

ORDINANCE NO. 13 – 1606

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-58 “CARPORT CANOPIES” FOR CONSISTENCY WITH DRIVEWAY REGULATIONS AND CONSTRUCTION STANDARDS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Surfside (“Town”) proposes to amend its Code of Ordinances to address uniformity and update carport canopy regulations; and

WHEREAS, the code requires that parking spaces for two vehicles be provided on each property and a two car wide driveway is required to be wider than existing carport canopy regulations; and

WHEREAS, the Town has determined that an inconsistency exists between driveway regulations, construction standards and the existing carport canopy regulations; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on July 25, 2013 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, The Town Commission held its first public reading on July 16, 2013 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on August 13, 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:

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 the Town of Surfside, Florida is hereby amended as follows:

Sec. 90-58. - Carport canopies.

Carport canopies may be constructed, in a front, secondary side or rear yard setback in the H30A and H30B districts.

- (1) Such canopy shall not exceed 20 feet in length, ~~nor ten feet in~~ and 20 feet in width.
- (2) The height of such canopy shall not exceed ten feet.
- (3) The height of the side openings shall be at least six feet, three inches.
- (4) Such canopy shall be subject to the following minimum setbacks:
 - a. *Rear*: Five feet.
 - b. *Interior side*: Five feet.
 - c. *Primary (front) and secondary (corner)*: Two feet.
 - d. *Rear of street curb*: Seven feet.
- (5) A canopy shall at all times remain open on all four sides, if free standing, and open on three sides if attached to the main building.
- (6) The area under a canopy must be entirely paved by an approved paving material.

Section 3. 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 4. 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 5. 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 6. Effective Date. This Ordinance shall be effective ten (10) days after adoption on second reading.

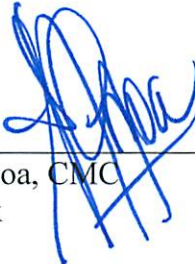
PASSED and ADOPTED on first reading this 16th day of July, 2013.

PASSED and ADOPTED on second reading this 13th day of August, 2013.



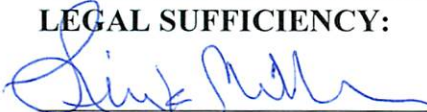
Daniel Dietch, Mayor

ATTEST:



Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Interim Town Attorney

On Final Reading Moved by: Vice Mayor Karukin

On Final Reading Seconded by: Commissioner Graubart

Vote:

Mayor Daniel Dietch	yes	<input checked="" type="checkbox"/>	no	_____
Vice Mayor Michael Karukin	yes	<input checked="" type="checkbox"/>	no	_____
Commissioner Graubart	yes	<input checked="" type="checkbox"/>	no	_____
Commissioner Kligman	yes	<u>ABSENT</u>		_____
Commissioner Olchyk	yes	<u>ABSENT</u>		_____

Ordinance No. 13-11006

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