

ORDINANCE NO. 11- 1568

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90.61 CURB CUTS OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to allow additional curb cuts for single family properties with larger lot widths; and

WHEREAS, the Town regulations regarding curb cuts are contained in both the Building Code and the Zoning Code and are not consistent with each other; and

WHEREAS, Town staff is recommending that curb cut regulations contained in Section 14-32 of the Building Code be moved into the Zoning Code and the Zoning code be amended to reflect the inclusion of the Building Code requirements and the provision for additional curb cuts on larger lots.

WHEREAS, the Planning and Zoning Board, as the Local Planning Agency for the Town, held its hearing on the proposed amendments to the district regulations on December 16, 2010 with due public notice and input; and

WHEREAS, the Town Commission held its first public reading on January 18, 2011 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on February 8, 2011 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

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

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

Sec. 14-32. Limitations on driveway connections (curb cuts).

(a) The following table governs and applies to all property fronting on Collins Avenue (AIA North), Harding Avenue (AIA South) and every East-West Street in between Collins Avenue and Harding Avenue:

PROJECT FRONTAGE
TABLE INSET:

Collins	Harding	East-West Street	Driveway Connections (Curb Cuts) Allowed and Direction
X	X	X	One Two-way on Harding Avenue and One Two-way on Collins Avenue or One Two-way on either Collins Avenue or Harding Avenue and one Two-way mid-block on East West Street or One one-way on Collins Avenue, one one-way on Harding Avenue and one two-way mid-block on East West Street
X	X	—	One two-way on either Collins Avenue or Harding Avenue or One one-way on Collins Avenue and one one-way on Harding Avenue
X	—	X	One two-way on Collins Avenue or One one-way on Collins Avenue and one one-way on East West Street
—	X	X	One two-way on Harding Avenue or one one-way on Harding Avenue and one one-way on East West Street
X	—	—	One two-way
—	X	—	One two-way

~~(b) One-way driveway connections (curb cuts) shall not exceed 12 feet in width. Two-way driveway connections (curb cuts) shall not exceed 24 feet in width.~~

~~(c) Except where expressly provided otherwise, driveway connections (curb cuts) on East-West Streets shall be as far away from intersections as practicable.~~

~~(d) If a property fronts on Collins Avenue, Harding Avenue and two East-West Streets, for purposes of the foregoing table, it shall be deemed to front on Collins Avenue, Harding Avenue and one East-West Street.~~

Sec. 90-61. Paving in front and rear yards in H30 and H40 districts.

Front setbacks in the H30A, H30B, H30C or H40 districts shall not be more than 50 percent paved over with any type of material that is not readily permeable by rainwater and groundwater. Pavers and pervious hard materials, including pervious concrete, shall not be utilized for the calculation of pervious area.

(1) Not less than 30 percent of the front yard shall be landscaped.

(2) Not less than 20 percent of the rear yard shall be landscaped.

(3) No front yard shall be accessible by vehicles from a public street by more than two curb cuts.

(4) No curb cut shall be located within five feet of a side lot line.

~~(5) Where there is a single curb cut for any one property, the curb cut shall not be more than 18 feet in width.~~

~~(6) Where there are two curb cuts for any one property, the curb cuts shall not be more than 12 feet in width, and there shall be at least 12 feet between curb cuts. Where a driveway is installed with two curb cuts, a landscaped island containing at least 60 square feet shall be provided between the curb cuts in the front yard area, extending from the front property line to the paved area.~~

(5) On corner lots where vehicular access and off-street parking are provided in a side secondary frontage yard, these same regulations shall apply also to the side secondary frontage yard. Such side secondary frontage yards shall not be more than 50 percent paved over with any type of material that is not readily permeable by rainwater and groundwater and not less than 30 percent of the side secondary frontage yard shall be landscaped.

(6) Driveway materials are limited to the following:

a. Pavers.

b. Color and texture treated concrete, including stamped concrete as long as it is permeable.

c. Painted concrete shall not be permitted.

d. Asphalt shall not be permitted.

(7) The width of the curb cut shall be measured from the terminus of the driveway entry, not including the taper.

