



**Town of Surfside
Special Joint Town Commission and Planning and Zoning Board Meeting
AGENDA**

January 28, 2020

6:00 p.m.

**Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154**

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.

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 corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item.

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

1. Opening

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**
- D. Agenda and Order of Business**

2. Effect of 20' side setback ordinance

A. Staff Presentation

- 1. Aggregated Lots*
- 2. LULAB's graphics on different size properties.*
- 3. Is aggregation the issue?*
- 4. Is it the 50' lots the issue?*

B. Public Comments

C. Joint Discussion by Planning and Zoning Board and Town Commission

3. Side Setbacks

A. Staff Presentation

- 1. Is side setback to provide additional open space? Air or green?*
- 2. Is side setback to provide buffer (distance) between structures?*
- 3. Is it both?*
- 4. Is it to control size or massing?*

B. Public Comments

C. Joint Discussion by Planning and Zoning Board and Town Commission

4. Massing

A. Staff Presentation

- 1. Ground floor*
- 2. Upper floors*

B. Public Comments

C. Joint Discussion by Planning and Zoning Board and Town Commission

5. FAR

A. Staff Presentation

- 1. The FAR is indirectly limited by the footprint of the ground floor and the footprint of the upper stories.*
- 2. Historically the Town has not used FAR as a ratio for calculating building area for single family units.*
- 3. How to physically distribute the FAR within a residential lot.*

B. Public Comments

C. Joint Discussion by Planning and Zoning Board and Town Commission

6. Second Reading Ordinance – *Planning and Zoning Board/Local Planning Agency*

A. Repeal of Ordinance No. 2018-1694 – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, REPEALING ORDINANCE NO. 2018-1694, WHICH AMENDED SECTION 90-45 "SETBACKS" OF CHAPTER 90 "ZONING" OF THE TOWN'S CODE OF ORDINANCES BY PROVIDING SETBACKS AND MAXIMUM SECOND STORY FLOOR AREAS FOR CERTAIN LOTS IN THE H30A AND H30B ZONING DISTRICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

7. Second Reading Ordinance – *Town Commission*

A. Repeal of Ordinance No. 2018-1694 – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, REPEALING ORDINANCE NO. 2018-1694, WHICH AMENDED SECTION 90-45 "SETBACKS" OF CHAPTER 90 "ZONING" OF THE TOWN'S CODE OF ORDINANCES BY PROVIDING SETBACKS AND MAXIMUM SECOND STORY FLOOR AREAS FOR CERTAIN LOTS IN THE H30A AND H30B ZONING DISTRICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

8. Adjournment

Respectfully submitted,


Guillermo Olmedillo
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.townofsufsidefl.gov.

TWO OR MORE MEMBERS OF OTHER 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.



MEMORANDUM

6A - LPA
ITEM NO. 7A - Town
Commission

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Guillermo Olmedillo, Town Manager

Date: January 14, 2020 / January 28, 2020

Subject: Repeal of Ordinance 2018-1694

Ordinance 2018-1694 was approved by the Town Commission on December 11, 2018. The ordinance increased the side setbacks to 20% as well as include the secondary frontage/corner setback to 20% for aggregated lots. The ordinance also limited the amount of square footage permitted on the second floor of an aggregated lot to no more than 64% of the first floor.

An aggregated lot is more than one lot of record, therefore the ordinance extended beyond a double lot and included any portion of a neighboring lot. Staff has found that there are over 120 lots with some type of assemblage throughout the single family district and most are not double lots. This resulted in a required 20 foot side setback for lots that could only be 55 feet in width.

The Town Commission and Planning and Zoning Board will be analyzing all concerns relating to single family development at a Special Meeting on January 28, 2020 where University of Miami's LU Lab will be modeling massing and encouraging a discussion on the vision of the single family district.

The Town Commission directed staff to prepare a repeal of Ordinance 2018-1694 as the Town discusses future modifications.

Reviewed by

Prepared by SSG

ORDINANCE NO. 2020-_____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, REPEALING ORDINANCE NO. 2018-1694, WHICH AMENDED SECTION 90-45 "SETBACKS" OF CHAPTER 90 "ZONING" OF THE TOWN'S CODE OF ORDINANCES BY PROVIDING SETBACKS AND MAXIMUM SECOND STORY FLOOR AREAS FOR CERTAIN LOTS IN THE H30A AND H30B ZONING DISTRICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 11, 2018, the Town of Surfside (the "Town") Commission adopted Ordinance No. 2018-1694 amending Section 90-45 of the Town Code of Ordinances ("Code") to provide revisions to the setbacks and second story floor areas limitations for aggregated single family lots; and

WHEREAS, given recent consideration of the practical effects of the regulations adopted in Ordinance 2018-1694, including setback requirements of aggregated lots, the Town Commission desires to repeal Ordinance No. 2018-1694 and reinstate the provisions of Section 90-45 of the Town Code as it existed prior to the adoption of Ordinance No. 2018-1694; and

WHEREAS, the Town Commission finds that this Ordinance is in the best interests of the Town.

NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:¹

Section 1. **Recitals.** The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. **Repeal.** That Ordinance No. 2018-1694 is hereby repealed in its entirety. Section 90-45 of the Town Code shall be reinstated as it existed prior to the adoption of Ordinance No. 2018-1694 as follows:

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.

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with **highlighted** ~~double-strikethrough~~ and double underline.

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 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
		Minimum 5 FT

	H30B - Wall length is equal to or less than 25% of the lot depth	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

65 * * *

66 **Section 3. Codification.** It is the intent of the Town Commission that the provisions
67 of this ordinance shall become and be made a part of the Town's Code of Ordinances, and that the
68 sections of this Ordinance may be renumbered or relettered, and the word "ordinance" may be
69 changed to "section," "article," "regulation," or such other appropriate word or phrase in order to
70 accomplish such intentions.

71 **Section 4. Severability.** The provisions of this Ordinance are declared to be severable
72 and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be
73 invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,

sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Conflicts. All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall become effective immediately upon final adoption on second reading.

PASSED on first reading on the 14th day of January, 2020.

PASSED AND ADOPTED on second reading on the _____ day of _____, 2020.

On Final Reading Moved By: _____

On Final Reading Second By: _____

FINAL VOTE ON ADOPTION

Commissioner Barry Cohen _____
Commissioner Michael Karukin _____
Commissioner Tina Paul _____
Vice Mayor Daniel Gielchinsky _____
Mayor Daniel Dietch _____

ATTEST:

Daniel Dietch
Mayor

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