AGENDA

DESIGN REVIEW BOARD

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES: APRIL 30, 2015 (DEFERRED)

4. DESIGN REVIEW BOARD APPLICATIONS:
   
   A. Request of the Owner of Property located at 8810 Froude Avenue
      The applicant is requesting to covert a garage and build a front wall.
   
   B. Request of the Owner of Property located at 9525 Carlyle Avenue
      The applicant is requesting to build a two story addition.
   
   C. Request of the Owner of Property located at 9065 Emerson Avenue
      The applicant is requesting to convert a garage.
   
   D. Request of the Owner of Property located at 9504 Harding Avenue
      The applicant is requesting to install a new sign.

5. ADJOURNMENT.
PLANNING AND ZONING BOARD
AGENDA
MAY 28, 2015
7:00 PM

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES: APRIL 30, 2015 (DEFERRED)

4. ORDINANCES:

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

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

5. DISCUSSION ITEMS:

A. Prioritize future agenda items

6. ADJOURNMENT.

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-893-6511 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED PERSONS MAY CONTACT THE TDD LINE AT 305-893-7936. IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. TWO OR MORE MEMBERS OF TOWN COMMISSION OR OTHER TOWN BOARDS MAY ATTEND AND PARTICIPATE AT THIS MEETING. THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.
MEMORANDUM

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

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

Also included in this application is a garage conversion. The applicant is proposing to replace the garage door and existing windows with a new façade of windows and wood shutters.
Sec. 90-50.1 (5) Garage Facades

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 window</td>
<td>2 window</td>
</tr>
<tr>
<td>Landscaping required along the base</td>
<td>Landscaping shall be provided along the base</td>
</tr>
</tbody>
</table>

Sec. 90-77 Off-street Parking Requirements

<table>
<thead>
<tr>
<th>Required</th>
<th>Minimum Space Requirements</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>2 spaces</td>
<td>2 spaces proposed.</td>
</tr>
</tbody>
</table>

RECOMMENDATION

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

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

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

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

- Applicable Zoning Code regulations, along with the results of the review
- Applicable Design Guidelines standards, along with the results of the review
- Staff Recommendation
STANDARDS / RESULTS
Town of Surfside Zoning Code, Applicable Requirements

Sec. 90.43 Maximum building heights

<table>
<thead>
<tr>
<th>Height</th>
<th>Required Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>H30A</td>
<td>30 feet</td>
<td>30.5 Feet (Must be reduced to 30 Feet)</td>
</tr>
</tbody>
</table>

Sec. 90.44 Modification of height regulations

<table>
<thead>
<tr>
<th>Height</th>
<th>Maximum height</th>
<th>Maximum Percentage of Aggregate Roof Area</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>H30B</td>
<td>3 feet</td>
<td>1%</td>
<td>2 feet and 1%</td>
</tr>
</tbody>
</table>

Sec. 90.45 Setback

<table>
<thead>
<tr>
<th>Setbacks</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Frontage</td>
<td>Minimum 20 feet</td>
<td>25 feet 4 inches</td>
</tr>
<tr>
<td>Interior side</td>
<td>5 feet</td>
<td>5 feet</td>
</tr>
<tr>
<td>Rear</td>
<td>Minimum 20 feet</td>
<td>N/A - not affecting rear setback</td>
</tr>
</tbody>
</table>

Sec. 90.49 Lot standards

<table>
<thead>
<tr>
<th>Lot Standards H30B</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot width</td>
<td>50 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minimum lot area</td>
<td>5,600 square feet</td>
<td>5,625 square feet</td>
</tr>
<tr>
<td>Maximum lot coverage</td>
<td>40%</td>
<td>32.8%</td>
</tr>
<tr>
<td>Pervious area</td>
<td>35% (minimum)</td>
<td>35%</td>
</tr>
</tbody>
</table>

Sec. 90.50 Architecture and roof decks

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

Building Massing

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building forms should be varied enough to avoid monotony and to avoid pyramidal massing and should be compatible with surrounding houses.</td>
<td>Consistent</td>
</tr>
</tbody>
</table>