90.61.1 Curb Cuts for properties located in the H30A District, H30B District, and H30C District west of Harding Avenue.

(a) No curb cut shall be located within five feet of a side or rear lot line. For corner lots, no curb cut shall be located within 25 feet of the intersection of the front and secondary frontage lot lines.

(b) Where a driveway is installed with two curb cuts, a landscaped island containing at least 60 square feet shall be provided between the curb cuts in the front yard area, extending from the front property line to the paved area.

(c) The maximum number and location of curb cuts that may be provided for a property shall be determined in accordance with the following table.

	<u>Maximum Driveway Connections (Curb Cuts) Allowed and Location</u>
<u>Front Lot Line Width is less than 100 feet</u>	<u>1. One curb cut, not more than 18 feet in width; Or</u> <u>2. Two curb cuts, each curb cut shall not be more than 12 feet in width, and there shall be at least 12 feet between curb cuts</u>
<u>Front Lot Line Width is 100 feet or greater</u>	<u>1. One curb cut, not more than 24 feet in width; Or</u> <u>2. Two curb cuts, each curb cut shall not be more than 18 feet in width, and there shall be at least 12 feet between curb cuts; Or</u> <u>3. Three curb cuts, each curb cut shall not be more than 12 feet in width, and there shall be at least 12 feet between curb cuts</u>

90.61.2 Curb Cuts for properties fronting on Collins Avenue, Harding Avenue and every East-West Street in between Collins Avenue and Harding Avenue, excluding H30B District properties.

(a) No curb cut shall be located within five feet of a side or rear lot line. For corner lots, no curb cut shall be located within 25 feet of the intersection of the front and secondary frontage lot lines.

(b) One-way driveway connections (curb cuts) shall not exceed 12 feet in width. Two-way driveway connections (curb cuts) shall not exceed 24 feet in width.

(c) Except where expressly provided otherwise, driveway connections (curb cuts) on East-West Streets shall be as far away from intersections as practicable.

(d) If a property fronts on Collins Avenue, Harding Avenue and two East-West Streets, for purposes of the foregoing table, it shall be deemed to front on Collins Avenue, Harding Avenue and one East-West Street.

(e) The maximum number and location of curb cuts that may be provided for a property shall be determined in accordance with the following table. All curb cuts on Harding Avenue and Collins Avenue are subject to review and approval by the Florida Department of Transportation.

<u>Roadway frontage</u>			<u>Maximum Driveway Connections (Curb Cuts) Allowed and Location</u>
<u>Collins Ave</u>	<u>Harding Avenue</u>	<u>East-West Street</u>	
<u>X</u>	<u>X</u>	<u>X</u>	1. <u>One two-way on Harding Avenue and One two-way on Collins Avenue; Or</u> 2. <u>One two-way on either Collins Avenue or Harding Avenue and one two-way mid-block on East-West Street; Or</u> 3. <u>One one-way on Collins Avenue, one one-way on Harding Avenue and one two-way mid-block on East-West Street</u>
<u>X</u>	<u>X</u>		1. <u>One two-way on either Collins Avenue or Harding Avenue; Or</u> 2. <u>One one-way on Collins Avenue and one one-way on Harding Avenue</u>
<u>X</u>		<u>X</u>	1. <u>One two-way on Collins Avenue; Or</u> 2. <u>One one-way on Collins Avenue and one one-way on East-West Street</u>
	<u>X</u>	<u>X</u>	1. <u>One two-way on Harding Avenue; Or</u> 2. <u>One one-way on Harding Avenue and one one-way on East-West Street</u>
<u>X</u>			<u>One two-way on Collins Avenue</u>
	<u>X</u>		<u>One two-way on Harding Avenue</u>

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


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

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

Section 6. Effective Date. This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this 18 day of Jan., 2011.

PASSED and ADOPTED on second reading this 8 day of February 2011.



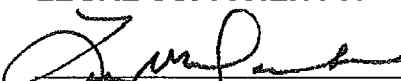
Daniel Dietch, Mayor

Attest:



Debra E. Eastman, M.M.C., Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Lynn M. Dannheisser, Town Attorney

Moved by: Commissioner Kaplan

On Second Reading Seconded by: Commissioner Karukin

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Vote:

Mayor Dietch	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Vice Mayor Graubart	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Commissioner Karukin	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Commissioner Kopelman	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Commissioner Olchyk	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>

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