

**ORDINANCE NO. 2012- 381**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AMENDING SECTIONS 265-34, 265-35, 265-36 AND 265-38 OF THE ZONING CODE TO CORRECT A SCRIVENER ERROR; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, it has been determined that the bonus system needs to be amended to correct a scrivener's error regarding the calculation of price of participation units; and

**WHEREAS**, the City Commission wishes to amend the bonus system to correct the scrivener's error.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AS FOLLOWS:**

Section 1.      Amendment to Section 265-34.

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D.      Site development standards.

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(8)      Allowable increases in floor area ration. The floor area ratio for developments that provide certain features shall be increased to a floor area ratio not to exceed 2.5 in conformance with the following provisions and limitations:

- (a)      **Public streetscape bonus.** The floor area ratio shall be increased for developments that participate in the City's Streetscape Trust Fund as established and administered by the City of Sunny Isles Beach for the purposes of implementing capital improvements, public streetscape improvements and pedestrian system design and safety enhancements for public streets, including local, collector, secondary and primary arterial roadways, and public shorelines in the City, which are policy objectives of the adopted City of Sunny Isles Beach Comprehensive Plan. A bonus of 0.05 increase in F.A.R. shall be granted for each participation unit contributed to the capital improvement fund for roadway enhancements, up to a maximum additional 0.50 F.A.R. bonus. Additional bonus floor area ratio up to 2.5 may be allowed for properties without water frontage. A participation unit, for the purpose of the public streetscape enhancement bonus, shall be equal to \$72,000 and may be adjusted from time to time by the City Commission pursuant to a recommendation by the City Manager. The cost of a participation unit shall be determined by the amount of participation units purchased at the unit price multiplied by the total number of acres contained in the subject parcel. Additionally, the City Manager and/or his designee shall review the bonus participation unit price set forth herein every two years.

Section 2. Amendment to Section 265-35.

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(9) Floor area ratio.

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(c) Floor area ratio bonuses. The maximum floor area ratio permitted may be increased only in accordance with the following provisions and limitations and in conformance with the allowable limits set under the adopted Sunny Isles Beach Comprehensive Master Plan.

[1] Beach access bonus. Subsection D(9)(c)[1][a], Access easement, set forth herein below, as specifically defined in § 265-35D(8) hereinabove, must be attained to qualify for any additional floor area ratio bonuses as provided in this section.

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[b] Beach access trust fund contribution. Unless waived by the City Commission per Subsection D (9)(c)[1][a] herein above and provided that the beach access easement has been proffered as set forth in Subsection D (9)(c)[1][a], an additional increase in F.A.R. of 0.05 shall be granted for each participation unit contributed to a beach trust fund established and administered by the City of Sunny Isles Beach up to a maximum additional 0.20 F.A.R. bonus. A system of pedestrian walkways and shuttle bus facilities to provide oceanfront open space is a public policy objective of the adopted City of Sunny Isles Comprehensive Plan. A participation unit, for the purpose of beach access enhancement bonus, shall be equal to \$72,000 and may be adjusted from time to time by the City Commission pursuant to a recommendation by the City Manager. The cost of a participation unit shall be determined by the amount of participation units purchased at the unit price multiplied by the total number of acres contained in the subject parcel. Additionally, the City Manager and/or his designee shall review the bonus participation unit price set forth herein every two years. If City Commission waives the provision of an access easement for safety reasons as provided in Subsection D(9)(c)[1][a] above, the total beach access bonus achieved through trust fund contributions shall not exceed 0.30.

Public beach recreations enhancement bonus. The floor area ratio shall be increased for developments that participate in the City's Beach Recreational Enhancements Trust Fund as established and administered by the City for the purposes of implementing oceanfront capital improvements. A bonus of 0.05 increase in the F.A.R. shall be granted for each participation unit contributed to the capital improvement fund

designated for beach enhancements up to a maximum additional 0.50 F.A.R. bonus. A participation unit, for the purpose of the beach recreational enhancement bonus, shall be equal to \$72,000 and may be adjusted from time to time by the City Commission pursuant to a recommendation by the City Manager. The cost of a participation unit shall be determined by the amount of participation units purchased at the unit price multiplied by the total number of acres contained in the subject parcel. Additionally, the City Manager and/or his designee shall review the bonus participation unit price set forth herein every two years.

