



**Town of Surfside**  
**Joint Special Town Commission and Planning and Zoning Board Meeting**  
**AGENDA**  
**Tuesday, January 31, 2023**  
**5:30 PM**  
Commission Chambers

***Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.***

***Rule 6.06 (a)3 Agenda. The good and welfare portion of the agenda set for 8:15 p.m. shall be restricted to discussion on subjects not already specifically scheduled on the agenda for discussion and debate. In no event shall this portion of the agenda be allotted more than 45 minutes with each speaker to be given no more than three minutes, unless by vote of a majority of the members of the commission present, it is agreed to extend the time frames. Likewise, commission members shall be restricted to speaking three minutes each unless an extension is granted in the same manner as set forth in the prior sentence.***

***Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit community-based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and any person who only appears as a representative of a neighborhood, homeowners or condominium association without compensation for the appearance, whether direct or indirect or contingent, to express support of or opposition to any item.***

***Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once this capacity has been reached, people will be asked to watch the meeting from the first floor.***

1. **Call to Order**
  - 1.A **Roll Call of Members**
  - 1.B **Pledge of Allegiance**
2. **Public Comments**
3. **Discussion Items**
  - 3.A **Administrative Code Correction: Use of the term "Gross"** - Hector Gomez, Acting Town Manager  
[Attachment A: Gross Acre Sections in the Zoning Code](#)
  - 3.B **Administrative Code Correction: Planning and Zoning Board application requirements** - Hector Gomez, Acting Town Manager  
[Attachment A: Planning and Zoning Board Application](#)  
[Attachment B: Zoning Code Section in Application Requirements](#)
  - 3.C **Administrative Code Correction: Roof Deck Stairway Height** - Hector Gomez, Acting Town Manager  
[Attachment A: Sections of the Zoning Code on Roof Deck Stair Height](#)
  - 3.D **Administrative Code Correction: Extension of Architectural Features into Setbacks** - Hector Gomez, Acting Town Manager
  - 3.E **Administrative Code Correction: Front Yard Standards in H30A, H30B, H30C and H40 districts** - Hector Gomez, Acting Town Manager  
[Attachment A: Front Yard Standards in the Zoning Code](#)
  - 3.F **Planning and Zoning Board Review Criteria** - Hector Gomez, Acting Town Manager  
[Attachment A: Single Family Development Review](#)
  - 3.G **Accessory Structures in the H30A Zoning District** - Hector Gomez, Acting Town Manager  
[H30A Rear Yard Flooding November 2022](#)
  - 3.H **Application of Setback Restrictions** - Hector Gomez, Acting Town Manager  
[Attachment A: Zoning Codes Setbacks](#)  
[Proposal for H30A and H30B building volumes.pdf](#)
  - 3.I **Synthetic/Artificial Turf** - Hector Gomez, Acting Town Manager  
[Ordinance No. 2020-1709 Synthetic Turf](#)
  - 3.J **Front Yard Fences and Gates** - Hector Gomez, Acting Town Manager  
[Appendix A: Code section on Front Yard Fences.docx](#)
  - 3.K **Applicability of Planning and Zoning Board Review** - Hector Gomez, Acting Town Manager
  - 3.L **Enforcement and Interpretation of the Zoning Code** - Hector Gomez, Acting

#### 4. Adjournment

Respectfully submitted,

Hector R. Gomez  
Acting Town Manager

---

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

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. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT [www.townofsurfsidefl.gov](http://www.townofsurfsidefl.gov).

TWO OR MORE MEMBERS OF THE TOWN COMMISSION AND/OR TOWN BOARDS MAY ATTEND 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.



**Town of Surfside  
Joint Special Town Commission and Planning and Zoning Board Meeting  
January 31, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 1.A  
**Date:** January 31, 2023  
**From:**  
**Subject:** Roll Call of Members

---



**Town of Surfside  
Joint Special Town Commission and Planning and Zoning Board Meeting  
January 31, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 1.B

**Date:** January 31, 2023

**From:**

**Subject:** Pledge of Allegiance

---



**Town of Surfside  
Joint Special Town Commission and Planning and Zoning Board Meeting  
January 31, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 3.A

**Date:** January 31, 2023

**From:** Hector Gomez, Acting Town Manager

**Subject: Administrative Code Correction: Use of the term "Gross"**

---

**Suggested Action:** – Staff suggests deleting the term "gross" from two locations in the Zoning Code. (See Attachment A) The Town Code no longer uses "Gross Acre" or "Gross Density" for density calculations and references to the term are confusing and misleading.

**Background/Analysis:** – The permitted number of dwelling units is calculated based on the lot area of the property multiplied by the allowable density for the property. In some jurisdictions this calculation is based on the gross area of a property which could include public sidewalks, roads or other adjacent infrastructure. Our Zoning Code was recently clarified consistent with Section 4 of the Charter to limit lot area for zoning calculation purposes. The change formally eliminated any argument in favor of relying on a gross lot area calculation. There are two places in the Zoning Code that continue to use the term "gross".

These references are confusing and there is no longer guidance in the code as to what a gross lot area would entail. Accordingly, the references to "gross" should be eliminated so that all provisions are consistent with the current lot area definition.

See Attachment A for the relevant sections of the Code.

This change is based on the following provisions:

**Section 90-2:**

*Lot area:* The total horizontal area within the lot lines of the lot. Lot area in the H120 district shall be calculated based on the area bounded by the west, north, and south lot lines and the bulkhead line on the east. The area between the erosion control line and the bulkhead line shall not be counted as part of the lot area for calculation of density, lot coverage, or any other zoning calculation.

**Section 4 of the Charter:**

The density, intensity, and height of development and structures within the Town of Surfside shall not exceed the maximum allowable units per acre, floor area ratios or the maximum allowable building heights in stories and feet that are set out in the Town of Surfside Comprehensive Plan or the Code of the Town of Surfside, whichever provisions are most restrictive, which were in effect in 2004. Lot area of lots shall only include the area or acreage within the lot lines of a lot, except that for properties east of Collins Avenue lot area shall be limited to the area bounded by the north, south and west lot lines and the Bulkhead Line on

the east (not the Erosion Control Line). Height for properties east of Collins Avenue shall be measured from the elevation determined by the Florida Department of Environmental Protection for the first floor as of 2004 of +16.63 NAVD. such that the maximum height of 120 feet to the structured roof shall not exceed +136.63 NAVD. This amendment to the Town of Surfside Charter shall not be repealed, revised, amended, or superseded unless repeal, revision, amendment, or superseding provisions are placed on the ballot at a regularly scheduled election of the Town of Surfside and approved by a minimum 60% vote of the electors of the Town of Surfside.

---

## Zoning Code Section with the term “gross”

### Sec. 90-2. Definitions.

For the purpose of this chapter, certain terms and words are hereby defined. For convenience, all defined words and terms are set out in different type.

Density: The number of dwelling units per **gross** acre of land.

### Sec. 90-45.1. Aggregation of lots.

- (1) For all lots aggregated in the H30C, H40 and H120 zoning districts after the effective date of this ordinance [Ord. No. 1572], the maximum permitted density shall be limited to 85 percent of the total **gross** density permitted by the Comprehensive Plan when lots are aggregated.
- (2) Two or more lots of record shall be considered one undivided parcel for the purpose of density and/or intensity if there is a recorded unity of title demonstrating single ownership of two or more parcels or have been platted as one lot. However, the underlying land use or zoning shall prevail as to the permitted use on each of the lots.
- (3) Aggregated lots shall be contiguous properties but may be separated by a public right-of-way.

(Ord. No. 1572, § 2, 4-12-11)





**Town of Surfside  
Joint Special Town Commission and Planning and Zoning Board Meeting  
January 31, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 3.B

**Date:** January 31, 2023

**From:** Hector Gomez, Acting Town Manager

**Subject:** **Administrative Code Correction: Planning and Zoning Board application requirements**

---

**Suggested Action:** – Staff recommends adding the following materials to the requirements for Planning and Zoning Board applications:

- Signed and sealed survey showing current property conditions including elevations of site and right-of-way
- Site Plan (existing and proposed) with all dimensions and locations of mechanical equipment
- Architectural Elevations (existing and proposed)
- Floor Plans
- Materials Sheet
- Neighboring properties and site conditions
- Special purpose sheets as necessary
- Landscape Plans and species table

**Background/Analysis:** – The Planning and Zoning Board and Town Staff require a great deal of information to conduct a thorough review of new homes. These materials are all listed in the application but are not listed in the Zoning Code. (See the application in Attachment A) We understand that there is a previous ordinance that provided for some of these requirements, but they were not codified in the official code online. In any event, the proposed list includes items that may not have been required by the previous ordinance but that has proved important to aid the Planning and Zoning Board's review of proposed development.

Governing Code 90-19.8 The following are required for submittal to the planning and zoning board for design review applications: *(Nothing Follows)*  
See highlighted section in Attachment B.





**TOWN OF SURFSIDE**  
**SINGLE-FAMILY and TWO-FAMILY SITE PLAN APPLICATION**  
**PLANNING AND ZONING BOARD Rules and Procedures (June 2002)**

The Planning and Zoning shall generally meet the last Thursday of each month at 6:00 p.m. at Town Hall in the Commission Chambers.

