

ORDINANCE NO. 18 - 11694

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90-45 "SETBACKS" OF "CHAPTER 90 ZONING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PROVIDE SETBACKS AND MAXIMUM SECOND STORY FLOOR AREAS FOR CERTAIN LOTS IN THE H30A AND H30B ZONING DISTRICTS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

1 **WHEREAS**, the Town Commission of the Town of Surfside, Florida, recognizes that
2 changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the
3 Town's regulations are current and consistent with the Town's planning and regulatory needs; and

4 **WHEREAS**, the Town Commission finds that the development of a single family structure
5 on an aggregation of single family lots can create an over-sized dwelling which is incompatible
6 with the surrounding neighborhood; and

7 **WHEREAS**, the Commission desires to encourage development consistent and
8 compatible with the existing residential scale of the Town and therefore chooses to reduce the
9 likelihood of over-development of lots within the single family neighborhoods; and

10 **WHEREAS**, the Commission directed the Planning and Zoning Board to review, analyze
11 and make recommendations for zoning strategies to prevent development of over-sized
12 incongruous with the character of the Town; and

13 **WHEREAS**, the Planning and Zoning Board recommended revisions to the setbacks and
14 second story floor areas limitations for aggregated single family lots; and

15 **WHEREAS**, the Town Commission held its first public hearing on these regulations on
16 August 14, 2018; and

17 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
18 reviewed the revisions to the Code for consistency with the Town's Comprehensive Plan at a duly
19 noticed hearing on August 30, 2018, September 27, 2018, and October 25, 2018; and

20 **WHEREAS**, the Town Commission has conducted a second duly noticed public hearing
21 on these regulations as required by law on November 13, 2018 and December 11, 2018; and

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WHEREAS, the Town Commission hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

26 **NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**
27 **THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:**

28 **Section 1. Recitals.** Each of the above stated recitals is true and correct and the recitals are
29 incorporated herein by this reference.

30 **Section 2. Code Amendment.** The Code of Ordinances of the Town of Surfside,
31 Section 90-45 "Setbacks" of Chapter 90 "Zoning" is hereby amended as follows¹:

32 Sec. 90-45. - Setbacks.

33 (a) *Massing:*

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

36 Massing regulations are based on the height of the structure and are delineated between (a)
37 single and multi-story structures (b) new structures or additions to existing structures and (c) the
38 ratio of area of the first story to the area of the upper stories.

39 ~~The area of the upper stories (wall plane greater than 15 feet in height) for new structures and~~
40 ~~additions to existing single-story structures shall not exceed 80 percent of the area of the first~~
41 ~~story.~~

42 (2) *Required Massing—New single-story structures and single-story additions to single-story*
43 *structures in H30A and H30B districts.* The following table shall be utilized for new single-story
44 structures and single-story additions to existing single-story structures (up to 15 feet in height) in
45 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

¹ Additions to text are shown in underline. Deletions to text are shown in ~~strikethrough~~. Additions after first reading are shown in double underline. Deletions after first reading are shown in ~~double-strikethrough~~.

Interior side (lots over 50 feet but less than 100 feet in width in H30A)	10% of the frontage
Interior side (lots over 50 feet but less than 75 feet in width in H30B)	10% of the frontage
<u>Interior side (when the site consists of more than one lot of record, as shown on plats in effect on November 13, 2018 (100 feet or greater in width in H30A))</u>	<u>15-20 FT or 20% of the frontage whichever is greater</u>
Interior side (75 feet or greater in width in H30B)	15% of the frontage
Rear	20 FT
Secondary frontage (Corner only)	10 FT
<u>Secondary frontage (corner only)(when the site consists of more than one lot of record, as shown on plats in effect on November 13, 2018</u>	<u>15-20 FT or 20% of the frontage whichever is greater</u>

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- (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 but less than 100 feet in width in H30A)	Minimum 10% of the frontage

Interior side (lots over 50 feet but less than 75 feet in width in H30B)	Minimum 10% of the frontage
Interior side (when the site consists of more than one lot of record, as shown on plats in effect on November 13, 2018) - (100 feet or greater in width in H30A)	15-20 FT or 20% of the frontage whichever is greater
Interior side (75 feet or greater in width in H30B)	15% of the frontage
Rear	Minimum 20 FT
Secondary frontage (Corner only)	Minimum 10 FT
<u>Secondary frontage (corner only)(when the site consists of more than one lot of record, as shown on plats in effect on November 13, 2018</u>	<u>15-20 FT or 20% of the frontage whichever is greater</u>
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
<u>Interior side (when the site consists of more than one lot of record, as shown on plats in effect on November 13, 2018)</u>	<u>15-20 FT or 20% of the frontage whichever is greater</u>
	<u>Average n/a</u>

