# TOWN OF SURFSIDE DRAFT ZONING CODE

SINGLE FAMILY RESIDENTIAL

### PROPOSED PROCESS

- Workshop I (single family residential) February 4, 202 I
- Workshop II (multifamily, hotel, and commercial) February 18, 2021
- First Reading of Ordinance before Town Commission Public Hearing
- Planning & Zoning Board (Local Planning Agency) Public Hearing
- Second Reading of Ordinance before Town Commission Public Hearing
- \* Additional workshops and/or meetings of the Town Commission and/or Planning and Zoning Board may be scheduled upon the direction of the Town Commission or Town Administration.

### OVERVIEW OF CODE LAYOUT

- Article I Definitions and General Guidance
- Article II Zoning Approval Procedures
- Article III Establishes Zoning Districts
- Article IV Specific Regulations for Zoning Districts
- Article V Supplementary Regulations
- Article VI Considerations for Specialized Uses

### SINGLE FAMILY DISTRICTS

- H30A waterfront
  - minimum lot size: 8,000 square feet
  - Minimum lot width: 50 feet
- H30B interior
  - minimum lot size: 5,600 square feet
  - Minimum lot width: 50 feet
- H30C, H40, and H120 single family permitted



### LOT COVERAGE

"Lot coverage: The Coverage means the percentage of the total area of a lotLot 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%) of the lot; provided however that allowable exclusions, as described under "floor area," the following exemptions shall not be included in determining the building area. lot coverage:

- (1) Uncovered steps and exterior balconies; and
- (2) Uncovered terraces, patios, breezeways, or porches which are open on two (2) or more sides; and
- (3) Covered terraces, patios, breezeways, or porches which are open on two (2) or more sides.

In no instance may the total area of all exemptions permitted by (1) through (3) listed above exceed 6% of the Lot Area. "

- First Floor: limited to 40% of the lot area
- Second floor: limited to 32% of the lot area
  - Current code limits second floor lot coverage to 80% of the first floor

# LOT COVERAGE PROPOSED EXCEPTION FOR ADDITIONS TO EXISTING HOMES

### "Section. 90-91.1. Practical Difficulty Variance.

In order to provide homeowners with the ability to implement ground-floor additions for existing homes, in the H30B district, where existing lot coverage is at or within 20% of the allowable lot coverage, the Planning and Zoning Board may grant a practical difficulty variance to allow an addition that increases the total lot coverage to no more than 50% of the lot area. The addition shall be limited to the ground floor only, and no subsequent alteration of the building may increase second floor area unless the lot coverage is reduced to the regularly applicable maximum 40% of the lot area. The addition shall comply with all other provisions of this code, and shall not result in a new configuration of the roofline other than that necessary to integrate the addition."

(emphasis added)

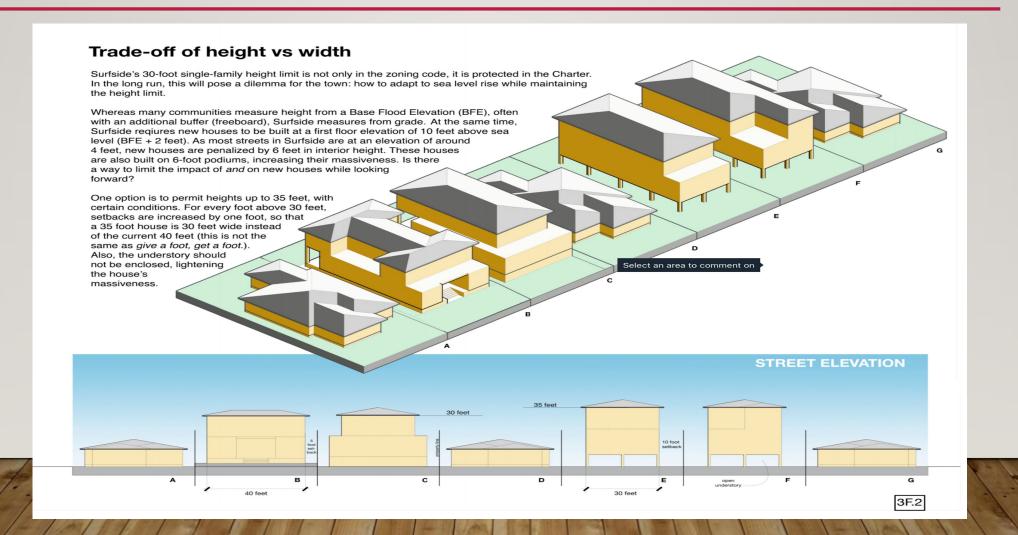
# HEIGHT PROPOSED CHANGES

"Building, height of, means the vertical distance from the crown of the road abutting the property to the roof, as more particularly set forth in the definition of Height."

### "Height of buildings or structures shall be measured:

- (a) For flat roofs: The vertical distance from the average datum or elevation of the crown of the road fronting the lot or building site, to the highest point of the roof.
- (b) Pitched <u>For pitched roofs</u>: The vertical distance from the average datum or elevation of the crown of the road fronting the lot or building site, to the top of the tie beam. A pitched roof shall have a maximum pitch of 4/12. <u>Any roof that is not a pitched roof shall be considered a flat roof</u>."

