Town of Surfside PLANNING \& ZONING BOARD AGENDA
MARCH 31, 2022-6:00 p.m.
Town Hall Commission Chambers 9293 Harding Avenue, $2^{\text {nd }}$ Floor, Surfside, FL 33154

1. Call to Order/Roll Call
2. Town Commission Liaison Report
3. Approval of Minutes

- February 23, 2022 Joint Town Commission and Planning and Zoning Board Meeting Minutes
- February 24, 2022 Planning and Zoning Board Meeting Minutes

4. Applications:
A. 9281 Byron Avenue - New Two-Story Single-Family Residence
B. 524 89th $^{\text {th }}$ Street - New Two Story Single-Family Residence
C. $800 \mathbf{9 2}^{\text {nd }}$ Street - Pool
D. 9472 Byron Avenue - Wood Deck
E. 9452 Harding Avenue - Sign
F. 9564 Harding Avenue - Sign
5. Ordinance - Amending Section 90-47 Section of 24 Inch Setback Encroachment - Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-47. - "YARDS, GENERALLY ALLOWABLE PROJECTIONS", SPECIFICALLY SUB-SECTION 90-47.1 TO RESTRICT PROJECTIONS FOR CERTAIN ARCHITECTURAL ELEMENTS AND TO PROHIBIT COMBINING ALLOWED ENCROACHMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.
6. Next Meeting Date: April 28, 2022

## 7. Discussion Items:

## A. Future Agenda Items

## 8. Adjournment.

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsurfsidefl.gov.

TWO OR MORE MEMBERS OF THE TOWN COMMISSION OR OTHER TOWN BOARDS MAY ATTEND THIS MEETING.
THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.


Town of Surfside
Joint Town Commission and Planning and Zoning Board Meeting
MINUTES
February 23, 2022
6 p.m.
Town Hall Commission Chambers - 9293 Harding Ave, $2^{\text {nd }}$ Floor
Surfside, FL 33154

## 1. Opening

## A. Call to Order

Mayor Burkett called the meeting to order at 6:04 p.m.

## B. Roll Call of Members

Town Clerk McCready called the roll of the Town Commission members with the following members present:

Present: Mayor Charles Burkett, Vice Mayor Tina Paul, Commissioner Nelly Velasquez, Commissioner Charles Kesl and Commissioner Eliana Salzhauer (arrived at 6:07 p.m.)

Deputy Town Clerk Herbello called the roll of the Planning and Zoning Board members with the following members present:

Present: Chair Judith Frankel, Vice Chair Fred Landsman, Board Member James MacKenzie, Board Member Randi McBride, Alternate Board Member Carolyn Baumel.

Absent: Planning and Zoning Board Member Ruben Bravo.
Also present were Town Manager Andrew Hyatt, Town Attorney Lillian Arango, Town Attorney Tony Recio, Building Official James McGuinness and Town Planner Walter Keller.

Town Manager Hyatt thanked all the members of the Planning and Zoning Board for their service and provided them with a certificate of appreciation.

## 2. Draft Zoning Code

## A. Current Draft

Town Attorney Arango explained the process of tonight's meeting and the need to address the zoning in progress which is on the agenda.

Mayor Burkett explained to the Planning and Zoning Board what the Commission has done with the zoning code draft and the things that have gone in the draft.

Commissioner Kesl spoke regarding his opinion on the zoning code rewrite draft and the options given.

Commissioner Salzhauer stated that she heard a lot from the residents and believed this was a workshop and not a meeting. She stated that it would be helpful to go line by line and the code should be something that individuals can understand. She spoke regarding the opinion they received from the Planning and Zoning Board.

Chair Frankel stated that it is better to focus on the current document they have in front of them. She spoke regarding her process of her review of the draft. She stated that she would like to go through key issues and not have to go line by line. She stated this is an opportunity for her Board to have their opinions heard.

Mayor Burkett spoke regarding the issues that the Commission has come up with.

Chair Frankel stated that the Planning and Zoning Board has different issues they would like to address.

Vice Mayor Paul stated that she has been wanting to have this joint meeting for over a year ago and would like to hear from the Planning and Zoning Board first.

Town Attorney Recio stated that there were recommendations that were made by the Planning and Zoning Board.

Vice Chair Landsman spoke regarding the zoning in progress.
Town Attorney Arango stated that the Commission could call a special meeting prior to March 15 and still have a second reading ordinance prior to March 15.

Vice Chair Landsman stated that the logical point is to extend the zoning in progress.

Mayor Burkett stated that it is up to the Commission if they want the zoning in progress to die and they might have other things to add to the ZIP. He stated that this Commission should not have any other questions since they have discussed this in depth.

Town Attorney Recio explained the draft of the zoning code included in their packet and the different changes to the sections.

Mayor Burkett stated that they can give everyone an overview of what is in there and confirm what they are being told is in there.

Town Attorney Recio went through the changes the Commission has made to the code.

Commissioner Salzhauer asked if the changes that were made at the last meeting have been incorporated in this draft.

Town Attorney Recio stated that they have been incorporated and went over them.

Mayor Burkett commented on the changes made.
Town Attorney Recio further explained the changes as it pertains to lot coverage and applies to single family homes across the board.

Commissioner Salzhauer commented on the existing percentage allowed.
Commissioner Velasquez asked regarding the size of the house.
Board Member MacKenzie spoke regarding percentage of the size of the home and one should be focused on the volume of these elements. He provided examples.

Mayor Burkett spoke regarding lot coverage and additional items that could be added and asked the Planning and Zoning Board for their recommendations.

Chair Frankel also provided examples as it pertains to lot coverage.
Mayor Burkett discussed what Town Attorney Recio stated.
Town Attorney Recio stated that Chair Frankel is correct.
Chair Frankel also discussed the height of the uncovered area.

Commissioner Salzhauer stated that she was looking forward to this meeting.
Vice Mayor Paul also discussed the percentage of the lot a home should take up.

Vice Chair Landsman stated that Board Member MacKenzie incorporated two different ideas and options and spoke regarding those ideas. He spoke regarding lot coverage.

Mayor Burkett spoke regarding lot coverage.
Board Member Baumel stated that their Board have different options on lot coverage and spoke regarding a home that can be preserved and those should go up to $50 \%$.

Commissioner Salzhauer spoke regarding lot coverage and second story homes.

Vice Chair Landsman stated that he thought they were here to have a conversation and not voting and not having input from the Board.

Chair Frankel addressed comments made by Commissioner Salzhauer.
Town Attorney Recio stated that Chair Frankel is correct and explained how the applicant has to get to $40 \%$.

Chair Frankel explained how they need to get $50 \%$ permeability and also meet all other requirements.

Town Planner Keller explained how the lot coverage requirements work and that the way it is written is not much different from what is currently in the ZIP.

The following individuals from the public spoke:
George Kousoulas
Jeff Rose
After a lengthy discussion regarding the lot coverage and all the comments made by staff, Planning and Zoning Board and Commission, the following motion was made.

A motion was made by Commissioner Salzhauer to bring the $40 \%$ lot coverage for all the homes plus $6 \%$ for the goodies, seconded by Commissioner Velasquez. The motion carried with a 3-2 with Mayor Burkett and Vice Mayor Paul voting in opposition.

A motion was made by Commissioner Kesl to bring the new construction and existing single-family one-story homes to $50 \%$ lot coverage all in to run with the life of the structure, seconded by Vice Mayor Paul. Commissioner Kesl withdrew his motion.

Building Official McGuinness stated that they should have it run with the life of the structure.

Board Member MacKenzie reiterated to the Commission what the motion entails.

Board Member Baumel spoke regarding under story.
Building Official McGuinness discussed the under story.
Mayor Burkett stated that the extent of the changes requesting to be made will extend to March of this year.

Commissioner Salzhauer stated that the danger is that the $50 \%$ is going into the new construction.

Discussion took place regarding the pending motion on the lot coverage percentage.

The following individuals from the public spoke:
George Kousoulas
Andrea Travani
Arian Campos Flores
Jeff Rose
Shannon Gallagher
Town Attorney Recio advised the Planning and Zoning Board regarding the comments made by Mr. Flores and that they sit in a Quasi-Judicial capacity and they cannot discuss any items being brought before them at tomorrow's Planning and Zoning Board meeting.

Chair Frankel addressed the comments made by Mr. Flores.
Commissioner Salzhauer spoke regarding gates and fences on corner lots.
Town Attorney Recio explained the section of the code.
Chair Frankel explained the concern the Planning and Zoning Board has with gates and fences. She also spoke regarding the need to have the design guidelines reviewed and amended.

The following individual from the public spoke: Jeff Rose

After a lengthy discussion among the Town Commission and Planning and Zoning Board regarding gates, fences and interior lots the following motion was made.

A motion was made by Commissioner Salzhauer to prohibit fences, gates and walls on all front yards, except on the functional side yard of corner lots (i.e., not the side with the front door), seconded by Commissioner Kesl. The motion carried with a $3-2$ vote with Mayor Burkett and Commissioner Velasquez voting in opposition.

Commissioner Salzhauer spoke regarding rooftop decks.
Chair Frankel spoke regarding rooftop decks and it is clear how it is written.
Town Attorney Recio clarified the code as it pertains to rooftop decks.
Further discussion took place among the Commission and Planning and Zoning Board regarding rooftop decks.

Vice Mayor Paul asked if this is also the recommendation of the Planning and Zoning Board.

Board Member Baumel stated that they are not in agreement with that.
A motion was made by Commissioner Salzhauer to prohibit rooftop decks in H30A and H30B, seconded by Commissioner Kesl. Commissioner Kesl withdrew his second.

Chair Frankel spoke regarding the composition of the Planning and Zoning Board and believes that they need specific experience of the member. Her recommendation is to remove the category "interior decorator" and "attorney". She stated that having three people with specific qualifications is important.

Board Member MacKenzie stated that as Commissioners they need to see what they want to see as the composition of the Board and what the Planning and Zoning Board does.

Discussion took place among the Commission and the Planning and Zoning Board as to the requirements for the Planning and Zoning Board members.

The following individuals from the public spoke:
George Kousoulas

A motion was made by Commissioner Salzhauer that the members of the Planning and Zoning Board shall require at least 1 member be a Florida licensed architect, everyone on the board must be a resident, the other two can be from the list and to remove landscape architect and changing attorney to land use attorney, seconded by Commissioner Kesl. The motion carried with a 5-0 vote.

Town Attorney Recio clarified that what they are stating is having the five primary members of the board will include ( 1 general contractor, 1 licensed engineer (PE), a certified planner, an interior designer, a Florida licensed architect, and land use attorney).

Board Member MacKenzie spoke regarding the background of the members needed that would help the board.

Chair Frankel stated it is important to have at least one architect on the board.
Board Member MacKenzie stated that it would be good to have an architect that does not live in Surfside.

Chair Frankel stated the other slots could be a planner, architect or general contractor and to remove interior designer off the list because they are not to be involved in designing.

Chair Frankel spoke regarding the materials received from the applicants and the more information they have the better it is.

Board Member MacKenzie spoke regarding the list on page 43, number 8. B-I and i , ii, iii they would like a diagram to confirm the regulations are being met.

Commissioner Velasquez asked if it is on any project.
Board Member MacKenzie stated it is on every project.
Board Member MacKenzie spoke regarding the setbacks and having the diagrams depicting the setbacks. He stated they would like to add (L) that all plans be signed and sealed by a Florida licensed architect.

The following individuals from the public spoke:
George Kousoulas
Jeff Rose
Shannon Gallagher
After a lengthy discussion the following motion was made.

A motion was to extend the meeting to $10: 30$ p.m.
A motion was made by Commissioner Salzhauer to amend Section 90-62, subsection 8 to be as follows: 8(a) will require that the survey be done within a year of submission, 8(i)(iii) to require a diagram of setbacks for first and second floor and item $8(\mathrm{~L})$ that all plans be signed and sealed by a Florida licensed architect (if they are architectural plans) or engineer (for engineering plans) and landscape architect (for landscape plans), seconded by Commissioner Kesl. The motion carried with a 5-0 vote.

Board Member MacKenzie spoke regarding encroachments into the setback.
Chair Frankel spoke regarding the text amendment and 24-inch provision.
Commissioner Salzhauer spoke regarding the text amendment, wedding cake design and setbacks.

Board Member MacKenzie recommends eliminating the 24-inch encroachment and stay within the setback.

A motion was made by Commissioner Salzhauer to eliminate the 24 -inch encroachment beyond the setback, seconded by Commissioner Kesl. The motion carried with a 4-1 vote with Mayor Burkett voting in opposition.

Chair Frankel disagrees with eliminating all decorative elements and they are minimal and nonstructural and enhances the project.

The following individuals from the public spoke:
George Kousoulas
Jeff Rose
A motion was made by Vice Chair Landsman to extend the meeting until 10:45 p.m., seconded by Board Member MacKenzie. The motion carried with a 5-0 vote.

A motion was made by Commissioner Salzhauer to extend the meeting until 10:45 p.m., seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

Town Attorney Recio explained the ornamental features and balcony encroachment on page 90.

The following individuals from the public spoke:
Jeff Rose
Shannon Gallagher

## George Kousoulas

Vice Mayor Paul asked what the issue with this section is.
Board Member MacKenzie spoke regarding the setback and complying with them.

Discussion among the Commission and Planning and Zoning Board took place regarding the 24 -inch encroachment.

## B. Comparison of Current Draft with March 2021 Draft

## 3. Zoning In Progress

## 4. Public Comment

## 5. Question \& Answer (based on public comment)

## 6. Adjournment

A motion was made by Commissioner Kesl to adjourn the meeting without objection at 10:49 p.m. The motion carried with a 5-0 vote.

Accepted this $\qquad$ day of $\qquad$ 2022.

Shlomo Danzinger, Mayor
Accepted this $\qquad$ day of $\qquad$ 2022.

Judith Frankel, Chair
Planning and Zoning Board
Attest:

[^0]Town of Surfside
PLANNING \& ZONING BOARD MINUTES
FEBRUARY 24, 2022 - 6:00 p.m.
Town Hall Commission Chambers -
9293 Harding Avenue, $2^{\text {nd }}$ Floor, Surfside, FL 33154

## 1. Call to Order/Roll Call

Chair Frankel called the meeting to order at 6:00 p.m.
Present: Chair Judith Frankel, Vice Chair Fred Landsman, Board Member Ruben Bravo (arrived at 6:02 p.m.), Board Member Randi MacBride, Board Member James MacKenzie and Alternate Board Member Carolyn Baumel (arrived at 6:03 p.m.)

Absent: Mayor Charles W. Burkett and Town Manager Andrew Hyatt
Also, Present: Town Planner Walter Keller, Town Attorney Tony Recio, and Building Official Jim McGuiness.
2. Town Commission Liaison Report - Mayor Charles Burkett

No Liaison report was provided due to Mayor Burkett being absent.
3. Board Member Recognition 2020-2022

Town Manager Hyatt provided the Board Members their certificate of appreciation at the February 23, 2022 Joint Town Commission and Planning and Zoning Board Meeting.

Chair Frankel advised the public that at last night's meeting the Planning and Zoning Board Members were recognized. She thanked every member that serves and the staff to include the Town Clerk and Town Attorney for all their hard work.

## 4. Approval of Minutes - January 27, 2022

A motion was made Board Member MacBride to approve the January 27, 2022 Planning and Zoning Board Meeting Minutes as amended, seconded by Vice Chair Landsman. The motion carried with a 5-0 vote.

## 5. Applications:

Town Attorney Recio read the quasi-judicial statement into the record.
Deputy Town Clerk confirmed notice requirements.
Town Attorney Recio polled the Board Members.
Chair Frankel spoke with Bill Thompson and received a stated there were a series of emails going around from Horace Henderson regarding the 9165 Collins Avenue (Hillcrest) project.