Zoning compliant plans and completed applications (including all supporting documentation) must be submitted to the Building Department at least 30 days prior to the Planning and Zoning Meeting with the applicable fees (example: \$200.00 for Plan Review for Zoning), at which time they will be considered. Incomplete or non-compliant plans and applications will not be processed. Please note that some applications require public notice (incl. new homes and substantial additions).

The applicant or duly authorized agent (per ownership affidavit) must be present at the meeting. If there are no applications for consideration by the Planning and Zoning Board, the monthly meeting may be cancelled at the discretion of the Chair of the Board.

**Please advise the name of the Owner and Representative who will attend the hearing on behalf of this application:**

\_\_\_\_\_

NAME OF REPRESENTATIVE

\_\_\_\_\_

DATE



**TOWN OF SURFSIDE**  
**SUBMISSION CHECKLIST**  
**SINGLE-FAMILY and TWO-FAMILY SITE PLAN APPLICATION**

Project Address \_\_\_\_\_

Project Number \_\_\_\_\_

**SUBMITTAL REQUIREMENTS FOR REVIEW:**

- Pre-Application Meeting
- Completed "Single-Family and Two-Family Site Plan Application" form
- Application fee: \$\_\_\_\_\_ made out to "Town of Surfside"
- Ownership Affidavit
- Survey less than one (1) year old. A survey over one (1) year is sufficient as long as the property has not changed ownership and the owner provides an affidavit that no changes have occurred since the date of the survey.
- Recent photographs, as visible from the street, of the subject property and of the adjacent two (2) homes on each side of the subject property on the same side of street. If the adjacent lot(s) are vacant then the next adjacent home(s) shall be utilized.
- Site Plan (Minimum scale of 1" = 20').  
Please show / provide the following:
  - Tabulations of total square footage, lot coverage, setbacks and acreage
  - Entire parcel(s) with dimensions and lot size in square feet
  - Existing and proposed buildings with square footage
  - Buildings to be removed
  - Setbacks for all floors. If there is a 2nd floor average side setback must be shown.
  - Dimensions and locations of all existing and proposed right-of-ways, easements and street frontage, including sidewalks, curb and gutter and planting strips
  - All existing and proposed site improvements, including, but not limited to, all utilities, retaining walls, fences, decks and patios, driveways and sidewalks, signs, parking areas, erosion control features, pools and accessory buildings
  - Locations and dimensions of parking spaces and driveways and lot layout
  - Driveway entrance width and setbacks from property line
- Architectural Elevations (Minimum scale of 1/8" = 1'):  
Please show / provide the following:
  - Provide color elevations, showing all material finishes, textures and landscaping for all elevations of the proposed building(s). They should include, at a minimum:
    - All exterior materials, colors and finishes, keyed to samples provided
    - Roof plan including mechanical equipment

Cont.



- Roof slopes and materials and color
- Detail of doors, windows, garage doors
- Lighting locations and details
- Dimensions of structure(s) – height, width, and length
  - Building Height as measured from the Crown of the Road
  - Finished Floor Elevation
- Deck, railing, stairs details including materials, colors, finishes, and decorative details
- Exposed foundation treatment
- Gutters and eaves
- Abutting structure heights
  
- Landscape Plan (Minimum scale of 1" = 20').  
*Please show / provide the following:*
  - Tabulations of total property pervious square footage, Front Yard pervious, Rear Yard pervious
  - Tabulations of the required number and location of lot trees, streets trees and shrubs
  - Size of Trees and Shrubs
  - Tabulations of the required Florida Friendly landscaping
  - Location of all existing and proposed trees, vegetation, palms and note tree species
- Provide descriptions and images of colors and/or materials to be used
  
- Such additional data, maps, plans, or statements as the Town may require to fully describe and evaluate the particular proposed plan

**All above documents must be provided in the following format after the pre-application meeting:**

- One (1) USB Flash Drive, (must contain exactly what is being provided in the physical sets and physical sets cannot be signature protected or password protected). The site plans must be in PDF format. Plans must be digitally signed and sealed
- *Provided prior to Planning & Zoning Board Meeting – Two (2) reduced sized sets (11" x 17" sheets) of the complete design development drawings. Plans must be digitally signed and sealed.*

For ask questions or to schedule a pre-application meeting please contact:

Judith Frankel  
Town Planner  
Town of Surfside  
9293 Harding Avenue  
Surfside, FL 33154  
Main: 305-861-4863 ext 497  
jfrankel@townofsurfsidefl.gov

---

Sec. 90-19. Single-family and two-family development review process.

90-19.1 Permits. No building shall be erected, constructed, altered, moved, converted, extended or enlarged without the owner or owners first having obtained a building permit from the building official. Such permit shall require conformity with the provisions of these regulations. When issued, such permit shall be valid for a period of 180 days. However, the town manager or designee may grant an extension to the permit due to an uncontrollable act of nature of up to 180 days.

90-19.2 The building official reviews all applications for building permits or certificates of occupancy for compliance with the provisions of the zoning code and all other applicable codes. The building official shall issue a building permit if the applicant demonstrates that the proposed development is in compliance with all applicable codes and in compliance with any and all development orders issued in connection with the project, and that all fees have been paid.

90-19.3 Permit card. Upon approval of plan specifications and application for permit and payment of required fees, the building official shall issue a permit. The building official shall issue a permit card for each permit which shall bear the description of the property, identify the work being done, identify the owner and contactor and other pertinent information, and such card shall be maintained in a conspicuous place on the premises effected there by the hours of work and available on demand for examination.

90-19.4 Permit requirements. The Florida Building Code as amended is hereby adopted as the regulation governing the construction of buildings and structures in the town. All qualified applicants desiring a permit to be issued by the building official as required shall file an application in writing on a form provided by the town. No development shall occur until and unless the building official has issued a building permit.

90-19.5 Design guidelines. The town has adopted design guidelines intended to provide direction and suggestions for all development. The purpose of the planning and zoning board when conducting design review is to interpret those guidelines and provide guidance to the applicants as to how the design should be revised to more closely approximate or reflect the town's adopted guidelines. The applicant shall then incorporate those suggestions prior to proceeding to building permit.

90-19.6 Single-family and two-family development shall be reviewed by the planning and zoning board. The following types of applications shall require noticing as described below:

- (1) Construction of new single-family homes.
- (2) Partial demolition and rebuilding of at least 50 percent of the square footage of a single-family home where the exterior facade of the structure is affected.
- (3) An addition of at least 50 percent of the square footage of the existing single-family home.

The applicant shall notify the public of the planning and zoning board hearing date and location, on the proposed application as follows:

- a. The applicant shall post a notice on the property one week prior to the planning and zoning board meeting and remove the notice three days after the conclusion of the planning and zoning board meeting. A notice, 18 inches by 24 inches, shall be placed in a prominent place on the property by the applicant, denoting the following:

REQUEST FOR: \_\_\_\_\_

PLANNING AND ZONING BOARD MEETING:

DATE AND TIME

---

TOWN HALL  
9293 Harding Avenue  
Surfside, FL 33154

COMPLETE INFORMATION REGARDING THE APPLICATION IS AVAILABLE BY CONTACTING THE TOWN HALL.

- b. The applicant shall mail written courtesy notices via certified mail, to the abutting single-family property owners and single-family property owners parallel to the subject property line across any right-of-way, of the planning and zoning board meeting date and location ten days prior to the meeting.
- c. The applicant shall provide the town the corresponding certified mail receipts, indicating the notices have been mailed and provide evidence that the sign has been posted three days prior to the planning and zoning board meeting.

90-19.7 The following shall be exempt from planning and zoning board and design review; however, the design guidelines shall be followed:

- (1) Interior or rear yard fences.
- (2) Interior renovations.
- (3) Single-family and two-family awnings.
- (4) Screens.
- (5) Driveways.
- (6) Re-roofs.
- (7) Trellis.
- (8) Rooftop photovoltaic solar systems.
- (9) Sheds.

90-19.8 The following are required for submittal to the planning and zoning board for design review applications:

90-19.9 Effective period of planning and zoning board design review approval. A design review approval from the planning and zoning board shall be effective until the development is completed except that if, after 24 months from the date of the approval by the planning and zoning board a building permit for a principal building has not been issued and remains in effect, the approval shall be null and void.

- (1) Extensions for good cause, not to exceed a total of one year for all extensions, may be granted by the town commission, at its sole discretion, provided the applicant submits a request in writing to the town manager or designee in advance of the expiration of the original approval, setting forth good cause for such an extension. For the purpose of this section, a building permit for a principal building shall cease to be in effect once required inspections have lapsed or once a certificate of completion or certificate of occupancy is issued.
- (2) All approvals which have been granted prior to the effective date of this chapter, shall be null and void and of no further force or effect if not utilized within two years after the effective date of this chapter, unless vested rights are demonstrated pursuant to subsection 90-5(11) of the zoning code. The foregoing provision of this paragraph shall not apply if the governmental approval expressly established a specific time limitation for utilizing the approval. In such instances, the time limitation established by such resolution shall prevail.

