

Dear Surfside Residents,

The Commission discouraged the preservation of existing homes by repealing the 50% Rule. The previous Zoning Ordinance permitted you to add up to 50% or .5 FAR or Floor Area Ratio to an existing property with 5600 sq. Ft. for a total of 2800 square feet. The .50 FAR or percentage is multiplied by the square footage of the property 5600 sq. ft. for a total of 2800 sq ft home. The Surfside Commission repealed the 50% Far and now only allows .40 far to an existing property .40 FAR up to a total of 2250 sq. Ft. on an 5600 sq. Ft lot. For example, if you have 1800 sq. Ft. home on a 5600 sq. Ft. lot then only a paltry 450 sq ft. can be added to your existing home to get 2250 sq. ft. If you want more square footage, you have to tear down your existing home and build to the FEMA requirements . FEMA requires your new home to be built 4 feet above the crown of the road at your lot plus an additional 6 feet for the base of your new home. You then have a 10 foot base at your first floor level of your new home. Now your neighbor gets a 10 foot plus wall next to them at the first floor. The .50 FAR for the first floor was repealed. Today, only .40 far is permitted on the first floor of an existing home. To get any substantial additional square footage the existing home must be knocked down and a new home must be built.

The results of the Surfside Commission's new zoning ordinance for new residential homes as of October 8, 2024, is as follows:

1. At .50 FAR on a new build you can build up to 2800 sq. ft. On the first floor. The build would have the standard 5 foot setbacks on 2 sides on a 5600 sq. Ft. Lot.
2. At .54 you can build 40% on the first floor 2250 sq. ft. The balance of the FAR would be placed on the second floor, provided that you increase your setbacks of 7.5 feet on 2 sides on the first floor. A setback is measured from your property line to the base of your house. There would be additional setbacks on the second floor. Your home on the second floor is now only 25 feet wide. Your existing home measured an average of 40 foot width on the first floor on a 5600 sq. ft. lot. At .54 FAR your setbacks increase. You now lose an additional 5 feet from the front to the back of the house with 7.5 setbacks on 2 sides of your new home on a 50 foot wide lot. . Your setbacks now permit only a 35 foot wide new home on the first floor if you build to .54 FAR.
3. At .60 FAR there are additional setbacks. These include 9 foot setback on 2 sides on the first floor. The first floor would have 2250 sq. ft. with the balance of the square footage on the second floor. Your existing home on a 50 foot lot normally has a 40 foot width on a 5600 sq ft lot. At .60 FAR the 9 foot setbacks on 2 sides reduce the width of your new home to just 32 feet on the first floor. Reduce 9 feet from two sides of your 50 foot wide lot foot and you are left with a 32 foot wide "very skinny house" on your first floor. Forget the one car garage. That would take too much space from the width of your home. The setbacks on the second floor would only be 22 foot wide. .

This is your current Zoning Ordinance until and if it is changed in the future by another Commission. When do you get to vote on this Zoning Ordinance? In March 2025, this ordinance will be placed on the ballot to determine whether this new ordinance will be included in the Surfside Charter to make it permanent or difficult to repeal. At that time, you will vote on whether to allow a new build to have .50, .54. And/or .60 FAR. with setbacks. The voters by a 50% vote can Amend the Charter. The Surfside Charter can be amended with some, all or none of the FAR restrictions and setbacks as enumerated in options 1, 2, or 3 above. If Surfside Residents approve only one option, then that option will be your only permanent choice for a new Home Build. Your Surfside Commission has decided that these will be your only options in this referendum.

The Mayor incorrectly emailed on October 9, 2024, what I believe to be his version of the Charter Amendment for the March 2025 referendum. In an email dated October 9, 2024, the Mayor stated, "Shall the Charter be amended to reduce the size of the so-called "monster homes" in our residential district from a currently allowed maximum FAR of up to .89 to a reduced FAR of (pick one below)..." The FAR was never .89 in Surfside. No one ever built a 4984 sq. Ft. Home. The current allowed maximum FAR is .60 according to the Ordinance that the Commission passed on

October 8, 2024. The Charter Amendment should correctly inform residents that the Charter Amendment be amended to reflect .5, .54 or .60. The previous FAR was never .89. Your vote does not reduce the FAR. You are merely "rubber stamping" the FAR decided by the Commission on October 8, 2024.