Rear	Minimum 20 FT
	Average n/a
Secondary frontage (corner only)	Minimum 10FT
	Average 12.5 FT
<u>Secondary frontage (corner only)(when the site consists of more than one lot of record, as shown on plats in effect on November 13, 2018</u>	<u>15-20 FT or 20% of the frontage whichever is greater</u>
	<u>Average 20 FT or 20% of the frontage whichever is greater, plus 5 FT</u>

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- (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 but less than 100 feet in width in H30A)	Minimum 10% of the frontage
Interior side (lots over 50 feet but less than 75 feet in width in H30B)	Minimum 10% of the frontage

<u>Interior side (when the site consists of more than one lot of record, as shown on plats in effect on November 13, 2018) (100 feet or greater in width in H30A)</u>		<u>15-20 FT or 20% of the frontage whichever is greater</u>
<u>Interior side (75 feet or greater in width in H30B)</u>		<u>15% of the frontage</u>
Rear		Minimum 20 FT
Secondary frontage (Corner only)		Minimum 10 FT
<u>Secondary frontage (corner only)(when the site consists of more than one lot of record, as shown on plats in effect on November 13, 2018</u>		<u>15-20 FT or 20% of the frontage whichever is greater</u>
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)		Minimum 10% of lot frontage

	H30A - Wall length is equal to or less than 20% of the lot depth	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
<u>Interior sides (when the site consists of more than one lot of record, as shown on plats in effect on November 13, 2018)</u>	<u>H30A or H30B</u>	<u>15-20 FT or 20% of the frontage whichever is greater</u>
		<u>Average 20 FT or 20% of the frontage whichever is greater, plus 5 FT</u>
Rear		Minimum 20 FT
		Average n/a
Secondary frontage (corner only)		Minimum 10 FT
		Average 15 FT
		<u>15-20 FT or 20% of the frontage</u>

<u>Secondary frontage (corner only)(when the site consists of more than one lot of record, as shown on plats in effect on November 13, 2018</u>	<u>whichever is greater</u>
	<u>Average 20 FT or 20% of the frontage whichever is greater, plus 5 FT</u>

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59 (5) *Required Massing*—New multi-story structures or multi-story additions (additions greater than 15
60 feet in height) to existing single-story structures where the upper-story floor area is 65 percent to
61 80 percent of first-story floor area. For single family homes within the H30A and H30B districts,
62 the following table shall be utilized for new multi-story structures or multi-story additions (additions
63 greater than 15 feet in height) to existing single-story structures where the upper-story floor area
64 is 65 percent to 80 percent of first-story floor area. Where provided, both the minimum and
65 average setbacks shall be utilized.

H30A AND H30B UPPER STORY FLOOR AREA IS 65% TO 80% OF FIRST STORY FLOOR AREA		PERCENTAGE
lots in H30A 100 feet or greater in width and lots in H30B 75 feet or greater in width are not eligible to build a second story with more floor area than 64% of the first floor	Maximum Lot Width in H30A	less than 100 feet
lots in H30A 100 feet or greater in width and lots in H30B 75 feet or greater in width are not eligible to build a second story with more floor area than 64% of the first floor	Maximum Lot Width in H30B	less than 75 feet
<u>This Section applies only when the site consists of a single lot of record, as shown on plats in effect on November 13, 2018</u>		
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 but less than 100 feet in width in H30A). Lots in the H30A 100 feet or greater in width are not eligible to build more than 64% of the first floor)		Minimum 10% of the frontage
Interior side (lots over 50 feet but less than 75 feet in width in H30B). Lots in the H30B 75 feet or greater in width are not eligible to build more than 64% of the first floor)		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
	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

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67 **Section 3. Severability.** If any section, subsection, clause or provision of this Ordinance is
68 declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be
69 affected by such invalidity.

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

72 **Section 5. Inclusion in the Code of Ordinances.** It is the intention of the Town Commission,
73 and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the
74 Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-
75 lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or
76 other appropriate word.

77 **Section 6. Effective Date.** This Ordinance shall be effective upon final adoption on second
78 reading.

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PASSED on first reading this 14th day of August, 2018.


PASSED and **ADOPTED** on second reading this 11th day of December, 2018.

On Final Reading Moved by: Commissioner Karukin

On Final Reading Second by: Vice Mayor Gielchinsky

FINAL VOTE ON ADOPTION

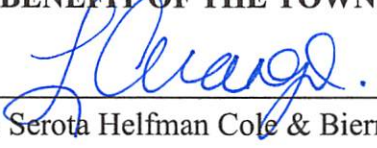
Commissioner Barry Cohen	<u>yes</u>
Commissioner Michael Karukin	<u>yes</u>
Commissioner Tina Paul	<u>yes</u>
Vice Mayor Daniel Gielchinsky	<u>yes</u>
Mayor Daniel Dietch	<u>yes</u>



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 & Bierman, P.L.,
Town Attorney