



**TOWN OF SURFSIDE  
PLANNING AND ZONING BOARD  
AND  
DESIGN REVIEW BOARD MEETING**

Town Hall Commission Chambers  
9293 Harding Ave., 2<sup>nd</sup> Floor  
Surfside, Florida 33154

**MAY 28, 2015  
7:00 PM**

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**AGENDA**

**DESIGN REVIEW BOARD**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES: **APRIL 30, 2015 (DEFERRED)****
4. **DESIGN REVIEW BOARD APPLICATIONS:**
  - A. Request of the Owner of Property located at 8810 Froude Avenue**  
The applicant is requesting to covert a garage and build a front wall.
  - B. Request of the Owner of Property located at 9525 Carlyle Avenue**  
The applicant is requesting to build a two story addition.
  - C. Request of the Owner of Property located at 9065 Emerson Avenue**  
The applicant is requesting to convert a garage.
  - D. Request of the Owner of Property located at 9504 Harding Avenue**  
The applicant is requesting to install a new sign.
5. **ADJOURNMENT.**

**PLANNING AND ZONING BOARD**

**AGENDA  
MAY 28, 2015  
7:00 PM**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES: **APRIL 30, 2015 (DEFERRED)**
4. ORDINANCES:

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING “SECTION 90-36 VARIANCES”; SPECIFICALLY AMENDING “90-36.1 GENERAL VARIANCES” TO MODIFY THE CODE TO PROVIDE FOR A PRACTICAL DIFFICULTY VARIANCE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND AMENDING “SECTION 90-54 ACCESSORY BUILDINGS AND STRUCTURES IN THE H30A AND H30B DISTRICTS”; AND SPECIFICALLY AMENDING SECTION 90-54.7 RELATED TO SHEDS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

5. DISCUSSION ITEMS:
  - A. Prioritize future agenda items

6. ADJOURNMENT.

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-893-6511 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED PERSONS MAY CONTACT THE TDD LINE AT 305-893-7936. 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. TWO OR MORE MEMBERS OF TOWN COMMISSION OR OTHER TOWN BOARDS MAY ATTEND AND PARTICIPATE AT 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.



## MEMORANDUM

To: Design Review Board  
Thru: Guillermo Olmedillo, Town Manager  
From: Sarah Sinatra Gould, AICP, Town Planner  
CC: Linda Miller, Town Attorney  
Date: May 28, 2015  
Re: 8810 Froude Avenue

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The property is located at 8810 Froude Avenue, within the H30B zoning. The applicant is proposing to add a six foot privacy wall to create a courtyard at the front entrance. The applicant has stated the wall will be stucco to match the existing home and will have landscaping. Wood gate are also proposed at both sides of the home. The front door will continue to be open to the street and not enclosed by the wall.

Also included in this application is a garage conversion. The applicant is proposing to replace the garage door and existing windows with a new façade of windows and wood shutters.



**Sec. 90-50.1 (5) Garage Facades**

<b>Required</b>	<b>Proposed</b>
1 window	2 window
Landscaping required along the base	Landscaping shall be provided along the base

**Sec. 90-77 Off-street Parking Requirements**

<b>Required</b>	<b>Minimum Space Requirements</b>	<b>Proposed</b>
Single-family	2 spaces	2 spaces proposed.

**RECOMMENDATION**

Staff is recommending approval with the condition that the applicant provide landscaping along the wall.



## MEMORANDUM

To: Design Review Board  
Thru: Guillermo Olmedillo, Town Manager  
From: Sarah Sinatra Gould, AICP, Town Planner  
CC: Linda Miller, Town Attorney  
Date: May 28, 2015  
Re: 9525 Carlyle Avenue

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The property is located at 9525 Carlyle Avenue, within the H30B zoning. The applicant is proposing the construction of two story addition to the front of the home.