Vice Chair Landsman spoke with Horace Henderson regarding the 9165 Collins Avenue (Hillcrest) project.

Board Member MacKenzie had no communication with anyone regarding the 9165 Collins Avenue (Hillcrest) project.

Board Member Bravo spoke with Bill Thompson and James Galvin regarding the 9165 Collins Avenue (Hillcrest) project.

Board Member MacBride had no communication with anyone regarding the 9165 Collins Avenue (Hillcrest) project.

Board Member Baumel had no communication with anyone regarding the 9165 Collins Avenue (Hillcrest) project.

## A. 9165 Collins Avenue - Site Plan Approval

Background: This application is a request for Site Plan Approval for a proposed development for the property commonly known as the Hillcrest by the Sea Co-op Apartments. The existing two 2-story buildings with 24 units will be demolished. The developable portion of the site is located from the Collins Avenue east right of way line to the Town of Surfside Bulkhead Line and totals 0.54 acres. The area east of the Bulkhead line to the Erosion Control Line (ECL) is a private recreation area totaling 0.33 acres. A 11-story structure with 14 apartments units and 33 parking spaces in an underground garage is proposed.

The project site is located on the north side of the Seaway Villas and on the south side of the Carlisle on the Ocean. The project frontage on Collins Avenue is 100 feet. The project is proposing to utilize Ordinance 21-1716 which was adopted on second reading on November 9, 2021. The Ordinance provides an additional option to address side setbacks in the H 120 Zoning district when lots are 100 feet or wider. The new option allows a 20 -foot setback on each side with an additional 5-foot average setback. The average setback may be applied
at any point along the floor of the building, mixed and matched among floors, and /or joined with setbacks taken from the opposite side elevation. The option requires determination of the aggregate volume of the average setback. The resulting building envelope under this option produces a building with less volume than that derived from the Inclined Side Setback option where a 10-foot side setback increases 1 foot for each 3 feet of height above 30 feet.

The use of the new setback option allows the building design to provide large balconies on the east, south and west while minimizing the balconies on the north. The first floor of the building provides for a lobby, stairwells and nonhabitable spaces, cabanas, pool for a majority of the residents and beach access. Additionally, a large cabana space is provided for the apartment above on Level 2 with private garden spaces, large deck area, private pool and beach access.

Level 2 includes a fitness center and one apartment (6,086 SF). The building is designed to provide very large apartments with the possibility that on floors which have two apartments ( 5,484 SF \& 2,7891 SF), a purchaser may combine the two units into a larger apartment. This could occur on Levels 3 through 7.

Level 8 provides for one large apartment with approximately 12,438 SF including the balconies. Levels 9 and 10 are considered penthouses with apartments with approximately 12, 500 SF including the balconies.

The rooftop is Level 11 with mechanical equipment in an enclosed area and private decks and pool for the penthouse(s). Table 1 below, summarizes site characteristics and zoning requirements.

Ordinance 21-1716 also allowed for open and unenclosed balcony encroachments on side yards of 10 feet for $50 \%$ of the setback and up to 5 feet for the remaining 50 percent of the balcony length. Additional information needs to be provided by the Applicant to support the balcony encroachments and the average setback adjustments.

A traffic study was provided by the Applicant prepared by KBP Consulting dated January 2022. The traffic study was based on 14 dwelling units for a mid-rise multifamily land use. The estimated daily traffic is 64 trips per day with 5 trips in the morning peak hour and 5 trips in the afternoon peak hour. The estimated traffic associated with the existing 24 dwelling unit 2-story apartment buildings was 162 trips be day.

The proposed development will be accessed from northbound Collins Avenue at a southerly one-way inbound driveway which quickly turns north providing a drop-off lane at the front steps of the building and further connecting to a 2-way drive along the north side of the building. Vehicles can turn left and exit with a westbound right turn on Collins Avenue or turn right proceeding easterly along
the north side of the building sloping downward to entering the underground parking garage. A 12 -foot wide by 30 -foot-long loading space with 14.5 feet of height is located at the end of the northside drive in the underground garage.

While the traffic impacts of the development are not expected to be significant, some clarifications are needed. The traffic study is predicated on a typical midrise apartment building from $11-31$ studies where the average number of dwelling units varied between $169-201$ units. This proposed project is 13 nontypical very large square foot units. There are no dimensions on the project driveways or drives. Florida Department of Transportation (FDOT) access approval is required.

A landscape review was performed. Differences were noted between the Architectural Site Plan (Sheet A3.00) and the Landscape Site Plan (L-100). Pervious area requirements for H 120 are $20 \%$ and $25.6 \%$ is provided with the majority of the previous area occurring in the private recreation area east of the Bulkhead Line. The landscape plan utilizes the landscape treatment provided by the Seaway project on the south side of the property. The landscape plans did not include the required irrigation plan. Dimensions of the landscape buffers need to be provided between properties. A landscape calculation table needs to be provided indicating the minimum required and provided comparisons of the proposed plant material. Provide percentages of landscaping in VUA, street lengths, buffer lengths, percentages of Florida Friendly material and native/drought tolerance material. Proposed Green Buttonwood trees exceeds $30 \%$ of the same species and should be reduced in number. Oleander can be used as an accent but does not qualify as a required tree or Palm. The percentage of required trees being proposed as Palm trees should be provided.

The Design Review Group (DRG) met on Friday, January 14, 2022 to discuss and review the proposed site plan request. The DRG was satisfied the impacts of the proposed site plan on public services do not negatively impact the Town. A copy of the draft minutes of the DRG meeting are attached to this report.

Applicant Submitted Package: The Applicant submitted the following items relative to the Site Plan Application: Letter of intent, Site Plan Application, Architectural Plan Set (22 Sheets), Landscape Plan (9 Sheets), Civil Engineering Plans (5 Sheets), survey and Ground Level Lighting Plan.

Staff Recommendation: Development review requirements for this type of project follows Sec 90-20(2)(a) of the Zoning Code which requires:

- The development, as proposed, conforms to the comprehensive plan and the zoning code;
- The development, as proposed, will have a favorable or unfavorable impact on the environment and natural resources, including a
consideration of the means and estimated cost necessary to minimize the adverse impacts, if any;
- The development, as proposed, will have a favorable or unfavorable impact on the economy of the Town of Surfside;
- The development, as proposed, will efficiently use or unduly burden water, sewer, solid waste disposal, education, recreation or other necessary public facilities which have been constructed or planned and budgeted for construction in the area;
- The development, as proposed, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, public streets, and roads, which have been planned and budgeted for construction in the area, and if the development is or will be accessible by private or public roads or streets;
- The development, as proposed, is consistent with the community character of the immediate neighborhood. In addition to consistency there must be congruity between the subject development and neighboring improvements and surroundings including but not limited to form, spacing, heights, setbacks, materials, color, rhythm and pattern of architectural or aesthetic interest or value as well as with any overlays and other development schemes or legislation; and,
- In the event of redevelopment, the applicant shall also submit a detailed plan for demolition.

Staff finds the proposal complies with the Town's Comprehensive Plan in that the developable portion of the parcel is west of the bulkhead line with a density lower than the maximum allowed and the portion of the parcel which is east of the bulkhead line is private recreation. Staff also finds that the proposal generally complies with the Zoning Code, the Town's Zoning in Progress and with the intent of Ordinance 21-1716 although there are concerns which are noted on page 5 and in the comments section.

The project has minimal impacts on the environment and natural resources. The lower unit density and the combination of the new side setback/average setback option has significantly reduced the volume of the building thereby, minimizing construction impacts and providing greater air flow and light. Impacts to public facilities and transportation impacts will be reduced with improved access to Collins Avenue and more efficient passenger access to the building with on-site service deliveries.

Redevelopment of the parcel will have a favorable impact on the economy of the Town and the design of the building will be consistent the community character of the beach side neighborhood. With the demolition of the existing structure and the construction of this site, the developer will implement a vibration monitoring program.

While Sec 90-81.9 of Municode allows for extensions of the underground parking to be extended into the side and rear yards to the property lines provided the top surface of such extensions is not more than five feet above grade, little to no side setback is provided on this Site Plan for the ground floor (Level 1). A 3-foot setback is noted on the north property line and for a majority of the south property line there is no setback.

The balconies setbacks and average setback adjustments provided in Ordinance 21-1716 limit the primary front extension to not more than 8 feet and the rear of the building to 12 feet west of the bulkhead line. For the interior side setbacks, no more than $50 \%$ balcony length at 10 feet or less with the remaining balcony length at no more than 5 feet. The balconies also include a decorative extension of approximately 30 inches, this extension needs to be located within the above noted extensions, not an increased extension.

It is recommended the Applicant's Site Plan package be recommended to the Town Commission for approval subject to the resolution of the following comments.

- Address the side setback issue in relation to the upward extension of the underground garage
- Revise the balcony widths to not extend beyond the maximum allowed extension
- Resolve the differences between the Architectural Site Plan and the Landscape Site Plan
- Provide additional dimensional information to verify and substantiate average setback adjustments and balcony encroachments
- Provide dimensional information for the access drives, driveways and parking ramp
- FDOT Access Connection Approval
- Clarify flood criteria requirements raised during the DRG meeting on Level 1 with respect to the cabana bathrooms, the large cabana for Level 2 and flood venting
- Address landscape comments noted on page 3, paragraph 5
- Verify whether the landscape areas over the underground garage are included in the pervious area calculations

Note, this report will be updated prior to the Planning and Zoning Board meeting.
Ian DeMello, attorney representing the applicant and property owner introduced the other parties in attendance and addressed the recommendations and statements made by Town Planner Keller.

Bill Thompson, Fort Partners addressed the comments made by Town Planner Keller and provided an overview of the project. He stated that they submitted all the information they were asked for and spoke regarding the decorative feature, the
roof decks and stated that they will comply with what the Board decides. He stated that he brought their experts here today in order to address any questions regarding drainage or any other questions the Board might need answered.

Chair Frankel opened up the floor to public comments.
The following individuals from the public spoke:
Deborah Duvdevani spoke regarding the bright lights at 4:00 a.m. due to construction at the Seaway project. She spoke against the project.
Mauricio Yusin stated that he is not against them building the project but is against the project being built so close to the Carlyle Condominium.
George Kousoulas spoke regarding the word encroachment that has been used and explained what the definition of encroachment is. He spoke regarding the 24inch decorative feature, the wedding cake and text amendment.
Jeff Rose stated the project is a beautiful project and stated the section of the Code when it pertains to the ornamental features and it is in the code and is clear as day. He stated that the developers care about this Town and are working with certain language with Vice Mayor Paul to make things better.
Eric Buzaglo stated that his concern is the structural integrity of his building and have there be an outline and there be a vibration engineer out there. He spoke regarding having proper testing that is also verified.
Marianne Meischeid spoke regarding the Comprehensive Plan which is the guiding document that helps guide the land use documents. She spoke regarding the project and is in support of the project.
Shannon Gallagher stated that she would like to understand what has been worked out with the Four Seasons and spoke regarding the zoning of that project. She spoke regarding the zone x property and the flooding. She also spoke regarding the mechanicals on the roof and asked for them to be pushed away from the edges. Horace Henderson spoke against the project and read a statement into the record. He read into the record the statement from Jordan Diderech who was a resident of the Carlyle and is against the project. Mr. Henderson provided the Town Clerk the remaining 29 emails of comments from residents of the Carlyle that were unable to attend the meeting.

Chair Frankel closed the floor to public comments.
Chair Frankel asked Building Official McGuinness to address the flood questions.
Building Official McGuinness addressed the comments made regarding the flood concerns of this project and this project is not in a VE zone as a previous speaker stated. He stated that this structure is not in the VE zone. He stated that the entire structure is in the X zone and he looked at it carefully. He spoke regarding the coastal control structure line and they must comply with that requirement.

Chair Frankel asked for him to shed light on how he is making sure the integrity of the site is being watched over.

Building Official McGuinness stated that they are taking care of that and the applicant has already placed seismic monitors on neighboring properties. He stated that he will make sure they are in place and that he will be notified of any activities. He stated that they are going overboard with what they need to do with the neighbors.

Chair Frankel asked Town Attorney Recio if from a zoning code aspect if they comply with the ZIP. She also asked regarding the balconies and are they meeting the letter of the code.

Town Attorney Recio stated the ZIP has requirements and they have designed it to comply with ZIP and the State's requirements. He stated that the ZIP caps it and gave the requirements. He stated that the balconies have been reviewed and he has been looking at the encroachment issue.

Town Planner Keller stated that he looked at the balconies based on the new ordinance.

Chair Frankel asked the applicant to address the comments made by the applicant. She also stated that they sit as a design review board and they look at all the elements.

Bill Thompson, Fort Partners, stated that they will comply with all the requirements of the code. He stated that they reached out to three national level experts and they are here in case anyone has a question. He stated that they will submit a safety plan shortly.

Chair Frankel asked for them to go over exactly how far apart the buildings are from the other buildings.

James Galvin, Fort Partners, provided a PowerPoint presentation of the project and spoke regarding the separation between the buildings.

Chair Frankel opened up comments to the Board Members.
Vice Chair Landsman thanked all the speakers and they appreciate the feedback and the different issues and statements that were made. He stated that they have limited jurisdiction over some of the issues they stated. He commented on Mr. Henderson's comments and they do have compassion as it pertains to the Champlain Towers. He spoke regarding the Joint Commission and Planning and Zoning Board meeting that took place last night and what was discussed. He asked Town Attorney Recio if what was discussed last night is being taken into account. He spoke regarding the upcoming election and would like to come up with an appropriate solution in order to make folks feel more comfortable to move forward with the project.

Town Attorney Recio stated the process of the ordinance and the zoning code.
Board Member Baumel thanked Vice Chair Landsman for what he stated. She stated that unfortunately there will be change no matter what you have at the Carlyle and it is a hard thing for many in Surfside. She spoke regarding the tragedy of Champlain Towers South. She stated that she believes in the people doing this project and they have a tremendous sense of respect of their neighbors. She spoke regarding the specialist they have brought and for the residents of the Carlyle to see the faces of those that are here to answer their questions. She stated that she does not find anything that they have presented that is improper.

Board Member MacBride asked regarding the decorative piece and the diagram shown and asked regarding the setback requirements.

Mr. Galvin showed where the decorative piece of the balcony is located.
Town Planner Keller stated the initial setback is 20 feet and they have to average an additional 5 feet by building, then they can encroach on that setback area with the balcony that can go a maximum of 10 feet and they are adding a 2 -foot decorative feature. He explained the setbacks and they vary.

Chair Frankel clarified the setbacks to Board Member MacBride and how it pertains to the text amendment.

Town Planner Keller provided an explanation of the setbacks.

Chair Frankel stated that they could have chosen to be 10 feet closer.
Board Member MacBride stated that they chose a different concept and spoke regarding the setback.

Mr. Thompson addressed the questions regarding the balcony and their recommendations.

Board Member Bravo spoke regarding the balcony and what does it provide to the building and why they are doing it.

Mr. Thompson stated that they do it for different reasons and explained what they did with the Seaway which was to create a different look.

Board Member Bravo spoke regarding the type of material being used which is expensive.

Board Member MacKenzie asked if they are willing to push it back so the edge of the feature sits where the glass line fits.

Mr. Thompson stated that if the Board requests that then they will do it. He went over the radius of the balcony and they will work to have it look aesthetically right and the railings will change.

Board Member MacKenzie asked regarding the section in the East where the balcony becomes 2 feet. He asked regarding the features and the façade.