# HEIGHT LIMIT: 30 FEET



# HEIGHT LIMIT: 30 FEET

#### NGVD29 vs NAVD88 NGVD29 and NAVD88 are vertical datums, used to locate land, buildings and other features vertically in relation to a datum that is common to all parts of the country. The datum, 0.00 is set as sea level but varies from tidal datums, such as MHW and MSL, which are based on local NGVD29 NAVD88 NAVD is more precise than NGVD, in that it corrects for changes in +16.74 +15.14' Projected Hurricane Irma Storm Surge typography but also for esoteric issues like local variations in gravity. The difference between the two varies across the country. In Surfside, NAVD is 1.6 feet higher, so its numerical values are 1.6 feet lower. than corresponding NGVD elevations. The FIRM maps that set the Base Flood Elevation (BFE) are in NGVD (in Miami-Dade County). Any house in Surfside that uses a BFE of +8.00 must be calibrated in NGVD or it will be built too high (by 1.6') While the vertical datums of 0.00 are the same everywhere, the tidal datums vary everywhere. In Surfside Mean Sea Level (MSL) is a little bit lower than NAVD 0.00 and a little bit higher than NGVD 0.00 Finally, storm surges are calculated from MSL and this drawing indicates the height of the storm surge projected for Hurricane Irma in 2017 (16 feet) in relation to a typical Surfside house. +10.00' +8.40'TYPICAL ONE-STORY SURFSIDE HOUSE BFE (FIRM) +8.00' +6.40' first floor level 89th & Froude +4.62'/+3.02' 95th & Carlyle +4.53'/+2.93 95th & Bay +3.88'/+2.28 93rd & Bay +3.70'/2.10 Mean High Water (MHW) +1.96' +0.36' NAVD88 Datum +1.60' 0.00 -0.86' Mean Sea Level (MSL) +0.74 **NGVD29 Datum** 0.00 -1.60' What is meant by Dimensions are measurements between two points. Elevation is a locations in space. Surfside permits houses to be 30 feet tall as measured from the crown of the road. If the crown is elevation +3.70, the top of a 30-foot tall house witll be +33.70'. "elevation?"

### HEIGHT ALLOWANCES

### Section 90-176. Height Modifications.

"In the H30A, H30B, and H30C districts, cupolas, chimneys, flagpoles, and similar architectural features occupying in the aggregate not more than one percent of the total roof area, may be erected to a reasonable and necessary height, not to exceed an additional three feet above the maximum building height established herein."

### **SETBACKS**

"Setback: means the minimum distance required by section 90-155 that all structures shall be from front, side and rear lot lines. Setback may also refer to the yard area adjacent to the particular lot line indicated, consistent with the definitions for front yard setback, rear yard setback, and side yard setback below. In this context, the words "in," "inside," and "within" refer to the area that is less than the minimum distance from the front, side, or rear lot line. "Outside" refers to the area that is located at a greater distance than the minimum distance from the front, side, or rear lot line."

• Front: 20 feet

Interior Side: 5 feet

Street Side: 5 feet (corner lots)

• Rear: 20 feet

In H30A and H30B districts, lots in excess of 112.5 feet in depth, the combined depth of front and rear yards shall be a minimum of thirty-six (36) percent of lot's total depth. In no event shall front or rear yards be less than the minimum depth specified above.

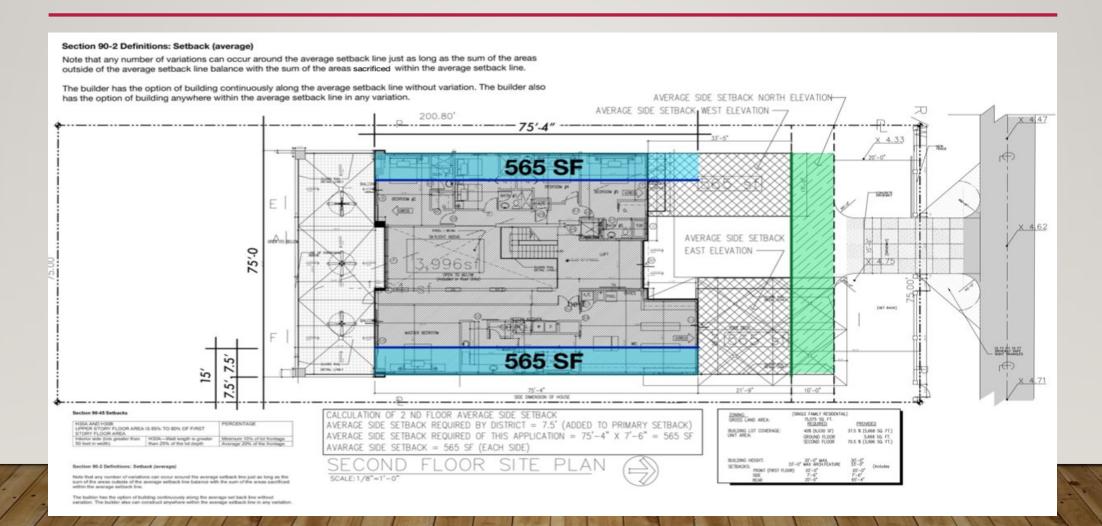
# SETBACKS AVERAGE SETBACKS FOR SECOND FLOOR – SECTION 90-178

"Average front and side yard setbacks shall be determined in the following manner:

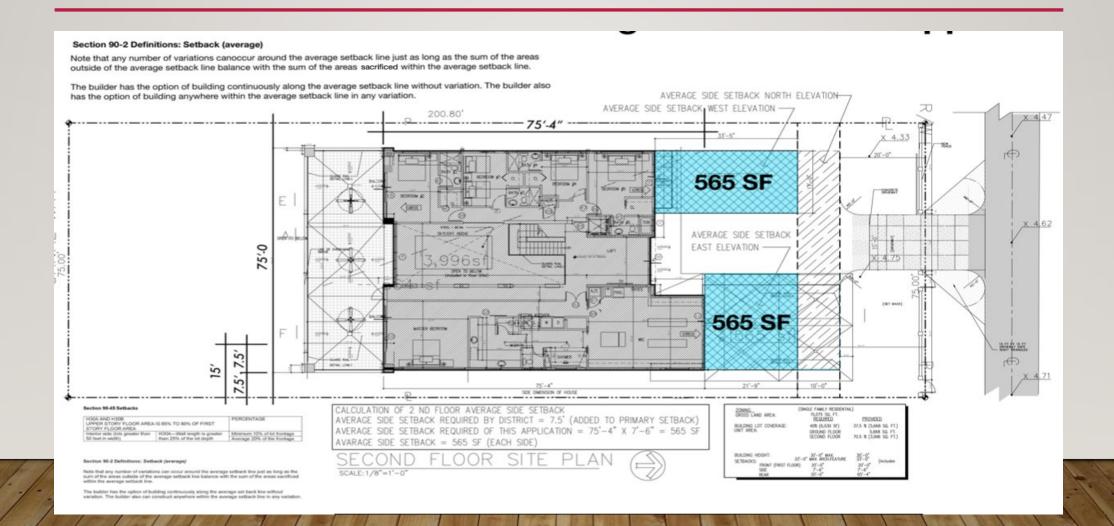
- Multiply the required average setback by the total length of all second-floor walls on the elevation facing the applicable yard
- The total area of the applicable yard at the second floor exclusive of any other yard shall equal or exceed the resulting area."

Generally, the larger the second floor is in relation to the first floor, the greater the average setback requirement.

# SETBACKS AVERAGE SETBACKS IN PRACTICE



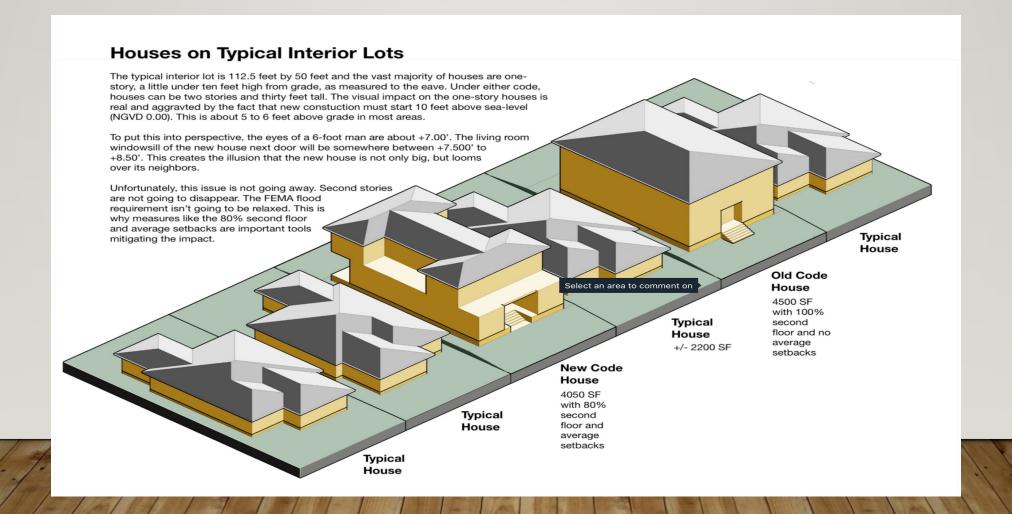
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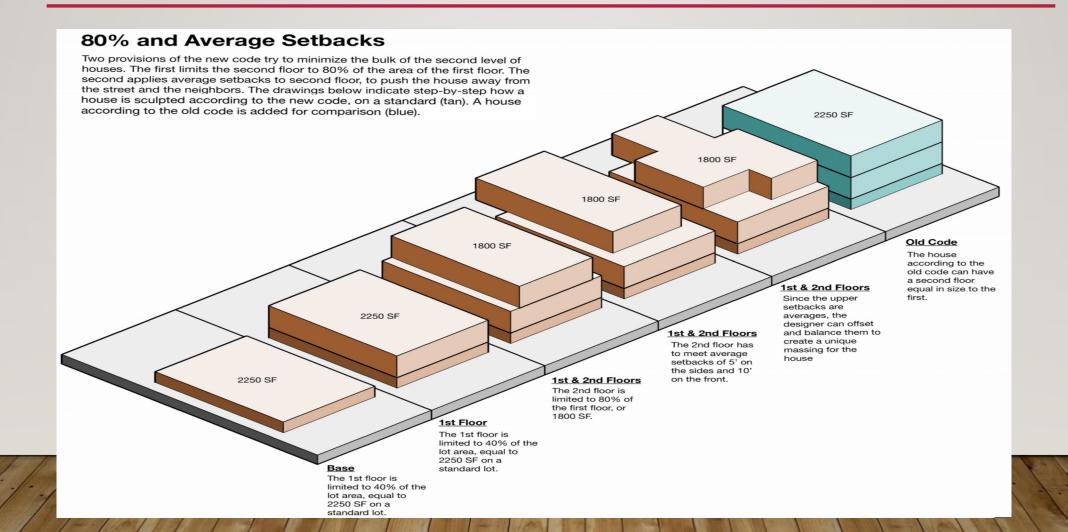
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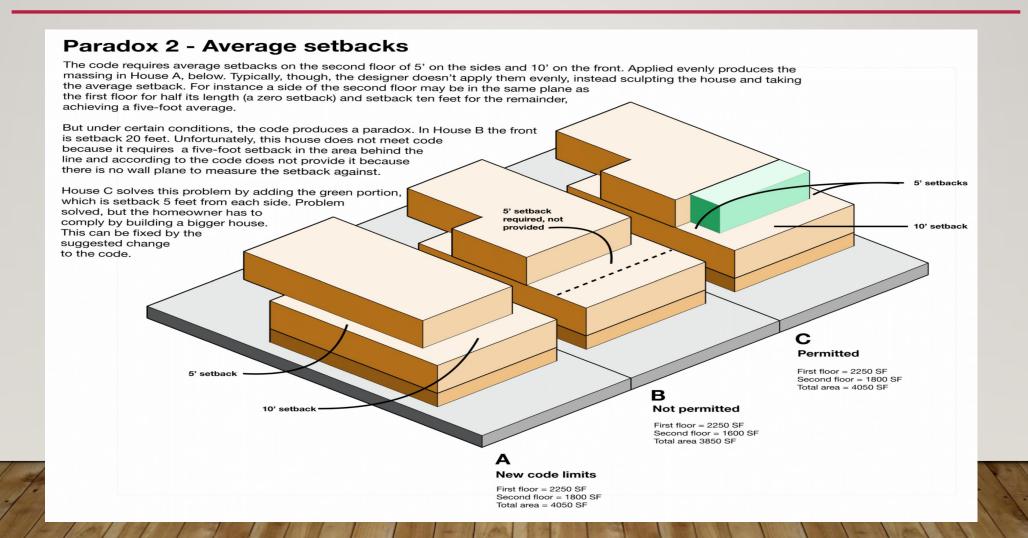
# SETBACKS AVERAGE SETBACKS & LOT COVERAGE; EXAMPLES