Staff has reviewed the current application for consideration by the Design Review Board. In this report Staff presents the following:

- Applicable Zoning Code regulations, along with the results of the review
- Applicable Design Guidelines standards, along with the results of the review
- Staff Recommendation

**STANDARDS / RESULTS**  
**Town of Surfside Zoning Code, Applicable Requirements**

**Sec. 90.43 Maximum building heights**

Height	Required Maximum	Proposed
H30A	30 feet	30.5 Feet (Must be reduced to 30 Feet)

**Sec. 90.44 Modification of height regulations**

Height	Maximum height	Maximum Percentage of Aggregate Roof Area	Proposed
H30B	3 feet	1%	2 feet and 1%

**Sec. 90.45 Setback**

Setbacks	Required	Proposed
Primary Frontage	Minimum 20 feet	25 feet 4 inches
Interior side	5 feet	5 feet
Rear	Minimum 20 feet	N/A - not affecting rear setback

**Sec. 90.49 Lot standards**

Lot Standards H30B	Required	Proposed
Minimum Lot width	50 feet	50 feet
Minimum lot area	5,600 square feet	5,625 square feet
Maximum lot coverage	40%	32.8%
Pervious area	35% (minimum)	35%

**Sec. 90.50 Architecture and roof decks**

	Required	Proposed
Wall openings	10% for all elevations	Exceeds 10% wall openings for each elevation.
Roof Material	(a) Clay Tile; (b) White concrete tile; (c) Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color if granted approval by the Design Review Board; (d) Architecturally embellished metal if granted approval by the Design Review Board; or (e) Other Florida Building Code approved roof material(s) if granted approval by the Design Review Board.	Flat roof proposed.

## **Town of Surfside Adopted Residential Design Guidelines**

### ***Building Massing***

<b>Required</b>	<b>Proposed</b>
Building forms should be varied enough to avoid monotony and to avoid pyramidal massing and should be compatible with surrounding houses.	Consistent

### ***Main Entries***

<b>Required</b>	<b>Proposed</b>
Prominent and oriented to the street	Main entry is prominent.
Rendered in appropriate scale for the block as well as the individual building	Although the majority of homes on this block are one story structures, this is an existing two story and is therefore appropriate.
Entry feature should not extend above the eave line of the structure	The entry feature does not extend above the eave line.
Should not be obstructed from view by fences, landscaping or other visual barriers	Main entry is not obstructed from view.

### ***Decorative Features***

<b>Required</b>	<b>Proposed</b>
Decorative features should be stylistically consistent throughout the entire building.	The addition is consistent with the remainder of the home.

### ***Overall Architectural Style***

<b>Required</b>	<b>Proposed</b>
The overall style of each house should be consistent on all sides of the building, as well as among all portions of the roof.	The windows are consistent throughout the building.

### ***Wall Materials and Finishes***

<b>Required</b>	<b>Proposed</b>
The same material should be used on all building elevations unless multiple materials are a legitimate expression of the particular style.	The building will be stucco and stone.

### ***Roof Materials, Types, and Slopes***

<b>Required</b>	<b>Proposed</b>
Roof types and slopes should be generally the same over all parts of a single building.	Consistent
Restricted materials for roofs are pre-determined in the Town's Building Code, which restricts roofing materials to:	Flat roof is proposed.

<ol style="list-style-type: none"> <li>1. Clay tile;</li> <li>2. White concrete tile;</li> <li>3. Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color is first approved by the planning and zoning board; and</li> <li>4. Metal.</li> </ol>	
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**Windows and Trims**

<b>Required</b>	<b>Proposed</b>
Window styles should always be consistent among all elevations of a building.	The windows are consistent.
Frame materials should never vary on a single building.	No variation.
Window, door and eave trim should be consistent on all elevations of the house	Consistent.

**RECOMMENDATION**

Staff recommends approval with the condition that the structure is reduced by 6 inches to be no greater than 30 feet in height measured from the crown of the road to the top of the structure (excluding the 2 foot high column).



## MEMORANDUM

To: Design Review Board  
Thru: Guillermo Olmedillo, Town Manager  
From: Sarah Sinatra Gould, AICP, Town Planner  
CC: Linda Miller, Town Attorney  
Date: May 28, 2015  
Re: 9065 Emerson Avenue – Garage Conversion

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The property is located at 9065 Emerson Avenue, within the H30B zoning. The applicant is proposing to convert the garage to additional living space.