Mr. Thompson answered the question regarding the balcony and easements.
Chair Frankel spoke regarding the decorative features and explained that what was voted yesterday is that they wanted to include in the draft and then still has to go for a first reading ordinance, then back to the Planning and Zoning Board and then to the Commission for second reading. She stated that she likes the design and spoke regarding the decorative features.

Board Member MacKenzie stated that it is not a like or not like issue he discussed the sentiment from last night's meeting which was eliminating the decorative features and is voicing his opinions. He provided his opinion on the decorative feature and he was not given a fair opportunity to understand the change to the setback portion of the ordinance. He stated that he feels that if he was given that opportunity, then this ordinance would not be in place and they would not be doing this building.

Mr. Thompson stated that he is here to work with the Board.
Chair Frankel thanked Board Member MacKenzie for his opinion.
Board Member MacKenzie asked regarding the 120 feet to the roof deck as it was read. He spoke regarding the development of the 120 feet in this proposal and asked some questions including an elevator override. He asked regarding the new height.

Mr. Thompson addressed the questions by Board Member MacKenzie as it pertains to the elevator and override.

Town Planner Keller responded to Board Member MacKenzie's question and reiterated his recommendations.

Town Attorney Recio read the section of the code as it pertains to open air recreational elements.

Town Planner Keller stated his recommendations again and that the roof decks be clarified and be consistent with the code.

Board Member MacKenzie asked where the mechanical equipment will be for this building.

Mr. Thompson stated that it will be across the street and it will be located as part of the west garage they have at the Surf Club.

Board Member MacKenzie asked regarding the width of the driveway.
Town Planner Keller stated that he did request more detail as to the driveway.
Mr. Galvin stated that they did include the dimensions of the driveway.
Board Member MacKenzie stated that they will meet the zoning requirements for that portion as well.

Board Member Bravo stated that they have addressed the comments from the previous time.

Chair Frankel commented regarding the overall design of the building and is beautiful and carefully designed. She stated that she is happy that they approved the text amendment. She stated this project provides a better option and they will be a better neighbor then another design. She stated that the design could have been closer to the Carlyle. She stated that this building is a sister of the building on the other side of the historic property in a similar way of the Surf Club. She is happy that the open air of the Seaway is staying. She stated that all the rules will be followed and is happy that they have put all the safeguards in place. She encouraged the Carlyle to have their own building evaluated. She stated that at the last meeting she brought up the design guidelines and they need to be updated and have been in place for a long time. She stated that is what they go by to determine the projects they approve. She discussed the decorative features of the building. She agrees with Town Planner Keller's comments as it pertains to the roof top decks.

Board Member Baumel agrees with Chair Frankel and spoke regarding the design of the building. She does not agree taking away the design and creativity of the extensions.

Town Attorney Recio stated that the site plan criteria, which is located on page number 4 of the staff report.

Chair Frankel read the criteria of the site plan recommendations as it pertains to this project found in the staff report.

Town Attorney Recio explained that what they are making is a recommendation to the Town Commission with the conditions stated.

Board Member MacBride spoke regarding the encroachments of the balcony.
Chair Frankel stated that they can made a motion with conditions.
Town Attorney Recio provided explanation as it pertains to the decorative encroachment.

Board Member Baumel asked if the zoning code section does not pass then will they be able to still have the design.

Town Attorney Recio addressed the comment made regarding the balcony design.
After a lengthy discussion as to the language of the motion, recommendations and conditions, the following motion was made.

A motion was made by Board Member MacBride to approve the application with the staff recommendations addressing the balconies projections including any decorative architectural features to not extend beyond the maximum allowable encroachment for a balcony, seconded by Vice Chair Landsman. The motion carried with a 4-1 vote with Chair Frankel voting in opposition.

Chair Frankel explained that her vote in opposition is not in opposition to the project because she believes that the decorative feature of the balcony should stay.

## B. 9488 Byron Avenue - New Single-Family Residence

Background: This application is a request to demolish the existing one-story single-family residence and construct a new 2 -story single family residence with a pool and deck. The plans also include a Pergola, three (3) outdoor terraces, and a new concrete driveway with grass inlay. The parcel is located in the H30B Zoning District at 9488 Byron Avenue. The lot depth is 112.5 feet with a width of 55 feet. The site plan indicates the lot size is 6,060 square feet (SF).

The setback requirements for the H30B Zoning District for a corner lot are 20foot front, 20 -foot rear, 10 -foot secondary frontage, and a minimum of $10 \%$ frontage for lots over 50 feet in width. The Applicant is proposing a 20 -foot front setback, a 20 -foot rear setback, 10 -foot secondary setback, and a 5 -foot 5 inches side setback. Total lot pervious area is $39 \%$ ( $2,379 \mathrm{SF}$ ) where $35 \%$ of $6,060 \mathrm{SF}$ is required. The front yard setback pervious area is $62 \%$ (606 SF) where $50 \%$ of 978 SF is required. The rear yard setback pervious area is $50 \%$ ( 548 SF ) where $40 \%$ of $1,100 \mathrm{SF}$ is required. The second floor under A/C is proposed at 1,549 SF or $69 \%$ of the first floor where $80 \%$ is the maximum. A flat roof is proposed with a 1-foot parapet where the maximum roof height is 30 feet with a maximum height modification of 3 feet. Table 1 on page 2 provides information on site characteristics and zoning requirements.

A variety of architectural enhancements are proposed, and include 2 front exterior doors, the primary entrance door is glazed with dark gray and the other door will be the entry to the storage area and is proposed to be a glass door. Other architectural elements include 'Jerusalem Stone' tile on portions of the exterior, simulated wood cladding and soffits, glass guards with black framing, impact windows and doors with black framing, black exterior lighting, and skylights. The house is to be stucco smooth and painted white. Detailed drawings were provided by the Applicant with limited information on the pool.

The Applicant is proposing 7 street trees where 8 street trees are required (Palm Trees are counted 3:1). It is unclear how many trees and shrubs are being proposed for the lot, where 5 trees of two different species and 25 shrubs are required for single-family homes. The site plan shows 3 species of palm trees proposed and 2 species of shade tree, where there must be a total of 4 different tree species. A total of $20 \%$ of all landscaping is proposed to be Florida-Friendly where the zoning in progress requires $40 \%$. Figure 1 is an aerial view of the existing property.

Applicant Package: A package of drawings and the application was submitted by the Applicant with a recent survey dated 1/5/2022.

Staff Recommendation: It is recommended the Application be approved subject to the following comments:

- Per Design Guidelines for Single family residential properties, multifamily, and commercial properties, the overall style of each house should be consistent on all sides of the building, as well as among all portions of the roof. Particular care should be taken that building elevations and roof elements visible from streets and other public or adjacent spaces are stylistically consistent. Consistency should be determined by evaluating each of the building's elevations' components. Roof materials should be appropriate to the style of the house and, except for flat roofs or flat roof portions, should be the same product for the entire roof system.
- Verify the northeast portion of the residence provides the 20 -foot setback from the street radius.
- Clarify and dimension the 2nd story bump out into the secondary frontage setback
- Per the Zoning in Progress, all landscaped areas must include 40\% of Florida-Friendly materials. Provide calculations to show this requirement is met. Please refer to Sec. 90-95 for H30B landscape requirements. A total of four (4) different tree species are required: $30 \%$ shade trees, $30 \%$ small trees, and no more than $40 \%$ palm
trees. Palm trees are counted on a 3:1 ratio and must meet the requirements set forth in the above referenced section.
- The future pool and deck should be defined to ensure rear setback requirements are met in addition to landscape/pervious area, see Sec. 90-54.2
- Per Sec. 90-47.3 air conditioning equipment, pool pump or other mechanical equipment shall maintain at least a five-foot setback from the rear and side yards and is not visible from any street or waterway. Shrubs shall be incorporated in a manner on the site so as to be a visual screen for mechanical equipment or other accessories to the residence, Sec. 90-95(3). Provide setbacks for the proposed mechanical equipment.
- Per Sec. 90-97, any trees removed or relocated require a tree removal permit.

Note, this report may be updated prior to the Planning and Zoning Board meeting.
George Kousoulas representing the applicant provided an overview of the project.
The following individuals from the public spoke:
Arian Campo Flores spoke against the project and the design.
Jeff Rose spoke in support of the project.
Chair Frankel spoke regarding the design guidelines and provided an overview of what the design guidelines state regarding projects and corner lots.

Vice Chair Landsman spoke regarding what is required by the code and stated that this will be a big home. He stated that today may not be the right time and they have very limited options of what they can do.

Board Member MacKenzie addressed the comments made by Mr. Flores and concurs with Chair Frankel that some effort has been made by the applicant. He stated that this application does compress what is allowed. He also asked regarding the mechanical equipment.

Town Attorney Recio addressed the comments made by Board Member MacKenzie as it pertains to roof top mechanical equipment.

A motion was made by Vice Chair Landsman to extend the meeting an hour (until 10:00 p.m.), seconded by Board Member Bravo. The motion carried with a 5-0 vote.

Ezequiel Singer, applicant, addressed the comments made by the Board.

Board Member MacKenzie provided his input and recommendations that will make the project lighter.

Board Member Bravo spoke regarding uniqueness of the lot and the design guidelines as it pertains to the code.

Town Attorney Recio explained what the design guidelines entail.
Chair Frankel stated that the reason why she mentioned this is because of the fact that the design guideline is so out of date and needs to be changed.

Board Member Bravo asked regarding irrigation for the planters.
Chair Frankel reiterated the conditions presented and went over the conditions. She stated that the wood colors need to be lighter and the window framing from black to gray and increase the length of the planters as well as irrigation.

Board Member MacKenzie stated that the conditions should include a 2-foot wall to retain the water on the property and be a balance for privacy.

Chair Frankel asked regarding the language as it pertains to the 6-foot hedges.
Town Planner Keller provided the staff recommendations.
Mr. Flores requested for the Board to defer this item.
Chair Frankel stated that there are no grounds to defer the item. She stated that the owner of the property has made efforts to be considerate and they are building a smaller house.

A motion was made by Vice Chair Landsman to approve the application with the staff recommendations and conditions, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

## C. 524 89 $^{\text {th }}$ Street - New Single-Family Residence

Background: This application is a request to demolish the existing 1 story single family residence and construct a new 2-story single family residence with a pool (336 SQ. FT.) and uncovered patio (412 SQ.FT.) The plans also include an outdoor BBQ, a new concrete driveway with grass inlay, and a 30 -inch-high retaining walk with a fence on top, not to exceed a total height of 6 feet and an outside staircase to access solar panels located on the roof. The parcel is located in the H30B Zoning District at 524 89th Street. The lot depth is 112.5 feet with a width of 61.25 feet. The site plan indicates the lot size is 6,860 square feet (SF).

The setback requirements for the H30B Zoning District for a corner lot are 20foot front, 20 -foot rear, 10 - foot secondary frontage, and a minimum of $10 \%$ frontage for lots over 50 feet in width. The Applicant is proposing a 20 -foot front setback with a rear setback of 20 feet, 10-foot secondary setback and a 6 foot 1. inches side setback. Total lot pervious area is 2,855 SF where $35 \%$ of 6,860 SF is required. The front yard setback pervious area is $65.1 \%$ (766) SF where $50 \%$ of $1,176 \mathrm{SF}$ is required. The rear yard setback pervious area is $57 \%$ ( 632 SF) where $40 \%$ of 1,224 is required. The second floor under A/C is proposed at 1,881 SF or $71.8 \%$ of the first floor where $80 \%$ is the maximum. A flat roof is proposed where the maximum roof height is 30 feet. Table 1 on page 2 provides information on site characteristics and zoning requirements.

A variety of architectural enhancements are proposed. These items include a white aluminum garage door, wood entrance door with floating steps, black aluminum window frames, black sconce lights, wood tongue and grove ceiling at eyebrows, exterior cladding with porcelain title in a beige natural color, glass railing, and white metal stairs to access solar panels. The plans also include a concrete driveway, a black metal fence on top of a retaining wall, while the rest of the house is to be stucco smooth and painted white. Detailed drawings were provided by the Applicant with limited information on the pool. The plans show the pool and patio to be raised above ground with a slope in the rear yard.

The Applicant is proposing two (2) street trees where 8 street trees are required (Palm Trees are counted 3:1). The Applicant is proposing 6 lot trees and 35 shrubs for the lot, where 5 trees of two different species and 25 shrubs are required for single-family homes. The site plan shows one species of palm trees proposed and no species of shade tree, where there must be a total of 4 different tree species. A total of $20 \%$ of all landscaping is proposed to be Florida-Friendly where the zoning in progress requires $40 \%$. Figure 1 is an aerial view of the existing property.

Applicant Package: A package of drawings and the application was submitted by the Applicant with a recent survey dated 07/19/2021.

Staff Recommendation: It is recommended the Application be approved subject to the following comments:

- Per Design Guidelines for Single family residential properties, multifamily, and commercial properties, the overall style of each house should be consistent on all sides of the building, as well as among all portions of the roof. Particular care should be taken that building elevations and roof elements visible from streets and other public or adjacent spaces are stylistically consistent. Consistency should be determined by evaluating each of the building elevation components. Roof materials should be appropriate to the style of the
house and, except for flat roofs or flat roof portions, should be the same product for the entire roof system
- Verify the setback distance for the northwest corner of the residence to Carlyle Avenue
- Verify the equipment located adjacent to the 6-foot 2-inch side yard setback is 15 feet from the adjacent residence
- Per Sec. 90-95, single-family homes must provide a minimum five (5) trees on site made of a minimum four (4) different species. Trees must meet the planting requirements of the code and be a mix of at least $30 \%$ shade trees, $30 \%$ small to intermediate trees and no more than $40 \%$ palm trees. Palm trees are counted on a 3:1 ratio and must have at least 6 -foot of clear or grey wood to be counted towards the requirement
- Per Sec. 90-89.4 (6) Street trees shall be required at one shade tree/palm tree per 20 linear feet of street frontage along all public or private street rights-of-way in all zoning districts
- Per Sec. 90-97, any trees removed require a tree removal permit

Note, this report may be updated prior to the meeting.
Ms. Vicente, architect for the project provided an overview of the project.
The following individuals from the public spoke:
Sonia Hedditch
Jeff Rose
George Kousoulas
Board Member Bravo stated that the home is beautiful. He commented on the stairs and asked why they are waiting on the solar panels.

Ms. Vicente stated that they will be installing the solar panels, they just haven't been able to get a consultant. She explained the process of getting the solar panels.

Board Member Bravo stated they are using TPO for the roof and now there is a delay of 10 months to get the materials. He asked regarding the material being used.

Daniel Damiani, applicant explained the materials being used.
Board Member Bravo spoke regarding the integration and likes it.
Building Official McGuinness provided his recommendations.
Chair Frankel spoke regarding the mechanicals on the roof.

Discussion took place among the Board Members regarding the project and staff recommendations.

John Beach, representing the applicant provided answers to the Board Members' questions.

A motion was made by Board Member Bravo to extend the meeting to 10:30 p.m., seconded by Vice Chair Landsman. The motion carried with a 5-0 vote.

Board Member MacKenzie addressed issues with the plans and stated he is not ready to approve this application at this time.

Chair Frankel spoke regarding the comments made by Board Member MacKenzie.
A motion was made by Board Member MacKenzie to defer the item to March 31, 2022, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

## D. $60194^{\text {th }}$ Street - New Two-Story Single-Family Residence

Background: This application is a request to demolish the existing one-story single-family residence and construct a new 2 -story single family residence with a pool ( 260 SF) and deck with a covered terrace ( 308 SF ), an outdoor BBQ and shower, and a new concrete driveway with grass inlay. The parcel is located in the H30B Zoning District at 604 94th Street. The lot depth is 112.5 feet with a width of 55 feet. The site plan indicates the lot size is 6,187.50 square feet (SF).