# SETBACKS AVERAGE SETBACKS & LOT COVERAGE



# SETBACKS AVERAGE SETBACKS CHANGE IN CALCULATION



### SETBACKS ENCROACHMENTS – SECTION 90-177

Every part of a required yard shall be open to the sky, except:

- Sills, cornices, roof eaves, and ornamental features may project up to 24 inches into any required yard in all districts except the H30A and H30B districts, and in H30C districts west of Harding Avenue. In the H30A and H30B districts and in H30C districts west of Harding Avenue, eaves of sloped roofs may project up to 24 inches into the side yard setback. All other ornamental or screening features in the H30A and H30B districts, including cornices, sills, frames, and fins, may project no more than 8 inches into any required yard.
- Moveable awnings may be placed over doors or windows and may project not more than three feet into any required yard.
- In connection with a single-family or duplex residence, air conditioning equipment, a pool pump or other mechanical equipment may be located in a required side or rear yard, provided such equipment is at least 15 feet from any other single-family or duplex residence and is not visible from any street or waterway.

Planning and Zoning Board has considered potential 24" encroachment be allowed for eaves of flat roofs provided they are no more than 6" vertical thickness, to maintain appropriate scale.

Mr. Kousoulas suggests side steps be allowed to project no more than 3 FT into a setback and no more than 18" above grade. Any additional height needed must be accommodated outside of the setback

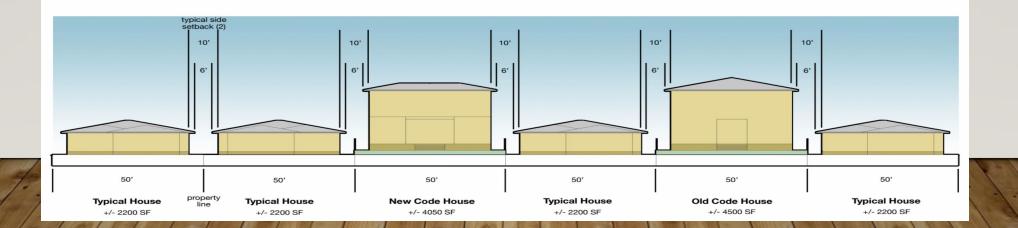
### SETBACKS ENCROACHMENTS

#### Setbacks and the Bulk of Houses

The typical Surfside single-family lot is 50 feet wide. Side setbacks are 5 feet, spacing house 10 feet apart. Roof eaves are allowed to project 24" into the setback, placing their edges 6 feet apart. This creates the impression on Google Earth and similar views that houses are closer to five feet apart than ten.