Staff has reviewed the current application for consideration by the Design Review Board. In this report Staff presents the following:

- Applicable Zoning Code regulations, along with the results of the review
- Staff Recommendation

**STANDARDS / RESULTS****Town of Surfside Zoning Code, Applicable Requirements*****Sec. 90-50.1 (5) Garage Facades***

<b>Required</b>	<b>Proposed</b>
1 window	1 window
Landscaping required along the base	Landscaping is provided along the base

***Sec. 90-77 Off-street Parking Requirements***

<b>Required</b>	<b>Minimum Space Requirements</b>	<b>Proposed</b>
Single-family	2 spaces	2 spaces provided.

**RECOMMENDATION**

Staff is recommending approval.



## MEMORANDUM

To: Design Review Board  
 Thru: Guillermo Olmedillo, Town Manager  
 From: Sarah Sinatra Gould, AICP, Town Planner  
 CC: Linda Miller, Town Attorney  
 Date: May 28, 2015  
 Re: 9504 Harding Avenue

The property located at 9504 Harding Avenue is within the SD-B40 zoning district. The applicant is requesting to replace a sign for their existing barber shop. The proposed sign is comprised of red lettering.

Staff has reviewed the current application for consideration by the Planning and Zoning Board. In this report, Staff presents the following:

- Applicable Zoning Code regulations, along with the results of the review
- Staff Recommendation

### STANDARDS / RESULTS

#### Town of Surfside Zoning Code, Applicable Requirements

##### **Sec. 90-71.1**

Signs	Permitted	Proposed
Area	30 square feet	8.73 square feet
Approved word content	Signs may include the following: <ol style="list-style-type: none"> <li>1) Trade name of establishment</li> <li>2) Logo of the establishment</li> <li>3) Nature of business, services rendered or</li> <li>4) Products sold on premises.</li> </ol>	Sign consists of the services rendered
Prohibited Word Content	Signs may not include the following: <ol style="list-style-type: none"> <li>1) Any reference to price, except as provided in regards to "window sign."</li> </ol>	No reference to price



<p><b>Location</b></p>	<p>With the exception of theater marquees and V-box signs, no sign shall be erected so that any portion thereof shall project over a dedicated street or sidewalk or so that any portion thereof shall project more than five feet from any main building wall.</p>	<p>Sign does not project over the sidewalk or street.</p>
<p><b>Illumination</b></p>	<p>All signage, lettering, logos or trademarks shall be required to be lit with white illumination from dusk to dawn. The illumination may be either internal illumination or external illumination, however, all walls below the sign shall be illuminated with white wall wash LED lighting. It shall be located and directed solely at the sign. The light source shall not be visible from or cast into the right-of-way, or cause glare hazards to pedestrians, motorists, or adjacent properties.</p>	<p>The applicant is proposing an LED bar lamp at the base of the eyebrow.</p>

**RECOMMENDATION**

Staff recommends approval with the condition of approval that the façade behind the sign is repaired and repainted.



## Town of Surfside Commission Communication

### Agenda #

**Agenda Date:** May 12, 2015

**Subject:** Practical Difficulty Variance

**From:** Sarah Sinatra Gould, AICP, Town Planner

**Background** Charlie Ness, a town resident, requested an addition at their existing single family home. The Town code limits lot coverage to 40% and Mr. Ness requested to exceed the lot coverage limits. Lot coverage is defined as *the percentage of the total area of a lot that, when viewed from above, would be covered by all principal and accessory buildings and structures, or portions thereof; provided however that allowable exclusions, as described under "floor area," shall not be included in determining the building area.*

The exclusions to lot coverage mean that they will not count towards the 40% maximum. The exclusions are as follows:

- a. Basement space when used for parking of vehicles, as provided in the design standards for underground parking in this Code.
- b. Accessory water tanks or cooling towers.
- c. Uncovered steps and exterior balconies.
- d. Interior balconies. The width of an interior balcony shall not be greater than the depth.
- e. Covered or uncovered terraces, patios, breezeways, or porches which are open on two (2) sides.

It should be noted that although the exclusions above do not count towards the maximum 40% lot coverage, they will count towards a property's maximum impervious area, which is 65%. Meaning, that 35% of a lot must remain "green."