The setback requirements for the H30B Zoning District for a corner lot are 20foot front, 20 -foot rear, 10 - foot secondary frontage, and a minimum of $10 \%$ frontage for lots over 50 feet in width. The Applicant is proposing a 20 -foot front setback with a rear setback of 20 feet, 10-foot, 2 Inches secondary setback and a 5 -foot 6 inches side setback. Total lot pervious area is $38 \%$ ( $2,339 \mathrm{SF}$ ) where $35 \%$ of $6,187.5 \mathrm{SF}$ is required. The front yard setback pervious area is $50 \%$ ( 551 SF) where $50 \%$ of 1,100 SF is required. The rear yard setback pervious area is $67 \%$ ( 745 SF ) where $40 \%$ of 1,100 is required. The second floor under ac is proposed at $1,736 \mathrm{SF}$ or $75 \%$ of the first floor where $80 \%$ is the maximum. A pitched roof is proposed with a maximum roof height is 30 feet. Table 1 on page 2 provides information on site characteristics and zoning requirements.

A variety of architectural enhancements are proposed; a metal black garage door, wood composite wall paneling, Natural stone veneer with gray tones, and black aluminum impact window and doors. Other Architectural elements also include a light gray metal roof, black aluminum railings with stainless steel cabling, a fence, stone planters at the front entrance and a concrete driveway with gray inlay. The house is to be stucco smooth and painted white. Detailed drawings were provided by the Applicant with limited information on the pool.

The Applicant is proposing seven (7) street trees where 8 street trees are required (Palm Trees are counted 3:1). Six (6) lot trees and thirty-five (35) shrubs are being proposed for the lot, where 5 trees of two different species and 25 shrubs are required for single-family homes. The site plan shows 3 species of palm trees proposed and 2 species of shade tree, where there must be a total of 4 different tree species.

A total of $20 \%$ of all landscaping is proposed to be Florida-Friendly where the zoning in progress requires $40 \%$. Figure 1 is an aerial view of the existing property.

Applicant Package: A package of drawings and the application was submitted by the Applicant with a recent survey dated 01/10/2022.

Staff Recommendation: It is recommended the Application be approved subject to the following comments:

- Verify and dimension the 20-foot setback distance on the southeast corner of the residence to Carlyle Avenue
- The future pool and deck should be defined to ensure rear setback requirements are met in addition to landscape/pervious area, per Sec. 90-54.2
- Per Sec. 90-47.3 air conditioning equipment, pool pump or other mechanical equipment shall maintain at least a five-foot (5) setback from the rear and side yards and is not visible from any street or waterway. Shrubs shall be incorporated in a manner on the site so as to be a visual screen for mechanical equipment or other accessories to the residence, Sec. 90-95(3). Provide setbacks for the proposed mechanical equipment. Verify the pool equipment is 5 feet from the side yard property line and screen the equipment if visible from the street
- The proposed fence shall meet the requirement in Sec. 90-56.1(A), A fence or ornamental wall not more than six feet in height, as measured from grade, may project into or enclose an interior side or rear yard only. Prohibited fence materials may be found in Sec.90$56 B(g)$
- Per the Zoning in Progress, all landscaped areas must include 40\% of Florida-Friendly materials. Provide calculations to show this requirement is met. Please refer to Sec. 90-95 for H30B landscape requirements. A total of four (4) different tree species is required: $30 \%$ shade trees, $30 \%$ small trees, and $40 \%$ palm trees. Palm trees are counted on a 3:1 ratio and must meet the requirements set forth in the above referenced section
- Per Sec. 90-97, any trees removed require a tree removal permit

Note, this report may be updated prior to the meeting.
Vice Chair Landsman asked if he needs to recuse himself since he is the next-door neighbor.

Town Attorney Recio stated that since he will be directly affected, he would need to recuse himself and Board Member Baumel will sit in on his behalf.

Vice Chair Landsman recused himself and left he chambers.
Board Member Baumel sat in Vice Chair Landsman's place for this item.
Jeff Rose, representing the applicant gave a background of what occurred with the architect who has COVID and the applicant has asked George Kousoulas to represent them.

George Kousoulas, architect representing applicant provided an overview of the project.

Chair Frankel likes the design of the home and provided her comments.
Board Member Bravo asked regarding the mechanical and pool equipment.
Board Member MacKenzie asked regarding the windows as well as the parapet and the elevation.

A motion was made by Board Member Bravo to approve the application with the staff recommendations, seconded by Board Member MacBride. The motion carried with a 4-1 vote with Board Member MacKenzie voting in opposition.

Vice Chair Landsman came back to his seat on the dais.

## E. 8818 Carlyle Avenue - Carport Awning

Background: This application is a request to install and attach a white fabric flame-resistant awning (10'W X 20' L) to the existing single-family residence over an existing driveway. The property is located in the H3OB Zoning district. Per Miami Dade County Property Appraiser, the lot area is 5,600 SF. A survey of the site and Miami Dade County Property Appraiser (MDCPA) aerial and Google Street View photos are provided on pages 2-4.

## Governing Codes:

Awnings and canopies are similar to each other in the Zoning Code. Carport Canopies are described in Sec 90-58 of the Code.

## Current Municode, Sec. 90-58:

(1) Such canopy shall not exceed 20 feet in length and 20 feet in width.
(2) The height of such canopy shall not exceed ten feet.
(3) The height of the side openings shall be at least six feet, three inches.
(4) Such canopy shall be subject to the following minimum setbacks:
a. Rear: Five feet
b. Interior side: Five feet
c. Primary (front) and secondary (corner): Two feet
d. Rear of street curb: Seven feet
(5) A canopy shall at all times remain open on all four sides, if free standing, and open on three sides if attached to the main building.

Staff Recommendation: Approval subject to meeting the following comments.

- The height of such canopy shall not exceed 10 feet. Provide the height of the canopy from the ground below and provide a dimension length for the vertical member where the canopy attaches to the residence at the garage
- Maintain at least a 5 -foot setback from the north property line
- The canopy length shall be reduced to provide a minimum front setback of 2 feet
- The height of the side openings shall be at least 6 feet 3 inches from the ground below

Chair Frankel asked regarding the color of the canopy.
Marc Gutman, representing the applicant addressed the staff recommendations.
Chair Frankel asked if white canopies last.
Mr. Gutman stared that the roof will not stain the awning and the awning will last longer.

Board Member MacKenzie stated that the hip roof will have water going onto the awning.

A motion was made by Board Member Bravo to extend the meeting until 10:45 p.m., seconded by Vice Chair Landsman. The motion carried with a 5-0 vote.

Board Member MacKenzie discussed the awning and canopy.
Town Planner Keller addressed the comments made by Board Member MacKenzie.

A motion was made by Vice Chair Landsman to approve the application with the staff recommendations, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

## 6. Local Planning Agency (LPA)

Ordinance Amending Zoning Definitions to Remove Development Loopholes
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-2. - "DEFINITIONS", TO DELETE THE DEFINITION FOR "GROSS ACRE" AND TO REVISE THE DEFINITIONS FOR "HEIGHT," "LOT AREA," AND "LOT COVERAGE"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Deputy Town Clerk Herbello read the title of the ordinance into the record.
Town Attorney Recio introduced the item and explained the definitions in the ordinance and the exemptions.

Chair Frankel explained that this is effectively decreasing the lot area line not and not by much.

Discussion took place among the Board Members regarding the gross acreage definition.

The following individuals from the public spoke:
George Kousoulas
Jeff Rose

Town Attorney Recio addressed the comment made by Mr. Rose as it pertains to Champlain Tower South.

A motion was made by Vice Chair Landsman to extend the meeting until 10:55 p.m., seconded by Board Member Bravo. The motion carried with a 5-0 vote.

A motion was made by Vice Chair Landsman to recommend adoption of this Ordinance as written to the Town Commission for approval on second reading at their March 8, 2022 Town Commission Meeting, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

Chair Frankel spoke regarding encouraging the Commission to provide funding for the rewrite of the Design Review Guidelines.

Town Planner Keller objects to Board Member MacKenzie stating that he is not being diligent. He stated that they have accomplished a lot.

A motion was made by Board Member MacBride to encourage the Commission to provide funding to hire a consultant to rewrite the design guidelines with the input from the Planning and Zoning Board, seconded by Vice Chair Landsman. The motion carried with a 5-0 vote.

## 7. Draft Proposed Zoning Code

## 8. Next Meeting Date: March 31, 2022

Consensus was reached to hold the next meeting on March 31, 2022.

## 8. Discussion Items:

## A. Future Agenda Items

## 9. Adjournment.

A motion was made Vice Chair Landsman to adjourn the meeting without objection at $10: 57$ p.m. The motion received a second from Board Member Bravo. The motion carried with a 5-0 vote.

Respectfully submitted,
Accepted this $\qquad$ day of $\qquad$ , 2022.

Judith Frankel, Chair

Attest:

Sandra McCready, MMC
Town Clerk

## Memorandum

To: Planning and Zoning Board<br>Thru: Andrew Hyatt, Town Manager<br>From: Walter Keller, PE, AICP, Town Consultant Planner Marlin Engineering, Inc.<br>CC: Jason Greene, Assistant Town Manager<br>Lillian Arango, Town Attorney James McGuinness, Town Building Official<br>Date March 21, 2022<br>RE: $\quad 9281$ Bryon Avenue - Additions, Renovations and Pool

Background: This application is a request to demolish the existing roof to build an addition in the rear and side of the first floor and add a second floor to the existing single-family home. The additions will increase the living space by a total of 1,489 square feet. Additional improvements include a new pool with deck and patio in the rear, a fence with gates, relocation of mechanical equipment and architectural modifications. The parcel is located in the H3OB Zoning District at 9281 Byron Avenue. The lot depth is 112.5 feet with a width of 50 feet. The site plan indicates the lot size is 5,625 square feet (SF). This application was deferred at the January 27, 2022 Board meeting due to the need to raise the finished floor to comply with FEMA requirements and concerns on the lack of consistent style of the expansion in the submitted elevations. The Applicant has significantly revised the site plan package to address the concerns.

The setback requirements for the H3OB Zoning District are 20 -foot front, 5 -foot side, and 20-foot rear. The proposed alterations and additions will maintain the existing setbacks. Total lot pervious area is proposed at $2,012 \mathrm{SF}$ or $35.7 \%$ where $35 \%$ is required. The front yard pervious area was not provided. The rear yard pervious area is proposed at $44 \%$, where $40 \%$ is required. The proposed building lot coverage is $39.7 \%$ where $40 \%$ is the allowed maximum.

Architectural materials and details, roof height, fence details and patio/deck materials were not provided at this time. Table 1 on page 3 provides information on site characteristics and zoning requirements.

Town of Surfside, Florida Development Review

## Miami-Dade Property Appraiser

Property Address: 9281 BYRON AVE, Surfside, FL 33154-3027


Date Printed: 12/03/2021

Figure 1: Aerial View of 9281 Byron Avenue
$\square$
$\square$

Table 1 - Site Characteristics and Zoning Requirements
Address
General Location
Property Size
Zoning District
Lowest Floor Elevation
Lot Coverage
Total Lot
Exempt Accessory Uses
$2^{\text {nd }}$ Story Lot Coverage

Pervious Area Total Lot Pervious Area Front Yd

Pervious Area Rear Yd

Height - Flat Roof
Height - Pitched Roof
Modification of Height

## Setbacks

Primary Frontage
Secondary Corner
Interior Side < or $=50 \mathrm{Ft}$
Interior Side > 50 Ft
Rear
Pt. Lake \& Adj. Canals
Biscayne Bay
Encroachments
Eaves - Sloped Roofs
All Other Ornamentals

## Accessory Buildings

Maximum Height
Max. Aggregated Area
Pools \& Decks
Primary Front and
Secondary Corner
Uncovered Patio

9281 Byron Avenue
Center
5,625 SF (112.5 Feet $\times 50$ Feet)
H30B
Unknown

## Required Proposed

40\% Max. (2,250 SF) 39.7\% (2,234 SF)
15\% or Less
32\% of the Lot or
80\% of First Floor
N/A
Unknown
Unknown

35\% w/40\% FL Friendly $\quad 37.4 \%$ (2,094 SF)
50\% w/40\% FL Friendly Unknown
40\% w/40\% FL Friendly
44\% (440 SF)

30 Ft: Avg Datum/Crown-High Pt. N/A
30 Ft: Avg Datum/Crown-Tie Beam.
26 Feet 6 Inches
1\% of Height to 3 Ft Max
N/A

20 Feet Min.
10 Feet Min.
24.10 Feet

N/A
5 Feet Min.
4.95 Feet

N/A
22.02 Feet

N/A
N/A

24 Inches Max
6 inches Max
Unknown
N/A

| 12 Feet Max | N/A |
| :--- | :--- |
| 500 SF Max. | Unknown <br> Unknown |
|  | N/A |
| 10 Feet Min | N/A |
| 10 Feet Min | 4.98 Feet |
| Rear \& Side -5 Feet | N/A |

The revised set of drawings depict a more consistent style on all elevations with details indicating retention of existing walls and areas of new construction. The front elevation is more harmonious with dual sets of windows on the second floor and additional architectural details on the corners of the first floor and on the entry feature. Additional architectural details are also provided on the north and south elevations with one additional window added to each elevation.

A landscape table and tree locations has been added to the site plan package detailing the compliance with landscape requirements.

Applicant Package: A package of drawings and the application was submitted by the Applicant with a recent survey dated 10/28/2021.

Staff Recommendation: It is recommended the Application be approved subject to the following comments:

- Provide the Town Planner a current signed and sealed survey and signed and sealed site plan drawings prior to the Planning and Zoning Board meeting.
- Verify the floor area of the existing residence including the covered entry porch relative to the maximum permitted floor area coverage.
- Verify the proposed total floor area of the first floor incorporating the new additions relative to the maximum permitted floor area coverage.
- Per the Zoning in Progress, the H3OB district, second story lot coverage is limited to $32 \%$ of the lot area, or $80 \%$ of the first-floor area, whichever is less. Provide calculations and/or worksheets verifying the second story addition meets these requirements.
- Provide the height of the residence from the crown of the roadway and the tie beam on the second floor. The maximum height is limited to 30 feet.
- Per Sec. 90-47.3 air conditioning equipment, pool pump or other mechanical equipment shall maintain at least a five-foot setback from the rear and side yards and should not be visible from any street. The equipment must also be at least 15 feet from an adjacent residence.
- Per Sec. 90-97, any trees removed require a tree removal permit.

Note, this report may be updated prior to the meeting.


## TOWN OF SURFSIDE

## SINGLE-FAMILY and TWO-FAMILY SITE PLAN APPLICATION

A complete submittal includes all items on the "Single-Family and Two-Family Site Plan Application Submission Checklist" document as well as completing this application in full. The owner and agent must sign the application with the appropriate supplemental documentation attached. Please print legibly in ink or type on this application form.

PROJECT INFORMATION


PHONE / FAX
AGENTS NAME
meir felling
ADDRESS
PHONE / FAX
PROPERTY ADDRESS $305-799-9482 /$ shawnouallertypermits. con ZONING CATEGORY

DESCRIPTION OF PROPOSED WORK

Exchange expiry hone to Lac a second floor vat Urger frost floor

## INTERNAL USE ONLY

| Date Submitted |  |  |  |
| :--- | :--- | :--- | :--- |
| Report Completed Number |  |  |  |
|  | Date |  |  |
| Fee Paid | $\$$ |  |  |






## PAGE 39



LOT AREA $=5,625$ S.F.

