

ORDINANCE NO. 12- 1584

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 14 "BUILDINGS AND BUILDING REGULATIONS" AND SPECIFICALLY AMENDING SECTION 14-52 "COMMERCIAL STANDARDS ESTABLISHED"; AND CHAPTER 90 "ZONING" AND SPECIFICALLY AMENDING SECTION 90-47 "YARDS GENERALLY, ALLOWABLE PROJECTIONS"; SECTION 90-49 "AWNINGS AND CANOPIES"; AND SECTION 90.99 "APPENDIX-EXHIBIT A, DESIGN GUIDELINES FOR SINGLE FAMILY RESIDENTIAL PROPERTIES, MULTIFAMILY AND COMMERCIAL PROPERTIES."; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Downtown Vision Advisory Committee (DVAC) has proposed these additional requirements for awnings in an attempt to improve the appearance of the business district and these additional requirements are intended to assist the Design Review Board as it evaluates new awnings in the business district; and

WHEREAS, the Commission has attempted to create regulations to address the specific needs of the this unique community and continues to amend these regulations as they may best suit the needs of the community; for the health, safety and welfare of the Town; and

WHEREAS, the Town Commission held its first public hearing on December 13, 2011 having complied with the notice requirements required by Florida Statutes; and

WHEREAS, The Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on December 22, 2011 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on January 10, 2012 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. 14-52. - Commercial standards established.

(a)The exterior appearance of all commercial property shall be maintained so as to prevent deterioration or blight.

(4)All awnings shall be without tears or holes and be free of dirt, discoloration, fading or cracking. ~~Any lettering or painted surface on awnings shall conform to subsection (a)(2) of this section.~~ All hardware, supports and poles shall be straight, free of rust, and in good condition.

Section 90-47 Yards generally, allowable projections.

90-47.2 Moveable awnings may be placed over doors or windows and may project not more than three feet into any required yard, except as provided in Section 90-49.2(a) 8.

Sec. 90-49.2 Awnings and canopies

The following Design Criteria are applicable to all multi-dwelling and non-residential properties. All new and replacement awnings and canopies shall meet these requirements.

- ~~a. Awnings and canopies shall have consistent height and depth.~~
- ~~b. Awnings and canopies shall remain consistent with architectural details and proportions harmonious with the overall building design and historic context.~~
- ~~c. Awnings and canopies shall be consistent on multiple storefronts within a larger building.~~
- ~~d. Awnings shall be fabric or metal. Plastic awnings are prohibited.~~
- ~~e. Awnings shall be solid colors rather than patterned.~~
- ~~f. Awnings shall utilize down lighting. Backlighting shall be prohibited.~~

- ~~g. Awning valances shall be straight rather than curved, except for special architectural elements to be compatible with historic building styles.~~
- ~~h. Awnings shall be attached to the building façades and shall not be supported by vertical elements within the right-of-way.~~

a. Location/Placement

1. Awnings and canopies shall have consistent height and depth subject to the size of the wall opening which the awning or canopy is affixed.
2. Awnings and canopies shall remain consistent with architectural details and proportions harmonious with the overall building design and historic context.
3. Awnings and canopies shall be consistent on multiple storefronts within a larger building.
4. After 25 feet in length, an awning or canopy shall have either a break of a minimum of six inches or articulation of the awning or canopy.
5. Awnings shall be attached to the building façades and shall not be supported by vertical elements within the right-of-way.
6. Awnings shall have a pedestrian scale and be placed so as to provide weather protection.
7. Awnings shall be an enhancement to the building façade and shall be proportional with and complimentary to nearby buildings and awnings.
8. Awnings shall be mounted in locations that respect the design of the building and do not obscure ornamental features over storefronts (i.e. rooflines, arches, materials, banding).
9. Awnings shall project a minimum of three (3) feet and a maximum six (6) feet over the sidewalk, not to exceed the width of the sidewalk.