Mr. Ness spoke at the September 9, 2014 Town Commission meeting under the Good and Welfare portion of the agenda and asked the Town Commission to change the code to increase lot coverage of single family homes from 40% to 47.5% to enable him to build his addition. The Commission directed Staff to place this request on the Planning and Zoning Board's agenda for discussion.

This was reviewed by the Planning and Zoning Board at the September 30, 2014 meeting. The board directed staff to return with language that accommodated this request, but provided parameters and graphics to explain the code provision.

At the October 14, 2014 Town Commission meeting, the Commission directed staff to consider the option of prohibiting an expansion of the second story if a homeowner takes advantage of a maximum lot coverage of 50% on the first story.

This was further discussed at the December 9, 2014 Town Commission meeting. The Town Commission directed staff to revisit this topic by offering a method whereby the Town Commission could approve a lot coverage request on a case by case basis. Staff explained that the existing variance provisions in the code require an applicant to demonstrate an unnecessary or undue hardship. In the case of Mr. Ness, he would not be able to demonstrate this hardship.

Staff reviewed other municipalities codes and found that some jurisdictions have multiple variance standards which differentiate between an unnecessary hardship and a "practical difficulty." In the case of a variance, a practical difficulty is a standard which is similar to but less rigorous than the unnecessary and undue hardship standard. This was discussed at the January Planning and Zoning Board meeting and the board recommended adding requirements on landscaping. Staff recommends the following language.

**Analysis:** A practical difficulty variance is a relaxation of the terms or provisions of the Zoning Code which is less rigorous than the unnecessary and undue hardship standard. The proposed text relating to practical difficulty variances shall only be applicable to lot coverage for single family homes located on single platted lots in the H30B zoning district. The standard provides for a variance where a literal enforcement of a zoning regulation will create a practical difficulty in the use of the parcel of land for the purpose or in the manner for which it is zoned, considering the following factors:

- a. How substantial the variance is in relation to the requirement sought to be varied;

- b. Whether an adverse change will be produced in the character of the neighborhood;
- c. Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and
- d. Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.

**Budget Impact:** N/A

**Growth Impact:** N/A

**Staff Impact:** N/A

**Staff Recommendation:** Staff recommends the Town Commission approve this ordinance on first reading.

\_\_\_\_\_  
Sarah Sinatra Gould, AICP, Town Planner

\_\_\_\_\_  
Guillermo Olmendillo, Town Manager

**ORDINANCE NO. 15 – \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING “SECTION 90-36 VARIANCES”; SPECIFICALLY AMENDING “90-36.1 GENERAL VARIANCES” TO MODIFY THE CODE TO PROVIDE FOR A PRACTICAL DIFFICULTY VARIANCE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town code limits lot coverage to 40%; and

**WHEREAS**, lot coverage is defined as the percentage of the total area of a lot that, when viewed from above, would be covered by all principal and accessory buildings and structures, or portions thereof; provided however that allowable exclusions, as described under "floor area," shall not be included in determining the building area; and

**WHEREAS**, at the October 14, 2014 Town Commission meeting, the Commission directed staff to consider the option of prohibiting an expansion of the second story if a homeowner takes advantage of a maximum lot coverage of 50% on the first story; and

**WHEREAS**, on December 9, 2014 the Town Commission directed staff to offer a method whereby the Town Commission could approve a request to allow lot coverage greater than 40% on a case by case basis; and

**WHEREAS**, staff after research has determined that variance standards may differentiate between an unnecessary hardship and a “practical difficulty” and in the case of a variance, a practical difficulty is a standard which is similar to but less rigorous than the unnecessary and undue hardship standard; and

**WHEREAS**, practical difficulty variances were discussed at the January 29, 2015 Planning and Zoning Board meeting and the Board recommended adding landscaping requirements to any approval of additional lot coverage under a practical difficulty standard; and

**WHEREAS**, the Town Commission held its first public hearing on May 12, 2015; and

**WHEREAS**, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments on May 28, 2015 with due public notice and input; and

**WHEREAS**, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on June 9, 2015; and

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

**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 Ordinances of the Town of Surfside, Section 90-36. Variances is hereby amended as follows:

90-36.1 General variances.