---

(Ord. No. 1514, § 2, 4-14-09; Ord. No. 1558, § 2(Exh. A), 8-10-10; Ord. No. 1598, § 2, 1-15-13; Ord. No. 1604, § 2, 8-13-13; Ord. No. 1618, § 2, 3-11-14; Ord. No. 1623, § 2, 7-8-14; Ord. No. 1650, § 2, 8-10-16 ; Ord. No. 17-661 , § 3, 5-9-17; Ord. No. 18-1689 , § 2, 9-12-18)





**Town of Surfside  
Joint Special Town Commission and Planning and Zoning Board Meeting  
January 31, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 3.C

**Date:** January 31, 2023

**From:** Hector Gomez, Acting Town Manager

**Subject: Administrative Code Correction: Roof Deck Stairway Height**

---

**Suggested Action:** – Staff recommends that roof deck stairways and railings be permitted to extend above the permitted roof height for the zoning district as already provided in Sec. 90-44. (See Attachment A) Specifically, Sec. 90-50.2 should be amended to allow roof deck stairs to extend above the roofline in accordance with the restrictions in Sec. 90-44

**Background/Analysis:** – The Zoning Code contradicts itself regarding the height of stairs going to the roof or roof deck of a home. Section 90-50.2 prohibits roof deck stairs from extending above the maximum roof height required by any abutting property's zoning designation. Section 90-44.1 allows stairways and other architectural elements to extend a limited height above the roof line. In H30A, H30B and H30C there is a 3-foot allowance for these elements. In practice the 3-foot extension of stairways has been allowed because it is required for the building permit authorizing construction of the stairs.

---

## Sec. 90-44. Modifications of height regulations.

90-44.1 Architectural elements including cupolas, chimneys, flagpoles, spires, steeples, stair accessways, antennas, ventilators, tanks, parapets, trellises, screens and similar not used for human habitation, may be erected to a reasonable and necessary height, consistent with and not to exceed the following limitations:

Designation	Maximum Height (Feet)	Maximum Percentage of Aggregate Roof Area
H30A	3 FT	1%
H30B	3 FT	1%
H30C	3 FT	10%
H40	12 FT	10%
H120	20 FT	30%
SD-B40	12 FT	10%

90-44.2 Mechanical equipment rooms, including elevator shafts, and stair access ways may be allowed to exceed the maximum height limitations, not to exceed the limitations listed above, provided they shall be of a high architectural quality integral to the design of the building. In the H30C and H40 Districts, any element over four feet in height where a minimum four-foot parapet is provided shall be set back 13 feet from the facade wall plane; otherwise they shall be set back a minimum of 22 feet from the facade wall plane.

90-44.3 In the H120 district, on lots or parcels where construction is regulated by the State of Florida Coastal Construction Code, maximum height shall be measured from the established elevation determined by the Florida Department of Environmental Protection for the first floor.

90.44.4 Height variations among architectural elements shall be of no less than five feet in variation.

90.44.5 Buildings with one continuous height shall be prohibited.

(Ord. No. 1558, § 2(Exh. A), 8-10-10; Ord. No. 1572, § 2, 4-12-11; Ord. No. 2016-1642, § 2, 1-12-16)

## Sec. 90-50. Architecture and roof decks.

90-50.2 Roof deck provisions.

- (1) Roof decks shall be permitted in all zoning districts.
- (2) For properties designated H30A and H30B, roof decks area limited as follows:
  - a. Exterior and interior stairs shall be permitted.
  - b. No extension of stairs shall be permitted over the 30-foot height limitation of the building.
  - c. Roof decks shall provide ten-foot setbacks on the sides and rear of the building.
- (3) For properties designated H30C, H40, H120, SD-B40 and MU, roof decks are limited to:
  - a. A maximum of seventy (70) percent of the aggregate roof area;
  - b. Shall not exceed the maximum roof height required by any abutting property's zoning designation;
  - c. Shall be setback from the roofline at least ten feet on all sides to provide for minimal visibility of roof decks from any public way, except on properties designated SD-B40; and

- 
- (4) All roof decks added to existing buildings shall be inspected by a registered structural engineer and registered architect, who shall address in writing to the building official the following issues:
- a. How will the existing roofing system be protected or replaced to allow for the new use;
  - b. Structural support strategies for any increase in live loads and dead loads;
  - c. Compliance with applicable ADA requirements;
  - d. Location of plumbing and mechanical vent stacks, fans and other appurtenances;
  - e. Egress design compliance per the Florida Building Code and the Florida Fire Prevention Code;
  - f. Added occupancy and servicing restroom facilities; and
  - g. All other issues applicable in the Florida Building Code.
- (5) All work performed on an existing roof deck to allow for occupancy shall be considered a change of use and shall require both a permit and a certificate of occupancy.

(Ord. No. 1514, § 2, 4-14-09; Ord. No. 1558, § 2(Exh. A), 8-10-10; Ord. No. 1605, § 2, 8-13-13; Ord. No. 1614, § 2, 2-11-14; Ord. No. 1627, § 2, 12-9-14; Ord. No. 1629, § 2, 2-10-15; Ord. No. 1637, § 2, 8-11-15 ; Ord. No. 1638, § 2, 10-3-15 ; Ord. No. 2016-1642, § 2, 1-12-16 ; Ord. No. 18-1689 , § 2, 9-12-18)



**Town of Surfside  
Joint Special Town Commission and Planning and Zoning Board Meeting  
January 31, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 3.D

**Date:** January 31, 2023

**From:** Hector Gomez, Acting Town Manager

**Subject: Administrative Code Correction: Extension of Architectural Features into Setbacks**

---

**Suggested Action:** – Staff recommends that the definition of "yard" in Section 90-2 be amended to refer to "setback" to clarify that the two terms are considered interchangeable, in order to avoid confusion and misinterpretation.

**Background/Analysis:** – The Zoning Code has separate definitions for "setback" and for "yard," however the two provisions are largely used interchangeably through the Zoning Code. For example, the Zoning Code prohibits architectural features extending into "yards" except in specific instances. This has typically been applied to the entirety of the setback at the ground level and above-ground, however the Zoning Code's use of the term "yard" could lead to a misinterpretation of the provisions.

Governing Code:

Sec. 90-2

**Setback:** The minimum distance required by a zoning district that all structures shall be from front, side and rear lot lines. Setback includes the words "required yards" or "minimum required yards" and "minimum yards."

**Yard:** An open area which is on the same lot as a building and which is unoccupied and unobstructed from the ground upward, except as otherwise provided in these regulations.

Sec. 90-46. - Projections into required setbacks.

In determining compliance with the minimum setback requirements established within these regulations, the controlling distance on each lot shall be measured between the applicable lot line and the closest point thereto on any building or structure erected on the lot, and no portion of any roof overhang, chimney, cornice, or other similar architectural feature shall project **into any required front, side or rear yard**, except as otherwise provided.

Sec. 90-47.1. - Yards generally, allowable projections. Every part of a required **yard** shall be open to the sky, except ordinary projections of sills, cornices, roof eaves and ornamental features may project not more than 24 inches into any required yard.



**Town of Surfside  
Joint Special Town Commission and Planning and Zoning Board Meeting  
January 31, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 3.E

**Date:** January 31, 2023

**From:** Hector Gomez, Acting Town Manager

**Subject: Administrative Code Correction: Front Yard Standards in H30A, H30B, H30C and H40 districts**

---

**Suggested Action:** – Staff recommends that Sec. 90-61(1) be amended to provide that "Not less than 50 percent of the front yard shall be landscaped". This is what is occurring now due to the restriction that no more than 50% of the front yard can be paved.

**Background/Analysis:** – The Zoning Code states that front yards in the H30A, H30B, H30C or H40 districts may not be more than 50% paved. It also states that a minimum of 30% of the front yard must be landscaped and pervious. Pavers and pervious hard materials, including pervious concrete, gravel or artificial turf, cannot be utilized for the calculation of pervious area. The Code considers these materials as part of the allowed 50% paved area. At this time Zoning Reviews are interpreting that 50% of a front yard setback may be any type of pervious or non-pervious hard materials and the remaining 50% is landscaped. See Attachment A for the relevant sections of the Code.

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) On corner lots where vehicular access and off-street parking are provided in a secondary frontage yard, these same regulations shall apply also to the secondary frontage yard. Such 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 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.
- (8) A driveway shall not extend beyond the front plane of the home unless:
  - a. Providing direct access to a vehicular garage; or
  - b. Presented to and approved by the design review board which shall consider whether the extension is necessary to serve the property and will be compatible with the neighborhood.

Driveways existing prior to March 13, 2018 [effective date of this ordinance] shall be deemed legally non-conforming and may be repaired or rebuilt, but not expanded.

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.

	Maximum Driveway Connections (Curb Cuts) Allowed and Location
--	---

Front lot line width is less 100 feet	<ol style="list-style-type: none"> <li>1. One curb cut, not more than 18 feet in width; or</li> <li>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</li> </ol>
Front Lot Line Width is 100 feet or greater	<ol style="list-style-type: none"> <li>1. One curb cut, not more than 24 feet in width; or</li> <li>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</li> <li>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.</li> </ol>

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, provided that there shall be no more than one vehicular curb cut or vehicular access per building provided on any lot wider than 90 feet or with an aggregated frontage exceeding 90 feet. All curb cuts on Harding Avenue and Collins Avenue are subject to review and approval by the Florida Department of Transportation.

