provided, however, that such facilities may be entered only from the inside of the structure and there shall be no window or evidence of such facilities from outside the hotel. Ballrooms and banquet facilities shall be prohibited.

(32) Meeting rooms in hotels on H40 properties south of 93<sup>rd</sup> Street: event and/or meeting room space shall be based on no greater than 15 square feet per the total number of rooms of the hotel and shall have a capacity of no greater than 100 people.

(33) H40 hotel properties south of 93<sup>rd</sup> Street: Standalone structured parking facilities shall be prohibited. Accessory uses shall be integrated into the parking facility.

(34) H40 hotel properties south of 93<sup>rd</sup> Street: Exemptions:

All properties designated by the Miami-Dade County Historic Preservation Board and all properties that legally received Development Orders as of the date of adoption of this ordinance (November 12, 2019) are exempt from the requirements and restrictions in (31) to (33) of this section.

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**Section 3. Town Code Amended.** Section 90-51. – “Maximum frontage of buildings and façade articulations” of the Surfside Town Code of Ordinances is hereby amended and shall read as follows:

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

90-51.1 Continuous wall frontages shall not exceed 150 feet in the H120 district. Continuous wall frontages in the H40 and H30C district shall be articulated as follows:

- (1) Continuous wall frontages in the H120 district shall not exceed 150 feet in length.
- (2) Continuous wall frontages in the H30C zoning district shall not exceed 90 feet in length subject to the following:
  - a. There shall be a minimum building separation of 12 feet between buildings on the same property.
  - b. The building facades facing each side of the separation area shall provide a minimum of ten percent wall openings per façade and a minimum two-foot area for plantings along each façade.
  - c. Buildings may have a one-story (fifteen feet in height or less) connecting floor or breezeway provided such connection is set back a minimum of:
    1. Fifteen feet from the front building line if located on the ground floor;
    2. Twenty-five feet from the front building line if located on the second floor; or
    3. Thirty-five feet from the front building line if located on the third floor.
- (3) Continuous wall frontages in the H40 zoning district shall not exceed 150 feet in length, subject to the following:
  - a. There shall be a minimum building separation of 17 feet between buildings on the same property.
  - b. The building facades facing each side of the separation area shall provide a minimum of ten percent wall openings per façade and a minimum two-foot area for plantings along each façade.
  - c. Buildings may have a one-story (15 feet in height or less) connecting floor or breezeway provided such connection is set back a minimum of:
    1. Fifteen feet from the front building line if located on the ground floor;
    2. Twenty-five feet from the front building line if located on the second floor; or
    3. Thirty-five feet from the front building line if located on the third floor.
  - d. This subsection (3) shall not be applicable to hotels in the H40 zoning district south of 93<sup>rd</sup> Street, which shall be governed by subsection (8) below.
- (4) In the event property is developed with more than 150 linear feet of lot frontage facing Harding Avenue and an equal or greater lot frontage facing Collins Avenue, no wall frontage facing Harding Avenue or Collins Avenue shall exceed 150 feet in length, subject to the following:

- a. There shall be a minimum building separation of 17 feet between buildings on the same property and the building separation shall run from Harding Avenue directly through to Collins Avenue.
  - b. The building facades facing each side of the separation area shall provide a minimum of ten percent wall openings per façade and a minimum two-foot area for plantings along each façade.
  - c. Buildings may have a one-story (15 feet in height or less) connecting floor or breezeway provided such connection is set back a minimum of:
    - 1. Fifteen feet from the front building line if located on the ground floor;
    - 2. Twenty-five feet from the front building line if located on the 2nd floor; or
    - 3. Thirty-five feet from the front building line if located on the third floor.
- (5) In lieu of providing all building separations required in the H30C and H40 districts, a building may provide one or more building separation equivalency areas as follows:
- a. The total sum of the provided building separation equivalency areas shall not be less than the sum of the total building separation areas that would be required if the separations required in subsections (2), (3), or (4) above, as applicable, were instituted.
  - b. Building separation equivalency areas shall be no more than 250 feet apart.
  - c. Any building separation for a property with more than 150 linear feet of lot frontage on both Harding Avenue and Collins Avenue shall run from Harding Avenue directly through to Collins Avenue.
  - d. The building facades facing each side of the separation area shall provide a minimum of ten percent wall openings per façade and a minimum four-foot area for plantings along each façade.
  - e. Buildings may have a one-story (15 feet in height or less) connecting floor or breezeway provided such connection is set back a minimum of:
    - 1. Fifteen feet from the front building line if located on the ground floor;
    - 2. Twenty-five feet from the front building line if located on the second floor; or
    - 3. Thirty-five feet from the front building line if located on the third floor.
- (6) Structured parking garages: see section 90-49.4.
- (7) Buildings within a district designated as a historic district per Miami-Dade County shall be excluded from these requirements, subject to review and approval by the Planning and Zoning Board and the Town Commission.
- (8) Continuous wall frontage along Collins and Harding Avenues for hotels in the H40 zoning district south of 93<sup>rd</sup> Street shall not exceed 150 feet in length.

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**Section 4. Severability.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

**Section 5. Inclusion in the Code.** 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 re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

**Section 6. Conflicts.** Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

**Section 7. Effective Date.** This ordinance shall become effective upon adoption.

**PASSED and ADOPTED** on first reading this 10th day of October, 2019.

**PASSED and ADOPTED** on second reading this 12<sup>th</sup> day of November, 2019.

On Final Reading Moved by: Commissioner Karukin

On Final Reading Second by: Vice Mayor Gielchinsky

**FINAL VOTE ON ADOPTION:**

Commissioner Barry Cohen	<u>No</u>
Commissioner Michael Karukin	<u>Yes</u>
Commissioner Tina Paul	<u>Yes</u>
Vice Mayor Daniel Gielchinsky	<u>Yes</u>
Mayor Daniel Dietch	<u>Yes</u>



\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**



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Sandra Novoa, MMC, Town Clerk

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

A handwritten signature in blue ink, appearing to read 'L. Cheng', is written over a horizontal line.

Weiss Serota Helfman Cole and Bierman, P.A.  
Town Attorney