(1) *Purpose, definition, scope and limitations.*

- a. Unnecessary and undue hardship variance. An unnecessary and undue hardship variance is a relaxation of the terms or provisions of the Zoning Code of the Town of Surfside (zoning code) where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the zoning code would result in unnecessary and undue hardship on the property. As used in this section, a variance is authorized only for lot coverage, dimensions of yards, setbacks, other open spaces, building spacing, parking, or loading requirements.
- b. Practical difficulty variance. A practical difficulty variance is a relaxation of the terms or provisions of the Zoning Code which is less rigorous than the unnecessary and undue hardship standard. Practical difficulty variances shall only be applicable to lot coverage for single family homes located on single platted lots in the H30B zoning district. The standard provides for a variance where a literal enforcement of a zoning regulation will create a practical difficulty in the use of the parcel of land for the purpose or in the manner for which it is zoned, considering various factors set forth in paragraph (9) below.

(2) *Uses and height of structures not subject to variance.* A variance is authorized only as set out in subsection (1).

- a. Under no circumstances shall the town commission grant a variance that would allow a use of property that is not allowed within the zoning district under the Town of Surfside Comprehensive Plan and the zoning code.
- b. Under no circumstances shall the town commission grant a variance that would allow height of development and structures within the Town of Surfside that exceeds the maximum building heights that are set out in the Town of Surfside Comprehensive Plan or the zoning code, whichever provisions are more restrictive.

(3) *Nonconforming uses and structures not grounds for granting variance.* Nonconforming use of neighboring lands, structures, or buildings in the same zoning district, and permitted use of lands, structures or buildings in any other district, shall not be considered grounds for granting a variance.

(4) *Town manager not authorized to vary terms of section.* The town manager or designee has no authority to relax the terms of this section. Authority to grant variances is lodged solely with the town commission.

**(5) Application requirements.** An application for a general variance shall be filed by the owner of the property upon which the variance is requested or the owners designated representative. The following shall, at minimum, be required to support a variance application:

- a. Statements of ownership and control of the property, executed and sworn to by the owner or owners of 100 percent of the property described in the application, or by tenant or tenants with the owners' written, sworn consent, or by duly authorized agents evidenced by a written power of attorney if the agent is not a member of the Florida Bar.
- b. The written consent of all utilities and/or easement holders if the proposed work encroaches into any easements.
- c. Survey less than one year old (including owner's affidavit that no changes have occurred since the date of the survey). A survey over one year is sufficient as long as the property has not changed ownership and the owner provides an affidavit that no changes change occurred since the date of the survey.
- d. Site plan indicating the existing and proposed structures.
- e. A map indicating the general location of the property.

**(6) Staff review.** The town manager or designee shall review the application to determine whether the proposed variance complies with the general purpose and standards set forth herein. The town manager or designee shall compile a written staff report summarizing the facts regarding the application, including all relevant documents. The complete staff report shall be transmitted to the planning and zoning board and to the town commission.

**(7) Review by planning and zoning board and by the town commission.** The town manager or designee shall schedule the general variance application for a meeting of the planning and zoning board. The planning and zoning board shall conduct one public hearing on the general variance application, review the application, and make recommendations to the town commission for final action. The town manager or designee shall then schedule the variance application, including the recommendation of the planning and zoning board, for a meeting of the town commission.

- a. **Public hearing.** The town commission shall hold one public hearing on the variance application.
- b. **Action by the town commission.** In considering whether to approve or deny the application, the town commission shall review the application, the purposes and standards set forth in this section, the staff report, the recommendation of the planning and zoning board, and relevant evidence, including oral and written comments received at the public hearing. No variance shall be granted except upon the affirmative vote of at least four members of the town commission.

**(8) Standards of review for an unnecessary and undue hardship variance.** The town commission shall approve an unnecessary and undue hardship variance only if the variance applicant demonstrates by clear and convincing evidence that all of the following are met and satisfied:

- a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;
- b. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;

- c. Literal interpretation of the provisions of the zoning code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the zoning code and results in unnecessary and undue hardship on the applicant;
- d. The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the town comprehensive plan or the zoning code;
- e. An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;
- f. Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;
- g. The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and
- h. The requested variance is in harmony with the general intent and purpose of the town comprehensive plan and the zoning code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.

