

ORDINANCE NO. 16 - 1650

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING"; SEC. 90-19. "SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT REVIEW PROCESS"; SPECIFICALLY AMENDING SECTION 90-19.7 EXEMPTING SHEDS FROM PLANNING AND ZONING BOARD AND DESIGN REVIEW BOARD REVIEW AND PROVIDING THE DESIGN GUIDELINES SHALL BE FOLLOWED; AMENDING "SECTION 90-54 "ACCESSORY BUILDINGS AND STRUCTURES IN THE H30A AND H30B DISTRICTS" SPECIFICALLY AMENDING SECTION 90-54.7 RELATED TO SHEDS AND LANDSCAPE REQUIREMENTS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, staff determined it is in the best interest of Town to exempt sheds from Planning and Zoning Board and Design Review Board review to allow for administrative review for cost savings to the Applicant; and

**WHEREAS**, staff recommends if the shed is visible from an adjacent right of way, landscaping shall be provided within the property in an effort to conceal the shed from the right of way; and

**WHEREAS**, staff recommends amending Chapter 90 "Zoning"; Sec. 90-19. "Single-Family And Two-Family Development Review Process"; specifically amending Section 90-19.7 to exempt sheds from Planning and Zoning Board and Design Review Board review; and

**WHEREAS**, the Town Commission held its first public hearing on June 14, 2016 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 July 18, 2016 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 August 9, 2016.

**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:

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

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

**Section 3. Code Amendment.** The Code of the Town of Surfside, Florida is hereby amended as follows:

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90-54.7 A tool shed, the area of which does not exceed 70 square feet, shall be permitted in a rear yard, subject to the following minimum setbacks: . If the shed is visible from an adjacent right of way, landscaping shall be provided within the property in an effort to conceal the shed from the right of way.

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

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**Section 4. 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 5. 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 6. 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 7. Effective Date.** This Ordinance shall be effective upon adoption on second reading.

**PASSED and ADOPTED** on first reading this 14<sup>th</sup> day of June, 2016.  
**PASSED and ADOPTED** on second reading this 10<sup>th</sup> day of August, 2016.

On Final Reading Moved by: Commissioner Paul

On Final Reading Second by: Vice Mayor Cohen

**FINAL VOTE ON ADOPTION**

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

yes  
yes  
yes  
yes  
yes

  
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Daniel Dietch, Mayor

**ATTEST:**

  
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Sandra Novoa, MMC, Town Clerk

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

  
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Linda Miller, Town Attorney