- [3] Collins Avenue public streetscape enhancements bonus. The floor area ratio shall be increased for developments that participate in the City's Collins Avenue Streetscape Enhancements Trust Fund as established and administered by the City for the purposes of implementing capital improvements. Public streetscape improvements and pedestrian system design and safety enhancements for Collins Avenue are policy objectives of the adopted City of Sunny Isles Beach Comprehensive Plan. A bonus of 0.05 increase in the F.A.R. shall be granted for each participation unit contributed to the capital improvement fund designated for beach enhancements up to a maximum additional 0.30 F.A.R. bonus. A participation unit, for the purpose of the Collins Avenue streetscape enhancement bonus, shall be equal to \$72,000 and may be adjusted from time to time by the City Commission pursuant to a recommendation by the City Manager. The cost of a participation unit shall be determined by the amount of participation units purchased at the unit price multiplied by the total number of acres contained in the subject parcel. Additionally, the City Manager and/or his designee shall review the bonus participation unit price set forth herein every two years.
- [4] Sunny Isles Beach public parking bonus. The floor area ratio shall be increased for developments that participate in the City's Beach Public Parking Trust Fund as established and administered by the City for the purposes of implementing capital improvements for public parking. Public parking resources, in particular, west of Collins Avenue, as a component of infrastructure improvements to facilitate public access to the oceanfront, is a policy objective of the adopted City of Sunny Isles Beach Comprehensive Plan. A bonus of 0.05 increase in the F.A.R. shall be granted for each participation unit contributed to the capital improvement fund designated for beach enhancements up to a maximum additional 0.20 F.A.R. bonus. A participation unit, for the purpose of the public parking trust fund bonus, shall be equal to \$72,000 and may be adjusted from time to time by the City Commission pursuant to a recommendation by the City Manager. The cost of a participation unit shall be determined by the amount of participation units purchased at the unit price multiplied by the total number of acres contained in the subject parcel. Additionally, the

City Manager and/or his designee shall review the bonus participation unit price set forth herein every two years.

Section 3. Amendment to Section 265-36.

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E. Site development standards.

- (1) Floor area ratio. Except as provided herein below, the maximum floor area ratio shall be 2.0 for all uses. The floor area ratio may be increased only in accordance with the following bonus provisions and limitations and in accordance with the adopted Sunny Isles Beach Comprehensive Plan.

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(b) Sunny Isles Beach public parking bonus. The floor area ratios shall be increased for developments that participate in the City's Beach Public Parking Trust Fund, as established and administered by the City for the purposes of implementing capital improvements for public parking. Public parking resources, in particular west of Collins Avenue, as a component of infrastructure improvements to facilitate public access to the oceanfront, are a policy objective of the adopted City of Sunny Isles Beach Comprehensive Plan. A bonus of 0.05 increase in the F.A.R. shall be granted for each participation unit contributed to the capital improvement fund designated for beach enhancements up to a maximum additional 0.25 F.A.R. bonus. A participation unit, for the purpose of the public parking trust fund bonus, shall be equal to \$72,000 and may be adjusted from time to time by the City Commission pursuant to a recommendation by the City Manager. The cost of a participation unit shall be determined by the amount of participation units purchased at the unit price multiplied by the total number of acres contained in the subject parcel. Additionally, the City Manager and/or his designee shall review the bonus participation unit price set forth herein every two years.

(c) Collins Avenue/Sunny Isles Boulevard public streetscape enhancement bonus. The floor area ratio shall be increased for developments that participate in the City's Public Streetscape Enhancement Trust Fund, as established and administered by the City for the purposes of implementing capital improvements. A bonus of 0.05 increase in the F.A.R. shall be granted for each participation unit contributed to the capital improvement trust fund designated for beach enhancements, up to a maximum additional 0.30 F.A.R. bonus. A participation unit, for the purpose of the streetscape enhancement bonus, shall be equal to \$72,000 and may be adjusted from time to time by the City Commission pursuant to a recommendation by the City Manager. The cost of a participation unit shall be determined by the amount of participation units purchased at the unit price multiplied by the total

number of acres contained in the subject parcel. Additionally, the City Manager and/or his designee shall review the bonus participation unit price set forth herein every two years.