**(9) Standards of review for a practical difficulty variance. The town commission shall approve a practical difficulty variance if it finds, based on substantial competent evidence, that following factors demonstrate that a practical difficulty exists:**

- a. How substantial the variance is in relation to the requirement sought to be varied;
- b. Whether an adverse change will be produced in the character of the neighborhood;
- c. Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and
- d. Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.

**(9) (10) Conditions and restrictions.** The town commission may impose such conditions and restrictions upon the premises benefited by any variance as may be necessary to comply with the standards set out in this Section, and to prevent or minimize adverse effects on other property in the neighborhood. Violation of such conditions and restrictions, when made a part of the terms under which any variance is granted, shall be deemed a violation of the zoning code, and shall constitute grounds for revocation of the variance.

**a. A condition of granting a practical difficulty variance shall be for the property to meet or exceed the landscape requirements in Chapter 90, Article VIII of the Town's Code of Ordinances.**

**(10)(11) Expiration of approval.** The approval of any variance shall be void if the applicant does not obtain a building permit or other development order to implement the variance within 24 months after the granting of the variance. An applicant who has obtained approval of a

variance may request an extension of this time period within the original approval period. The town commission may grant one or more extensions for a period of up to a total of six months for good cause shown by the applicant.

*(H) (12) Amendments and alterations to approved variances.* Any expansion to an approved variance and any addition to or expansion of an existing variance shall require the same application, review, and approval as required under this Section for the original variance.

**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 upon final adoption on second reading.

PASSED and ADOPTED on first reading this \_\_\_\_ day of \_\_\_\_\_, 2015.

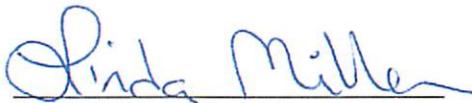
PASSED and ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
Daniel Dietch, Mayor

ATTEST:

\_\_\_\_\_  
Sandra Novoa, CMC, Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

  
\_\_\_\_\_  
Linda Miller, Town Attorney

On Final Reading Moved by: \_\_\_\_\_

On Final Reading Seconded by: \_\_\_\_\_

**VOTE ON ADOPTION:**

Commissioner Barry R. Cohen	yes	_____	no	_____
Commissioner Michael Karukin	yes	_____	no	_____
Commissioner Marta Olchyk	yes	_____	no	_____
Vice Mayor Eli Tourgeman	yes	_____	no	_____
Mayor Daniel Dietch	yes	_____	no	_____



## Town of Surfside Planning and Zoning Communication

**Agenda Date:** May 28, 2015

**Subject:** Residential Sheds

**From:** Sarah Sinatra Gould, AICP, Town Planner

**Background :** The zoning code limits sheds to 70 square feet and requires Planning and Zoning Board approval. Staff was approached in June of 2013 by a resident wanting a shed larger than the code limited square footage. Staff prepared a memo and potential code change to increase the size of a shed to 100 square feet and allow sheds to be approved administratively, if they were not located on a street side of the lot.

The Planning and Zoning Board discussed this proposal and agreed that the Board was not interested in sheds larger than 70 square feet, and even discussed requiring shorter sheds, while accommodating the same cubic area as the 70 square foot permitted sheds. Staff attempted to research these types of sheds, but they were not the standard shed and the code modification was not pursued.

Staff has been approached by a different resident requesting a shed larger than 70 square feet and has asked for this topic to be placed on the agenda for the Board's discussion.

**Analysis:** 90-54.7 A total shed, the area of which does not exceed 70 100 square feet and the height of which does not exceed 10 feet, shall be permitted in a rear yard and shall provide landscaping, if not already provided, at the discretion of the Design Review Board. An applicant may appeal the decision of the Design Review Board relating to a requirement to install landscaping to the Town Commission at the next available Town Commission meeting. A shed is subject to the following minimum setbacks:

- (a) Rear: Five feet.
- (b) Side and secondary frontage (corner): Per zoning designation.