PROPOSED PERVIOUS AREA:

2,094 S.F. ( $77.4 \%$ ) REQ. $35 \%$ MN. OPEN SPACE LEGEND: | OPEN SPACE | LEGEND: |
| :--- | :---: |
| IMPERVIOUS | $\square$ |
| PERVIOUS AREA |  | OPEN SPACE DIAGRAM






| THE CONTRACTOR SHALL OBTAIN A DEMOLITION PERMIT AND ANY OTHER REQUIRED APPROVAL PRIOR TO THE EXECUTION OF ANY DEMOLITION, AND FURNISH ALL LABOR AND MATERIALS REQUIRED TO COMPLETE THE DEMOLITION, SELECTIVE REMOVAL AND SUBSEQUENT OFF SITE DISPOSAL OR STORAGE OF ALL ITEMS WITHIN THE PROJECT AREA. A SCHEDULE SHALL BE SUBMITTED TO OWNER ALONG WITH THE DEMOLITION BID. <br> THE CONTRACTOR SHALL COORDINATE DEMOLITION WITH THE LANDLORD, OWNER, LEASING AGENT AND/OR TENANT AND SHALL MEET THE RULES AND REGULATIONS SET FORTH BY THE LANDLORD, OWNER, AND/OR LEASING AGENT. <br> THE CONTRACTOR SHALL SUPPLY THE LANDLORD \& CLIENT WITH ALL DOCUMENTATION REQUESTED. <br> THE CONTRACTOR SHALL COORDINATE THE CONSTRUCTION DUMPSTER AND/OR CHUTE LOCATION WITH LANDLORD PRIOR TO PLACEMENT. THE CONTRACTOR SHALL PROTECT THE ARCADE, BUILDING EXTERIOR, ROADWAY, AND LANDSCAPE FROM DAMAGE DURING DEMOLITION. <br> THE PROJECT AREA SHALL BE MAINTAINED IN A SAFE AND CLEAN CONDITION AT ALL TIMES. <br> IF ANY HAZARDOUS MATERIALS ARE ENCOUNTERED DURING DEMOLITION, COMPLY WITH APPLICABLE REGULATIONS, LAWS AND ORDINANCES RELATIVE. TO REMOVAL, HANDLING, AND PROTECTION AGAINST EXPOSURE OR ENVIRONMENTAL POLLUTION. NOTIFY LANDLORD AND OWNER IMMEDIATELY. <br> all items of salvageable value as determined by the client, landlord, leasing AGENT AND/OR TENANT SHALL BE CAREFULLY REMOVED, SURFACE CLEANED LABELED, STORED AND TURNED OVER TO THE OWNER AND/OR LANDLORD. <br> RECONNECT ELECTRICAL OUTLETS AFFECTED BY DEMOLITION TO PANELS AS REQUIRED BY NEW LAYOUT. TERMINATE EXPOSED CONNECTIOS PER N.E.C. <br> any plumbing encountered in area affected by demolition shall be capped to BUILDING STANDARD. <br> REMOVE EXISTING INTERIOR PARTITIONS AS INDICATED ON THE DEMOLITION PLAN. <br> ALL FIRE PROTECTION DEVICES SUCH AS HORN STROBES, PULL STATIONS, SMOKE DETECTORS FIRE EXTINGUISHERS, HOSE CABINETS ETC. SHALL BE SALVAGED, LABELED AND STORED FOR RE-USE. FIRE ALARM SYSTEM SHALL BE MAINTAINED IN OPERABLE CONDITION. <br> CONTRACTOR SHALL COORDINATE DEMOLITION WITH CLIENT SPECIFICATIONS AND TENANT,S DRAWINGS. <br> COORDINATE WITH CONSTRUCTION DRAWINGS PRIOR TO BEGINNING DEMOLITION. <br> CONTRACTOR SHALL PATCH AND REPAIR ALL HOLES IN THE SLAB TO AN AS NEW ACCEPTABLE FINISH TO ALLOW FOR A PROPER INSTALLATION OF FLOORING. <br> CONTRACTOR SHALL PATCH AND REPAIR ALL CURTAIN WALL MULLIONS AFTER REMOVAL OF EXISTING FRAMING. <br> SEE ELECTRICAL, MECHANICAL \& HVAC PLANS FOR FURTHER DEMOLITION NOTES. <br> prepare the existing concrete slabs as required to be even elevation THROUGHOUT, SMOOTH, CONTINUOUS LEVEL \& READY TO ACCEPT NEW FINISHED. THIS INCLUDES "FLOATING" AN UNACCEPTABLE EXISTING SLAB AS REQUIRED, OR FILLING A SLAB AT HOLES OR IMPERFECTIONS LEFT BECAUSE OF THE DEMOLITION OF WALLS. THE EXISTING and NEW SLABS BE AT THE SAME CONTINUOUS ELEVATION. the site. OWNER RESERVES THE RIGHT OF FIRST REFUSAL. <br> THE DISPOSAL OF ALL DEMOLITION ITEMS TO BE BY THE CONTRACTOR, HAULED AWAY FROM <br> THE CONTRACTOR TO CAREFULLY REMOVE AND STORE ALL DOORS AND FRAMES THAT ARE INDICATED TO BE REMOVED FOR REUSE. VERIFY ALL SWINGS WITH FLOOR PLANS FOR POSSIBLE REUSE OF EXISTING DOORS AND FRAMES TO REMAIN. <br> POWER TO BUILDING SHALL BE MAINTAINED AT ALL TIMES. COORDINATE WITH LANDLORD 72 HOURS PRIOR TO PROPOSED INTERRUPTION. <br> COORDINATE WITH LANDLORD PRIOR TO ANY WORK ON BUILDING SHELL AND ROOF SYSTEM. <br> REMOVE ALL WIRING FROM DEMOLISHED RECEPTACLES TO SOURCE PANEL. REMOVE ALL ABANDONED WIRING. |
| :---: |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |





EXISTING / DEMO NORTH ELEVATION (SIDE)

EXISTING / DEMO WEST ELEVATION (FRONT)
SCALE: $114^{\prime \prime}=1^{1-0}$


EXISTING / DEMOSOUTH ELEVATION (SIDE)

[^1]

$\frac{\text { PROPOSED SECOND FLOOR PLAN }}{\text { scall }}$


PROPOSED FIRST FLOOR PLAN


## 




PROPOSED WEST ELEVATION


(

PROPOSED NORTH ELEVATION


PROPOSED EAST ELEVATION

$\frac{\text { PROPOSED SOUTH ELEVATION }}{\text { scalE: } 14^{\prime \prime}=1 \cdot 0^{\circ}}$

# DYNATECH ENGINEERNG CORP. 

Miami, July 22, 2021
Mr. Meir Fellig
CENTURY BUILDERS \& RESTORATION
1414 Lenox Avenue
Miami Beach, FL 33139
Re: Proposed Pool and Home Renovations @ 9281 Byron Avenue Surfside, FL

Dear Mr. Fellig:
Pursuant to your request, DYNATECH ENGINEERING CORP. (DEC) completed a Subsoil Investigation on July 22, 2021 at the above referenced project. The purpose of our investigation was to help determine the subsoil conditions relative to foundation design of the proposed structures.

A total of (2) standard penetration boring tests were performed according to ASTM-D 1586 down to an average depth of $25^{\prime}$ below existing ground surface at the locations shown on the attached sketch only.

The following graph was developed as a general condition below existing ground surface at the time of drilling for the subject site (Subsoil conditions are non-homogenous, refer to field boring logs for exact locations and soil description. Average depths are approximate and will vary in the field):

## Average Depth

| From | To | Description |
| :--- | :--- | :--- |
| $\mathbf{0}^{\prime}-0^{\prime \prime}$ | $\mathbf{1}^{\prime}-0^{\prime \prime}$ | Topsoil |
| $1^{\prime}-0^{\prime \prime}$ | $21^{\prime}-0^{\prime \prime}$ | Tan beach sand |
| $21^{\prime}-0^{\prime \prime}$ | $25^{\prime}-0^{\prime \prime}$ | Tan very sandy limerock |

Groundwater was measured immediately at the completion of each boring and was found at an average depth of approximately $4^{\prime}-6^{\prime \prime}$ below existing ground surface at the time of drilling. This immediate depth to groundwater level should not be relied upon alone for project design considerations. Existing ground surface elevation was not provided to us at the time of drilling. Design engineers must verify existing ground elevations as well as FEMA Flood and County highest and lowest groundwater elevation for their design. Fluctuation in water level is anticipated due to seasonal variations and run off as well as varying ground elevations construction dewatering and pumping activities in the area, king tides, flash flooding, storm surge and global warming. Site contractor must familiarize himself with site conditions in the event groundwater controls and dewatering is needed during construction. Surface flooding may result under hurricane conditions and should be taken into consideration in the design of the project. The contractor shall monitor and make sure that groundwater levels on adjacent properties are not adversely impacted due to the contractors dewatering activities. Specialty groundwater and water proofing contractors shall be consulted for all work below the groundwater level. All dewatering volume \& effluent discharge must meet local, State \& Federal requirements.

Re: 9281 Byron Avenue, Surfside, FL
Based on our understanding of the proposed structure and our field boring logs; the following are our recommendations for foundations design.
A- Excavate the entire building and pool construction areas of all topsoil, grass, tree stumps and construction debris down to clean granular material wherever encountered an average depth of 1 '0 " below land surface (see field boring logs). Any underground structures, former pools, septic tanks, utilities, root systems and drainages trenches, etc...must be removed in their entirety from beneath the proposed construction area. All roots greater than one inch in diameter, or a high concentration of smaller diameter roots, must be removed prior to back filling. Clean fill can be stored for reuse pursuant to our approval.
B- Compact all construction areas with a heavy self propelled roller to a minimum of $95 \%$ of ASTM D-1557 but not less than 10 passes in each direction. Localized areas of loose materials, if present, will become evident during site clearing, grubbing and proof rolling, and must be removed prior to filling operations. Backfill construction areas to required elevation using clean granular homogenous material placed in lifts not to exceed 12 inches in thickness and compact as indicated above. In areas not accessible for compaction, flowable fill shall be used.
C- Excavate footing areas only to proper depth and recompact as indicated above. Footings must be cast as soon as possible after excavation to minimize potential damage to bearing soils from exposure to the element, construction activities and soil creep.
D- Care should be taken not use vibration in case of existing structures in the vicinity of the construction area. If vibration cannot be used for compaction, static compaction may be applied. However, in this case, the compacted layer should not exceed 6 inches in thickness.
E- All construction fill material above the water table shall consist of clean granular homogenous soil, free of organics or other deleterious material, and shall contain no more than 12 percent fines passing a U.S. standard No. 200 sieve and have a Unified Soil Classification System (USCS) designation of GP, GW, GP-GM, GW-GM, SP, or SW. No particle size greater than 3 inches shall be in the top 12 inches of the building pad.
Fill material below the water table shall consist of washed free draining gravel to about 12 inches above the water table. (ie: Ballast rock FDOT No. 57 stone or equivalent) unless dewatering is employed. When dewatering is employed, fill material shall consist of clean, granular homogenous soil, free of organics or other deleterious material, and shall contain no more than 5 percent fines passing a US standard No. 200 sieve.

F- Verify all compaction efforts by taking an adequate number of field density tests in each layer of compacted material and in each footing pad but no less than 1 test every 2500 square feet.
G- Representative samples of the on-site and proposed fill material shall be collected and tested to determine the classification and compaction characteristics prior to use.
H- All Geotechnical work must be performed under the supervision of our geotechnical engineer or his representative to verify compliance with our specifications and the Florida Building Code.
I- In case of existing structures, existing footings new foundations and proposed drainage lines, provisions shall be made by the structural engineer, the civil engineer, and site contractor to protect all footings from future erosion, undermining and exposure. The geotechnical engineer shall be notified of these conditions to evaluate the applicability of his recommendations.

The above foundation recommendations being achieved and verified, it is our opinion that the proposed structures be designed for a shallow foundation system with a net static permissible soil bearing pressure not to exceed 2500 P.S.F. All footings shall be based at a depth of not less than 12 " below the lowest adjacent grade. Design computations for thickness shall utilize a modulus of subgrade reaction value of 3250 pci.

## Re: 9281 Byron Avenue, Surfside, FL

Slabs may be designed as slabs on grade and must be provided with proper expansion and control joints as designed by the structural engineer.

The following soil parameters shall be used for retaining wall designs:

- Soil unit weight moist: 115 pcf. Submerged: 53 pcf .
- Angle of internal friction: $30^{\circ}$
- Earth pressure coefficient Ka: 0.33; Kp: 3.0
- Angle of wall friction: $30^{\circ}$ for steel piles, $20^{\circ}$ for concrete or brick walls; $15^{\circ}$ uncoated steel.

Excavations shall not extend within 1 foot of the angle of repose, next to existing footings or structures, unless underpinned. Trenching shall be in compliance with the Florida Building Code, OSHA and Trench Safety Act. Shorings shall be designed and inspected by Florida licensed professional engineer. Excavation contractor must make provisions for hard excavation conditions. Particular attention should be paid to any deep excavations and their potential impacts on adjacent structures.

Provisions shall be made by the architect, engineer of record and contractor to address differential vibration / dynamic loading; settlements when tying in new to existing structures. Mixing of different foundation types shall not be used unless provided with expansion joints to address differential settlements and vibration transfer.

Also note that as a common engineering practice for existing and new construction; outside ground surfaces must be sloped away from the structure as to avoid water accumulation and ponding. Rain gutters shall be installed and all rain water shall be discharged over splash guards a minimum of 5 feet away from building foundations. Verify all water, sewer, plumbing, sprinkler and drainage lines are properly functioning with no leaks in the vicinity of the foundations.

An arborist must be consulted prior to any land clearing to verify compliance with local codes.
Detailed settlement analysis was beyond the scope of this report. However, we have compared the field test data obtained in this exploration with our experience with structures similar to those proposed for this report. The estimated magnitude of these settlements is less than $1 / 2$ inch differential and less than 1 inch total settlements. Due to the granular nature of the subsurface materials, the foundation settlements should occur as the loads are applied and should be virtually negligible by the end of the building shell completion.

If dynamic loading is proposed (ie: parking garage, etc...) this condition MUST be brought to our attention to re-evaluate the applicability of our recommendations.

The site may have been developed in the past. The exact extent of this development is unknown; therefore, any changes in the subsurface conditions must be brought to our attention for evaluation and recommendation. Any voids created by the removal of former structures must be properly backfilled as described in our foundation recommendations.

Re: 9281 Byron Avenue, Surfside, FL
This report was prepared in compliance with the 2020 Florida Building Code, $7^{\text {th }}$ edition. Site elevations were not provided to us for the test locations. Depths reported on the field boring logs represent the depth below existing ground surface as they existed on the date of drilling. In the event of subsequent filling, excavations or site work, the reported depths must be adjusted to represent proper depths.
The boring $\log (\mathrm{s})$ attached present (s) a detailed description of the soils encountered at test location (s). The soil stratification shown on the boring $\log (s)$ is based on the examination of the recovered soil samples and interpretation of the driller's field $\log (s)$. It indicates only the approximate boundaries between soil types. The actual transitions between adjacent soil types may be gradual. Regardless of the thoroughness of a geotechnical exploration there is always the possibility that conditions may be different from those of the test locations; therefore, DYNATECH ENGINEERING CORP. does not guarantee any subsoil conditions between the bore test holes. In accepting and using this report the client understands and accepts that all data from the brings are strictly for foundation analysis only and are not to be used for excavation or back filling estimates and pricing. Owner and site contractor must familiarize themselves with site conditions prior to bidding. Client recognizes that actual conditions in areas not tested by DEC may differ from those anticipated in DEC's report. Client understands and accepts that this can significantly increase the cost of construction for its future projects. Client agrees that DEC shall not be responsible or liable for any variations in the actual conditions of areas not tested by DEC. This report is not a Phase I and/or Phase II Environmental Site Assessments. As a mutual protection to clients, the public and ourselves, all reports are submitted as the confidential property of clients, and authorization for publication of statements, conclusions or extracts from or regarding our reports is reserved pending our written approval. The scope of services performed in the execution of this investigation may not be appropriate to satisfy the needs of other users, and use or re-use of this document or the findings, conclusions, or recommendations is at the risk of said user. Said user must contact DEC in writing to verify applicability of this report for their use. All work must be conducted under the supervision of our geotechnical engineer. The discovery of any site or subsurface conditions during construction which deviate from the information obtained from our subsoil investigation is always likely and should be reported to us for our evaluation. All work shall be conducted in compliance with the Florida Building Code FBC and OSHA workers protection rules and all applicable Federal, State, County and City rules and regulations. In the event, changes, challenges and other value engineering opportunities occur without our knowledge, our recommendations may become compromised and geotechnical related issues may be misconstrued. Therefore, all geotechnical work shall be performed under our supervision to verify compliance with the intent of our recommendations.

