

**ORDINANCE 2015- 469**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AMENDING SECTION 265-37 OF THE LAND DEVELOPMENT REGULATIONS TO MODIFY FRONT AND SIDE YARD SETBACK REQUIREMENTS FOR PROPERTIES LOCATED ON THE NORTH SIDE OF SUNNY ISLES BOULEVARD TO PROMOTE A PEDESTRIAN FRIENDLY ENVIRONMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the purpose of this Ordinance is to promote the public health, safety and welfare of the residents of the City of Sunny Isles Beach by promoting pedestrian friendly development on the north corridor of Sunny Isles Boulevard; and

**WHEREAS**, the City Commission recently held a workshop to discuss certain code revisions to promote a pedestrian friendly environment on the north side of Sunny Isles Boulevard; and

**WHEREAS**, the City Commission, acting as the Local Planning Agency, pursuant to Section 57-2 of the City Code, reviews, and made recommendations regarding the proposed amendment to the City Land Development Regulations; and

**WHEREAS**, the City Commission wishes to amend Section 265-37 of the Land Development Regulations to promote a pedestrian friendly environment on the north side of Sunny Isles Boulevard.

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

Section 1.     Incorporation of Recitals. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part by this Ordinance upon adoption hereof.

Section 2.     Amendment. Section 256-37, “Zoning”, of the City Code is amended to read as follows:

§ 265-37. - Town Center Zoning District.

- A. Purpose. The purpose of the Town Center District (TCD) is to provide for the use and development of properties within the area designated in the Sunny Isles Beach Comprehensive Plan as the Town Center in a manner consistent with the Community Vision Statement and the policies and objectives of the Future Land Use Element of the Comprehensive Plan. The intent is to foster land assemblage into development sites of

greater than three acres in size to promote integrated mixed-use development; improved site and architectural design that promotes safe and active pedestrian environments; interrelated and compatible land uses that encourage regionally oriented business and activities serving the City of Sunny Isles Beach, tourist populations and surrounding communities; and the restriction of those uses and development patterns that are in conflict with these policies and objectives.

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- (4) Building parameters. The controlling factor is the Street Frontage Plan, which establishes 11 street frontage types and a number of designated open spaces and corridors. The controlling street type criteria shall extend 100 feet from the property line. In those cases where there is more than 200 feet within property lines, the higher order street typology shall prevail.

- (a) The Street Frontage Plan establishes a hierarchy of street types existing and future locations which shall be provided and shown in all future development. The 11 street types are named by their character and each promotes, in varying degrees, pedestrian and sidewalk culture. Refer to Diagrams 1 through 21.

[1] Sunny Isles Beach Boulevard South Edge: the south side of the eastbound lanes of Sunny Isles Beach Boulevard.

— Sunny Isles Beach Boulevard North Edge: the north side of the westbound lanes of Sunny Isles Beach Boulevard.

~~[2]~~[3] Collins Core Edge: the east side of Collins Avenue within the Town Center boundaries ~~and the north side of the westbound lanes of Sunny Isles Beach Boulevard.~~

[4] Esplanade: characterized by four traffic lanes, each 12 feet wide and two parking lanes, each 11 feet wide.

[5] Plaza: characterized by two traffic lanes, each 12 feet wide and two parking lanes, each 11 feet wide and opposite a plaza area.

[6] Main Street: characterized by four traffic lanes, each 11 feet wide and two parking lanes, each 11 feet wide.

[7] Neighborhood Street: characterized by two traffic lanes, each 12 feet wide and two parking lanes, each 11 feet wide.

[8] Neighborhood Park Street: characterized by two traffic lanes, each 12 feet wide and two parking lanes, each 11 feet wide.

[9] Side Street: characterized by two traffic lanes, each 11 feet wide and two parking lanes, each 11 feet wide.

[10] Alley Street: characterized by two traffic lanes, each 15 feet wide with no on-street parking.

[11] Paseo: characterized by one pedestrian walkway 12 feet wide with no vehicular traffic.

