

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

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

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

45 (3) *Required Massing—Single-family homes within the H30A and H30B districts.* For
 46 single-family homes within the H30A and H30B districts, the following table shall be
 47 utilized for new multi-story structures or multi-story additions (additions greater than 15
 48 feet in height) to existing single-story structures where the upper-story floor area is less
 49 than 50 percent of first-story floor area. Where provided both the minimum and average
 50 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

51 (4) *Required massing—New multi-story structures or multi-story additions.* For single-
52 family homes within the H30A and H30B districts, the following table shall be utilized
53 for new multi-story structures or multi-story additions (additions greater than 15 feet in
54 height) to existing single-story structures where the upper-story floor area is 50 percent
55 to 64 percent of first-story floor area. Where provided, both the minimum and average
56 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

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

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

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

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

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

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

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

81 **PASSED AND ADOPTED** on second reading on the 28th day of January, 2020.

82 **On Final Reading Moved By:** Commissioner Paul

83 **On Final Reading Second By:** Vice Mayor Gielchinsky

84 **FINAL VOTE ON ADOPTION**

85	Commissioner Barry Cohen	<u>Absent</u>
86	Commissioner Michael Karukin	<u>Absent</u>
87	Commissioner Tina Paul	<u>Yes</u>
88	Vice Mayor Daniel Gielchinsky	<u>Yes</u>
89	Mayor Daniel Dietch	<u>Yes</u>

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93 **ATTEST:**

Daniel Dietch
Mayor

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97 Sandra Novoa, MMC
98 Town Clerk

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

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104 Weiss Serota Helfman Cole & Bierman, P.L.
105 Town Attorney