It has been a pleasure working with you and look forward to do so in the near future.
Sincerely yours,


Wissam Naamani, P. E.
DYNATECH ENGINEERING CORP.
Florida Reg. No. 39584
Special Inspector No. 757
Certificate of Authorization No.: CA 5491

"This item has been digitally signed and sealed by Wissam Said Naamani, P.E. on the date adjacent to the seal using a IdenTrust authentication code. Printed copies of this document are not considered signed \& sealed and the IdenTrust authentication code must be verified on any electronic copies".

## TEST BORING FIELD LOG

## TEST BORING FIELD LOG

CLIENT : CENTURY BUILDERS \& RESTORATION
PROJECT : Proposed Pool and Home Renovations @
ADDRESS : 9281 Byron Avenue, Surfside, FL
LOCATION : See attached sketch

| Depth From - To | DESCRIPTION OF MATERIALS | Depth From To | HAMMER BLOWS ON SAMPLER | "N" |
| :---: | :---: | :---: | :---: | :---: |
| $0^{\prime}-0^{\prime \prime}$ to $0^{\prime}-6^{\prime \prime}$ | TOPSOIL AND GRASS | 2 | Hand | H |
|  |  | 4 | $\begin{array}{ll} \hline 6 & 5 \\ 7 & 9 \\ \hline \end{array}$ | 12 |
| $0^{\prime}-6{ }^{\prime \prime}$ to $1^{\prime}-0^{\prime \prime}$ | BROWN SAND W/ORGANIC STAIN | 6 | 8 6 <br> 5 8 | 11 |
| $1^{\prime}-0^{\prime \prime}$ to $10^{\prime}-0^{\prime \prime}$ | TAN BEACH SAND | 8 | $\begin{array}{ll} \hline 7 & 7 \\ 6 & 8 \end{array}$ | 13 |
| $10^{\prime}-0{ }^{\prime \prime}$ to $21^{\prime}-0^{\prime \prime}$ | TANISH GRAY BEACH SAND | 10 | A | A |
|  |  |  |  |  |
| $21^{\prime}-0^{\prime \prime}$ to $22^{\prime}-0^{\prime \prime}$ | TAN VERY SANDY LIMEROCK | 12 | A | A |
|  | TAN SANDY LIMEROCK | 14 | A | A |
| $22^{\prime}-6^{\prime \prime}$ to $23^{\prime}-0$ " | TAN VERY SANDY LIMEROCK | 16 | $\begin{array}{lc} 9 & 7 \\ 9 & 12 \\ \hline \end{array}$ | 16 |
| $22^{\prime}-6{ }^{\prime \prime}$ to $23^{\prime}-0^{\prime \prime}$$23^{\prime}-0 \prime \prime$ to $25^{\prime}-0^{\prime \prime}$ | TAN SANDY LIMEROCK | 18 | A | A |
|  |  | 20 | A | A |
|  |  | 22 | A | A |
|  |  | 24 | $\begin{array}{ll} \hline 12 & 15 \\ 14 & 11 \\ \hline \end{array}$ | 29 |
|  |  | 26 | A | A |
|  |  | 28 |  |  |
|  |  | 30 |  |  |
|  |  | 32 |  |  |
|  |  | 34 |  |  |
|  |  | 36 |  |  |
|  |  | 38 |  |  |


| Depth From - To | DESCRIPTION OF MATERIALS | Depth From To | HAMMER BLOWS ON SAMPLER | "N" |
| :---: | :---: | :---: | :---: | :---: |
| $0^{\prime}-0^{\prime \prime}$ to $0^{\prime}-6^{\prime \prime}$ | TOPSOIL AND GRASS | 2 | Hand | H |
|  |  | 4 | $\begin{array}{ll} \hline 6 & 5 \\ 7 & 9 \\ \hline \end{array}$ | 12 |
| $0^{\prime}-6^{\prime \prime}$ to 1'-0"' | BROWN SAND W/ORGANIC STAIN | 6 | $\begin{array}{ll} 8 & 6 \\ 5 & 8 \\ \hline \end{array}$ | 11 |
| 1'-0'' to 10'-0" | TAN BEACH SAND | 8 | $\begin{array}{ll} \hline 7 & 7 \\ 6 & 8 \end{array}$ | 13 |
| $10^{\prime}-0{ }^{\prime \prime}$ to $21^{\prime}-0^{\prime \prime}$ | TANISH GRAY BEACH SAND | 10 | A | A |
|  |  |  |  |  |
| $21^{\prime}-0^{\prime \prime}$ to $22^{\prime}-0^{\prime \prime}$ | TAN VERY SANDY LIMEROCK | 12 | A | A |
|  | TAN SANDY LIMEROCK | 14 | A | A |
| $22^{\prime}-6 " \text { to } 23^{\prime}-0 "$ | TAN VERY SANDY LIMEROCK | 16 | $\begin{array}{lc} 9 & 7 \\ 9 & 12 \\ \hline \end{array}$ | 16 |
| $22^{\prime}-6{ }^{\prime \prime}$ to $23^{\prime}-0^{\prime \prime}$$23^{\prime}-0^{\prime \prime}$ to $25^{\prime}-0 \prime$ | TAN SANDY LIMEROCK | 18 | A | A |
|  |  | 20 | A | A |
|  |  | 22 | A | A |
|  |  | 24 | 12 15 <br> 14 11 | 29 |
|  |  | 26 | A | A |
|  |  | 28 |  |  |
|  |  | 30 |  |  |
|  |  | 32 |  |  |
|  |  | 34 |  |  |
|  |  | 36 |  |  |
|  |  | 38 |  |  |

$0^{\prime}-0^{\prime \prime}$ to 0 ' $-6 "$
0'-6" to 1'-0"
$1^{\prime}-0^{\prime \prime}$ to $10^{\prime}-0^{\prime \prime}$
$10^{\prime}-0$ " to $21^{\prime}-0^{\prime \prime}$
TANISH GRAY BEACH SAND
TAN VERY SANDY LIMEROCK
TAN SANDY LIMEROCK
TAN VERY SANDY LIMEROCK

TAN SANDY LIMEROCK

DATE: July 22, 2021
HOLE NO.: B-1
DRILLER: M.G.

TEST BORING FIELD LOG
CLIENT : CENTURY BUILDERS \& RESTORATION
PROJECT : Proposed Pool and Home Renovations @
ADDRESS : 9281 Byron Avenue, Surfside, FL
LOCATION : See attached sketch

DATE: July 22, 2021
HOLE NO.: B-2
DRILLER: M.G.

| Depth <br> From - To | DESCRIPTION OF MATERIALS | Depth From To | HAMMER BLOWS ON SAMPLER | "N" |
| :---: | :---: | :---: | :---: | :---: |
| $0^{\prime}-0{ }^{\prime \prime}$ to $0^{\prime}-6^{\prime \prime}$ | TOPSOIL AND GRASS | 2 | Hand | H |
|  |  | 4 | $\begin{array}{ll} \hline 7 & 6 \\ 5 & 7 \end{array}$ | 11 |
| 0'-6" to 1'-0" | BROWN SAND W/ORGANIC STAIN | 6 | $\begin{array}{ll} 8 & 6 \\ 6 & 8 \\ \hline \end{array}$ | 12 |
| $1^{\prime}-0{ }^{\prime \prime}$ to $10^{\prime}-0{ }^{\prime \prime}$ | TAN BEACH SAND | 8 | $\begin{array}{ll} 5 & 7 \\ 8 & 6 \end{array}$ | 15 |
|  |  | 10 | A | A |
| $10^{\prime}-0{ }^{\prime \prime}$ to $21^{\prime}-0^{\prime \prime}$ | TANISH GRAY BEACH SAND |  |  |  |
| $21^{\prime}-0 \prime \prime$ to $22^{\prime}-0^{\prime \prime}$ | TAN VERY SANDY LIMEROCK | 12 | A | A |
| $22^{\prime}-0{ }^{\prime \prime}$ to $22^{\prime}-6^{\prime \prime}$ | TAN SANDY LIMEROCK | 14 | A | A |
|  |  |  |  |  |
| 22'-6" to 23'-0" | TAN VERY SANDY LIMEROCK | 16 | $\begin{array}{ll} 8 & 9 \\ 7 & 9 \\ \hline \end{array}$ | 16 |
|  |  | 18 | A | A |
| $23^{\prime}-0{ }^{\prime \prime}$ to $24^{\prime}-0^{\prime \prime}$ | TAN SANDY LIMEROCK | 20 | A | A |
| $24^{\prime}-0{ }^{\prime \prime}$ to $25^{\prime}-0^{\prime \prime}$ | TAN VERY SANDY LIMEROCK | 22 | A | A |
|  |  | 24 | $\begin{array}{ll} 15 & 19 \\ 15 & 17 \\ \hline \end{array}$ | 34 |
|  |  | 26 | A | A |
|  |  | 28 |  |  |
|  |  | 30 |  |  |
|  |  | 32 |  |  |
|  |  | 34 |  |  |
|  |  | 36 |  |  |
|  |  | 38 |  |  |

Water Level: 4'-6"_Below Existing Land Surface at time of drilling As a mutual protection to clients, the public and ourselves, all reports are submitted as the confidential property of clients, and authorization for publication of statement conclusions or extracts from or regarding our reports is reserved pending on our written approval. H.A.: Hand Auger; A: Hollow Stem Auger; R: Refusal., DRILLING: S: Soft, M: Medium, H: Hand, R: Refusal, V.H.: Very Hard.

## SITE PLAM

B\#) : Boring Test Location


## DYNATECH ENGINEERING CORP.

Client: Century Builders \& Restoration
Scale: N.T.S
Project: 9281 Byron Avenue, Surfside, FL

## GENERAL NOTES

Soil borings on unmarked vacant property should be considered preliminary with further boring (s) to be drilled after building pad(s) are staked out.

Soil borings on existing structures that are to be demolished should be considered preliminary and additional borings would need to be performed after the structure(s) has been demolished and proposed new building staked out.

As mutual protection to clients, the public and ourselves, all reports are submitted as confidential property of clients. Authorization for publication of statements, conclusions, extracts from or regarding our reports is reserved pending our written approval.

## KEY CLASSIFICATION \& SYMBOLS

CORRELATION OF PENETRATION RESISTANCE WITH RELATIVE DENSITY AND CONSISTENCY

|  | CONE <br> PENETRATION <br> TESTS <br> $\left(K g . / \mathrm{Cm}^{3}\right)$ | STANDARO <br> PENETRATION <br> (BLOWS/Ft.) | RELATIVE <br> DENSITY |
| :---: | :---: | :---: | :---: |
| SANDS | $0-16$ | $0-4$ | VERYLOOSE |
|  | $17-40$ | $5-10$ | LOOSE |
|  | $41-80$ | $11-20$ | FIRM |
|  | $81-120$ | $21-30$ | VERY FIRM |
|  | OVER 120 | $31-50$ | DENSE |
|  |  |  |  |
| SUTS \& | $0-3$ | $0-2$ | VERYLOOSE |
| CLAY | $4-9$ | $3-4$ | SOFT |
|  | $10-17$ | $5-8$ | FIRM |
|  | $18-31$ | 9.15 | STIFF |
|  | $32-60$ | $16-30$ | VERY STIFF |
|  | OVER 60 | $31-50$ | HARD |


|  | PARTICLE SIZE |
| :--- | :---: |
| BOULDERS | $>12 \mathrm{in}$. |
| COBBLE | 3 in. to 1 in. |
| GRAVEL | 4.76 mm to 3 in. |
| SAND | 0.07 mm to 4.67 mm |
| SILT | 0.005 mm to 0.074 mm |
| CLAY | $<0.005 \mathrm{~mm}$ |


|  | MODIFIERS |
| :--- | :--- |
| $5 \%-10 \%$ | Slightly Silty or Clayey |
| $10 \%-30 \%$ | Silty or Clayey |
| $30 \%-50 \%$ | Very Silty or Very Clayey |
| $0 \%-5 \%$ | Slight Trace |
| $6 \%-10 \%$ | Trace |
| $11 \%-20 \%$ | Little |
| $21 \%-35 \%$ | Some |
| $>35 \%$ | And |


|  | ROCK HARDNESS DESCRIPTION |
| :--- | :--- |
| Soft | Rock core. Crumbles when handled |
| Medium | Can break with your hands. |
| Moderate Mard | Thin edges or rock core. Can be broken with fingers. |
| Hard | Thin edges or rock core. Can be broken with fingers. |
| Very Hard | Rock core. Rings when struck with hammer (cherts). |






PAGE 62


PAGE 63


PAGE 64


PAGE 65

# Memorandum 

To:<br>Planning and Zoning Board<br>Thru: Andrew Hyatt, Town Manager<br>From: Walter Keller, PE, AICP, Town Consultant Planner Marlin Engineering, Inc.<br>CC: Jason Greene, Assistant Town Manager Lillian Arango, Town Attorney James McGuinness, Town Building Official<br>Date March 21, 2022<br>RE:<br>524 89 ${ }^{\text {th }}$ ST - New 2-story single-family residence

Background: This application is a request to demolish the existing 1 story single family residence and construct a new 2 -story single family residence with a pool ( 336 SQ. FT.) and uncovered patio ( 412 SQ.FT.) The plans also include an outdoor BBQ, a new concrete driveway with grass inlay, and a 30 -inch-high retaining wall with a fence on top, not to exceed a total height of 6 feet and an outside staircase to access mechanical equipment and solar panels located on the roof. The parcel is located in the H3OB Zoning District at $52489^{\text {th }}$ Street. The lot depth is 112.5 feet with a width of 61.25 feet. The site plan indicates the lot size is 6,860 square feet (SF). The application was deferred at the February 24, 2022 meeting to the March 31, 2022 meeting due to concerns of the Planning and Zoning Board.

The setback requirements for the H3OB Zoning District for a corner lot are 20-foot front, 20-foot rear, 10foot secondary frontage, and a minimum of $10 \%$ side frontage for lots over 50 feet in width. The Applicant is proposing a 20 -foot front setback with a rear setback of 20 feet, 10 -foot secondary setback and a 6 foot $11 / 2$ inches side setback. Total lot pervious area is $2,855 \mathrm{SF}$ where $35 \%$ of $6,860 \mathrm{SF}$ is required. The front yard setback pervious area is $65.1 \%$ ( 766 ) SF where $50 \%$ of $1,176 \mathrm{SF}$ is required. The rear yard setback pervious area is $57 \%$ ( 632 SF ) where $40 \%$ of 1,224 is required. The second floor under A/C is proposed at $1,881 \mathrm{SF}$ or $71.8 \%$ of the first floor where $80 \%$ is the maximum. A flat roof is proposed where the maximum roof height is 30 feet. Table 1 on page 2 provides information on site characteristics and zoning requirements.