- [12] Bayfront: characterized by one pedestrian walkway five feet wide with no vehicular traffic.
- (b) Refer to Summary Charts B, C and D for specific requirements.
- (c) The exterior expression (facade) of heights shall comply with the following:
- [1] The exterior expression of the height of the first floor shall not be less than 14 feet six inches nor shall it exceed 25 feet.
- The exterior expression of the height of each floor above the ground level shall not be less than eight feet and shall not exceed 14 feet.
- (5) Lot coverage. The maximum lot coverage permitted for all buildings, including parking on the site, shall be 80% except for properties along the Sunny Isles Beach Boulevard South Edge where the maximum lot coverage shall be 90%.
- (6) Minimum setbacks.
- (a) The minimum setbacks shall be based on street type as follows:
- [1] Sunny Isles Beach Boulevard South Edge:
- [a] Front: 15 feet.
- [b] Side/rear: zero feet.
- Sunny Isles Beach Boulevard North Edge:
- [a] Front: 30 feet.
- [b] Side/rear: 10 feet.
- ~~[2]~~[3] Collins Core Edge:
- [a] Front: 25 feet.
- [b] Side/rear: 10 feet.
- [4] Esplanade:
- [a] Front: 10 feet.
- [b] Side/rear: 10 feet.
- [5] Plaza:
- [a] Front: eight feet.
- [b] Side/rear: 10 feet.
- [6] Main Street:
- [a] Front: 10 feet.
- [b] Side/rear: 10 feet.
- [7] Neighborhood Street:
- [a] Front: 15 feet.
- [b] Side/rear: 10 feet.

[8] Neighborhood Park Street:

[a] Front: 15 feet.

[b] Side/rear: 10 feet.

[9] Side Street:

[a] Front: 10 feet.

[b] Side/rear: 10 feet.

[10] Alley Street:

[a] Front: eight feet.

[b] Side/rear: 10 feet.

[11] Paseo:

[a] Front: five feet.

[b] Side/rear: 10 feet.

[12] Bayfront:

[a] Front: five feet.

[b] Side/rear: 10 feet.

(b) Refer to Summary Charts A and C for specific requirements, as revised.

(c) Notwithstanding any other provisions in this Chapter, properties along the north side of Sunny Isles Boulevard shall not violate any setback requirements discussed above where such properties are used by the City for an easement for an elevated pedestrian bridge.

(7) Minimum lot size: 10,000 square feet.

(8) Minimum lot width: 100 feet. Refer to Summary Chart E for specific requirements.

(9) Maximum height:

(a) The maximum height shall be based on street type as follows:

[1] Sunny Isles Beach Boulevard South Edge: 190 feet. Maximum height may be increased by ten feet, provided that the width of the building is decreased by two feet for every one foot of additional height up to a maximum height of 200 feet. Building heights may be transferred among two or more buildings approved under a single unified site plan to allow height up to a maximum of 290 feet, provided that the average building height of all buildings does not exceed 200 feet, that the height of any building adjacent to Collins Avenue shall not exceed 140 feet, that allowable floor area ratio and density under this section is not exceeded, and that the Commission finds that the resulting site plan is aesthetically compatible with properties within the Town Center Zoning District. The buildings may be approved in phases.

— Sunny Isles Beach Boulevard North Edge: 65 feet (4-6 stories) for the first 50 feet setback from property line, then 170 feet (15 stories).

~~[2]~~[3] Collins Core Edge: 50 feet (four stories) for the first 130 feet setback from property line, 100 feet (eight stories) for next 100 feet, then 170 feet (15 stories).

[4] Esplanade: 160 feet.

[5] Plaza: 160 feet.

[6] Main Street: 140 feet.

[7] Neighborhood Street: 100 feet.

[8] Neighborhood Park: 120 feet.

[9] Side Street: 75 feet.

[10] Alley Street: 75 feet.

[11] Paseo: 75 feet.

[12] Bayfront: 190 feet.

(b) Refer to Summary Charts B and D for specific requirements, as revised.

(10) Landscaped open space.

(a) A minimum of ~~ten~~ 10% of the lot area shall be landscaped and improved with ground-level pedestrian walkways, courtyards, street furniture, lighting and landscape planting in the case of 90% lot coverage, and a minimum of 20% of the lot area shall be landscaped and improved with ground-level pedestrian walkways, courtyards, street furniture, lighting and landscape planting in the case of 80% lot coverage.

(b) All properties abutting Collins Avenue shall provide a ten-foot easement within the required front setback. The easement shall be dedicated to the City for the implementation of the Collins Avenue Streetscape Plan. The City shall use the easement to increase the pedestrian walk paths, landscaping purposes, placement of utility wires and any other municipal purposes.

(11) Tower separation and tower width. In order to preserve view corridors the following standards shall apply:

(a) Building separation on separate parcels abutting Collins Avenue. When there are two towers located on different property, a minimum separation of 50 feet shall be maintained between pedestals (50 feet or less in height) and a minimum separation of 100 feet shall be maintained between towers (above 50 feet in height).