Roadway frontage			Maximum Driveway Connections (Curb Cuts) Allowed and
Collins Ave.	Harding Ave.	East-West Street	
X	X	X	<ol style="list-style-type: none"> <li>1. One two-way on Harding Avenue and one two-way on Collins Avenue; or</li> <li>2. One two-way on either Collins Avenue or Harding Avenue and one two-way mid-block on east-west street; or</li> <li>3. One one-way on Collins Avenue, one one-way on Harding Avenue and one two-way mid-block on east-west street</li> </ol>
X	X		<ol style="list-style-type: none"> <li>1. One two-way on either Collins Avenue or Harding Avenue; or</li> <li>2. One one-way on Collins Avenue and one one-way on Harding Avenue</li> </ol>
X		X	<ol style="list-style-type: none"> <li>1. One two-way on Collins Avenue; or</li> <li>2. One one-way on Collins Avenue and one one-way on east-west street</li> </ol>
	X	X	<ol style="list-style-type: none"> <li>1. One two-way on Harding Avenue; or</li> <li>2. One one-way on Harding Avenue and one one-way on east-west street</li> </ol>
X			One two-way on Collins Avenue
	X		One two-way on Harding Avenue

---

(Ord. No. 1514, § 2, 4-14-09; Ord. No. 1558, § 2(Exh. A), 8-10-10; Ord. No. 1568, § 2, 2-8-11; Ord. No. 2016-1642, § 2, 1-12-16 ; Ord. No. 18-1678 , § 2, 3-13-18)





**Town of Surfside  
Joint Special Town Commission and Planning and Zoning Board Meeting  
January 31, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 3.F

**Date:** January 31, 2023

**From:** Hector Gomez, Acting Town Manager

**Subject:** Planning and Zoning Board Review Criteria

---

**Suggested Action:** – Staff recommends that the Planning and Zoning Board and the Town Commission provide direction on the use of Design Guidelines in single-family development applications.

**Background/Analysis:** – Town Staff use site plan criteria defined in the Zoning Code to determine the appropriateness of an application for development. The Planning and Zoning Board is then charged with interpreting the adopted Design Guidelines and providing guidance to the applicant.

Governing Code:

Section 90-19.5 *Design guidelines:* The town has adopted design guidelines intended to provide direction and suggestions for all development. The purpose of the planning and zoning board when conducting design review is to interpret those guidelines and provide guidance to the applicants as to how the design should be revised to more closely approximate or reflect the town's adopted guidelines. The applicant shall then incorporate those suggestions prior to proceeding to building permit.

The Design Guidelines are being updated, however the Town Commission may consider changes to the code to provide additional guidance for the Planning and Zoning Board to use in reviewing proposed single family development. Such guidance could include, but not be limited to, criteria relating to: mass, scale, compatibility with existing structures, responsiveness to adjacent natural or man-made features (if any), relationship and impact to streets and the pedestrian experience, location of driveways, landscaping design, appropriateness of design, degree of articulation to avoid blank and imposing facades, lighting, and efforts to mitigate impacts of new development on existing buildings in vicinity.

---

Sec. 90-19. Single-family and two-family development review process.

90-19.1 Permits. No building shall be erected, constructed, altered, moved, converted, extended or enlarged without the owner or owners first having obtained a building permit from the building official. Such permit shall require conformity with the provisions of these regulations. When issued, such permit shall be valid for a period of 180 days. However, the town manager or designee may grant an extension to the permit due to an uncontrollable act of nature of up to 180 days.

90-19.2 The building official reviews all applications for building permits or certificates of occupancy for compliance with the provisions of the zoning code and all other applicable codes. The building official shall issue a building permit if the applicant demonstrates that the proposed development is in compliance with all applicable codes and in compliance with any and all development orders issued in connection with the project, and that all fees have been paid.

90-19.3 Permit card. Upon approval of plan specifications and application for permit and payment of required fees, the building official shall issue a permit. The building official shall issue a permit card for each permit which shall bear the description of the property, identify the work being done, identify the owner and contactor and other pertinent information, and such card shall be maintained in a conspicuous place on the premises effected there by the hours of work and available on demand for examination.

90-19.4 Permit requirements. The Florida Building Code as amended is hereby adopted as the regulation governing the construction of buildings and structures in the town. All qualified applicants desiring a permit to be issued by the building official as required shall file an application in writing on a form provided by the town. No development shall occur until and unless the building official has issued a building permit.

90-19.5 Design guidelines. The town has adopted design guidelines intended to provide direction and suggestions for all development. The purpose of the planning and zoning board when conducting design review is to interpret those guidelines and provide guidance to the applicants as to how the design should be revised to more closely approximate or reflect the town's adopted guidelines. The applicant shall then incorporate those suggestions prior to proceeding to building permit.

90-19.6 Single-family and two-family development shall be reviewed by the planning and zoning board. The following types of applications shall require noticing as described below:

- (1) Construction of new single-family homes.
- (2) Partial demolition and rebuilding of at least 50 percent of the square footage of a single-family home where the exterior facade of the structure is affected.
- (3) An addition of at least 50 percent of the square footage of the existing single-family home.

The applicant shall notify the public of the planning and zoning board hearing date and location, on the proposed application as follows:

- a. The applicant shall post a notice on the property one week prior to the planning and zoning board meeting and remove the notice three days after the conclusion of the planning and zoning board meeting. A notice, 18 inches by 24 inches, shall be placed in a prominent place on the property by the applicant, denoting the following:

REQUEST FOR: \_\_\_\_\_

PLANNING AND ZONING BOARD MEETING:

DATE AND TIME

---

TOWN HALL  
9293 Harding Avenue  
Surfside, FL 33154

COMPLETE INFORMATION REGARDING THE APPLICATION IS AVAILABLE BY CONTACTING THE TOWN HALL.

- b. The applicant shall mail written courtesy notices via certified mail, to the abutting single-family property owners and single-family property owners parallel to the subject property line across any right-of-way, of the planning and zoning board meeting date and location ten days prior to the meeting.
- c. The applicant shall provide the town the corresponding certified mail receipts, indicating the notices have been mailed and provide evidence that the sign has been posted three days prior to the planning and zoning board meeting.

90-19.7 The following shall be exempt from planning and zoning board and design review; however, the design guidelines shall be followed:

- (1) Interior or rear yard fences.
- (2) Interior renovations.
- (3) Single-family and two-family awnings.
- (4) Screens.
- (5) Driveways.
- (6) Re-roofs.
- (7) Trellis.
- (8) Rooftop photovoltaic solar systems.
- (9) Sheds.

90-19.8 The following are required for submittal to the planning and zoning board for design review applications:

90-19.9 Effective period of planning and zoning board design review approval. A design review approval from the planning and zoning board shall be effective until the development is completed except that if, after 24 months from the date of the approval by the planning and zoning board a building permit for a principal building has not been issued and remains in effect, the approval shall be null and void.

- (1) Extensions for good cause, not to exceed a total of one year for all extensions, may be granted by the town commission, at its sole discretion, provided the applicant submits a request in writing to the town manager or designee in advance of the expiration of the original approval, setting forth good cause for such an extension. For the purpose of this section, a building permit for a principal building shall cease to be in effect once required inspections have lapsed or once a certificate of completion or certificate of occupancy is issued.
- (2) All approvals which have been granted prior to the effective date of this chapter, shall be null and void and of no further force or effect if not utilized within two years after the effective date of this chapter, unless vested rights are demonstrated pursuant to subsection 90-5(11) of the zoning code. The foregoing provision of this paragraph shall not apply if the governmental approval expressly established a specific time limitation for utilizing the approval. In such instances, the time limitation established by such resolution shall prevail.

---

(Ord. No. 1514, § 2, 4-14-09; Ord. No. 1558, § 2(Exh. A), 8-10-10; Ord. No. 1598, § 2, 1-15-13; Ord. No. 1604, § 2, 8-13-13; Ord. No. 1618, § 2, 3-11-14; Ord. No. 1623, § 2, 7-8-14; Ord. No. 1650, § 2, 8-10-16 ; Ord. No. 17-661 , § 3, 5-9-17; Ord. No. 18-1689 , § 2, 9-12-18)



**Town of Surfside  
Joint Special Town Commission and Planning and Zoning Board Meeting  
January 31, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 3.G

**Date:** January 31, 2023

**From:** Hector Gomez, Acting Town Manager

**Subject:** Accessory Structures in the H30A Zoning District

---

**Suggested Action:** – Staff recommends that the Planning and Zoning Board consider the appropriate setback and size for accessory structures the H30A zoning district.

**Background/Analysis:** – All buildings in H30A that face Biscayne Bay must be setback 50 feet from the seawall. Swimming pools, decks and all accessory structures must be setback a minimum of 15 feet from the seawall.

The Planning and Zoning Board has expressed frustration with the inability to allow certain structures (like cabanas/bathrooms/outdoor kitchens) within 15 feet of seawall but is uncomfortable granting the maximum size of 500 sq ft for accessory structures so close. A potential proposal is to allow some portion of maximum allotment for accessory structures within a certain distance of the seawall.

The setback from the seawall is intended to provide for permeability. Surfside has recently seen the seawalls breached during storm surge event in 2022. The Town is presently considering a new ordinance to increase the height of the seawalls for new developments. The Commission may consider certain allowances for accessory structures in connection with raising seawall height.