Main Entries

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

Decorative Features

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decorative features should be stylistically consistent throughout the entire building.</td>
<td>The addition is consistent with the remainder of the home.</td>
</tr>
</tbody>
</table>

Overall Architectural Style

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

Wall Materials and Finishes

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

Roof Materials, Types, and Slopes

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roof types and slopes should be generally the same over all parts of a single building.</td>
<td>Consistent</td>
</tr>
<tr>
<td>Restricted materials for roofs are pre-determined in the Town's Building Code, which restricts roofing materials to:</td>
<td>Flat roof is proposed.</td>
</tr>
</tbody>
</table>
1. Clay tile;
2. White concrete tile;
3. Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color is first approved by the planning and zoning board; and
4. Metal.

**Windows and Trims**

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

**RECOMMENDATION**

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

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

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

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

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

Town of Surfside Zoning Code, Applicable Requirements

Sec. 90-50.1 (5) Garage Facades

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 window</td>
<td>1 window</td>
</tr>
<tr>
<td>Landscaping required along the base</td>
<td>Landscaping is provided along the base</td>
</tr>
</tbody>
</table>

Sec. 90-77 Off-street Parking Requirements

<table>
<thead>
<tr>
<th>Required</th>
<th>Minimum Space Requirements</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>2 spaces</td>
<td>2 spaces provided.</td>
</tr>
</tbody>
</table>

RECOMMENDATION

Staff is recommending approval.
MEMORANDUM

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

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

Staff has reviewed the current application for consideration by the Planning and Zoning Board. In this report, Staff presents the following:
- Applicable Zoning Code regulations, along with the results of the review
- Staff Recommendation

STANDARDS / RESULTS

Town of Surfside Zoning Code, Applicable Requirements

**Sec. 90-71.1**

<table>
<thead>
<tr>
<th>Signs</th>
<th>Permitted</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>30 square feet</td>
<td>8.73 square feet</td>
</tr>
</tbody>
</table>
| Approved word content | Signs may include the following:  
1) Trade name of establishment  
2) Logo of the establishment  
3) Nature of business, services rendered or  
4) Products sold on premises. | Sign consists of the services rendered |
| Prohibited Word Content | Signs may not include the following:  
1) Any reference to price, except as provided in regards to “window sign.” | No reference to price |
<table>
<thead>
<tr>
<th>Location</th>
<th>With the exception of theater marquees and V-box signs, no sign shall be erected so that any portion thereof shall project over a dedicated street or sidewalk or so that any portion thereof shall project more than five feet from any main building wall.</th>
<th>Sign does not project over the sidewalk or street.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illumination</td>
<td>All signage, lettering, logos or trademarks shall be required to be lit with white illumination from dusk to dawn. The illumination may be either internal illumination or external illumination, however, all walls below the sign shall be illuminated with white wall wash LED lighting. It shall be located and directed solely at the sign. The light source shall not be visible from or cast into the right-of-way, or cause glare hazards to pedestrians, motorists, or adjacent properties.</td>
<td>The applicant is proposing an LED bar lamp at the base of the eyebrow.</td>
</tr>
</tbody>
</table>

**RECOMMENDATION**

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

Agenda #
Agenda Date: May 12, 2015
Subject: Practical Difficulty Variance
From: Sarah Sinatra Gould, AICP, Town Planner

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

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

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

It should be noted that although the exclusions above do not count towards the maximum 40% lot coverage, they will count towards a property's maximum impervious area, which is 65%. Meaning, that 35% of a lot must remain "green."
Mr. Ness spoke at the September 9, 2014 Town Commission meeting under the Good and Welfare portion of the agenda and asked the Town Commission to change the code to increase lot coverage of single family homes from 40% to 47.5% to enable him to build his addition. The Commission directed Staff to place this request on the Planning and Zoning Board's agenda for discussion.

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

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

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

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

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

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

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A

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

Sarah Sinatra Gould, AICP, Town Planner

Guillermo Olmedillo, Town Manager
ORDINANCE NO. 15 –

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

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

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

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

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

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

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

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

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

WHEREAS, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on June 9, 2015; and
NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:

Section 1. Recitals. The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Code Amendment. The Code of Ordinances of the Town of Surfside, Section 90-36. Variances is hereby amended as follows:

90-36.1 General variances.