(b) When there are two or more towers on the same property, the building separation shall be a minimum of 50 feet between towers.

(c) The maximum tower width shall be 200 feet.

G. Architectural design minimum standards.

(1) All architectural design standards shall be reviewed in accordance with § 265-18 of the Land Development Regulations. Additionally, in the Town Center, three-dimensional scale models shall be provided by the applicants, reflecting, among other things, setback of building from the property line.

- (a) The first floor shall be separated from the upper floors by an architectural feature. Such architectural features may be placed at the top of the second floor when the first and second floors have the visual appearance of a separate exterior expression.
  - (b) The height of the first floor shall not be less than the exterior visual expression of the height of any single floor above the first floor.
  - (c) The exterior visual expression of each building element (pedestal, tower, and penthouse) shall be distinctive from both other elements within the same building.
  - (d) Retail storefront area glazing shall not be less than 50%. Such glazing shall be transparent. Storefront glazing shall extend from the sill or from an 18- to 24-inch base of contrasting material, to the lintel.
  - (e) Entrances shall be recessed and centered a minimum of 36 inches within the storefront.
  - (f) Outside entrances to upper floors shall align with one of the upper windows farthest from the center of the buildings' facade, or shall be located on an abutting side street elevation, where possible.
  - (g) Required parking shall not be located abutting the front setback except in enclosed structures that fully screen vehicles from exterior views and are above the ground level.
  - (h) Floors above ground level shall provide not less than 30% glazing.
  - (i) No single wall plane shall exceed 60 feet in width on any facade.
- (2) Colonnades:
- (a) All colonnades shall be covered.
  - (b) The exterior expression of the height of the colonnade or any part thereof shall not be less than 12 feet nor shall it exceed 14 feet six inches.
  - (c) Columns in a colonnade shall be repetitive at intervals no greater than 20 feet.
  - (d) All openings in a colonnade between repetitive columns shall be equal and consistent throughout all frontages of a building where a colonnade is required, as shown in Summary Chart A, <sup>20</sup>  except where the main entrance of the building is located.
- (3) Entrances. Buildings shall have entrances at intervals not to exceed 60 feet; provided, however, that for a corner entrance, the interval to the next entrance may be increased to 80 feet.

#### H. General design standards.

- (1) Roofs.
- (a) Roofs shall not be flat except for when rooftop gardens are provided. In such cases, architecturally decorative parapets must be provided with a height not to exceed 42 inches.
  - (b) Flat roofs are highly encouraged to promote rooftop uses in the forms of gardens and terraces. Where flat roofs are not provided, they shall comply with the following:

[1] All roofs shall be of a gable style.

All roof pitches shall be between 4:12 and 8:12.

- (c) All rooftop mechanical equipment shall be concealed in a decorative manner, subject to site plan approval.

(2) Entrances.

- (a) There shall be a minimum of two entrances to a building on each facade fronting a street, except for Side, Alley, or Paseo streets.

- (b) Entrances to differing uses shall be as follows:

[1] For residential uses:

[a] Entrances must be kept separate from entrances to other uses in the building.

[b] Residential entrances shall be setback a minimum of 15 feet and shall not exceed 20 feet from either the street elevation of the ground level nor the street elevation of the commercial storefronts, whichever is farthest from the street.

[c] Residential entrances shall provide a minimum of 80 square feet and shall not exceed 120 square feet of landscaped areas between the residential entrance and the street elevation of the building.

For commercial uses. Entrances shall be provided on the ground level for each establishment accessible from the street or sidewalk.

(3) Windows. Windows shall comply with the following:

- (a) Divided light window mullions, where provided, shall be through the pane (i.e., true divided).

- (b) The center line of window and door openings shall align vertically.

- (c) Exterior burglar bars, fixed riot shutters, or similar security devices shall not be installed in any commercial storefront.

(4) Balconies, stairs, stoops, porticos and side porches. Balconies, stairs, stoops, porticos and side porches shall comply with the following:

- (a) Residential balconies shall not extend more than eight feet in depth from the face of a building or shall not be less than five feet.

- (b) Railings shall be placed between upper and lower rails and the distance between railings shall not exceed 3½ inches.

- (c) Balconies may encroach a maximum of four feet into the setback areas but the floor area of such balconies shall be included in the Calculation of the Floor Area Ratio (FAR) for the project.

