

ORDINANCE NO. 14-1613

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN OF SURFSIDE COMPREHENSIVE PLAN BY AMENDING POLICY 1.1 TO DELETE PUBLIC SCHOOLS AS A USE IN POLICY 1.1 MODERATE DENSITY RESIDENTIAL/TOURIST LAND USE CATEGORY; ADDING POLICY 10.6 TO PROVIDE FOR LAND DEVELOPMENT REGULATIONS THAT ALLOW REASONABLE RELIEF FOR RELIGIOUS USES AND MAP FLU-8; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside has adopted a Comprehensive Plan pursuant to Chapter 163, Florida Statutes, and adopted its most recent EAR-Based Comprehensive Plan amendments to the Comprehensive Plan in January 2010; and

WHEREAS, pursuant to Section 90.17 of the Town Code, the Planning and Zoning Board is designated as the Local Planning Agency for the Town; and

WHEREAS, the Planning & Zoning Board in its capacity as the Local Planning Agency, has reviewed proposed amendments to the Future Land Use Element of the Comprehensive Plan as substantially contained herein and recommended approval to the Town Commission on October 2, 2013; and

WHEREAS, the Town Commission has reviewed the recommendation of the Planning and Zoning Board and, after duly noticed public hearings in accordance with the Florida Statutes and the Town Code, finds that this Ordinance is in the best interest and welfare of the residents of the Town.

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

Section 1. Recitals.

The foregoing “Whereas” clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Recommendation of Approval by the Local Planning Agency.

The Planning and Zoning Board, in its capacity as the Local Planning Agency, has reviewed the proposed amendments to the Town’s Comprehensive Plan and recommends approval by the Town Commission.

Section 3. Amending Policy 1.1 of the Future Land Use Element.

The Town Commission, upon review of the recommendations of the Local Planning Agency and independent review, hereby amends Policy 1.1 of the Future Land Use Element of the Town Comprehensive Plan as follows:

Policy 1.1 – The Town shall maintain, improve and strictly enforce provisions which are consistent with the Future Land Use Map, including the land uses and densities and intensities specified thereon and including the following:

...
Moderate Density Residential/Tourist: up to 58 residential dwelling units per acre or up to 108 hotel units per acre and not more than 40 feet in height. The permitted uses are single family, duplex, and multi-family residential uses, hotels, ~~public schools~~, and parks and open space.

Section 4. Adopting new Policy 10.6 and Map FLU-8 in the Future Land Use Element.

The Town Commission, upon review of the recommendations of the Local Planning Agency and independent review, hereby adopts new Policy 10.6 and Map FLU-8 in the Future Land Use Element as follows:

Policy 10.6 – The Town shall maintain land development regulations that allow reasonable relief from the Town land development regulations or the use restrictions of this Comprehensive Plan in order to address possible unintended violations of the Religious Land Use and Institutionalized Persons Act of 2000 or the Florida Religious Freedom Restoration Act of 1998. For the purpose of allowing such relief, the land development regulations shall provide that religious

land uses may be permitted in the areas of the Town as depicted on Map FLU-8 of this Comprehensive Plan.

Section 5. Severability.

Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

Section 6. Conflict.

That all Sections or parts of Sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 7. Effective Date.

This Ordinance shall be effective immediately upon passage by the Town Commission on second reading, except that the effective date of the Plan Amendment approved by this Ordinance shall be the date a final order is issued by the Department of Economic Opportunity or Administration Commission finding the Plan Amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. The Department of Economic Opportunity notice of intent to find the Plan Amendment in compliance shall be deemed to be a final order if no timely petition challenging the Plan Amendment is filed.

PASSED and ADOPTED on first reading this 17 day of September, 2013.

PASSED and ADOPTED on second reading this 11 day of Feb, 2014.



Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC, Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Linda Miller, Town Attorney

On Second Reading Moved by: Commissioner Olchyk

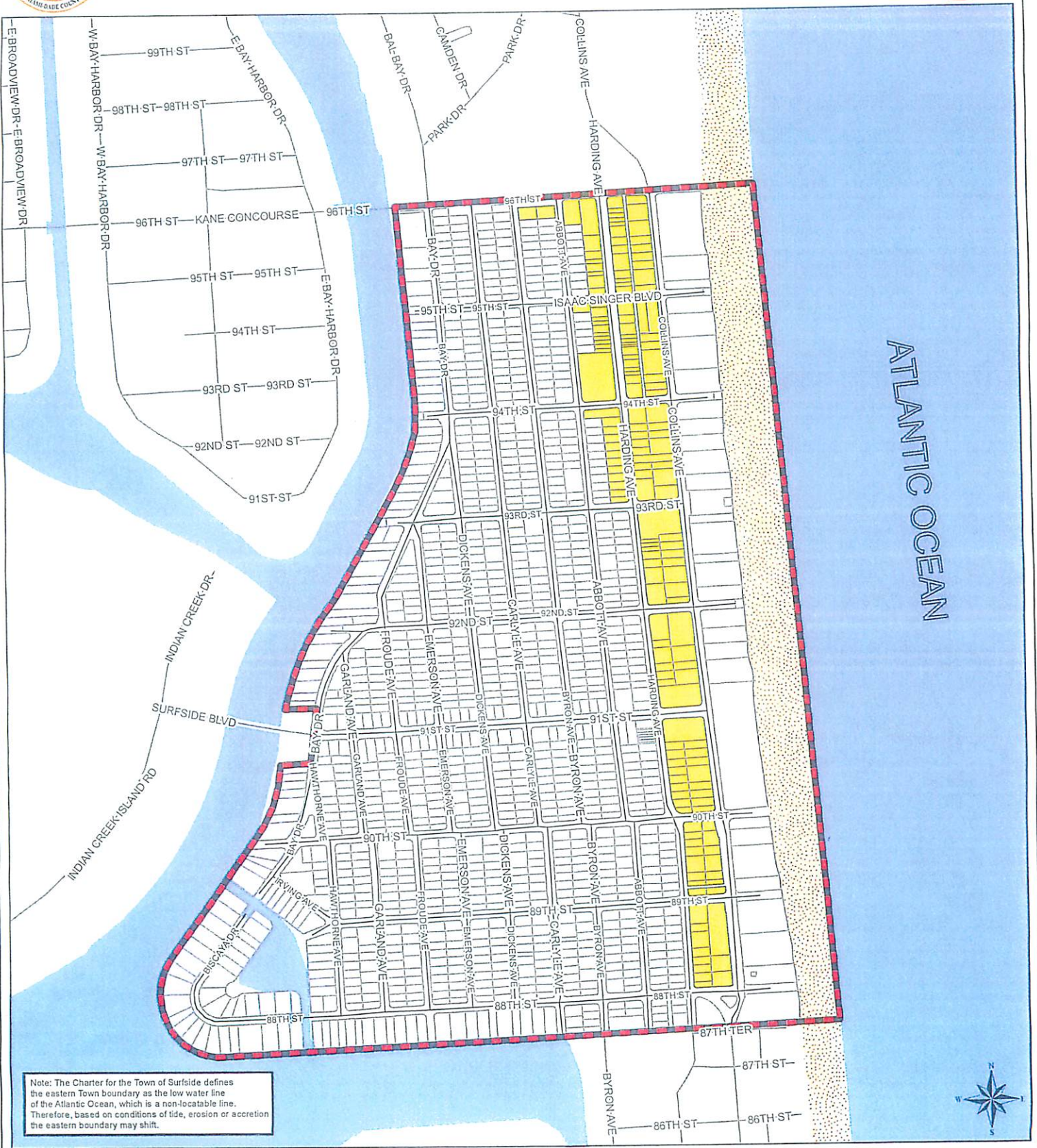
On Second Reading Seconded by: Commissioner Kligman

Vote:

Mayor Daniel Dietch	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Vice Mayor Michael Karukin	yes <input type="checkbox"/>	no <input checked="" type="checkbox"/>
Commissioner Joseph Graubart	yes <input type="checkbox"/>	no <input checked="" type="checkbox"/>
Commissioner Michelle Kligman	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Commissioner Marty Olchyk	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>



Religious Land Use Relief Procedures



ATLANTIC OCEAN

Note: The Charter for the Town of Surfside defines the eastern Town boundary as the low water line of the Atlantic Ocean, which is a non-locatable line. Therefore, based on conditions of tide, erosion or accretion the eastern boundary may shift.



Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS

Map Number: FLU 8
Print Date: May 2013