**Governing Code:**

Sec. 90-48.3 In the H30A district, no building shall be erected within 25 feet of the seawall on Point Lake nor within 50 feet of the sea wall on Biscayne Bay or on any lots in Blocks 26, 28 and 28A of the Normandy Beach Subdivision, Second Amended.

Sec. 90-54. - Accessory buildings and structures in the H30A and H30B districts.

90-54.1 Any accessory buildings not connected to the main building, except by a breezeway, may be constructed in a rear yard, subject to the following provisions:

(a) The maximum height shall be 12 feet.

(b) The maximum aggregated area shall be 500 square feet.

(c) The structure shall provide a minimum rear setback of five feet and shall conform to all other setbacks applicable to the property.

90-54.2 Accessory swimming pools and decks, open and unenclosed, or covered by a screen enclosure, may occupy a required rear, front, or side setback, subject to the following minimum setbacks:

(a)Rear: Five feet.

(b) Interior side: Five feet.

(c)Primary (front) and secondary (Corner): Ten feet.

90-54.3 An open, uncovered porch, patio, or terrace may occupy a required rear or interior side setback, subject to the following minimum setbacks:

(a) Rear: Five feet.

(b) Interior side: Five feet.

(c) Primary (front) and secondary (corner): Ten feet.

King Tide Event November 2022











**Town of Surfside  
Joint Special Town Commission and Planning and Zoning Board Meeting  
January 31, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 3.H

**Date:** January 31, 2023

**From:** Hector Gomez, Acting Town Manager

**Subject:** Application of Setback Restrictions

---

**Suggested Action:** – Staff recommends that the Planning and Zoning Board and Town Commission provide direction on whether an average setback should be applied against both the first and second floors in the H30A and H30B districts in a similar manner to its application in the H120 district.

**Background/Analysis:** – The use of an average setbacks is limited to only the second floor in H30A and H30B. Average setbacks are applied to the entire building in H120 which allows additional flexibility for more creativity in design.

While considering a comprehensive re-write of the Zoning Code, the last Commission considered a similar proposal to address this topic. That memo is attached.

Sec. 90-45. Setbacks.

(a) Massing.

- (1) Required massing—Generally. The development of new single-family structures and additions to existing single-family structures shall abide by height and massing regulations.

Massing regulations are based on the height of the structure and are delineated between a. single and multi-story structures; b. new structures or additions to existing structures; and c. the ratio of area of the first story to the area of the upper stories. The area of the upper stories (wall plane greater than 15 feet in height) for new structures and additions to existing single-story structures shall not exceed 80 percent of the area of the first story.

- (2) Required Massing—New single-story structures and single-story additions to single-story structures in H30A and H30B districts. The following table shall be utilized for new single-story structures and single-story additions to existing single-story structures (up to 15 feet in height) in both the H30A and H30B districts.

H30A and H30B (SINGLE-STORY STRUCTURES UP TO 15 FEET IN HEIGHT)	PERCENTAGE
Maximum Lot Coverage	40%
SINGLE STORY STRUCTURES	MINIMUM SETBACK
Primary frontage	20 ft
Interior side (lots equal to or less than 50 feet in width)	5 ft
Interior side (lots over 50 feet in width)	10% of the frontage
Rear	20 ft
Secondary frontage (corner only)	10 ft

- (3) Required Massing—Single-family homes within the H30A and H30B districts. For single-family homes within the H30A and H30B districts, the following table shall be utilized for new multi-story structures or multi-story additions (additions greater than 15 feet in height) to existing single-story structures where the upper-story floor area is less than 50 percent of first-story floor area. Where provided both the minimum and average setback shall be utilized.

H30A AND H30B UPPER STORY FLOOR AREA IS LESS THAN 50% OF FIRST STORY FLOOR AREA	PERCENTAGE
Maximum Lot Coverage	40%
FIRST STORY (UP TO 15 FT IN HEIGHT)	SETBACK
Primary frontage	Minimum 20 ft
Interior side (lots equal to or less than 50 feet in width)	Minimum 5 ft
Interior side (lots over 50 feet in width)	Minimum 10% of the frontage
Rear	Minimum 20 ft
Secondary frontage (corner only)	Minimum 10 ft
UPPER STORY OR WALL PLANES GREATER THAN 15 FT IN HEIGHT	SETBACK
Primary frontage	Minimum 20 ft Average 22.5 ft
Interior side (lots equal to or less than 50 feet in width)	Minimum 5 ft

	Average n/a
Interior side (lots greater than 50 feet in width)	Minimum 10% of lot frontage
	Average n/a
Rear	Minimum 20 ft
	Average n/a
Secondary frontage (corner only)	Minimum 10 ft
	Average 12.5 ft

- (4) Required massing—New multi-story structures or multi-story additions. For single-family homes within the H30A and H30B districts, the following table shall be utilized for new multi-story structures or multi-story additions (additions greater than 15 feet in height) to existing single-story structures where the upper-story floor area is 50 percent to 64 percent of first-story floor area. Where provided, both the minimum and average setbacks shall be utilized.

H30A AND H30B UPPER STORY FLOOR AREA IS 50% TO 64% OF FIRST STORY AREA		PERCENTAGE
Maximum Lot Coverage		40%
FIRST STORY (UP TO 15 FT IN HEIGHT)		SETBACK
Primary frontage		Minimum 20 ft
Interior side (lots equal to or less than 50 feet in width)		Minimum 5 ft
Interior side (lots over 50 feet in width)		Minimum 10% of the frontage
Rear		Minimum 20 ft
Secondary frontage (corner only)		Minimum 10 ft
UPPER STORY OR WALL PLANES GREATER THAN 15 FT IN HEIGHT		SETBACK
Primary frontage		Minimum 20 ft Average 25 ft
Interior side (lots equal to or less than 50 feet in width)	H30A—Wall length is equal to or less than 20% of the lot depth	Minimum 5 ft Average n/a
	H30A—Wall length is greater than 20% of the lot depth	Minimum 5 ft Average 7.5 ft
	H30B—Wall length is equal to or less than 25% of the lot depth	Minimum 5 ft Average n/a
	H30B—Wall length is greater than 25% of the lot depth	Minimum 5 ft Average 7.5 ft
Interior side (lots greater than 50 feet in width)	H30A—Wall length is equal to or less than 20% of the lot depth	Minimum 10% of lot frontage Average n/a
	H30A—Wall length is greater than 20% of the lot depth	Minimum 10% of lot frontage Average 15% of the frontage
	H30B—Wall length is equal to or less than 25% of the lot depth	Minimum 10% of the frontage Average n/a

	H30B—Wall length is greater than 25% of the lot depth	Minimum 10% of lot frontage
		Average 15% of the frontage
Rear		Minimum 20 ft
		Average n/a
Secondary frontage (corner only)		Minimum 10 ft
		Average 15 ft

- (5) Required Massing—New multi-story structures or multi-story additions (additions greater than 15 feet in height) to existing single-story structures where the upper-story floor area is 65 percent to 80 percent of first-story floor area. For single family homes within the H30A and H30B districts, the following table shall be utilized for new multi-story structures or multi-story additions (additions greater than 15 feet in height) to existing single-story structures where the upper-story floor area is 65 percent to 80 percent of first-story floor area. Where provided, both the minimum and average setbacks shall be utilized.

H30A AND H30B UPPER STORY FLOOR AREA IS 65% TO 80% OF FIRST STORY FLOOR AREA		PERCENTAGE
Maximum lot coverage		40%
FIRST STORY (UP TO 15 FT IN HEIGHT)		SETBACK
Primary frontage		Minimum 20 ft
Interior side (lots equal to or less than 50 feet in width)		Minimum 5 ft
Interior side (lots over 50 feet in width)		Minimum 10% of the frontage
Rear		Minimum 20 ft
Secondary frontage (corner only)		Minimum 10 ft
UPPER STORY OR WALL PLANES GREATER THAN 15 FT IN HEIGHT		SETBACK
Primary frontage		Minimum 20 ft
		Average 30 ft
Interior side (lots equal to or less than 50 feet in width)	H30A—Wall length is equal to or less than 20% of the lot depth	Minimum 5 ft
		Average n/a
	H30A—Wall length is greater than 20% of the lot depth	Minimum 5 ft
		Average 10 ft
Interior side (lots greater than 50 feet in width)	H30B—Wall length is equal to or less than 25% of the lot depth	Minimum 5 ft
		Average n/a
	H30B—Wall length is greater than 25% of the lot depth	Minimum 5 ft
		Average 10 ft
Interior side (lots greater than 50 feet in width)	H30A—Wall length is equal to or less than 20% of the lot depth	Minimum 10% of lot frontage
		Average n/a
	H30A—Wall length is greater than 20% of the lot depth	Minimum 10% of lot frontage
		Average 20% of the frontage
	H30B—Wall length is equal to or less than 25% of the lot depth	Minimum 10% of lot frontage
		Average n/a

	H30B—Wall length is greater than 25% of the lot depth	Minimum 10% of lot frontage
		Average 20% of the frontage
Rear		Minimum 20 ft
		Average n/a
Secondary frontage (corner only)		Minimum 10 ft
		Average 20 ft

(b) Setbacks.

(1) Required setbacks—Tables. The following tables shall be utilized for structures in the H30C, H40, H120, and SD-B40 zoning districts.

