



## Town of Surfside Commission Communication

**Agenda Item:** 4A1

**Agenda Date:** March 14, 2017

**Subject:** Require noticing of new residential construction and demolitions

**From:** Sarah Sinatra Gould, AICP, Town Planner

**Background:** The Planning and Zoning Board has requested that staff prepare an ordinance to notify the public of a hearing for a new single family home or major renovation consisting of at least 50% improvements to the structure. The item was heard by the Town Commission as a discussion item on February 16, 2017 and was expanded to require noticing of all applications appearing before the Design Review Board as well as notifying neighboring property owners of a complete or partial demolition of 50% or more of a single family home.

### **Sec. 14-28. - Issuance of building permits.**

- (a) All plans prior to the issuance of a permit for any building or structure in the town must first have the approval of the town manager.
- (b) No permit shall be required for general maintenance or repairs where such work or repair does not change the occupancy, use, alter the outside appearance of the structure and the value of which does not exceed \$250.00 in labor and material as determined by the building official.
- (c) No permit shall be issued unless the applicant demonstrates to the town manager that applicant has made adequate provision for persons associated with the subject improvements legally to park vehicles on site or otherwise not utilizing on-street parking.
- (d) Applications for building permits that require excavation of sand seaward of the Coastal Construction Control Line must comply with the beach sand quality regulations as described in sections 34-2 to 34-8 of the Town Code of Ordinances.

(e) All applications for complete or partial demolitions of 50% or more of a single family home shall require the applicant to mail written courtesy notices via certified mail to the abutting single family property owners and single family property owners parallel to the subject property line across any right-of-way notifying the property owners that the demolition will occur within 180 days from the date of the letter. The letter shall provide contact information for the applicant or agent of the applicant if there are questions relating to the demolition.

**Sec. 90-19. - Single-family and two-family development review process.**

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90-19.6 Single-family and two-family development shall be reviewed by the design review board.

The applicant shall notify the public of the Design Review Board hearing date and location, on the proposed application as follows:

1. The applicant shall post a notice on the property one week prior to the Design Review Board meeting and remove the notice three days after the conclusion of the Design Review Board meeting. A notice, 18 inches by 24 inches, shall be placed in a prominent place on the property by the applicant, denoting the following:

REQUEST FOR: \_\_\_\_\_

DESIGN REVIEW BOARD: DATE AND TIME

TOWN HALL  
9293 Harding Avenue  
Surfside, FL 33154

COMPLETE INFORMATION REGARDING THE APPLICATION IS  
AVAILABLE BY CONTACTING THE TOWN HALL AT 9293 HARDING  
AVENUE, SURFSIDE, FL 33154.

2. The applicant shall mail written courtesy notices via certified mail, to the abutting single family property owners and single family property owners parallel to the subject property line across any right-of-way, of the Design Review Board meeting date and location 10 days prior to the meeting.
3. The applicant shall provide the Town a sworn affidavit indicating the notices have been mailed and provide evidence that the sign has been posted three days prior to the Design Review Board meeting.

**Budget Impact:** N/A

**Growth Impact:** Giving neighboring property owners an opportunity to attend the Design Review Board meeting where new construction adjacent to their property is proposed.

**Staff Impact:** Additional record keeping by the Town Staff and confirmation that the notice has occurred prior to the meeting.

**Staff Recommendation:** Approval



\_\_\_\_\_  
Sarah Sinatra Gould, AICP, Town Planner



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Guillermo Olmedillo, Town Manager

ORDINANCE NO. 17 - \_\_\_\_\_

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14 “BUILDING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 14-28 “ISSUANCE OF BUILDING PERMITS.”; AMENDING CHAPTER 90 “ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 90-19 “SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT REVIEW PROCESS.”; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Board has requested that staff prepare an ordinance to notify the public of a hearing for a new single family home or major renovation consisting of at least 50% improvements to the structure; and

**WHEREAS**, the Town Commission heard the item on first reading on March 14, 2017 where it was passed with the modification that noticing would be limited to new single family homes and the demolition and rebuilding of at least 50% of the square footage of an existing single family home; and

**WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed the revisions to the Code of Ordinances for consistency with the Town’s Comprehensive Plan at a duly noticed hearing on March 30, 2017 and recommended approval; and

**WHEREAS**, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on April 13, 2017; and

**WHEREAS**, the Town Commission hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

**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 Ordinances of the Town of Surfside, Section 14-28 “Issuance of building permits.” is hereby amended as follows:

**Sec. 14-28. - Issuance of building permits.**

- (a) All plans prior to the issuance of a permit for any building or structure in the town must first have the approval of the town manager or designee.
- (b) No permit shall be required for general maintenance or repairs where such work or repair does not change the occupancy, use, alter the outside appearance of the structure and the value of which does not exceed \$250.00 in labor and material as determined by the building official.
- (c) No permit shall be issued unless the applicant demonstrates to the town manager that applicant has made adequate provision for persons associated with the subject improvements legally to park vehicles on site or otherwise not utilizing on-street parking.
- (d) Applications for building permits that require excavation of sand seaward of the Coastal Construction Control Line must comply with the beach sand quality regulations as described in sections 34-2 to 34-8 of the Town Code of Ordinances.
- (e) All applications for complete or partial demolitions of 50% or more of a single family home shall require the applicant to mail written courtesy notices via certified mail to the abutting single family property owners and single family property owners parallel to the subject property line across any right-of-way notifying the property owners that the demolition will occur within 180 days from the date of the letter. The letter shall provide contact information for the applicant or agent of the applicant if there are questions relating to the demolition.

**Section 3. Code Amendment.** The Code of Ordinances of the Town of Surfside, Section 90-19 “Single-family and two-family development review process.” is hereby amended as follows:

**Sec. 90-19. - Single-family and two-family development review process.**

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90-19.6 Single-family and two-family development shall be reviewed by the design review board. The following types of applications shall require noticing as described below:

- A) Construction of new single family homes.
- B) Partial demolition and rebuilding of at least 50% of the square footage of a single family home.
- C) An addition of at least 50% of the square footage of the existing single family home.

The applicant shall notify the public of the Design Review Board hearing date and location, on the proposed application as follows:

1. The applicant shall post a notice on the property one week prior to the Design Review Board meeting and remove the notice three days after the conclusion of the Design Review Board meeting. A notice, 18 inches by 24 inches, shall be placed in a prominent place on the property by the applicant, denoting the following:

REQUEST FOR: \_\_\_\_\_

DESIGN REVIEW BOARD MEETING: DATE AND TIME

TOWN HALL  
9293 Harding Avenue  
Surfside, FL 33154

COMPLETE INFORMATION REGARDING THE APPLICATION IS AVAILABLE BY CONTACTING THE TOWN HALL.

2. The applicant shall mail written courtesy notices via certified mail, to the abutting single family property owners and single family property owners parallel to the subject property line across any right-of-way, of the Design Review Board meeting date and location 10 days prior to the meeting.
3. The applicant shall provide the Town the corresponding certified mail receipts, indicating the notices have been mailed and provide evidence that the sign has been posted three days prior to the Design Review Board meeting.

**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 final adoption on second reading.

**PASSED** on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**PASSED and ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2017.

On Final Reading Moved by: \_\_\_\_\_

On Final Reading Second by: \_\_\_\_\_

**FINAL VOTE ON ADOPTION**


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

\_\_\_\_\_  
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