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

(2) Uses and height of structures not subject to variance. A variance is authorized only as set out in subsection (1).
   a. Under no circumstances shall the town commission grant a variance that would allow a use of property that is not allowed within the zoning district under the Town of Surfside Comprehensive Plan and the zoning code.
   b. Under no circumstances shall the town commission grant a variance that would allow height of development and structures within the Town of Surfside that exceeds the maximum building heights that are set out in the Town of Surfside Comprehensive Plan or the zoning code, whichever provisions are more restrictive.

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

(4) Town manager not authorized to vary terms of section. The town manager or designee has no authority to relax the terms of this section. Authority to grant variances is lodged solely with the town commission.
(5) **Application requirements.** An application for a general variance shall be filed by the owner of the property upon which the variance is requested or the owners designated representative. The following shall, at minimum, be required to support a variance application:

a. Statements of ownership and control of the property, executed and sworn to by the owner or owners of 100 percent of the property described in the application, or by tenant or tenants with the owners' written, sworn consent, or by duly authorized agents evidenced by a written power of attorney if the agent is not a member of the Florida Bar.

b. The written consent of all utilities and/or easement holders if the proposed work encroaches into any easements.

c. Survey less than one year old (including owner's affidavit that no changes have occurred since the date of the survey). A survey over one year is sufficient as long as the property has not changed ownership and the owner provides an affidavit that no changes change occurred since the date of the survey.

d. Site plan indicating the existing and proposed structures.

e. A map indicating the general location of the property.

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

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

a. **Public hearing.** The town commission shall hold one public hearing on the variance application.

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

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

a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;

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

(9) Standards of review for a practical difficulty variance. The town commission shall approve
a practical difficulty variance if it finds, based on substantial competent evidence, that following
factors demonstrate that a practical difficulty exists:
   a. How substantial the variance is in relation to the requirement sought to be varied;
   b. Whether an adverse change will be produced in the character of the neighborhood;
   c. Whether the difficulty can be obviated by some method feasible for the applicant
to pursue other than by a variance; and
   d. Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.

(9) (10) Conditions and restrictions. The town commission may impose such conditions and
restrictions upon the premises benefited by any variance as may be necessary to comply with
the standards set out in this Section, and to prevent or minimize adverse effects on other property in the neighborhood. Violation of such conditions and restrictions, when made a part of the terms under which any variance is granted, shall be deemed a violation of the zoning code, and shall constitute grounds for revocation of the variance.
   a. A condition of granting a practical difficulty variance shall be for the property to
meet or exceed the landscape requirements in Chapter 90, Article VIII of the Town’s
Code of Ordinances.

(10)(11) Expiration of approval. The approval of any variance shall be void if the applicant
does not obtain a building permit or other development order to implement the variance within
24 months after the granting of the variance. An applicant who has obtained approval of a
variance may request an extension of this time period within the original approval period. The
town commission may grant one or more extensions for a period of up to a total of six months
for good cause shown by the applicant.

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

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

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

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

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

PASSED and ADOPTED on first reading this ____ day of __________________, 2015.
PASSED and ADOPTED on second reading this ____ day of __________________, 2015

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC, Town Clerk

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

Linda Miller, Town Attorney
On Final Reading Moved by: ____________________________

On Final Reading Seconded by: ____________________________

VOTE ON ADOPTION:

Commissioner Barry R. Cohen yes _____ no _____
Commissioner Michael Karukin yes _____ no _____
Commissioner Marta Olchyk yes _____ no _____
Vice Mayor Eli Tourgeman yes _____ no _____
Mayor Daniel Dietch yes _____ no _____
Town of Surfside
Planning and Zoning Communication

Agenda Date: May 28, 2015

Subject: Residential Sheds

From: Sarah Sinatra Gould, AICP, Town Planner

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

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

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

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

(a) Rear: Five feet.
(b) Side and secondary frontage (corner): Per zoning designation.
Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A

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

Sarah Sinatra Gould, AICP, Town Planner    Guillermo Olmedillo, Town Manager
ORDINANCE NO. 15 - _______

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

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

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

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

WHEREAS, the Town Commission held its first public hearing on May 12, 2015 having complied with the notice requirements required by Florida Statutes; and

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

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

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

Section 1. Recitals. The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Code Amendment. The code of the Town of Surfside, Florida is hereby amended as follows:

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

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

***

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

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

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

Section 6. Effective Date. This Ordinance shall be effective upon adoption on second reading.