Section 4. Amendment to Section 265-38.

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E. Site development standards.

- (1) Floor area ratio. Except as provided herein below, the maximum floor area ratio (FAR) shall be 2.0 for all uses. The FAR may be increased only in accordance with the following bonus provisions and limitations and in accordance with the adopted Sunny Isles Beach Comprehensive Plan.
  - (a) Enclosed parking bonus. The FAR shall be increased by 0.40 for developments that provide 75% or more of the required on-site parking in enclosed structures fully screening vehicles from exterior views.
  - (b) Sunny Isles Beach public parking bonus. The floor area ratio shall be increased for developments that participate in the City's Beach Public Parking Trust Fund, as established and administered by the City for the purposes of implementing capital improvements for public parking. Public parking resources, in particular west of Collins Avenue, as a component of infrastructure improvements to facilitate public access to the oceanfront, is a policy objective of the adopted City of Sunny Isles Beach Comprehensive Plan. A bonus of 0.05 increase in the FAR shall be granted for each "participation unit" contributed to the capital improvement fund designated for beach enhancements up to a maximum additional 0.25 FAR bonus. A "participation unit," for the purpose of the public parking trust fund bonus, shall be equal to ~~\$35,000.00~~ \$72,000.00 and may be adjusted from time to time by the City Commission pursuant to a recommendation by the City Manager. The cost of a participation unit shall be determined by the amount of participation units purchased at the unit price multiplied by the total number of acres contained in the subject parcel. Additionally, the City Manager and/or his designee shall review the bonus participation unit price set forth herein every two years.
  - (c) Collins Avenue/Sunny Isles Boulevard public streetscape enhancement bonus. The FAR shall be increased for developments that participate in the City's Public Streetscape Enhancement Trust Fund, as established and administered by the City for the purposes of implementing capital improvements. A bonus of 0.05 increase in the FAR shall be granted for each "participation unit" contributed to the capital improvements trust fund designated for beach enhancements up to a maximum additional 0.30 FAR bonus. A "participation unit," for the purpose of the streetscape enhancement bonus, shall be equal to

~~\$35,000.00~~ \$72,000.00 and may be adjusted from time to time by the City Commission pursuant to a recommendation by the City Manager. The cost of a participation unit shall be determined by the amount of participation units purchased at the unit price multiplied by the total number of acres contained in the subject parcel. Additionally, the City Manager and/or his designee shall review the bonus participation unit price set forth herein every two years.

- (d) Site assembly bonus. For parcels over 20,000 square feet in area, the FAR shall be increased by 0.05 for each additional 10,000 square feet of lot area up to a maximum additional 0.50 FAR bonus.

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Section 5. Repealer. All ordinances, or parts of ordinances in conflict herewith be, and the same, are hereby repealed

Section 6. 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 7. Effective Date. This Ordinance shall be applied retroactively, and will become effective ten (10) days after adoption at second reading.

**PASSED** and **ADOPTED** on first reading the 19<sup>th</sup> day of January 2012.

**PASSED** and **ADOPTED** on second reading this 16<sup>th</sup> day of February 2012.

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Norman S. Edelcup, Mayor

**ATTEST:**

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Jane A. Hines, City Clerk

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

\_\_\_\_\_  
Hans Ottinot, City Attorney

Moved by: \_\_\_\_\_

Second by: \_\_\_\_\_

**VOTE:**

Mayor Edelcup	(yes) _____	(no) _____
Vice Mayor Thaler	(yes) _____	(no) _____
Commissioner Aelion	(yes) _____	(no) _____
Commissioner Gatto	(yes) _____	(no) _____
Commissioner Scholl	(yes) _____	(no) _____