



**Town of Surfside  
Special Town Commission Meeting  
AGENDA  
March 2, 2021  
3 p.m.**

- 1. Opening**
  - A. Call to Order**
  - B. Roll Call of Members**
- 2. Zoning in Progress Extension - Andrew Hyatt, Town Manager**
- 3. Adjournment**

Respectfully submitted,

Andrew Hyatt  
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.townofsurfsidefl.gov](http://www.townofsurfsidefl.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.

# TOWN OF SURFSIDE

## NOTICE OF ZONING IN PROGRESS

### Chapter 90 - Zoning Code

Pursuant to Section 90-6 of the Code of the Town of Surfside, Florida (the “Code”), the Town of Surfside published a Notice of Zoning in Progress on May 10, 2020 relative to a proposed repeal and replacement of Chapter 90 of the Code titled “Zoning” (the “Current Zoning Code”). The Town issued new Notices of Zoning in Progress on August 9, 2020 and November 24, 2020 with more specificity. The Town of Surfside hereby provides new Notice of Zoning in Progress effective upon the date of publication of this Notice.

At publicly noticed special meetings held on April 28, 2020, May 14, 2020, July 28, 2020, November 19, 2020, January 14, 2021, and February 23, 2021 and workshops on June 2, 2020, July 1, 2020, February 4, 2021, and February 18, 2021, the Town of Surfside Commission considered the proposed repeal and replacement of the Current Zoning Code, and instructed Staff to prepare an ordinance repealing the Current Zoning Code and replacing it with a zoning code that reflects land development regulations in effect on or about August, 2006 (the “2006 Zoning Code”), and certain modifications including, but not limited to, the following:

- *Lot coverage* shall mean 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 (except swimming pools, fences, screen enclosures, and pergolas), or portions thereof, up to a maximum forty percent (40%) of the lot; provided however that the following shall not be included in determining the lot coverage:
  1. Uncovered steps and exterior balconies;
  2. Uncovered terraces, patios, breezeways, or porches which are open on two (2) sides; and
  3. Covered terraces, patios, breezeways, or porches which are open on two (2) sides.

In no instance may the exemptions listed here exceed 15% of the total footprint of all principal and accessory buildings and structures.

- In the H30A and H30B districts, second story lot coverage is limited to 32% of the lot area, or 80% of the first floor area, whichever is less.
- Existing setback requirements set forth in the Current Zoning Code will continue to apply, unless there is a greater restriction in the 2006 Zoning Code, except that only the following projections/encroachments shall be permitted:
  - In the H30A and H30B districts, and in H30C districts west of Harding Avenue, eaves of sloped roofs may project up to eight (8) inches into any required yard. All other ornamental or screening features in the H30A and H30B districts, including cornices, sills, frames, and fins, may project no more than six (6) inches into any required yard.

- In the H30A and H30B districts, lots with a depth greater than 112.5 feet will be required to provide front and rear yards that combine to equal at least thirty-six percent (36%) of the lot's depth. This requirement shall not be read to alter or justify reduction of front and rear setbacks for the first and second stories. The intention of this provision is to ensure that adequate yards are provided.
- In the H30A and H30B districts, each lot must provide:
  - 35% of each lot must be pervious area; and
  - 50% of front yards and 40% of rear yards must be landscaped; and
  - 20% of all landscaped area must be Florida Friendly as defined in the Current Zoning Code.
- The Current Zoning Code's definition of building height will continue to apply to single family districts. For the H120 district, building height is restricted to 120 feet as measured from the crown of that portion of Collins Avenue adjacent to the lot. In all districts, no exceptions will be permitted for rooftop structures, mechanical equipment, architectural features, *etc.*, except as expressly permitted in the 2006 Code. Rooftop photovoltaic systems may be approved by the Planning and Zoning Board subject to the Design Guidelines provided they do not exceed the height and massing limitations in the 2006 Code.
- Density and intensity in the H120 district shall be calculated based on property westward of the ocean bulkhead line. Notwithstanding anything to the contrary in either the Current Zoning Code or 2006 Zoning Code, the erosion control line shall not be used to determine the lot area, and shall not serve as a basis for density and intensity calculations on a given lot.
- The calculation of lot area shall be limited to the actual acreage within the property lines, or in the case of the H120 district, the actual acreage within the area bounded by north, west, and south property lines and the ocean bulkhead line on the east. The term "gross acreage" shall be deleted and shall have no force or effect. Notwithstanding anything to the contrary in either the Current Zoning Code or the 2006 Zoning Code, an acre is 43,560 square feet.
- All permitted and accessory uses shall be as permitted in the 2006 Zoning Code, except that new hotel or motel uses of any type shall not be permitted on any property west of Collins Avenue. Any use in the commercial district not expressly permitted in the 2006 Code shall not be permitted.
- Awning and canopies shall be regulated as in the Current Zoning Code, except that the Planning and Zoning Board may authorize an awning or canopy without a required break or articulation where a more integrated design would result.
- Except as modified above, the Town's existing sign code, landscape code, and existing regulations regarding religious accommodations, reasonable accommodation procedures, curb cuts, vision clearance, aggregation of lots, materials and finishes, underground utilities, architecture, zoning in progress, beach sand quality, design

standards for off-street parking, standards for fences, and short-term rentals will be retained.