PASSED and ADOPTED on first reading this ____ day of ________, 2015.
PASSED and ADOPTED on second reading this ____ day of ________, 2015.

__________________________
Daniel Dietch, Mayor
ATTEST:

_____________________________
Sandra Novoa, Town Clerk

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

_____________________________
Linda Miller, Town Attorney

On Final Reading Moved by: ________________________________
On Final Reading Seconded by: ________________________________

VOTE ON ADOPTION:

Commissioner Barry R. Cohen          yes  no
Commissioner Michael Karukin           yes  no
Commissioner Marta Olehyk             yes  no
Vice Mayor Eli Tourgeman               yes  no
Mayor Daniel Dietch                    yes  no
<table>
<thead>
<tr>
<th>Agenda 5A.P&amp;Z</th>
<th>Direction</th>
<th>Order on Agenda</th>
<th>Recent amendments in additional requirements due to removal from PZ to Zoning District</th>
<th>No longer in contract</th>
<th>Draft code amendment</th>
<th>Business districts permitted cargo containers in the parking space</th>
<th>Regulations Cargo container</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town:</td>
<td></td>
<td></td>
<td>Exploded by solutions before parking, other cities comparable to code is street researched.</td>
<td></td>
<td></td>
<td>Underground Garages size of spaces, Mins in for hotel employees, no change to other cities (commercial), require parking for guest parking, look at other number of bedrooms and provide on multifamily, mixed-family rates based on parking space standards.</td>
<td></td>
</tr>
<tr>
<td>ZP/Commission District</td>
<td>Single Family</td>
<td>Joint meetings on PZ/Commission</td>
<td>Planning and Zoning Direction from Zone to sea level rise and place on agenda for discussion</td>
<td></td>
<td></td>
<td>In contract</td>
<td>Draft code amendment</td>
</tr>
<tr>
<td>ZP/Commission District</td>
<td>Single Family</td>
<td>Joint meetings on PZ/Commission</td>
<td>Change, PZ scope, parking lots, inventory in only referred to owner, provider separate with contract with 2015 budget $8000 budgeted in the FY 2014.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**FUTURE ZP DISCUSSION ITEMS**

<table>
<thead>
<tr>
<th>COMPLETE</th>
<th>TENANTIVE</th>
<th>AUTHORIZATION IN CONTRACT</th>
<th>NEXT STEPS</th>
<th>OUTCOME</th>
<th>ITEM</th>
</tr>
</thead>
</table>

**SCHEDULE**
<table>
<thead>
<tr>
<th>Commission</th>
<th>Placement on Agenda</th>
<th>Waiting For Pz</th>
<th>In Contact</th>
<th>Dated Code</th>
<th>Amendment</th>
<th>Regulations include tree stump, mulch, and debris.</th>
<th>Modify Code to allow stamped concrete and concrete slab with decorative rock or Griss in between.</th>
<th>Driveaway material, 1,000 feet from property line.</th>
</tr>
</thead>
<tbody>
<tr>
<td>November Pz</td>
<td>March Pz</td>
<td>Pz/Commission Meeting with Planning &amp; Zoning</td>
<td>Pz/Commission Meeting with Planning &amp; Zoning</td>
<td>Place on Future Agenda for single-family homes and what parts of the development should be included.</td>
<td>Colors/color should be included.</td>
<td>Colors/color should be included.</td>
<td>Colors/color should be included.</td>
<td>Colors/color should be included.</td>
</tr>
</tbody>
</table>