Once a two-story, thirty-foot tall house is built, things can begin to feel very congested. Aggravating the feeling is the Base Flood Elevation (BFE) of new construction, NGVD +10.00' that requires new houses to start about five feet higher than their existing neighbors. Not only are the houses taller, the first floor starts at about the neighbor's eye level.

Finally, though the houses are ten feel apart, many features are currently allowed to project 24 inches in the setback. The cramped ten foot wide by 30 foot tall slot between two new houses can quickly be reduced by 40% to six feet.



### SETBACKS ENCROACHMENTS

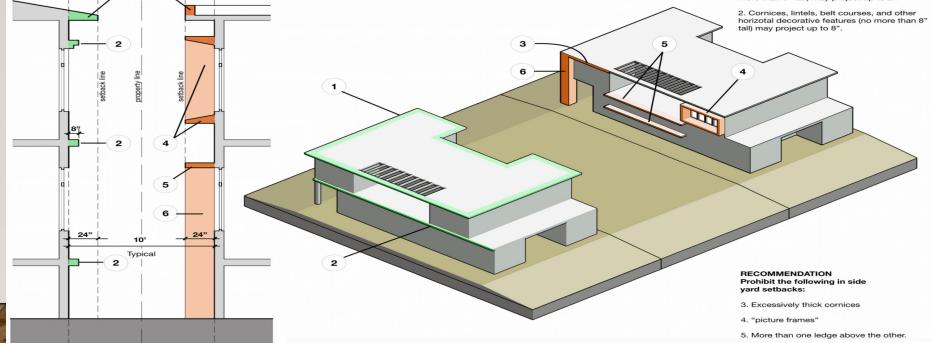
#### **Projections into Yards**

Under the current and old codes, certain functional and decorative features are allowed to project into the setbacks, up to 24 inches. When applied to roof eaves, the allowance makes sense, but is too permissive applied to other features. Excessively employed, 24 inch projections can make houses seem larger than they are and unnecessarily congest sideyards. The code should be revised to permit 24 inch projections into sideyards for eaves and single ledges, only. All other projections should be limited to 8" and have a vertical thickness no greater than 8 inches.

#### RECOMMENDATION Permit the following:

 Roof eaves and single horizontal ledges (no more than 6" tall) may project up to 24"

6. vertical fins, screens, frames, etc.

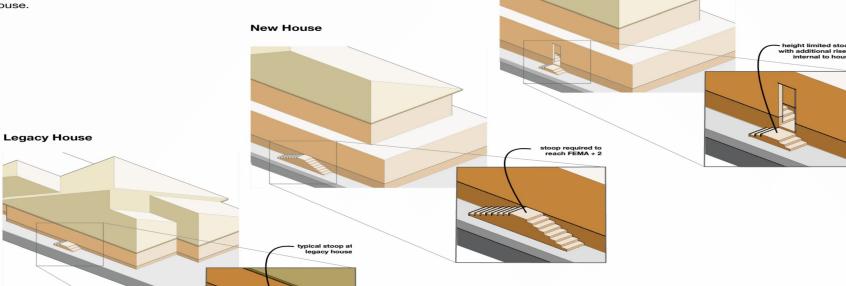


# SETBACKS ADDRESSING STEPS

#### **Side Yard Steps**

Many houses have side doors and a set of steps leading to the side yard. The codes permit these steps to come within two feet of the property line, enough for three foot wide steps in the typical five foot side yard. Since these legacy houses are typically built within 18 inches from grade, there are only 2 or 3 risers (steps) required. This staircase has little impact on the side yard.

New houses are frequently built 5 to 6 feet above grade. The same side stair can be a massive intrusion into the side yard. The language in either code does not address this condition. A solution is to limit the vertical height of any steps in the side yard, requiring the balance of the staircase to be inside the setback, either inside or outside the house.



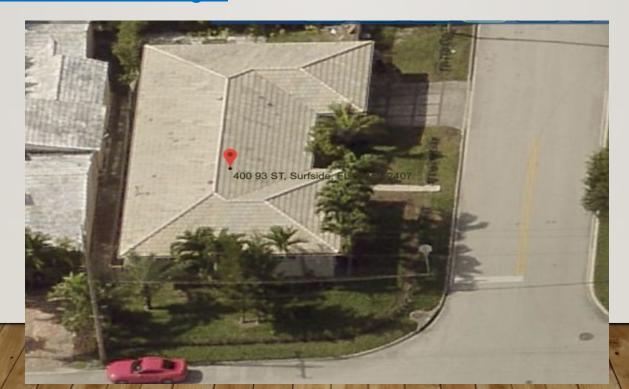
be as few as 2 or 3.

New House with vertically limited stair

These drawings are illustrative. They are meant to characterize the problem and conceptualize a solution. Actual conditions vary according to the height above grade for the legacy houses. New Houses will vary according to the average street grade at its location, but could be as much as 6 feet, requiring 10+ risers. Sloping the site upwards to the new house, as is often done, will decrease the number of risers. Under the right combination of site slope and street grade the required number of additional risers could

# SPECIAL SITUATIONS CORNER LOTS

"Lot, front, shall be construed to be the portion nearest the street. For corner lots, the lot front shall be the narrowest portion abutting the street <u>unless otherwise</u> <u>determined by the town manager</u>."



# SPECIAL SITUATIONS WATERFRONT LOTS

"Yard, rear, means a yard extending the full width of the lot between the main building and the rear lot line, or the bulkhead line for waterfront properties, or the bulkhead line for oceanfront properties."