- Roof decks as defined in the Current Zoning Code shall not be permitted in any single-family district.
- In the H30A district, no building shall be erected within 25 feet of the sea wall on Point Lake, north canal, or south canal, nor within 50 feet of the sea wall on any other body of water.
- Existing single family or duplex driveways in front yards that are nonconforming as to front yard landscape and/or pervious area requirements may be maintained, repaired, or rebuilt with any approved material without needing to comply with the front yard landscape and pervious area requirements. Such driveways can be altered so long as the degree of nonconformity is not enlarged.

Pursuant to Section 90-6 of the Code, Zoning in Progress based on the above parameters *shall* apply to applications for development approvals filed after the date of this notice's publication in the Miami Herald. Pending applications may be heard by the appropriate Town board only where they meet the more restrictive of the Current Zoning Code and the 2006 Zoning Code as modified above.

Public hearings for first reading by the Town Commission, review by the Planning and Zoning Board and Local Planning Agency, and second reading by the Town Commission will be noticed and held in the coming weeks. Interested parties may appear at the Public Hearings and be heard with respect to the proposed Ordinance.

Dated this \_\_\_\_ day of March, 2021

Sandra McCready, MMC  
Town Clerk

**TOWN OF SURFSIDE**  
**NOTICE OF ZONING IN PROGRESS**

**Chapter 90 - Zoning Code**

Pursuant to Section 90-6 of the Code of the Town of Surfside, Florida (the “Code”), the Town of Surfside published a Notice of Zoning in Progress on May 10, 2020 relative to a proposed repeal and replacement of Chapter 90 of the Code titled “Zoning” (the “Current Zoning Code”). The Town issued new Notices of Zoning in Progress on August 9, 2020 and November 24, 2020 with more specificity. The Town of Surfside hereby provides new Notice of Zoning in Progress effective upon the date of publication of this Notice.

**Deleted:** a

**Deleted:** Notice

At publicly noticed special meetings held on April 28, 2020, May 14, 2020, July 28, 2020, November 19, 2020, January 14, 2021, and February 23, 2021 and workshops on June 2, 2020, July 1, 2020, February 4, 2021, and February 18, 2021, the Town of Surfside Commission considered the proposed repeal and replacement of the Current Zoning Code, and instructed Staff to prepare an ordinance repealing the Current Zoning Code and replacing it with a zoning code that reflects land development regulations in effect on or about August, 2006 (the “2006 Zoning Code”), and certain modifications including, but not limited to, the following:

**Deleted:** July 28, 2020, and November 12, 2020

- *Lot coverage* shall mean 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 (except swimming pools, fences, screen enclosures, and pergolas), or portions thereof, up to a maximum forty percent (40%) of the lot; provided however that the following shall not be included in determining the lot coverage:
  1. Uncovered steps and exterior balconies;
  2. Uncovered terraces, patios, breezeways, or porches which are open on two (2) sides; and
  3. Covered terraces, patios, breezeways, or porches which are open on two (2) sides.

In no instance may the exemptions listed here exceed 15% of the total footprint of all principal and accessory buildings and structures.

- In the H30A and H30B districts, second story lot coverage is limited to 32% of the lot area, or 80% of the first floor area, whichever is less.
- Existing setback requirements set forth in the Current Zoning Code will continue to apply, unless there is a greater restriction in the 2006 Zoning Code, except that only the following projections/encroachments shall be permitted:
  - In the H30A and H30B districts, and in H30C districts west of Harding Avenue, eaves of sloped roofs may project up to eight (8) inches into any required yard. All other ornamental or screening features in the H30A and H30B districts, including cornices, sills, frames, and fins, may project no more than six (6) inches into any required yard.