**ON FUTURE COMMISSION AGENDA**

<table>
<thead>
<tr>
<th>Pz/Commission Meeting with Planning &amp; Zoning</th>
<th>Place on Future Agenda</th>
<th>Colors/color should be included.</th>
<th>Colors/color should be included.</th>
<th>Colors/color should be included.</th>
<th>Colors/color should be included.</th>
<th>Colors/color should be included.</th>
<th>Colors/color should be included.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pz/Commission Meeting with Planning &amp; Zoning</td>
<td>Place on Future Agenda</td>
<td>Colors/color should be included.</td>
<td>Colors/color should be included.</td>
<td>Colors/color should be included.</td>
<td>Colors/color should be included.</td>
<td>Colors/color should be included.</td>
<td>Colors/color should be included.</td>
</tr>
</tbody>
</table>

**ON UPCOMING COMMISSION AGENDA**

<table>
<thead>
<tr>
<th>Study Corridor between Collins &amp;Perez</th>
<th>Prepare Code</th>
<th>Inspections</th>
<th>Final Zoning</th>
<th>Inspections</th>
<th>Green walls</th>
<th>Green walls</th>
<th>Inspections</th>
<th>Green walls</th>
</tr>
</thead>
<tbody>
<tr>
<td>November Pz, approved in progress</td>
<td>In Contract</td>
<td>Possible Code</td>
<td>Final Zoning</td>
<td>Final Zoning</td>
<td>Green walls</td>
<td>Green walls</td>
<td>Inspections</td>
<td>Green walls</td>
</tr>
<tr>
<td>January Pz</td>
<td>In Contract</td>
<td>Possible Code</td>
<td>Final Zoning</td>
<td>Final Zoning</td>
<td>Green walls</td>
<td>Green walls</td>
<td>Inspections</td>
<td>Green walls</td>
</tr>
<tr>
<td>September Pz</td>
<td>In Contract</td>
<td>Possible Code</td>
<td>Final Zoning</td>
<td>Final Zoning</td>
<td>Green walls</td>
<td>Green walls</td>
<td>Inspections</td>
<td>Green walls</td>
</tr>
<tr>
<td>September Pz</td>
<td>In Contract</td>
<td>Possible Code</td>
<td>Final Zoning</td>
<td>Final Zoning</td>
<td>Green walls</td>
<td>Green walls</td>
<td>Inspections</td>
<td>Green walls</td>
</tr>
</tbody>
</table>

**SUSTAINABILITY**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>September Pz</td>
<td>In Contract</td>
<td>Possible Code</td>
<td>Final Zoning</td>
<td>Final Zoning</td>
<td>Green walls</td>
<td>Green walls</td>
<td>Inspections</td>
<td>Green walls</td>
<td>Inspections</td>
</tr>
<tr>
<td>Action</td>
<td>Status</td>
<td>Description</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------</td>
<td>--------</td>
<td>-------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.1.2 Update P&amp;Z ordinance</td>
<td>Complete</td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.1.3 Budget modification</td>
<td>Complete</td>
<td>Amendment needed, possible fee increase and discussion of any CIP items.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.1.4 Meeting</td>
<td>Complete</td>
<td>Research and discussion of CIP items, with potential fee increases.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.1.5 Agenda</td>
<td>Complete</td>
<td>Any changes to base interpretation.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.2.5 Meeting</td>
<td>Complete</td>
<td>July Commission approved work on draft Staff report, beginning to discuss at Joint Meeting.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.2.6 Security</td>
<td>Complete</td>
<td>Research and Building to discuss security, street view and safety.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.2.7 Parking</td>
<td>Complete</td>
<td>Street view of drive off 9th Street, Perry &amp; 8th, downtown.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.2.8 Review</td>
<td>Complete</td>
<td>In contrast, discussed in code, height, density, and accessory.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| A.2.9 Preparation | Complete | Zoning - prepare for review, preparation for Zoning Commission.

**Completed**

- Preliminary review of Commercial painting.
- Zoning Ordinance (P&Z) for Commercial painting of structures.
- Zoning Ordinance for commission to prepare ordinance.
<table>
<thead>
<tr>
<th>May 2021</th>
<th>Posts</th>
<th>Tree Height</th>
<th>Action</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>N/A</td>
<td>20 ft</td>
<td>Cut down</td>
<td></td>
</tr>
<tr>
<td>November</td>
<td>Complete</td>
<td>2 ft</td>
<td>Remove</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Complete</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>December</td>
<td>Complete</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>March 2022</td>
<td>Complete</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>