Section 90-179(c): In the H30A district, no building shall be erected within 25 feet of the seawall on Point Lake, north canal, or south canal, nor within 50 feet of the sea wall on any other body of water.

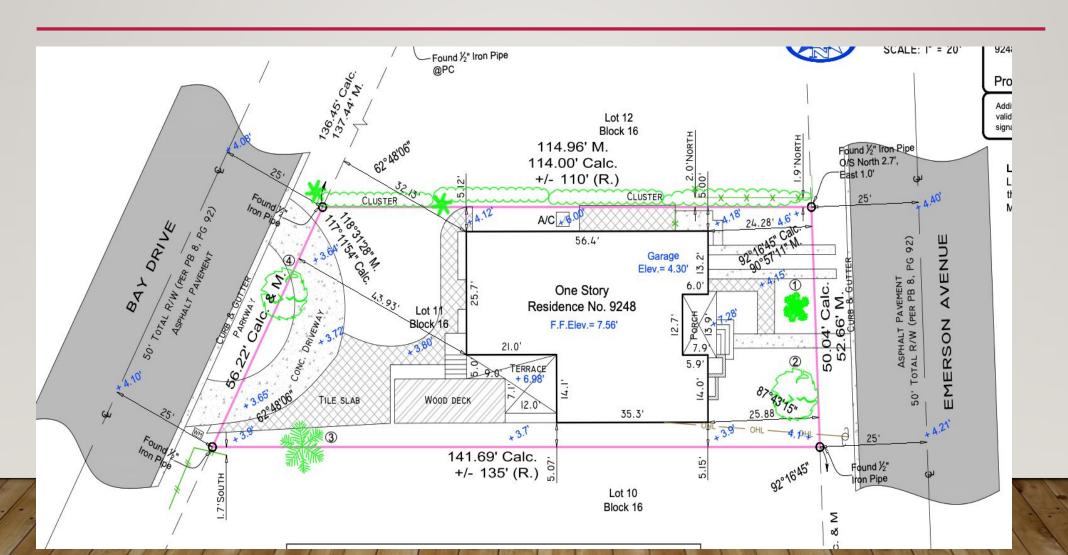
Section 90-187(b) & (c): No structures, other than a pool, within 20 feet of the bulkhead line. Pools can be no closer than 15 feet from the bulkhead line.

# SPECIAL SITUATIONS THROUGH LOT

• Planning & Zoning Board suggests addressing rules for the rear side of a through lot.



# SPECIAL SITUATIONS THROUGH LOT



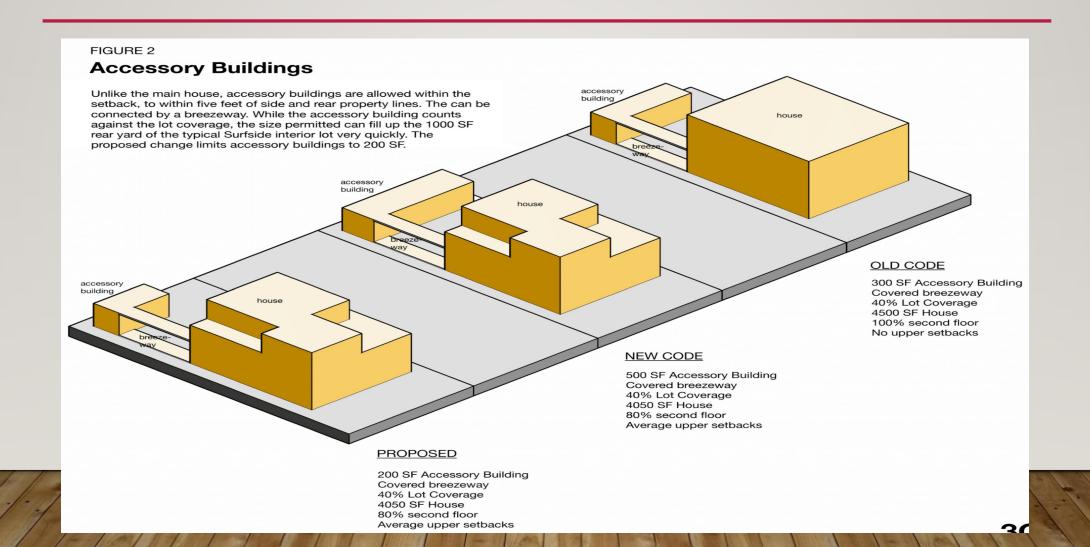
# ACCESSORY STRUCTURES SECTION 90-182

"Accessory Any accessory buildings which are not a part of connected to the main building, even if connected except by an open breezeway, may be constructed in a rear yard provided such accessory building does not exceed 12 feet in height and occupies no more than thirty percent (30%) in H30A or twenty percent (20%) in H30B of the area of the required rear yard setback and provided it is located at least five feet from adjacent rear or interior side lot lines and ten feet from any street lot line. A screen enclosure shall be included in the computation of area occupied in a required rear yard but an open, uncovered pool, porch, patio or terrace shall not be included, provided such structures are located at least five feet from adjacent rear or interior side lot lines and ten feet from any street lot line."