The Mayor's history of the FAR of .89 is incorrect. The previous FAR of .72 was in effect since about 2008 and pre-dates the previous administration. The previous administration never changed the FAR. There is no evidence to support the Mayor's contention that ".5 FAR allowance," "...is far and away larger than the 1400 sq. ft. to 2100 sq. ft. homes that Surfside ever permitted," "The homes which were originally built were smaller since they were winter homes. The "snowbirds" came to Surfside to escape the cold northern winter. After the winter season, they went home. They did not live here year-round. They built these small seasonal homes. The zoning code until 2010 allowed an FAR of .80. This is based on 40% lot coverage and no decrease required of the second floor (.40+.40=.80).

In 2010 the zoning code was rewritten. The FAR became .72 because the second floor was not allowed to be more than 80% of the first floor (.40+.32=.72) in addition to the 80% rule, a series of average setbacks beyond the standard setback were applied to the front and sides, on the second floor. This did not make the houses smaller still, but guided where and how the reduction to 80% took place. A year ago the code was rewritten again, allowing the average setbacks to be spread out on both floors. The .72 remained the same.

This past summer, at first reading the commission approved an FAR of .63. Immediately thereafter, the Planning and Zoning Board, in their review recommended an FAR of .50. The Commission meeting of October 8, 2024 changed the FAR to .50, .54 and .60 respectively with the setbacks outlined above. That is the correct history of the FAR of Surfside. **The Mayor is trying to reset the history of FAR to appear sensible in his call for a reduction of the FAR which was never .89. The FAR Ordinance and setbacks as enacted by the Commission on October 8, 2024, is not sensible.**

Further, in paragraph 3 of the Mayor's email the Mayor incorrectly describes the proposed Charter Amendment at .60 FAR. The Mayor changes the setback from 9 to 10 feet on 2 sides of the property. This further reduces the width of your property to 30 feet. The Commission approved a 9 foot and not a 10 foot setback for a .60 FAR.

If the Charter is amended, it would be difficult or impossible to change or repeal the Charter Amendment in the future. The standard for changing any Charter Amendment which is passed on the November 5, 2024 ballot would require a 60% vote of the residents and a unanimous vote of the Surfside Commission. According to this standard, even if 60% of the residents want to repeal an amendment to the Surfside Charter then one Commissioner can block the repeal of the amendment in the Surfside Charter. This same standard for repeal of a Charter Amendment could presumably apply to the Charter Amendment referendum which is Contemplated for a vote on March of 2025. It is unclear what the standard for the repeal of the Charter amendment would be for the referendum to be held for this zoning ordinance.

The Surfside Charter should not be amended with zoning ordinances. We cannot predict the severity of future climate change, sea level rise or Hurricanes which will affect Surfside. The Charter amendment for FAR above does not consider any of these scenarios other than building to the code set out today. It does not contemplate, building on homes on Stilts to avoid flooding etc. A new home which is destroyed in a natural catastrophe will have to be rebuilt to the existing code and would have to be downsized to meet the requirements of the new zoning ordinance. There are many unpredictable variables in the future which should prohibit the consideration of Amending the Charter with Zoning Ordinances. If Surfside Voters amend the Charter then one, two or three of these aforementioned zoning FAR options may become your sole building option in perpetuity. If passed, the Charter Amendment could potentially remain in effect until an apocalypse or until the end of time, whichever comes first.

I have repeatedly requested that the Surfside Commission provide architectural drawings, engineering plans, scale models or scribbles on a napkin of what a new home would look like under our newly enacted Zoning Ordinance. I have not received this information. I have attempted to interpret the new Zoning Code to envision what a new home would look like. Therefore, at great cost to me and my daughters, I have built a model according to the new .6 FAR with 9 foot setbacks on a 5600 sq. ft lot for your review. The model shown is not built to scale. Is this home small enough?

Disclaimer: The building restrictions or FAR as passed on October 8, 2024 are in effect. The Surfside Zoning Ordinance is subject to further, revisions, modifications, and restrictions. This article does not address FAR restrictions for stairs, patios, pool decks or any other concrete coverage which will now also result in a further deduction of your buildable air-conditioned square footage for new homes. This article does not address machinery which may not be placed in setbacks per the new Ordinance. This article does not address fill allowances, water runoffs or permeability for new builds. We assume you know all that already. If not, look it up in the Surfside Zoning Ordinances and figure it out.

Very truly yours,

Eric Stupel