- In the H30A and H30B districts, lots with a depth greater than 112.5 feet will be required to provide front and rear yards that combine to equal at least thirty-six percent (36%) of the lot's depth. This requirement shall not be read to alter or justify reduction of front and rear setbacks for the first and second stories. The intention of this provision is to ensure that adequate yards are provided.
- In the H30A and H30B districts, each lot must provide:
  - 35% of each lot must be pervious area; and
  - 50% of front yards and 40% of rear yards must be landscaped; and
  - 20% of all landscaped area must be Florida Friendly as defined in the Current Zoning Code.
- The Current Zoning Code's definition of building height will continue to apply to single family districts. For the H120 district, building height is restricted to 120 feet as measured from the crown of that portion of Collins Avenue adjacent to the lot. In all districts, no exceptions will be permitted for rooftop structures, mechanical equipment, architectural features, *etc.*, except as expressly permitted in the 2006 Code. Rooftop photovoltaic systems may be approved by the Planning and Zoning Board subject to the Design Guidelines provided they do not exceed the height and massing limitations in the 2006 Code.
- Density and intensity in the H120 district shall be calculated based on property westward of the ocean bulkhead line. Notwithstanding anything to the contrary in either the Current Zoning Code or 2006 Zoning Code, the erosion control line shall not be used to determine the lot area, and shall not serve as a basis for density and intensity calculations on a given lot.
- The calculation of lot area shall be limited to the actual acreage within the property lines, or in the case of the H120 district, the actual acreage within the area bounded by north, west, and south property lines and the ocean bulkhead line on the east. The term "gross acreage" shall be deleted and shall have no force or effect. Notwithstanding anything to the contrary in either the Current Zoning Code or the 2006 Zoning Code, an acre is 43,560 square feet.
- All permitted and accessory uses shall be as permitted in the 2006 Zoning Code, except that new hotel or motel uses of any type shall not be permitted on any property west of Collins Avenue. Any use in the commercial district not expressly permitted in the 2006 Code shall not be permitted.
- Awning and canopies shall be regulated as in the Current Zoning Code, except that the Planning and Zoning Board may authorize an awning or canopy without a required break or articulation where a more integrated design would result.
- Except as modified above, the Town's existing sign code, landscape code, and existing regulations regarding religious accommodations, reasonable accommodation procedures, curb cuts, vision clearance, aggregation of lots, materials and finishes, underground utilities, architecture, zoning in progress, beach sand quality, design

Formatted: Not Highlight

standards for off-street parking, standards for fences, and short-term rentals will be retained.

- Roof decks as defined in the Current Zoning Code shall not be permitted in any single-family district.
- In the H30A district, no building shall be erected within 25 feet of the sea wall on Point Lake, north canal, or south canal, nor within 50 feet of the sea wall on any other body of water.
- Existing single family or duplex driveways in front yards that are nonconforming as to front yard landscape and/or pervious area requirements may be maintained, repaired, or rebuilt with any approved material without needing to comply with the front yard landscape and pervious area requirements. Such driveways can be altered so long as the degree of nonconformity is not enlarged.

Pursuant to Section 90-6 of the Code, Zoning in Progress based on the above parameters *shall* apply to applications for development approvals filed after the date of this notice's publication in the Miami Herald. Pending applications may be heard by the appropriate Town board only where they meet the more restrictive of the Current Zoning Code and the 2006 Zoning Code as modified above.

Public hearings for first reading by the Town Commission, review by the Planning and Zoning Board and Local Planning Agency, and second reading by the Town Commission will be noticed and held in the coming weeks. Interested parties may appear at the Public Hearings and be heard with respect to the proposed Ordinance.

Dated this \_\_\_\_ day of March, 2021

Sandra McCready, MMC  
Town Clerk

**Deleted:** November, 2020

# TOWN OF SURFSIDE

## NOTICE OF ZONING IN PROGRESS

### Chapter 90 - Zoning Code

Pursuant to Section 90-6 of the Code of the Town of Surfside, Florida (the “Code”), the Town of Surfside published a Notice of Zoning in Progress on May 10, 2020 relative to a proposed repeal and replacement of Chapter 90 of the Code titled “Zoning” (the “Current Zoning Code”). The Town issued new Notices of Zoning in Progress on August 9, 2020 and November 24, 2020 with more specificity. The Town of Surfside hereby provides new Notice of Zoning in Progress effective upon the date of publication of this Notice.

At publicly noticed special meetings held on April 28, 2020, May 14, 2020, July 28, 2020, November 19, 2020, January 14, 2021, and February 23, 2021 and workshops on June 2, 2020, July 1, 2020, February 4, 2021, and February 18, 2021, the Town of Surfside Commission considered the proposed repeal and replacement of the Current Zoning Code, and instructed Staff to prepare an ordinance repealing the Current Zoning Code and replacing it with a zoning code that reflects land development regulations in effect on or about August, 2006 (the “2006 Zoning Code”), and certain modifications including, but not limited to, the following:

- *Lot coverage* shall mean 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 (except swimming pools, fences, screen enclosures, and pergolas), or portions thereof, up to a maximum forty percent (40%) of the lot; provided however that the following shall not be included in determining the lot coverage:
  1. Uncovered steps and exterior balconies;
  2. Uncovered terraces, patios, breezeways, or porches which are open on two (2) sides; and
  3. Covered terraces, patios, breezeways, or porches which are open on two (2) sides.