**Budget Impact:** N/A

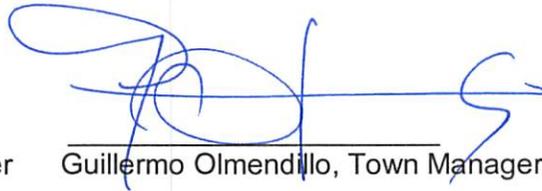
**Growth Impact:** N/A

**Staff Impact:** N/A

**Staff Recommendation:** The Town Commission approved this ordinance on first reading. Staff recommends the Planning and Zoning Board recommends approval to the Town Commission.



\_\_\_\_\_  
Sarah Sinatra Gould, AICP, Town Planner



\_\_\_\_\_  
Guillermo Olmendillo, Town Manager

**ORDINANCE NO. 15 – \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND AMENDING “SECTION 90-54 ACCESSORY BUILDINGS AND STRUCTURES IN THE H30A AND H30B DISTRICTS”; AND SPECIFICALLY AMENDING SECTION 90-54.7 RELATED TO SHEDS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the zoning code limits sheds to 70 square feet and requires Planning and Zoning Board approval; and

**WHEREAS**, the Board recommended that the area of the shed shall not exceed 100 square feet and the height of which shall not exceed 10 feet and shall provide landscaping at the discretion of the Design Review Board; and

**WHEREAS**, the Board recommended that an applicant may appeal the decision of the Design Review Board relating to a requirement to install landscaping to the Town Commission; and

**WHEREAS**, the Town Commission held its first public hearing on May 12, 2015 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, held its hearing on the proposed amendments on May 28, 2015 with due public notice and input; and

**WHEREAS**, the Town Commission conducted a second duly noticed public hearing on these regulations as required by law on June 9, 2015.

**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:

\*\*\*

90-54.7 A tool shed, the area of which does not exceed 70 100 square feet and the height of which does not exceed 10 feet, shall be permitted in a rear yard and shall provide landscaping, if not already provided, at the discretion of the Design Review Board. An applicant may appeal the decision of the Design Review Board relating to a requirement to install landscaping to the Town Commission at the next available Town Commission meeting. A shed is subject to the following minimum setbacks:

- (a) Rear: Five feet.
- (b) Side and secondary frontage (corner): Per zoning designation.

\*\*\*

**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 upon adoption on second reading.

**PASSED and ADOPTED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2015.

**PASSED and ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

\_\_\_\_\_  
Sandra Novoa, Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

  
\_\_\_\_\_  
Linda Miller, Town Attorney

On Final Reading Moved by: \_\_\_\_\_

On Final Reading Seconded by: \_\_\_\_\_

**VOTE ON ADOPTION:**

Commissioner Barry R. Cohen	yes _____	no _____
Commissioner Michael Karukin	yes _____	no _____
Commissioner Marta Olchyk	yes _____	no _____
Vice Mayor Eli Tourgeman	yes _____	no _____
Mayor Daniel Dietch	yes _____	no _____

ITEM	OUTCOME	NEXT STEPS	IN CONTRACT OR WORK AUTHORIZATION	TENTATIVE SCHEDULE	COMPLETE
<b>FUTURE PZ DISCUSSION ITEMS</b>					
Tree Canopy Initiative	\$8,000 budgeted in the FY 2014-2015 budget		Contract with separate provider	Only related to inventory in parking lots. Need scope change. PZ/Commission joint meeting.	
Average side setback	Modify ordinance for additional side setbacks on upper floors for single family homes	Draft code amendment	In contract	PZ/Commission joint meeting on Single Family District	
Measuring height from crown of the road	Place on agenda for discussion relating to sea level rise	Direction from Planning and Zoning		PZ/Commission joint meeting on Single Family District	
Parking space standards	Modify multi-family rates based on number of bedrooms and provide for guest parking, look at other cities (Coral Gables), require parking for hotel employees, no change to size of spaces, pumps in underground garages	Draft code amendment	In contract	Staff researched. Code is comparable to other cities. Parking solutions being explored by Town.	Direction from PZ to remove from agenda.
Cargo container regulations	Prohibit cargo containers in the business district	Draft code amendment	In contract	No longer relevant due to additional requirements in corridor analysis	Direction from PZ to remove from agenda.