A variety of architectural enhancements are proposed. These items include a white aluminum garage door, wood entrance door with floating steps, black aluminum window frames, black sconce lights, wood tongue and grove ceiling at eyebrows, exterior cladding with porcelain title in a beige natural color, glass railing, and white metal stairs to access solar panels. The plans also include a concrete driveway, a black metal fence on top of a retaining wall, while the rest of the house is to be stucco smooth and painted white. Detailed drawings were provided by the Applicant with limited information on the pool. The plans show the pool and patio to be raised above ground with a slope in the rear yard.

The Applicant has revised the landscaping and is now proposing 6 Royal Palms and 2 Green Buttonwood street trees where 8 street trees are required. The Applicant is also proposing 6 lot trees and 35 shrubs

Town of Surfside, Florida
Development Review
for the lot, where 6 trees of two different species and 35 shrubs are required for corner lots. A total of $40 \%$ of all landscaping is proposed to be Florida-Friendly. Figure 1 is an aerial view of the existing property.

## Miami-Dade Property Appraiser

Property Address: 52489 ST, Surfside, FL 33154-3345


Date Printed: 02/08/2022
Figure 1: Aerial View of $\mathbf{2 5 4}$ 89 ${ }^{\text {th }}$ Street

Table 1 - Site Characteristics and Zoning Requirements

Address
General Location
Property Size
Zoning District
Lowest Floor Elevation
Lot Coverage
Total Lot
Exempt Accessory Uses
$2^{\text {nd }}$ Story Lot Coverage

Pervious Area Total Lot Pervious Area Front Yd Pervious Area Rear Yd

Height - Flat Roof
Height - Pitched Roof Modification of Height
Trellis/Pergola Structure

## Setbacks

Primary Frontage
Secondary Corner Interior Side < or = 50 Ft
Interior Side > 50 Ft
Rear
Pt. Lake \& Adj. Canals
Biscayne Bay

## Encroachments

Eaves - Sloped Roofs
All Other Ornamentals

## Accessory Buildings

Maximum Height
Max. Aggregated Area
Pools \& Decks
Primary Front and
Secondary Corner
Uncovered Patio
$52489^{\text {th }}$ Street
Center
6,860 SF (112.5 Feet x 61.25 Feet)
H30B
Base Flood Elevation $10^{\prime}$ NGVD (8.00 + 2.00)

Required
40\% Max. (2,744 SF)
$15 \%$ or Less
$32 \%$ of the Lot or
80\% of First Floor

35\% w/40\% FL Friendly 50\% w/40\% FL Friendly 40\% w/40\% FL Friendly

30 Ft: Avg Datum/Crown-High Pt. 30 Feet
30 Ft: Avg Datum/Crown-Tie Beam. N/A
1\% of Height to 3 Ft Max N/A
12 Feet Max. Height N/A

20 Feet Min.
10 Feet Min.
5 Feet Min.
10\% Frontage Width
20 Feet Min.
25 Feet Min
50 Feet Min

24 Inches Max
6 inches Max

12 Feet Max
500 SF Max.

10 Feet Min N/A
10 Feet Min 10 Feet
Rear \& Side - 5 Feet 5 Feet 1 inch
Front \& Corner-10 Feet

N/A
Unknown
336 SF
Proposed
39\% (2,679 SF)
N/A
Unknown
71.8\% (1,881 SF)
41.6\%\% (2,855 SF)
65.1\% (766 SF)
51.6\% (632 SF)

N/A

37 Feet 10 Inches
20 Feet 4 Inches
N/A
6 Feet 1 ½ Inches
20 Feet 4 Inches
N/A
N/A

Unknown
N/A

N/A

Town of Surfside, Florida
Development Review

The revised site plan package includes larger eyebrows over the $2^{\text {nd }}$ floor windows in the front and rear elevations and over the front entry door. Mechanical equipment ( $2 \mathrm{~A} / \mathrm{C}$ units) have been relocated to the roof and future locations for solar panels are noted. Elevation grades have been placed on the driveway, covered entry, finished floor, patio deck and outside swale areas.
Applicant Package: A revised package of drawings was submitted by the Applicant with a date of 3/9/2022.

Staff Recommendation: It is recommended the Application be approved subject to the following comments:

- Provide the Town Planner a signed and sealed site plan drawings prior to the Planning and Zoning Board meeting.
- Maximum height of the stair rail to the roof is limited to 27 feet 4 inches above the crown of the road.
- Verify the equipment located adjacent to the 6 foot 2 inch side yard setback is 15 feet from the adjacent residence
- Per Sec. 90-97, any trees removed require a tree removal permit

Note, this report may be updated prior to the meeting.

Toll th of Giperan

| DRB Meeting | $03 / 31 / 2022$ |
| :--- | :--- |
| Application / Plans Due | $03 / 10 / 2022$ |

## TOWN OF SURFSIDE

## SINGLE-FAMILY and TWO-FAMILY SITE PLAN APPLICATION

A complete submittal includes all items on the "Single-Family and Two-Family Site Plan Application Submission Checklist" document as well as completing this application in full. The owner and agent must sign the application with the appropriate supplemental documentation attached. Please print legibly in ink or type on this application form.


ZONING STANDARDS
Plot Size
Setbacks (F/R/S)
Lot Coverage
Height
Pervious Area


03.10.2022

SIGNATURE OF AGENT

## TOWN OF SURFSIDE

SINGLE-FAMILY and TWO-FAMILY SITE PLAN APPLICATION PLANNING AND ZONING BOARD Rules and Procedures (June 2002)

The Planning and Zoning Board shall generally meet the last Thursday of each month at 7:00 pm. at Town Hall.

Plans and completed applications (including all supporting documentation) must be submitted to the Building Department at least 21 days prior to the meeting, with the payment of applicable fees (example: $\$ 200.00$ for Plan Review for Zoning), at which time they will be considered. Incomplete plans and applications will not be processed

The applicant or duly authorized agent (per ownership affidavit) must be present at the meeting. If there are no applications for consideration by the Planning and Zoning Board, the monthly meeting may be cancelled at the discretion of the Chairman of the Board.

Please advise the name of the Representative who will attend the hearing on behalf of this application: Mikhail Aamiani \& Dannielle Damiani o3/10/2022 NAME OF REPRESENTATIVE

DATE

## INVOICE (INV-00004720)

FOR TOWN OF SURFSIDE

BILLING CONTACT DANNIELLE DAMIANI

| INVOICE NUMBER | INVOICE DATE | INVOICE DUE DATE | INVOICE STATUS | INVOICE DESCRIPTION |
| :---: | :---: | :---: | :---: | :--- |
| INV-00004720 | $02 / 01 / 2022$ | $02 / 01 / 2022$ | Paid In Full | NONE |


| REFERENCE NUMBER | FEE NAME | TOTAL |
| :---: | :--- | ---: |
| $2021-001660$ | Planning \& Zoning Fee | $\$ 200.00$ |
| 52489 St Surfside, FL 33154 | SUB TOTAL | $\$ 200.00$ |


| REMITTANCE INFORMATION |
| :--- |
| Town of Surfside |
| 9293 Harding Avenue |
| Surfside, FL 33154 |

$\square$
Town of Surfside 9293 Harding Avenue
Surfside, FL 33154


PERSPECTIVE VIEW


## PAGE 73

cllent:
MIKHAIL DAMIANI
DANNIELLE DAMIANI
524 89TH STREET
SURFSIDE, FL 33154



|  | $\stackrel{\text { 㐫 }}{\text { 离 }}$ |
| :---: | :---: |






SITE PLAN
SHetrinuese
SP-1





| ZONING REQUIREMENTS - H30B: |  |  |
| :---: | :---: | :---: |
| LOT SIZE | $61.25 \times 112.5$ | 6,860 SQ.FT. |
| max lot coverage | 40\% (6,860) | 2,744 SQ.FT. |
| FIRST BUILDING SETBACKS AND LOT COVERAGE: |  |  |
|  | equired | PROPOSED |
| first floor enclosed | - | 2,616 |
| FIRST FLOor covered entry | - | 60 |
| FIRST FLOor lot coverage | 2,744 SQ.fT. | 2,676 SQ.FT. ( $2616+60$ ) |
| FRONT YARD SETBACK | 20-0" | 20'-1" |
| Corner yard setback | $10^{-00}$ | $10^{-}-01 / 2^{\prime \prime}$ |
| REAR YARD SETBACK | 20-0" | $20^{-4} \mathbf{4}^{\prime}$ |
| SIDE YARD SEtBACK | 6'11/2" ( 61.25 * $10 \%$ ) | 6'-2" |
| SECOND FLOOR BUILDING SETBACKS AND AREA: |  |  |
|  | REQUIRED | PROPOSED |
| FRONT YARD AVERAGE SETBACK | $30^{-0} 0^{\prime \prime}$ | 37-10" |
| Corner yard average setback | $20^{\circ}-0^{\prime \prime}$ | $20^{-4} \mathbf{4}^{\prime}$ |
| Rear yard min. Setback | 20-0" | 20'-4" |
| SIDE YARD AVERAGE SETBACK | 12'-3" [(61.25' * 10\%)(2)] | $15^{\prime}-0{ }^{\prime \prime}$ |
| SECOND FLOOR CONDITIONED | 2,095 SQ.FT. ( $2619 * 80 \%$ ) | 1,881 SQ.FT. = 71.8\% OF FIRST FLOOR |
| ADDITIONAL CALCULATIONS: |  |  |
|  | REQUIRED | PROPOSED |
| MAX HEIGHT FROM CROW OF ROAD | 2-STORY / 30'0'0 | 2 STORY/ 29 '-7" |
| MIN. TOTAL PERVIOUS AREA | 2,401 SQ.FT. ( 6,860 * $35 \%$ ) | 2,754 SQ.FT. |
| MIN. FRONT YARD PERVIOUS AREA | 588 SQ.FT. ( 1176 * $50 \%$ ) | 737 SQ.fT. |
| MIN. ReAR Yard pervious area | 490 SQ.FT. ( $1224 * 40 \%$ ) | 632 SQ.fT. |
| MAXIMUM GARAGE WIDTH | 22'-6" ( 50\% TOTAL FAÇADE WIDTH) | $21^{\prime \prime-01}$ |
| floor area ratio | N/A | 4497/6860 $=65.5 \%$ |
| LANDSCAPE REQUIREMENTS - H30B: |  |  |
| STREET TREES | 1 TREE/20LF FRONTAGE | 8 PROVIDED / 2 SPECIES |
| LOT TREES | 5 TREES/4 SPECIES | 6 PROVIDED / 5 SPECIES |
| SHRUBS | 35 | 55 PROVIDED / 4 SPECIES |
| NOTE: A MINIMIMUM OF 40\% OF THE REQUIRED LANDSCAPE SHALL BE FLORIDA FRIENDLY |  |  |
| STREET TREES PER 90-89.4 |  |  |
| SEE SURVEY FOR INFO ON EXISTING RESIDENCE TO BE DEMOLISHED BY SEPARATE PERMIT SEE SURVEY FOR LOCATION OF UTILITIES |  |  |



|  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
|  |  |  |  |  |  |
| 容 |  |  |  |  |  |


$\frac{1 \text { ST FLOOR AREA BREAKDOWN }}{1 / 16^{\prime \prime}=11^{\prime}-0^{\prime \prime}}$

$\frac{\text { IST FLOOR LOT COVERAGE }}{1 / 16^{\prime \prime}=11^{\prime}-0^{\prime \prime}}$

$\frac{\text { 2ND FLOOR AREA }}{1 / 16^{\prime \prime}=1-0 "}$

$\frac{\text { TOTAL PERVIOUS / IMPERVIOUS AREAS }}{1 / 16^{\prime \prime}=1-00^{\prime \prime}}$

$\frac{\text { REAR YARD PERVIOUS / IMPERVIOUS AREAS }}{1 / 16^{\prime \prime}=11^{\prime}-0^{\prime \prime}}$


?

ISSUE FOR:
03.09.2022 ZONING BOARD
clent:
MIKHAIL DAMIANI
DANNIELLE DAMIANI
524 89TH STREET
SURFSIDE, FL 33154

NEW SINGLE-FAMILY
RESIDENCE
SEIONT


$\stackrel{N}{~}$









苟



ELEVATIONS
sheet number:




(C)XB Architecture 2022




|  |  |
| :---: | :---: |
|  |  |

SMヨI＾
$\exists \wedge I I \supset \exists d S \searrow \exists d$
$\stackrel{N}{<}$
$\longrightarrow$
VIEWS






SUBJECT PROPERTY 524 89th ST. CORNER


500 89TH STREET


424 89TH STREET


8859 CARLYLE


8867 CARLYLE


SUBJECT PROPERTY - 524 89TH. ST. FRONT

## Memorandum

| To: | Planning and Zoning Board |
| :--- | :--- |
| Thru: | Andrew Hyatt, Town Manager |
| For: | Walter Keller, PE, AICP, Town Consultant Planner |
|  | Marlin Engineering, Inc. |
| CC: | Jason Greene, Assistant Town Manager <br>  <br>  <br>  <br> Lillian Arango, Town Attorney <br> James McGuinness. Town Building Official <br> Date |
| RE: | $80092^{\text {nd }}$ Street - Front Yard Pool |

Background: This Applicant is requesting approval to construct a pool in the front yard. The corner lot is zoned H30B with a lot size of 6,160 square feet (SF) per the site plan.

The proposed pool is located in the northeast portion of the lot. The required pool setback for the front yard is 10 feet. The proposed setback indicates a minimum of 10 feet 9 inches to the waters edge. The required rear setback is 5 feet. The proposed setback is 5 feet 6 inches from the water's edge. The proposed pool is 288 SF .

A 4-foot picket fence is proposed enclosing the pool and part of the secondary frontage. The fence will be $50 \%$ opaque. There are no details if hedges will be planted or what type for screening. The pool equipment is located in the rear yard at the southeast portion of the property 9 feet from the rear property line.

Total lot pervious area is 2,835 SF or $46 \%$ where $35 \%$ is required. The front and rear yard pervious area was not provided.

Miami Dade County Property Appraiser photos are provided on the following pages. Note, differences in the landscaping.


Town of Surfside, Florida
Development Review


800 92 $^{\text {nd }}$ Street $-M D C P A$ Top View Photo

Town of Surfside, Florida Development Review

$80092^{\text {nd }}$ Street - MDCPA Google Street View Photo

Applicant Package: A single sheet site plan was submitted by the Applicant. A survey was not provided.

Staff Recommendation: The proposed improvements are generally consistent with the Town's Land Development Regulations and Zoning in Progress. Recommend approval subject to the following conditions:

- Provide the Town Planner a current signed and sealed survey and signed and sealed site plan drawing prior to the Planning and Zoning Board meeting.
- Provide a 5 foot setback from the rear property line to the outside edge of the pool coping.
- Provide a 10 foot setback from the front property line to the outside edge of the pool coping.
- Verify the front yard setback area complies with the $50 \%$ pervious/landscape requirements.
- Verify compliance with the Town's requirements for street trees.
- The 4 foot high fence and gate requires design approval by the Planning and Zoning Board.


| DRB Meeting | Application / Plans Due |
| :--- | :--- |
|  |  |

## TOWN OF SURFSIDE

## SINGLE-FAMILY and TWO-FAMILY SITE PLAN APPLICATION

A complete submittal includes all items on the "Single-Family and Two-Family Site Plan Application Submission Checklist" document as well as completing this application in full. The owner and agent must sign the application with the appropriate supplemental documentation attached. Please print legibly in ink or type on this application form.