H30C	Minimum Setback (Feet)
Harding Avenue frontage	20 FT
Interior side	6 FT Minimum or 10% of the total interior frontage up to 15 FT, whichever is greater
Rear	10 FT
Secondary frontage (corner only)	10 FT
Interior side setbacks for lots over 50 feet in width	6 FT Minimum or 10% of the total interior frontage up to 15 FT, whichever is greater
H40 - Less than or equal to 50 ft. in width	Minimum Setback (Feet)
Collins Avenue and Harding Avenue frontage	20 FT; 25 FT setback for any portions above 30 FT, except on structures designated as historic
Interior side	6 FT Minimum or 10% of the total interior frontage up to 15 FT, whichever is greater
Rear	10 FT
Secondary frontage (corner only)	10 FT
H40 - Wider than 50 ft.	Minimum Setback (Feet)
Collins Avenue and Harding Avenue frontage	20 FT; 25 FT setback for any portions above 30 FT, except on structures designated as historic
Interior side	7 FT Minimum or 10% of the total interior frontage up to 15 FT, whichever is greater
Rear	10 FT
Secondary frontage (corner only)	10 FT
H120	Minimum Setback (Feet)
Primary frontage	40 FT
Side	10% of the lot frontage, no less than 10 feet
Rear	30 FT
Secondary frontage (corner only)	10% of the lot frontage, no less than 20 feet
SD-B40	Maximum Setback (Feet)
Primary frontage	0 FT
Interior side	0 FT
Rear	0 FT
Secondary frontage (Corner only)	0 FT
CF	Maximum Setback (Feet)
Primary frontage	20 FT

---

Interior side	10 FT
Rear	20 FT
Secondary frontage (Corner only)	15 FT

(Ord. No. 1504, § 2(Exh. A), 11-10-08; Ord. No. 1514, § 2, 4-14-09; Ord. No. 1558, § 2(Exh. A), 8-10-10; Ord. No. 1572, § 4-12-11; Ord. No. 1615, § 2, 2-11-14; Ord. No. 2016-1642, § 2, 1-12-16; Ord. No. 18-1694, § 2, 12-11-18; Ord. No. 20-1710, § 2, 1-28-20)

## Proposal to address H30A and H30B building volumes

Expand Average Setback concept to address *both* the first and second floor and limit allowable floor area based on the average setback provided.

Replace Section 90-178 in Draft Code with the following:

### Section 90-178. Average Setbacks and Floor Area for H30A and H30B.

Average front and side setbacks shall be required depending on the floor area provided as follows:

Maximum Floor Area (percentage of lot area)	Minimum Average Side Setback Required for each side	Minimum Average Front Setback Required
50%	5 feet	20 feet
64%	7.5 feet	22.5 feet
72%	9.5 feet	25 feet

Average side setback shall be provided as follows:

- a) Multiply the average setback by the height of the building.
- b) Multiply the resulting figure by the depth of the allowable building on that side (lineal feet between minimum front and rear setback) to arrive at the aggregate volume of average side setback.
- c) The aggregate volume of average side setback must be applied in any one or multiple areas throughout the height and depth of the building (further reducing the building envelope created by the minimum required side setbacks) to reduce the floor width (i.e. parallel to the lot width) and/or depth (i.e. perpendicular to the lot width), at the discretion of the design professional. Average setback may be applied at any point along a floor, mixed and matched among floors, and/or joined with setbacks taken from the opposite side elevation. Covered exterior areas open on two or more sides can be used to meet average setback requirements, but must at all times maintain the minimum side setback.

Average front setback shall be provided as follows:

- a) Multiply the average setback by the allowable height of 30 feet.
- b) Multiply the resulting figure by the width of the allowable building on that side (lineal feet between minimum side setbacks) to arrive at the aggregate volume of average front setback.
- c) The aggregate volume of average front setback must be applied in any one or multiple areas throughout the height and width of the building (further reducing the building envelope created by the minimum required front setback of 20 feet) to reduce the floor



width (i.e. parallel to the lot width) and/or depth (i.e. perpendicular to the lot width), at the discretion of the design professional. Average setback may be applied at any point along a floor, or mixed and matched among two floors. Covered exterior areas open on two or more sides can be used to meet average setback requirements, but must at all times maintain the minimum front setback of 20 feet. Area used to satisfy average side setback that is within the average front yard setback area can be used to satisfy both average front and average side setbacks.

Recommended additional changes to be made in tandem with this proposal:

- Revise Section 90-155 chart to replace Maximum Lot Coverage limit to 50%
- Delete Note 11 from Section 90-155 which increases H30A, H30B, H30C and H40 side setbacks to 10% of lot width when the lot is greater than 50 feet wide.
- Revise the lot coverage definition as follows:
  - ◊ *Lot Coverage* means the percentage of the Lot Area that, when viewed from above, would be covered by all principal and accessory buildings and structures (except swimming pools, fences, screen enclosures, and pergolas), or portions thereof, up to a maximum ~~forty percent (40%)~~ fifty percent (50%) of the lot; ~~provided however that the following exemptions shall not be included in determining the lot coverage:~~
    - ~~a) Uncovered steps and exterior balconies; and~~
    - ~~b) Uncovered terraces, patios, breezeways, or porches which are open on two (2) or more sides; and~~
    - ~~c) Covered terraces, patios, breezeways, or porches which are open on two (2) or more sides; and~~

~~————— In no instance may the total area of all exemptions permitted by (a) through (c) listed above exceed 6% of the Lot Area.~~

For avoidance of doubt, architectural elements extending beyond the vertical plan of exterior walls, such as roof eaves, shall not be counted as lot coverage

- Delete Section 90-91.1 Practical difficulty variance, because lot coverage is increased to 50%



**Town of Surfside  
Joint Special Town Commission and Planning and Zoning Board Meeting  
January 31, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 3.1

**Date:** January 31, 2023

**From:** Hector Gomez, Acting Town Manager

**Subject:** Synthetic/Artificial Turf

---

**Suggested Action:** – Staff recommends that the Planning and Zoning Board and Town Commission provide direction on the 10 properties with artificial turf, and the overall use of artificial turf.

**Background/Analysis:** – The Town of Surfside Zoning Code allows synthetic turf in all Zoning Districts within the Town. However, synthetic turf may not be counted towards the minimum required landscaped areas. The Code sets strict standards for the type of artificial turf, its installation and maintenance and requires a permit.

There are ten properties within the single-family residential area that installed artificial turf in their front yards, while it was still prohibited in Town. These properties were granted an amnesty period to obtain after-the-fact permits, however because the synthetic turf cannot be counted against certain requirements, many of them were not able to obtain the permits within the amnesty period. It has been previously suggested that these properties be allowed to keep the artificial turf they have but once it begins to degrade, they will have to abide by the current code. That would require providing an additional amnesty period up and clarifying which landscape requirements will be applied against these properties.

Official Code definitions:

**Synthetic turf** means a dense and continuous surface of synthetic fibers mounted on a permeable backing and of sufficient density and green color to replicate the appearance of healthy, natural grass.

**Pervious areas** means any portion of the ground unobstructed by a non-landscape planting surface or synthetic turf which prevents or slows down the natural seepage of water into the ground.

See Attachment A for the relevant Town Ordinance.

1  
2  
3 **ORDINANCE NO. 2020 - 1709**

4 **AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF**  
5 **SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF**  
6 **ORDINANCES BY AMENDING SECTION 90-85.2 “DEFINITIONS” TO**  
7 **ESTABLISH A DEFINITION FOR SYNTHETIC TURF; AMENDING**  
8 **SECTION 90-87 “INSTALLATION OF LANDSCAPING AND IRRIGATION”**  
9 **TO PERMIT SYNTHETIC TURF ON ALL PROPERTIES WITHIN THE**  
10 **TOWN SUBJECT TO REQUIREMENTS, INSTALLATION AND**  
11 **MAINTENANCE STANDARDS AND PERMITTING; AND AMENDING**  
12 **SECTION 90-88 “MAINTENANCE OF LANDSCAPE AREAS” TO PERMIT**  
13 **SYNTHETIC TURF WITH EXCEPTIONS; PROVIDING FOR**  
14 **SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE;**  
15 **PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE**  
16 **DATE.**

17 **WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida  
18 Statutes, provide municipalities the authority to exercise any power for municipal purposes,  
19 except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

20 **WHEREAS**, the Town Commission of the Town of Surfside (“Town Commission”) finds it  
21 periodically necessary to amend its Code of Ordinances and Land Development Code (“Code”)  
22 in order to update regulations and procedures for maintain consistency with state law and to  
23 implement municipal goals and objectives; and

24 **WHEREAS**, at its regular Commission meeting on July 9, 2019, the Town Commission  
25 directed staff to evaluate and prepare an ordinance amending the Town’s Code to permit synthetic  
26 turf on all properties within the Town, subject to requirements, installation and maintenance  
27 standards and permitting; and

28 **WHEREAS**, the Town Commission wishes to amend Sections 85.2, 90-87 and 90-88 of the  
29 Town Code to permit synthetic turf on all properties located within the Town, provided that it  
30 shall not be counted towards the minimum required landscaped areas, buffers, foundation  
31 plantings or landscape islands; and

32 **WHEREAS**, the Planning and Zoning Board, as the local planning agency for the Town,  
33 held its hearing on the proposed amendment on December 12, 2019 with due public notice and  
34 input; and

35           **WHEREAS**, the Town Commission held its first public hearing on November 12, 2019, and  
36 recommended approval of the proposed amendments to the Code of Ordinances having complied  
37 with the notice requirements of the Florida Statutes; and

38           **WHEREAS**, the Town Commission has conducted a second duly noticed public hearing on  
39 these regulations as required by law on January 14, 2020 and further finds the proposed changes  
40 to the Code necessary and in the best interest of the community.