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Summary Chart A. The chart below summarizes the parameters for the overall street corridor construction of the 12 ~~44~~-street types and their corresponding right-of-way development

parameters.

Town Center Subdistrict: Setbacks and Amenities by Street Type								
	Setbacks		Amenities		Lanes and Widths		Continuous Building Frontage at Ground Level	
Street Typology	Frontage (feet)	Side/Rear (feet)	Colonnade Width (feet)	Street-Side Parking	Parking Lane (number @ feet)	Traffic Lane (number @ feet)	Minimum Percentage	Maximum Frontage (feet)
Sunny Isles Beach Boulevard South Edge	15	0	10	-	-	-	80%	400
<u>Sunny Isles Beach Boulevard North Edge</u>	<u>30</u>	<u>10</u>	<u>10</u>	-	-	-	<u>80%</u>	<u>400</u>
Collins-Core Edge	25	10	15	-	-	-	60%	400
Esplanade	10	10	15	Parallel	2 @ 11	4 @ 12	60%	300
Plaza	8	10	15	Parallel	2 @ 11	2 @ 11	60%	200
Main Street	10	10	15	Parallel	2 @ 11	4 @ 11	60%	200
Neighborhood Park	15	10	Awnings	Parallel	2 @ 11	2 @ 12	40%	175
Neighborhood Street	15	10	Awnings	Parallel	2 @ 11	2 @ 12	40%	175
Side Street	10	10	Awnings	Parallel	2 @ 11	2 @ 11	40%	N.R.
Alley Street	8	10	-	-	-	2 @ 15	N.R.	N.R.
Paseo	5	10	-	-	-	1 @ 12	60%	N.R.
Bayfront	5	10	-	-	-		40%	400

Summary Chart B. The chart below summarizes the parameters for the overall building construction of the 12 ~~44~~ street frontage situations.



Town Center Subdistrict: Building Massing by Street Type						
Street Typology	Building Elements Maximum Stories			Overall Maximum Heights <sup>1</sup> (feet)	Elements Setbacks	
	Pedestal	Tower	Penthouse		Tower from Pedestal (feet)	Penthouse from Tower (feet)
Sunny Isles Beach Boulevard South Edge	3 min; 5 max (max 50 ft. height)	n.a.	n.a.	190 <sup>2</sup> or 290 /140 adjacent to Collins Avenue <sup>3</sup>	25	0
<u>Sunny Isles Beach Boulevard North Edge</u>	<u>4 min; 6 max (max 65 ft. height)</u>	<u>n.a.</u>	<u>n.a.</u>	<u>65 (4-6 stories) for the first 50-foot setback from property line, then 170 (15 stories)</u>	<u>20</u>	<u>0</u>
Collins-Core Edge	n.a.	n.a.	n.a.	50 (4 stories) for the first 130-foot setback from property line, 100 (8 stories) for next 100 feet, then 170 (15 stories)	105	100
Bayfront	1 min; 7 max	12 max	3 max	190	10	10
Esplanade	3 min; 5 max	9 max	3 max	160	20	15
Plaza	3 min; 5 max	9 max	3 max	160	20	15
Main Street	1 min; 5 max	7 max	2 max	140	15	15
Neighborhood Park	1 min; 4 max	7 max	2 max	120	15	10
Neighborhood Street	1 min; 3 max	6 max	2 max	100	15	10
Side Street	1 min; 3 max	3 max	2 max	75	10	10
Alley Street	1 min; 3 max	3 max	2 max	75	5	10
Paseo	1 min; 3 max	3 max	2 max	75	5	10

Section 3.     Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clause, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4.     Inclusion in the Code. It is the intention of the Commission, and it is hereby ordained, that the provisions of this Ordinance shall become and be made a part of the code of the City of Sunny Isles Beach, Florida; and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word “ordinance” shall be changed to “section” or other appropriate word, as required.

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

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

**PASSED and ADOPTED** on first reading the 19<sup>th</sup> day of November 2015.

**PASSED and ADOPTED** on second reading the 17<sup>th</sup> day of December 2015.

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George H. Scholl, Mayor

ATTEST:

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Jane A. Hines, MMC, City Clerk

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

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Hans Ottinot, City Attorney

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

Seconded by: \_\_\_\_\_

**Vote:**

Mayor Scholl	____(Yes)	____(No)
Vice Mayor Gatto	____(Yes)	____(No)
Commissioner Aelion	____(Yes)	____(No)
Commissioner Goldman	____(Yes)	____(No)
Commissioner Levin	____(Yes)	____(No)