- Pools and sheds permitted at least 5 feet from side or rear lot line, or 10 feet from street.
- Canvas cabanas subject to same limitations

Note: This requirement is in addition to the lot coverage, landscaping and permeable area requirements.

### **ACCESSORY STRUCTURES**



# ACCESSORY USES SECTION 90-145

Boat docks & moorings

Game courts

Home BBQ grills

**Swimming Pools** 

Electric Vehicle Charging Stations

Home Office?

• Current code Section 90-26: Prohibits visitor and employees, but allows work vehicle

### FENCES SECTION 90-183

- Maximum height range is 4-6 ft depending on width of lot.
- Any portion above 2 ft of height may not exceed 50% opacity
- Allowed in front or side yard of corner lots with Design Review approval of Planning and Zoning Board
  - Street side yard may increase to 6 ft and 100% opacity
- Hedges limited to 4 ft high, only on private property (may exceed 4 ft height with Design Review approval from Planning and Zoning Board)

Planning and Zoning Board has raised concerns about these provisions; suggestions include elevating required approval to a variance or special exception.

# CAR CANOPIES SECTION 90-185

- Requires Conditional Use approval if in setback area
- Allowed in front, side or rear setback, but:
  - cannot be closer to 5 ft from property line adjacent to street, or
  - closer to 5 ft from a side property line if canopy is in front yard
- For most lots, limited to 10 ft x 20 ft maximum
- Maximum height is 10 ft (to top of cover)

### LANDSCAPING AND PERMEABILITY

SECTIONS 90-188, 90-194, AND 90-260

- 50% of front and side street yard must be landscaped; no more than 50% impervious area
- 35% of each lot must be pervious
- 40% of rear yard must be pervious
- 20% of landscaping to be Florida Friendly
- Trees, turf grass, groundcover, shrubs and other decorative landscape material shall be used to cover all disturbed ground not covered by building and paving

### **NONCONFORMITIES**

"Nonconforming Lot means a Lot of Record which was legally established as a separate building site prior to the enactment of these zoning regulations, or any amendment thereto, which requires a larger area, frontage, width or depth than that which existed prior to such enactment. A Nonconforming Lot may only be improved if it meets the conditions and requirements of Section 90-71."

"Nonconforming Structure means a structure which lawfully existed prior to the enactment of these regulations or any amendment thereto, which does not comply with the restrictions as to size, nature of construction, location of the structure on the land, or location of the structure in proximity to other buildings required by the regulations adopted subsequent to its construction, and which is continuously maintained after the effective date of such regulations or amendment thereto."

# NONCONFORMITIES SECTION 90-71. NONCONFORMING LOTS

"If the owner of a lot in any district does not own a parcel or tract of land immediately adjacent to such lot, and if the deed or instrument under which such owner acquired title to such lot was of record prior to the adoption of the ordinance from which this division was derived, or any amendment thereto which requires a larger minimum lot size than currently exists, the owner may use such lot for improvements that conform in all other respects to applicable zoning regulations. Any existing building which may be located on such a nonconforming lot may be altered or enlarged: provided such alteration or enlargement meets all other applicable requirements of these zoning regulations."

### NONCONFORMITIES SECTION 90-72. NONCONFORMING USE OF LAND

"In a residential or tourist district where vacant land is being used as a nonconforming use, and such use is the main use and not accessory to the main use conducted in a building, such use shall be discontinued not later than two years from the date of passage of the ordinance from which this division was derived.

During the two-year period, such nonconforming use shall not be extended or enlarged either on the same or adjoining property."

### NONCONFORMITIES SECTION 90-74. I. DISCONTINUANCE OF NONCONFORMING STRUCTURE

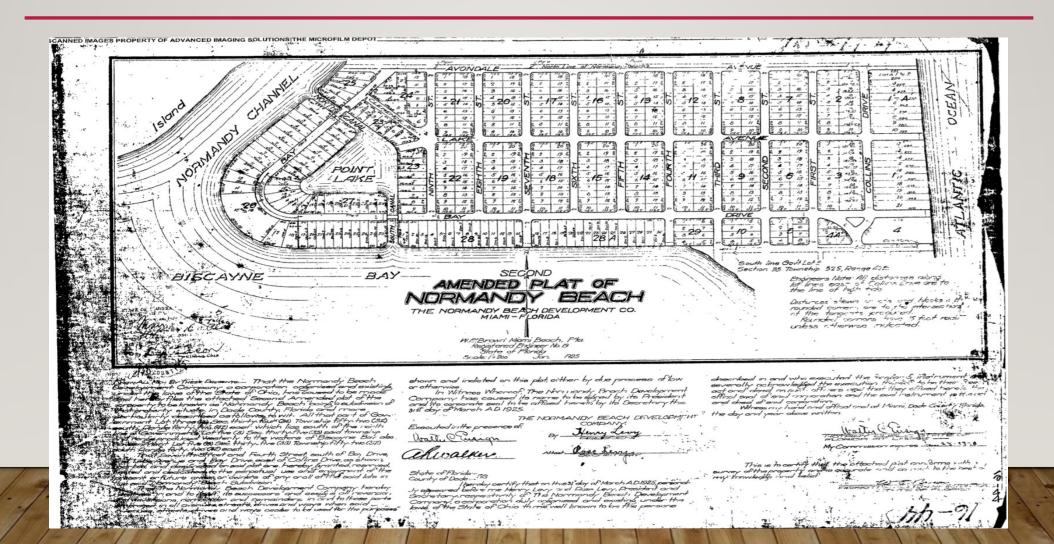
"Nonconforming use of land. If, for any reason, the use of a nonconforming structure remains idle use of land or unused is discontinued for a continual period of more than six months; or for 18 months during any three-year period, the land shall not thereafter be used for a nonconforming use structure may not be used again. If for any use until it is made to conform with reason the regulations of the district in which such structure is located and with all of the provisions of the Town Code, including this chapter 90.