41  
42           **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**  
43 **THE TOWN OF SURFSIDE, FLORIDA<sup>1</sup>:**  
44

45           **Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein  
46 by this reference:  
47

48           **Section 2. Town Code Amended.** Section 90-85.2 “Definitions” of the Surfside Town  
49 Code of Ordinances is hereby amended and shall read as follows<sup>1</sup>:

50 **Sec. 90-85.2. - Definitions.**

51 \* \* \*

52 *Open space:* All pervious ~~landscape planting~~ areas of the site.

53 *Pervious areas:* Any portion of the ground unobstructed by a non landscape planting surface or  
54 synthetic turf which prevents or slows down the natural seepage of water into the ground.

55 *Synthetic Turf:* a dense and continuous surface of synthetic fibers mounted on a permeable  
56 backing and of sufficient density and green color to replicate the appearance of healthy, natural  
57 grass.

58 \* \* \*

59           **Section 3. Town Code Amended.** Section 90-87. – “Installation of Landscaping and  
60 Irrigation” of the Surfside Town Code of Ordinances is hereby amended and shall read as  
61 follows<sup>1</sup>:

62

63

64

---

Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words

65 **Sec. 90-87. - Installation of Landscaping and Irrigation.**

66 All landscaping and irrigation shall be installed according to accepted horticultural planting  
67 procedures with the quality of plant materials as hereinafter described, including:

68 \* \* \*

69

70 (15) Synthetic turf.

71

72 a. Synthetic turf may be permitted on all properties subject to the requirements and  
73 procedures set forth in this section.

74

75 b. Synthetic turf shall not be counted towards the minimum required landscaped areas,  
76 buffers, foundation plantings or landscape islands.

77

78 c. Synthetic turf shall comply with all of the following design standards and shall:

79 i. Simulate the appearance of live turf, organic turf, grass, sod or lawn, and shall  
80 have a minimum eight-year "no fade" warranty.

81 ii. Be of a type known as cut pile infill with pile fibers of a minimum height of  
82 1.75 inches and a maximum height of 2.5 inches.

83

84 iii. Have a minimum face weight of 75 ounces per square yard.

85

86 iv. Be manufactured from polyethylene monofilament, dual yarn system, and  
87 manufactured in the United States.

88

89 v. Have backing that is permeable.

90

91 vi. Be lead free and flame retardant.

92

93 d. Synthetic turf shall comply with all of the following installation standards and shall:

94 i. Be installed by a Florida-licensed general contractor in a manner prescribed by  
95 the manufacturer.

96 ii. Be installed over a subgrade prepared to provide positive drainage and an  
97 evenly graded, porous crushed rock aggregate material that is a minimum of three inches  
98 in depth.

99 iii. Be anchored at all edges and seams consistent with the manufacturer's  
100 specifications.

101 iv. Not have visible seams between multiple panels.

102 v. Have seams that are joined in a tight and secure manner.

103 vi. Have an infill medium consisting of clean silica sand or other mixture,  
104 pursuant to the manufacturer's specifications that shall:

Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words

- 105 a. Be brushed into the fibers to ensure that the fibers remain in an upright  
106 position;  
107 b. Provide ballast that will help hold the turf in place; and  
108 c. Provide a cushioning effect.

109 (e) Synthetic turf shall comply with all of the following additional standards:

- 110 i. Areas of living plant material shall be installed and/or maintained in  
111 conjunction with the installation of synthetic turf. Living plant material  
112 shall be provided per the minimum code requirements.  
113 ii. Synthetic turf shall be separated from planter areas and tree wells by a  
114 concrete mow strip, bender board or other barrier with a minimum four-  
115 inch thickness to prevent the intrusion of living plant material into the  
116 synthetic turf.  
117 iii. Irrigation systems proximate to the synthetic turf shall be directed so that  
118 no irrigation affects the synthetic turf.

119 (f) Synthetic turf shall comply with all of the following maintenance standards and shall:

- 120 i. Be maintained in an attractive and clean condition, and shall not contain holes,  
121 tears, stains, discoloration, seam separations, uplifted surfaces or edges, heat  
122 degradation or excessive wear.  
123 ii. Be maintained in a green fadeless condition and free of weeds, debris, and  
124 impressions.

125 (g) The following uses are prohibited:

- 126 i. Synthetic turf in the public rights-of-way or swales.  
127 ii. Synthetic turf shall not be used as a screening material where screening is  
128 required by the code.  
129

130 (h) All uses of synthetic turf shall require a building permit. The building permit  
131 application shall include, at a minimum, all of the following information:

- 132 i. A complete landscape plan showing the area of synthetic turf, area of living  
133 plant material, and area and method of separation between these areas.  
134 Minimum landscape requirements shall be required.  
135 ii. Details regarding existing or proposed irrigation proximate to the synthetic  
136 turf.  
137 iii. Brand and type of synthetic turf, including all manufacturer specifications and  
138 warranties.  
139 iv. A scaled cross section and details of the proposed materials and installation,  
140 including but not limited to subgrade, drainage, base or leveling layer, and infill.  
141 v. A survey of the property with a signed affidavit from the property owner that  
142 no changes have occurred since the date of the survey.

Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words

143 (i) Previously Installed Synthetic Turf. Within one year of the effective date of this  
144 Ordinance, all owners of property where synthetic turf has previously been installed  
145 shall submit proof satisfactory to the Town that the property is in compliance with this  
146 section. If the Town determines such proof of compliance satisfactory, the synthetic  
147 turf may continue to remain on the property. Failure to provide satisfactory proof of  
148 compliance with this section within one year of the effective date of this Ordinance  
149 shall constitute a violation of the Code and the property owner shall be required to  
150 immediately remove the synthetic turf.  
151

152 **Section 4. Town Code Amended.** Section 90-88. – “Maintenance of Landscaped Areas”  
153 of the Surfside Town Code of Ordinances is hereby amended and shall read as follows<sup>1</sup>:

154 **Sec. 90-88. - Maintenance of Landscaped Areas.**

155 \* \* \*

156

157 (1) An owner of land subject to this Code shall be responsible for the maintenance of said land  
158 and landscaping so as to present a healthy, vigorous and neat appearance free from refuse  
159 and debris. All landscaped areas shall be sufficiently fertilized and irrigated to maintain the  
160 plant material in a healthy and viable condition.

161 *NOTE:* All fertilizer shall be safe and environmentally friendly. Also, the applications shall  
162 conform to the manufacturer's specifications.

163 (2) Three inches of clean, weed-free, arsenic free, organic mulch shall be maintained over all  
164 areas originally mulched at all times. Turfgrass shall be kept trimmed and/or mowed  
165 regularly to a height not exceeding eight inches above the ground. The use of mulch in swales  
166 or right-of-way is prohibited.

167 *NOTE:* If weeds, noxious grasses or underbrush are in excess of the eight inches; it too will need  
168 to be cut and the weeds, noxious grasses and underbrush removed and re-sodded if necessary.

169 (3) Irrigation systems shall be maintained to eliminate water loss due to damaged, missing or  
170 improperly operating sprinkler heads, emitters, pipes and all other portions of the irrigation  
171 system.

172 (4) Preserved and created native plant communities shall be maintained in a natural state without  
173 the use of mechanical equipment.

174 (5) An owner is responsible to ensure that landscaping that has been required to be planted  
175 pursuant to this Code, or installed in compliance with the landscape requirements previously  
176 in effect, be maintained in Florida Grade One condition, including but not limited to single-  
177 family residences, multifamily, or business sites. If landscaping is found to be in a state of  
178 decline, dead, damaged, or missing, it must be replaced with equivalent landscape material.  
179 If total replacement is required, species conforming to this Code shall be used. If any  
180 preserved vegetation dies which is being used to satisfy current landscape code requirements,  
181 such vegetation shall be replaced with the same landscape material selected from nursery-  
182 grown native stock only.

Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words

- 183 (6) All trees shall be trimmed in accordance to Miami-Dade County tree preservation code. Any  
184 type of tree abuse/hatracking is prohibited within the Town.
- 185 (7) Any trees and/or palms that are diseased (including dead palms with lethal yellowing) or trees  
186 and/or palms causing a possible safety hazard as determined by the town are considered to  
187 be a public nuisance. The town shall enforce the provisions of this section. Any property  
188 owner of any lot or parcel of land in the town shall promptly remove any such tree and/or  
189 palm after being notified by the town. The town is authorized and empowered to enter on  
190 any lot or parcel of land in the town at any reasonable hour for the purpose of inspecting such  
191 trees and/or palms.
- 192 (8) Shrubs and hedges shall be maintained that such plant materials do not obstruct clear sight  
193 triangles and promote vehicular and pedestrian visibility. Also, hedges planted along  
194 property lines shall be maintained and trimmed to prevent branches from extending over  
195 and/or touching structures on adjacent properties.
- 196 (9) Any plastic or similar artificial landscape materials shall be prohibited with the exception of  
197 seasonal holiday decorative displays of less than 60 days duration and synthetic turf as  
198 provided for in this Article VII. of Chapter 90. Synthetic turf shall be permitted with the  
199 exception that it shall not be counted towards the minimum landscaped area, buffers,  
200 foundation planting or landscape islands.
- 201 (10) All property owners shall keep such property and the adjoining unpaved portions of the  
202 public right-of-ways, swales and bulkheads clean and free from any accumulation of garbage,  
203 trash, liter or debris.
- 204 (11) All property owners with in the town shall not permit unattended vegetation upon the  
205 property, adjoining portions of the rights-of-ways, swales and canal banks.
- 206 (12) All non-compliance with section of the ordinance shall be enforced in accordance with the  
207 Town's Code Enforcement Rules and Regulations.