SIGNATURE OF AGENT


TOWN OF SURFSIDE
SINGLE-FAMILY and TWO-FAMILY SITE PLAN APPLICATION PLANNING AND ZONING BOARD Rules and Procedures (June 2002)

The Planning and Zoning Board shall generally meet the last Thursday of each month at 7:00 pm. at Town Hall.

Plans and completed applications (including all supporting documentation) must be submitted to the Building Department at least 21 days prior to the meeting, with the payment of applicable fees (example: $\$ 200.00$ for Plan Review for Zoning), at which time they will be considered. Incomplete plans and applications will not be processed.

The applicant or duly authorized agent (per ownership affidavit) must be present at the meeting. If there are no applications for consideration by the Planning and Zoning Board, the monthly meeting may be cancelled at the discretion of the Chairman of the Board.



 , meman


 Hisin








 $4=4$ มั*






## Memorandum

| To: | Planning and Zoning Board |
| :--- | :--- |
| Thru: | Andrew Hyatt, Town Manager |
| From: | Walter Keller, PE, AICP, Town Consultant Planner <br> Marlin Engineering, Inc. |
| CC: | Jason Greene, Assistant Town Manager <br> Lillian Arango, Town Attorney <br>  <br>  <br> James McGuinness, Town Building Official <br> RE: |

Background: This application is a request to construct a raised wooden deck of 224 square feet which is attached to the rear portion of the single family residence. The deck will be raised 18 inches on eleven 4 $x 4$ pressure treated wood columns set in concrete footers. The deck will include 3 foot 6 inch cable railings all around and include a wood steps with similar cable railings to natural ground.

Attached drawings depict the proposed raised deck.

The proposed deck is consistent with the Town Zoning Code and Zoning in Progress.
Staff Recommendation: It is recommended the Application be approved subject to the following comment:

- Provide the Town Planner signed and sealed site plan drawings prior to the Planning and Zoning Board meeting.


TOWN OF SURFSIDE
SINGLE-FAMILY and TWO-FAMILY SITE PLAN APPLICATION
A complete submittal includes all items on the "Single-Family and Two-Family Site Plan Application Submission Checklist" document as well as completing this application in full. The owner and agent must sign the application with the appropriate supplemental documentation attached. Please print legibly in ink or type on this application form.
elgovernorehotmail.com
PROJECT INFORMATION
OWNERS NAME
PHONE / FAX


AGENTS NAME
ADDRESS


PHONE / FAX
PROPERTY ADDRESS 9472 Byron
ZONIG CATEGORY
DEECRIPIIN OF
PROPOSED WORK Wood deck
Is a Garcia $305-321-4330$
Isacedrgbuilders.com

( Binherly
SIGAATURE OF ©
PAGE 95

## TOWN OF SURFSIDE

SINGLE-FAMILY and TWO-FAMILY SITE PLAN APPLICATION PLANNING AND ZONING BOARD Rules and Procedures (June 2002)

The Planning and Zoning Board shall generally meet the last Thursday of each month at 7:00 pm. at Town Hall.

Plans and completed applications (including all supporting documentation) must be submitted to the Building Department at least 21 days prior to the meeting, with the payment of applicable fees (example: $\$ 200.00$ for Plan Review for Zoning), at which time they will be considered. Incomplete plans and applications will not be processed.

The applicant or duly authorized agent (per ownership affidavit) must be present at the meeting. If there are no applications for consideration by the Planning and Zoning Board, the monthly meeting may be cancelled at the discretion of the Chairman of the Board.




## PAGE 98



|  | 管 |  |  |  |
| :---: | :---: | :---: | :---: | :---: |
| $\underset{\square}{\square}$ |  | $\cdots$ | ？ |  |
| $0$ |  | \％ | \％ |  |
| $\geq$ | HLda 0 | $\stackrel{\text { ¢ }}{0}$ | $\stackrel{\square}{0}$ |  |
| $\stackrel{\square}{\bigcirc}$ | HLTNヨ | \％ | \％ |  |
| $\square$ | HLam | － | \％ | $\begin{aligned} & 0 \\ & \stackrel{y}{4} \\ & \vdots \\ & 0 \\ & 0 \\ & 0 \\ & 0 \end{aligned}$ |
|  | $\begin{array}{r} 3 d \lambda 1 \\ \text { Niloos } \end{array}$ | « | $\infty$ |  |
|  | уұ丈W | \％ |  |  |

DECK FOUNDATION PLAN
$\bar{\nabla}$





NUMBER OF FLOOR: 1
HEIGHT OF DECK: 18"
FROM GROUND

t-S/P NOLLDTS



## Memorandum

\(\left.$$
\begin{array}{ll}\text { To: } & \text { Planning and Zoning Board } \\
\text { Thru: } & \text { Andrew Hyatt, Town Manager } \\
\text { Thru: } & \text { Walter Keller, PE, AICP., Town Consultant Planner } \\
\text { CC: } & \begin{array}{l}\text { Marlin Engineering, Inc. }\end{array} \\
& \begin{array}{l}\text { Jason Greene, Assistant Town Manager } \\
\text { Lillian Arango, Town Attorney }\end{array}
$$ <br>

James McGuinness, Town Building Official\end{array}\right\}\)| March 21, 2022 |
| :--- |
| RE: |$\quad$| 9452 Harding Ave - Permanent Wall Sign -Barber Shop |
| :--- |

Background: This application is a request to install an illuminated channel letter sign with a sign area of 14 Sq ft . The parcel is located in the SD-B40 Zoning District. A Google Street View photo of the storefront is provided on the following page.

Governing Codes: The relevant requirements for lots in the SD-B40 District are:
Current Municode: Sec 90-73.a(3b(1-3) - Provides a wall sign of 1 square foot (SF) for each 1 foot of frontage. In the Business District for stores with less than 25 feet of frontage, a 25 SF sign is allowed. This store has 13 feet of frontage. The Code has further restrictions including requiring a $1 / 4$ inch to 2 -inch offset from the wall to allow rainwater to drain and limits illumination to white LEDs. All signage to be lit with white illumination from dusk to dawn.

Applicant Package: A package of drawings, renderings, material detail and survey were submitted by the Applicant.

Staff Recommendation: The Applicant's proposed wall sign is 14 SF . The illumination of the sign is white LED. It is recommended the Planning and Zoning Board give design approval of the exterior wall sign provided the raceway is offset the wall $1 / 4$ inch to 2 inches.

Town of Surfside, Florida
Development Review


9452 Harding Avenue Google Street View

| DRB Meeting |  |  |
| :--- | :--- | :--- |
| Application / Plans Due |  |  |

MULTI-FAMILY AND NON-RESIDENTIAL SITE-PLAN APPLICATION
A complete submittal includes all items on the "Multifamily and Non-Residential Site-Plan Application Submission Checklist" document as well as completing this application in full. The owner and agent must sign the application with the appropriate supplemental documentation attached. Please print legibly in ink or type on this application form.


| INTERNAL USE ONLY <br> Date Submitted <br> Report Completed <br> Fee Paid | $2 / 25 / 22$ | Project Number | P21-1785 |
| :--- | :--- | :--- | :--- |
|  |  |  |  |



## TOWN OF SURFSIDE

## MULTI-FAMILY AND NON-RESIDENTIAL SITE-PLAN APPLICATION

 PLANNING AND ZONING BOARD Rules and Procedures (June 2002)The Planning and Zoning Board shall generally meet the last Thursday of each month at 7:00 pm. at Town Hall.

Plans and completed applications (including all supporting documentation) must be submitted to the Building Department at least 21 days prior to the meeting, with the payment of applicable fees (example: $\$ 200.00$ for Plan Review for Zoning), at which time they will be considered. Incomplete plans and applications will not be processed.

The applicant or duly authorized agent (per ownership affidavit) must be present at the meeting. If there are no applications for consideration by the Planning and Zoning Board, the monthly meeting may be cancelled at the discretion of the Chairman of the Board.

Please advise the name of the Representative who will attend the hearing on behalf of this application:
$\frac{\text { Jose } 14 \text { sella }}{\text { e2fo2/2022 }}$

TOWN OF SURFSIDE
MULTI-FAMILY AND NON-RESIDENTIAL SITE-PLAN APPLICATION PLANNING AND ZONING BOARD Rules and Procedures (June 2002)

The Planning and Zoning Board shall generally meet the last Thursday of each month at 7:00 pm. at Town Hall.

Plans and completed applications (including all supporting documentation) must be submitted to the Building Department at least 21 days prior to the meeting, with the payment of applicable fees (example: $\$ 200.00$ for Plan Review for Zoning), at which time they will be considered. Incomplete plans and applications will not be processed.

The applicant or duly authorized agent (per ownership affidavit) must be present at the meeting. If there are no applications for consideration by the Planning and Zoning Board, the monthly meeting may be cancelled at the discretion of the Chaiman of the Board.




## Memorandum

| To: | Planning and Zoning Board |
| :--- | :--- |
| Thru: | Andrew Hyatt, Town Manager |
| From: | Walter Keller, PE, AICP., Town Consultant Planner <br> Marlin Engineering, Inc. |
| CC: | Jason Greene, Assistant Town Manager <br> Lillian Arango, Town Attorney |
|  | James McGuinness, Town Building Official |
| Date | March 21, 2022 |
| RE: | 9564 Harding Ave - Permanent Wall Sign -The Agency |

Background: This application is a request to install two (2) illuminated channel letter signs, located in the front and back of the building. The proposed sign area for both signs are 25 Sq ft . The parcel is located in the SD-B40 zoning district. A Google Street View photo of the storefront is provided on the following page.

Governing Codes: The relevant requirements for lots in the SD-B40 District are:
Current Municode: Sec 90-73.a(3b(1-3) - Provides a wall sign of 1 square foot (SF) for each 1 foot of frontage. In the Business District for stores with less than 25 feet of frontage, a 25 SF sign is allowed. This store has 25 feet of frontage. The maximum size of any one sign is 45 SF. The Code has further restrictions including requiring a $1 / 4$ inch to 2 -inch offset from the wall to allow rainwater to drain and limits illumination to white LEDs. All signage to be lit with white illumination from dusk to dawn.

Applicant Package: A package of drawings, renderings, materials detail and survey was submitted by the Applicant.

Staff Recommendation: The Applicant's proposed wall signs are each 25 SF. The illumination of the signs are white LED. It is recommended the Planning and Zoning Board give design approval of the exterior wall signs provided the sign panels are offset the wall $1 / 4$ inch to 2 inches.

Town of Surfside, Florida
Development Review


9564 Harding Avenue Google Street View


## TOWN OF SURFSIDE

## MULTI-FAMILY AND NON-RESIDENTIAL SITE-PLAN APPLICATION

A complete submittal includes all items on the "Multifamily and Non-Residential Site-Plan Application Submission Checklist" document as well as completing this application in full. The owner and agent must sign the application with the appropriate supplemental documentation attached. Please print legibly in ink or type on this application form.








Town of Surfside
Town Commission Meeting
DATE
7:00 pm
Town Hall Commission Chambers - 9293 Harding Avenue, $2^{\text {nd }}$ Floor
Surfside, FL 33154

## Date: $\quad$ Tuesday March 8 ${ }^{\text {th }}$, 2022 Commission Meeting

## Prepared by: Commissioner Eliana Salzhauer <br> Subject: Memo in Support of Ordinance Amending Scope of 24 Inch Setback Encroachment

Objective: Amend Zoning code to reflect the impact of the recent text amendment that removed the requirement of a wedding-cake design in the $\mathrm{H}-120$ district.

Consideration: Our recent joint meeting with the P\&Z Board revealed a design problem created by the text amendment removing the requirement of a wedding-cake design in the $\mathrm{H}-120$. Removing that requirement without revising Section 90-47 resulted in designs in which an ADDITIONAL 24 inches were allowed to encroach into the setbacks on top of the balconies already permitted. This error unintentionally created larger encroachments into the setback that were not intended by the code. This Ordinance revises Section 90-47 to specify that projections cannot be combined to encroach further into the setback. It specifies that only roof eves may project 24 inches, while other ornamental features cannot project more than 8 inches, and that these types or projections cannot be combined. This protects the light and air of the surrounding neighbors and reaffirms the sanctity of the setback requirements. This revised Ordinance reflects the direction given at the end of the Joint Commission \& Planning and Zoning Board meeting on Wed Feb 23, 2022.

Recommendation: Adopt this (1 ${ }^{\text {st }}$ Reading) Ordinance Amending Scope of 24 Inch Setback Encroachment

ORDINANCE NO. 21 - $\qquad$


#### Abstract

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-47. - "YARDS, GENERALLY ALLOWABLE PROJECTIONS", SPECIFICALLY SUB-SECTION 90-47.1 TO RESTRICT PROJECTIONS FOR CERTAIN ARCHITECTURAL ELEMENTS AND TO PROHIBIT COMBINING ALLOWED ENCROACHMENTS; 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 with 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 to maintain consistency with state law, to implement municipal goals and objectives, to clarify regulations and address specific issues and needs that may arise; and

WHEREAS, sub-section 90-47.1 provides for a maximum 24-inch encroachment into the setback for certain architectural features; and

WHEREAS, other sub-sections of Section 90-47 allow for other types of projections; and
WHEREAS, a potential ambiguity has been raised regarding whether the encroachment allowed by sub-section 90-47.1 can be combined with other encroachments, such as those allowed by the recently adopted ordinance which permits balcony encroachments; and

WHEREAS, the Town seeks to restrict the projections of certain ornamental features and clarify that encroachments permitted under the zoning code cannot be combined to extend further into the setback; and

WHEREAS, the Town Commission held its first public hearing on March __, 2022 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements in the Florida Statutes; and
${ }^{1}$ Additions to the text are shown in underline. Deletions are shown in strikethrough.
Page $\mathbf{1}$ of 4

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendment on $\qquad$ 2022 with due public notice and input; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on $\qquad$ , 2022 and further finds the proposed changes to the Code are necessary and in the best interest of the community.

## NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA ${ }^{\mathbf{1}}$ :

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

Section 2. Town Code Amended. Section 90-47. - "Yards, Generally Allowable Projections", of the Surfside Town Code of Ordinances is hereby amended, and repealed and replaced, with the following ${ }^{1}$ :

Sec. 90-47.1 Every part of a required yard shall be open to the sky, except for (1) ordinary projections of sills, cornices, roof eaves and ornamental features that may project not more than 8 inches and roof eaves that project not more than 24 inches into any required yard, and (2) any encroachment permitted in this section. Individual types of projections permitted in this section shall not be combined with another type of permitted projection to encroach further into the setback.

Section 3. 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 4. 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 5. Conflicts. Any and all ordinances and resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed.

Section 6. Effective Date. This ordinance shall become effective upon adoption on second reading.

[^2]PASSED and ADOPTED on first reading this $\qquad$ day of $\qquad$ 2022.

PASSED and ADOPTED on second reading this $\qquad$ day of $\qquad$ 2022.

On Final Reading Moved by: $\qquad$
On Final Reading Second by: $\qquad$

## First Reading:

Motion by: $\qquad$
Second by: $\qquad$

## Second Reading:

Motion by: $\qquad$
Second by: $\qquad$

## FINAL VOTE ON ADOPTION

Commissioner Charles Kesl
Commissioner Eliana R. Salzhauer $\qquad$
Commissioner Nelly Velasquez
Vice Mayor Tina Paul

Charles W. Burkett
Mayor

## ATTEST:

Sandra N. McCready, MMC
Town Clerk
APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:

[^3]Town Attorney


[^0]:    Sandra N. McCready, MMC Town Clerk

[^1]:    SCALE: $1 / 4^{\prime \prime}=11^{\prime}-0^{\prime \prime}$

[^2]:    ${ }^{1}$ Additions to the text are shown in underline. Deletions to the text are shown in strikethrough.

[^3]:    Weiss Serota Helfman Cole \& Bierman, P.L.