This section 90-74.1 shall apply to all nonconforming structures, including those which became idle or in an unused condition prior to the adoption of this section 90-74.1."

### LOT SPLITTING SECTION 191.2

"No platted lot within the H30A or H30B district shall be re-subdivided, split, or reduced in size, in any manner that would increase the number of developable lots depicted in the original plat. In other words, single-family residential building sites shall only be permitted to be enlarged and shall not be made smaller." (emphasis added)

### LOT SPLITTING PLATTED LOTS



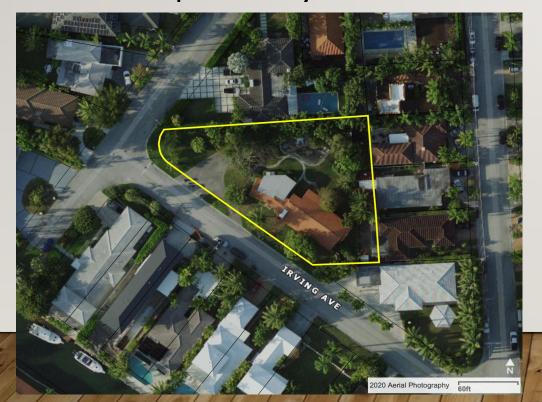
#### LOT SPLITTING





#### LOT AGGREGATION SECTIONS 90-191 AND 90-191.1(2)

- Allows for making building sites larger by joining lots
- Requires unity of title





### ZONING APPROVAL PROCEDURES DESIGN REVIEW

- Planning and Zoning Board review required for all new construction and additions, with minor exceptions for accessory structures
- As per Planning and Zoning Board input, application requirements have been listed. See Section 90-62.8
- Approvals valid for 24 months

### ZONING APPROVAL PROCEDURES VARIANCE

#### • 3 Types:

- Regular requires Town Commission four-vote approval, after P&Z recommendation
- Heightened requires unanimous Town Commission Approval, after P&Z recommendation
- Practical Difficulty for ground floor additions only, issued by Planning and Zoning Board
- · Regular Variance only allowed for lot coverage, setbacks, open space, parking, and loading
- Regular and heightened variances require showing of hardship
- Approval valid for 12 months; may be extended by Town Commission for an additional 12 months for good cause

### ZONING APPROVAL PROCEDURES SPECIAL EXCEPTION

- Limited exceptions only after Town Commission approval of at least four votes:
  - To recognize a use as nonconforming
  - To determine a use not listed in the code is "in keeping with uses specifically listed in the district."
  - To allow aggregation of lots that combines density and floor area, only after approval by super-majority of Planning and Zoning Board
  - Valid for 12 months, may be extended for additional 12 months by Town
     Commission for good cause

### ZONING APPROVAL PROCEDURES CONDITIONAL USE

- To allow specific uses
  - In single-family residential districts, applies to car canopies in front, side, or rear setback

Valid for 12 months, may be extended for additional 12 months by Town
 Commission for good cause

#### ARCHITECTURALLY SIGNIFICANT BUILDINGS SECTION 90-272

- Applies to Historically Designated Buildings and other buildings designated by the Town Commission on the basis of:
  - Embodying distinctive characteristics of a time period, architectural style, or method of construction
  - Artistic value
  - Unique example of work of master, designer, architect, or builder
- Section intended to promote protection of designated buildings from incompatible redevelopment or demolition by neglect.
- Should this apply to single family residential buildings?

## TEMPORARY SIGNS CONSTRUCTION SITES; SECTION 20-212(G)

- One sign per construction site
- On wall or fence or freestanding
- 40 square inches maximum size
- Six feet maximum height if on a wall or fence; four feet maximum height if freestanding
- Freestanding sign must be located at least five feet from any property line; maximum extension from support is 16 inches
- Shall be removed immediately if the building permit for the project expires and construction has not commenced, and/or the permit is not renewed, and in all cases, no later than 72 hours after approval of the final inspection.

#### SHORT TERM RENTALS SECTION 90-149

- Retained in code, except for code references and provision for existing short term rentals
- Existing short term rentals provision was updated to allow those uses to continue, but without creating a loophole for new claimants:
  - "Only those properties that were previously recognized as eligible for short term rental under the terms of Ordinance Nos. 1573, 1600, or 1620 may be made available for short term rental, subject to accounting for and payment of all sums due in connection with resort taxes and occupational licenses, maintaining all certificates of occupancy and/or inspections current, and maintaining appropriate registration with the State of Florida as a Transient Apartment, Resort Dwelling, or Resort Condominium pursuant to Chapter 509, Florida Statutes, as of November 10, 2011."

#### NEXT WORKSHOP: MULTIFAMILY, HOTEL, AND COMMERCIAL

# February 18, 2021