Satellite dishes	Further review by staff	Research and prepare report for discussion and possible code amendment	In contract	September PZ	
Residential or commercial wind turbine regulations	Prepare ordinance regulating wind turbines including hurricane precautions, noise regulations, insurance considerations	Draft code amendment	In contract	Sustainability Committee Topic?	Need direction from PZ.
Green walls	Require green walls adjacent to alleys and other buildings that about public right of ways	Research and prepare report for discussion and possible code amendment	In contract	September PZ	
Final Zoning Inspections	Town Manager will analyze				
Corridor Analysis	Study corridor between Collins & Harding	Prepare code amendments	Work authorization to be approved in <b>NOVEMBER</b>	<b>JANUARY PZ</b>	In progress
<b>ON UPCOMING COMMISSION AGENDA</b>					
Single Family Paint Colors	Discussion with the Planning & Zoning Board to determine if a color palette is appropriate for single family homes and what colors/criteria should be included	Place on future Planning and Zoning agenda for discussion	In contract	Will add to Joint Meeting with PZ/Commission.	<b>Must be brought back to PZ for further discussion</b>
<b>ON FUTURE COMMISSION AGENDA</b>					
Commercial waste and recycling container screening	Screening for containers, green screen, vegetation, include pictures from Commissioner Kligman	Draft code amendment	In contract	March PZ	Waiting placement on Commission Agenda
Driveway material regulations	Modify code to allow stamped concrete and concrete slabs with decorative rock or grass in between	Draft code amendment	In contract	November PZ	Waiting Placement on Commission

Painting of commercial structures	of	Town Staff to prepare ordinance	Prepare ordinance for commission	Building to prepare ordinance	March PZ	Agenda Upcoming Commission agenda.
<b>COMPLETED</b>						
Parking Trust Fund		Discussion with the Planning & Zoning Board to provide a cap for payment into the fund	Ordinance on July PZ agenda	In contract	July Commission for 1 <sup>st</sup> reading, July PZ August Commission for 2 <sup>nd</sup> reading	Complete
Turtle Lighting		Town Staff to prepare review	No ordinance necessary. Turtle lighting already required in code.	COMPLETE	Turtle Lighting	Town Staff to prepare review
Downtown Color Palette		Discussion with the Planning & Zoning Board to determine if a color palette is appropriate and what colors/criteria should be included	Place on future Planning and Zoning agenda for discussion	In contract	Replaced with repainting of structures.	Complete
Bay Drive & 96 <sup>th</sup> Street		Open Bay Drive off 96 <sup>th</sup> Street	Staff will research	Police and Building to research	No change. Police Chief edited safety concerns	COMPLETE
Sign/awning code		Discussed at Joint Meeting	Staff beginning to work on draft	Work Authorization approved	July Commission August Commission	COMPLETE
As-built reviews for residential projects		Discuss increasing canopy in town, street trees, what can be planted in ROW	Research and prepare report for discussion and possible code amendment	In contract	March PZ	COMPLETE Added a program modification to FY2015 budget
Interpretation of base flood elevation for		No change	No further action needed		N/A	COMPLETE

the H120 district						
Solar-panel regulations	Prepare ordinance regulating solar panels	Draft code amendment	In contract	March PZ	COMPLETE	
Car charging station regulations	Prepare ordinance regulating car charging stations requiring them in new multi-family, research what other communities are doing	Draft code amendment	In contract	December PZ	COMPLETE	
Pyramiding effects of setbacks in the H120 district	No action necessary since Planning and Zoning Board currently reviewing setbacks as part of wall footage modifications			N/A		
Garage door clarification	Modify code to remove requirement for two separate garage doors	Draft code amendment	In contract	November PZ	COMPLETE	
10% window opening requirement per story	Discussion with the Planning & Zoning Board	Prepare ordinance for commission	In contract	June PZ	November Commission for first reading	
Landscaping in front of converted garage	Determine if landscaping planter is sufficient versus requiring landscaping.	Reviewed code and determined that planter is only permitted in cases where the driveway would be too short.	In contract	No further modification necessary	Yes	
Sheds	Modify ordinance to increase square footage, but reduce height and add landscape requirements.	Draft code amendment	In contract	Discussed at March meeting.	Commission 1st reading in May. PZ in May	