b. Appearance

1. Awnings shall be fabric or metal. Plastic and vinyl awnings are prohibited, except for First Grade vinyl awnings, subject to approval by the Design Review Board.
2. Awnings shall be solid colors rather than patterned.
3. If an awning valance is proposed, it shall be straight rather than curved, except for special architectural elements to be compatible with historic building styles.
4. Awning colors shall enhance and complement the building and adjacent awnings, rather than overwhelm the building scheme. Colors shall not call more attention to the awning than the building.
5. Lighting associated with awnings and canopies shall be prohibited, except lighting approved by the Design Review Board which is attached underneath the awning and intended to provide pedestrian lighting.
6. Signage, graphics and lettering shall be prohibited on canopies and awnings

c. Construction and Maintenance

1. Awnings shall be mold and UV-resistant.
2. The awning frame structure shall be finished to match the metal storefront system color or the awning fabric color. The structure shall also be compatible with the window system of the building in terms of placement and materials.
3. Awnings shall have between a 30 and 50 degree angle, taking into consideration the height of the storefront and wind load requirements.

4. Awnings shall not be torn, frayed, ripped, faded, or stained, soiled or dirty. When not specifically addressed by this ordinance, provisions of the Town's Property Maintenance Code shall apply.
5. Maintenance, repair, replacement, and/or removal. All awnings and canopies shall be maintained and kept in good order and repair. Awnings and canopies which are found, upon inspection, to be in disrepair shall be subject to removal and/or replacement in accordance with the commercial standards established in Section 14-52 of the Code of Ordinances.

d. Enforcement

1. Code Enforcement and/or the Building Department shall be responsible for the enforcement of these provisions. Any person or entity violating these provisions shall be subject to a \$250/day fine and punishable as provided in Section 1-8 and all other applicable sections of the Code of the Town of Surfside

Sec. 90-99 APPENDIX

EXHIBIT "A" Design Guidelines for Single Family Residential Properties, Multifamily, and Commercial Properties.

~~TOWN OF SURFSIDE DESIGN GUIDELINES PERTAINING TO AWNINGS~~

~~E. AWNINGS, CANOPIES, "EYEBROWS" AND BALCONIES:~~

1. ~~Balconies shall not extend into the frontage setbacks and shall not be less than five feet (5') in depth.~~
2. ~~Awnings and canopies shall be incorporated to provide pedestrian protection from the elements as well as reduce overall building heat gain. Encroachments by awnings and nonpermanent canopies over the public sidewalk are permitted, but shall not be greater than 6' or the width of the sidewalk, whichever is less.~~
3. ~~Awnings, canopies, "eyebrows" and balconies shall have consistent height and depth;~~
4. ~~Awnings, canopies, "eyebrows" and balconies shall remain consistent with architectural details and proportions harmonious with the overall building design and historic context;~~
5. ~~Awnings, canopies, "eyebrows" and balconies shall be consistent on multiple storefronts within a larger building.~~
6. ~~Awnings shall be fabric or metal. Plastic or vinyl awnings are discouraged prohibited.~~
7. ~~To reduce visual clutter, awnings shall be solid colors rather than patterned.~~
8. ~~Awnings shall utilize down lighting. Backlighting is prohibited.~~
9. ~~Awning valances shall generally be straight rather than curved, except for special architectural elements to be compatible with historic building styles.~~
10. ~~Awnings shall be attached to the building facades and shall not be supported by vertical elements within the R.O.W.~~
11. ~~All new and replacement awnings shall meet these requirements.~~

~~K. COMMERCIAL USES DESIGN CRITERIA:~~

~~1. Frontages along Harding Avenue are encouraged to provide a minimum six foot (6') wide continuous non-removable awning.~~

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.

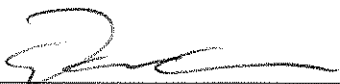
Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

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.

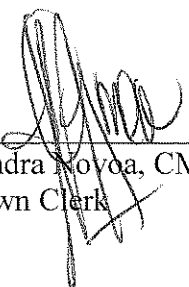
PASSED and ADOPTED on first reading this 13 day of December, 2011.

PASSED and ADOPTED on second reading this 17 day of January, 2011.



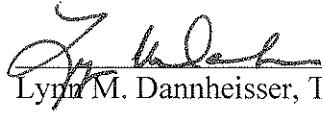
Daniel Dietch, Mayor

Attest:



Sandra Novoa, CMC
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: Vice Mayor Graubart

On Second Reading Seconded by: Commissioner Olchyk

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	Absent	no	<input type="checkbox"/>
Commissioner Olchyk	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>