208

209 \* \* \*

210 **Section 5. Severability.** If any section, sentence, clause or phrase of this ordinance is  
211 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding  
212 shall in no way affect the validity of the remaining portions of this ordinance.

213 **Section 6. Inclusion in the Code.** It is the intention of the Town Commission, and it is  
214 hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of  
215 Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered  
216 to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other  
217 appropriate word.

218

219 **Section 7. Conflicts.** Any and all Ordinances and Resolutions or parts of Ordinances or  
220 Resolutions in conflict herewith are hereby repealed.

221

222 **Section 8. Effective Date.** This ordinance shall become effective upon adoption.

Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words



223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257

**PASSED** and **ADOPTED** on first reading this 12th day of November, 2019.

**PASSED** and **ADOPTED** on second reading this 14th day of January, 2020.

On Final Reading Moved by: Commissioner Karukin

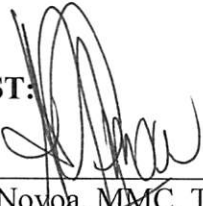
On Final Reading Second by: Vice Mayor Gielchinsky

**FINAL VOTE ON ADOPTION:**


Commissioner Barry Cohen	<u>Yes</u>
Commissioner Michael Karukin	<u>Yes</u>
Commissioner Tina Paul	<u>Absent</u>
Vice Mayor Daniel Gielchinsky	<u>Yes</u>
Mayor Daniel Dietch	<u>Yes</u>

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

**ATTEST:**

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

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

  
\_\_\_\_\_  
Weiss Serota Helfman Cole and Bierman, P.L.  
Town Attorney

Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words



**Town of Surfside  
Joint Special Town Commission and Planning and Zoning Board Meeting  
January 31, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 3.J

**Date:** January 31, 2023

**From:** Hector Gomez, Acting Town Manager

**Subject:** Front Yard Fences and Gates

---

**Suggested Action:** – Staff recommends that the Planning and Zoning Board and Town Commission provide direction on the process of approval for front yard fences and gates. As part of this correction, the allowable height of hedges in the front yard should be amended for consistency with Section 149 of the Charter.

**Background/Analysis:** – The Zoning Code requires front yard fences to be reviewed by the Planning and Zoning Board. At the December 2022 Planning and Zoning Board meeting it was discussed whether the current Code continues to be appropriate. The previous Planning and Zoning Board sought for their jurisdiction to be clarified, and if they were to continue to have jurisdiction that the criteria they apply be clarified.

**Governing Codes:**

**Sec. 90-56.2** A fence or ornamental wall may be placed within the front yard of primary yard if granted design review approval by the planning and zoning board.

**Sec.90-56.3** Fences or ornamental walls placed within a front yard or secondary frontage/corner yard are limited to function as spatial locators and shall not be substantial in appearance

**Sec. 90-56.4** All wall and fence surfaces above two (2) feet measured from grade shall maintain a maximum opacity of fifty (50) percent.

See **Appendix A** for a table on front yard fence height restrictions.

**90-56.12** Fences and walls shall be constructed so that the finished side shall face out or away from the property upon which it is constructed, and all support posts and the unfinished side shall be on the inside facing the property upon which said fence or wall is constructed.

Additionally, the Zoning Code currently limits hedges to four feet in front and corner yards. This conflicts with the Charter which prohibits limiting hedge height to less than six feet.

**Governing Provisions**

**90-56.9** Hedges shall be no more than four feet in height in the front yard and side corner yards and ten feet in height in the rear and interior side yards, except as required by section 90-56.5(1). Hedges may be higher if granted approval by the design review board, on a case-by-case basis.

**Charter, Sec. 149. - Hedges in Single-Family Residential Lots.**

Subject to required vision clearance for lots, hedges shall be permitted within any property line or any required yard or setback on a single-family lot and no limitation shall be enacted to restrict the height of hedges to less than six (6) feet.

**Appendix A**

90-56.4 Front yard and corner yard fences and ornamental walls—Table.

EXPAND

Lot Frontage	Maximum Height (Feet)	Maximum Opacity (Percent)
Less than or equal to 50 ft in width	4 ft	All wall and fence surfaces above two (2) feet measured from grade shall maintain a maximum opacity of fifty (50) percent
Wider than 50 ft and less than 100 ft	4 ft + ½ ft per 10 feet of lot width exceeding 50 feet, maximum 5 ft	
Wider than or equal to 100 ft	4 ft + ½ ft per 10 feet of lot width exceeding 50 feet, maximum 6 ft>	
Secondary frontage (corner only)	Shall adhere to the height and opacity limitations for corresponding lot frontage	



**Town of Surfside  
Joint Special Town Commission and Planning and Zoning Board Meeting  
January 31, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 3.K

**Date:** January 31, 2023

**From:** Hector Gomez, Acting Town Manager

**Subject:** **Applicability of Planning and Zoning Board Review**

---

**Suggested Action:** – Staff recommends that the Planning and Zoning Board and the Town Commission consider amending the Zoning Code Section 90-19.7 to allow additional minor alterations to be reviewed by Town Staff only and not be required to be reviewed by the Planning and Zoning Board except in cases of controversy.

The following permits are suggested to be added to Zoning Code 90-19.7 list of exempt permits:

1. Rear-yard wall opening not visible from the public right-of-way
2. Change outs of building materials
3. Window Signs in the SD-B40 Zoning District
4. Awnings in the SD-B40 Zoning District
5. Rear yard pools
6. Rooftop mechanical and accompanying screens.
7. Roof decks on existing homes
8. Carports

**Background/Analysis:** – At the December 2022 Planning and Zoning Board meeting an application was heard for a house that was adding a sliding glass door to the rear of the home. This was a small alteration that would not have been visible from the right-of-way. The Zoning Code requires any architectural changes to a home to be reviewed by the Planning and Zoning Board. At that meeting the Board expressed their desire to consider changing this requirement. Reviews for wall openings not visible from a public right-of-way could be completed by staff.

Additionally, Vice Mayor Rose at the January Town Commission meeting suggested amending the Zoning Code to reduce ambiguities. An example of this is rear yard pools. At this time, rear yard pools are reviewed by staff only, but the Zoning Code does not call out pools as an exempt permit.

Governing Code:

90-19.7 The following shall be exempt from planning and zoning board and design review;

however, the design guidelines shall be followed:

- (1) Interior or rear yard fences.
- (2) Interior renovations.
- (3) Single-family and two-family awnings.
- (4) Screens.
- (5) Driveways.
- (6) Re-roofs.
- (7) Trellis.
- (8) Rooftop photovoltaic solar systems.
- (9) Sheds.



**Town of Surfside  
Joint Special Town Commission and Planning and Zoning Board Meeting  
January 31, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 3.L

**Date:** January 31, 2023

**From:** Hector Gomez, Acting Town Manager

**Subject:** Enforcement and Interpretation of the Zoning Code

---

**Suggested Action:** – Staff recommends that the Town Commission consider tracking official interpretations of Section 90-3 of the Zoning Code to ensure consistency. The Commission may also consider defining the parameters for the Town Planner to include the ability to approve minor changes to approved plans.

---

Sec. 90-3. Enforcement, interpretation, purpose and conflict.

- (1) The town manager or designee shall designate personnel who shall have the authority to enforce the provisions of this Code.
- (2) Where it is found that any of the provisions of this Code are being violated, enforcement proceedings may be initiated against the real property owner, the tenant if applicable and any other person violating the provisions of this Code. Any enforcement procedure authorized by the Town of Surfside Code of Ordinances or state law may be used to enforce the provisions of this Code. It shall be at the discretion of the town manager or designee to determine which method of enforcement is appropriate and whether more than one method of enforcement should be brought.
- (3) In addition to enforcement by the town manager or designee, the provisions of this Code may be enforced by the Surfside Police Department if appropriate.
- (4) Further, the town commission may direct the town attorney to bring an action for injunctive relief in appropriate circumstances.
- (5) Where this Code includes regulations on the same point as contained in any other law or ordinance, the provisions of this Code shall govern; except that where the regulations of the other law or ordinance are more restrictive than those of this Code, the other shall govern.
- (6) In interpreting and applying the provisions of these regulations, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by these regulations to interfere with or abrogate or annul any easements, covenants, or other agreement, provided however, that where these regulations impose a greater restriction upon the use of buildings or premises or upon the height of buildings, or require larger open spaces or yards or lot areas than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of these regulations shall govern.

(Ord. No. 1558, § 2(Exh. A), 8-10-10)