ORDINANCE NO. 13- 1597

AN ORDINANCE OF THE TOWN
COMMISSION OF THE TOWN OF
SURFSIDE, FLORIDA AMENDING THE
TOWN OF SURFSIDE CODE OF
ORDINANCES BY AMENDING CHAPTER 90
ZONING; SECTION 90-51 MAXIMUM
FRONTAGE OF BUILDINGS; PROVIDING
FOR INCLUSION IN THE CODE;
PROVIDING FOR SEVERABILITY;
REPEALING ALL ORDINANCES OR PARTS
OF ORDINANCES IN CONFLICT
HEREWITH; AND PROVIDING FOR AN
EFFECTIVE DATE.

WHEREAS, Section 90-51 of the Town of Surfside Code regulates the maximum

continuous wall frontage of buildings; and

WHEREAS, the Town Code does not contain a limitation on the maximum building

length or building length limitations; and

WHEREAS, the Town Commission has attempted to create regulations to address the

specific needs of this unique community and continues to amend these regulations as they may

best suit the needs of the community which now includes limiting building length; and

WHEREAS, the Planning and Zoning Board, as the Local Planning Agency for the

Town, held its hearing on the proposed amendments to the Code of Ordinances on October 25,

2012; and

WHEREAS, the Town Commission held its first duly noticed public hearing on these

regulations on October 9, 2012 and recommended approval of the proposed amendments to the

Code of Ordinances, having complied with the notice requirements by the Florida Statutes; and

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WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on January 15, 2013 and further finds the proposed change to the Code necessary and in the best interest of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AS FOLLOWS:

<u>Section 1</u>.   <u>Recitals</u>.   The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

<u>Section 2</u>.   <u>Code Amendment.</u> The code of the Town of Surfside, Florida is hereby amended as follows:

Sec. 90-51. - Maximum frontage of buildings.

90-51.1 Continuous wall frontage shall <u>not exceed 270 feet and</u> be articulated as follows:

(1)   *H30C:* For every 50 feet, a minimum three foot change in wall plane.

(2)   *H40:* For every seventy-five (75) feet, a minimum six foot change in wall plane.

(3)   *H120:* For every 100 feet, a minimum six-foot change in wall planes. The change shall be either vertical or horizontal.

(4)   Structured parking garages: see section 90-49.4

<u>Section 3</u>. <u>Severability</u>. 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.

<u>Section 4.</u> <u>Conflict.</u> 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.

<u>Section 5</u>. <u>Inclusion in the Code of Ordinances.</u> 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 6. **Effective Date.** This Ordinance shall be effective ten (10) days after adoption on second reading.
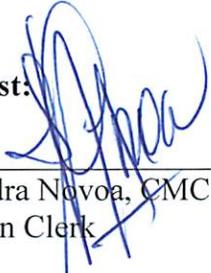
PASSED and ADOPTED on first reading this _9ᵗʰ_ day of _October_, 2012.

PASSED and ADOPTED on second reading this _15_ day of _January_, 2013.

_____
Daniel Dietch, Mayor

Attest:

_____
Sandra Novoa, CMC
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

_____
Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: _Vice Mayor Karukin_

On Second Reading Seconded by: _Commissioner Graubart_

Vote:

	yes	no
Commissioner Graubart		✓
Commissioner Kligman	✓	
Commissioner Olchyk	✓	
Vice- Mayor Karukin	✓	
Mayor Daniel Dietch	✓	

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