In no instance may the exemptions listed here exceed 15% of the total footprint of all principal and accessory buildings and structures.

- In the H30A and H30B districts, second story lot coverage is limited to 32% of the lot area, or 80% of the first floor area, whichever is less.
- Existing setback requirements set forth in the Current Zoning Code will continue to apply, unless there is a greater restriction in the 2006 Zoning Code, except that only the following projections/encroachments shall be permitted:
  - In the H30A and H30B districts, and in H30C districts west of Harding Avenue, eaves of sloped roofs may project up to eight (8) inches into any required yard. All other ornamental or screening features in the H30A and H30B districts, including cornices, sills, frames, and fins, may project no more than six (6) inches into any required yard.



- In the H30A and H30B districts, lots with a depth greater than 112.5 feet will be required to provide front and rear yards that combine to equal at least thirty-six percent (36%) of the lot's depth. This requirement shall not be read to alter or justify reduction of front and rear setbacks for the first and second stories. The intention of this provision is to ensure that adequate yards are provided.
- In the H30A and H30B districts, each lot must provide:
  - 35% of each lot must be pervious area; and
  - 50% of front yards and 40% of rear yards must be landscaped; and
  - 20% of all landscaped area must be Florida Friendly as defined in the Current Zoning Code.
- The Current Zoning Code's definition of building height will continue to apply to single family districts. For the H120 district, building height is restricted to 120 feet as measured from the crown of that portion of Collins Avenue adjacent to the lot. In all districts, no exceptions will be permitted for rooftop structures, mechanical equipment, architectural features, *etc.*, except as expressly permitted in the 2006 Code. Rooftop photovoltaic systems may be approved by the Planning and Zoning Board subject to the Design Guidelines provided they do not exceed the height and massing limitations in the 2006 Code.
- Density and intensity in the H120 district shall be calculated based on property westward of the ocean bulkhead line. Notwithstanding anything to the contrary in either the Current Zoning Code or 2006 Zoning Code, the erosion control line shall not be used to determine the lot area, and shall not serve as a basis for density and intensity calculations on a given lot.
- The calculation of lot area shall be limited to the actual acreage within the property lines, or in the case of the H120 district, the actual acreage within the area bounded by north, west, and south property lines and the ocean bulkhead line on the east. The term "gross acreage" shall be deleted and shall have no force or effect. Notwithstanding anything to the contrary in either the Current Zoning Code or the 2006 Zoning Code, an acre is 43,560 square feet.
- All permitted and accessory uses shall be as permitted in the 2006 Zoning Code, except that new hotel or motel uses of any type shall not be permitted on any property west of Collins Avenue. Any use in the commercial district not expressly permitted in the 2006 Code shall not be permitted.
- Awning and canopies shall be regulated as in the Current Zoning Code, except that the Planning and Zoning Board may authorize an awning or canopy without a required break or articulation where a more integrated design would result.
- Except as modified above, the Town's existing sign code, landscape code, and existing regulations regarding religious accommodations, reasonable accommodation procedures, curb cuts, vision clearance, aggregation of lots, materials and finishes, underground utilities, architecture, zoning in progress, beach sand quality, design

standards for off-street parking, standards for fences, and short-term rentals will be retained.

- Roof decks as defined in the Current Zoning Code shall not be permitted in any single-family district.
- In the H30A district, no building shall be erected within 25 feet of the sea wall on Point Lake, north canal, or south canal, nor within 50 feet of the sea wall on any other body of water.
- Existing single family or duplex driveways in front yards that are nonconforming as to front yard landscape and/or pervious area requirements may be maintained, repaired, or rebuilt with any approved material without needing to comply with the front yard landscape and pervious area requirements. Such driveways can be altered so long as the degree of nonconformity is not enlarged.

A draft zoning code has been prepared subject to the above parameters and is on file with the Clerk's office. Pursuant to Section 90-6 of the Code, Zoning in Progress based on the draft zoning code *shall* apply to applications for development approvals filed after the date of this notice's publication in the Miami Herald. Pending applications may be heard by the appropriate Town board only where they meet the more restrictive of the Current Zoning Code and the draft zoning code.

Public hearings for first reading by the Town Commission, review by the Planning and Zoning Board and Local Planning Agency, and second reading by the Town Commission will be noticed and held in the coming weeks. Interested parties may appear at the Public Hearings and be heard with respect to the proposed Ordinance.

Dated this \_\_\_\_ day of March, 2021

Sandra McCready, MMC  
Town Clerk