

ORDINANCE NO. 16 - 11048

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" AND SPECIFICALLY AMENDING SECTION 90-15 "MEMBERSHIP/QUORUM, MINIMUM QUALIFICATIONS, OFFICERS, TERMS OF OFFICERS, VACANCIES, GENERAL REGULATIONS, RECOMMENDATIONS, EXPENDITURES, INDEBTEDNESS" CHANGING THE LICENSE AND PROFESSIONAL EXPERIENCE REQUIREMENTS FOR MEMBERS SERVING ON THE PLANNING AND ZONING BOARD; SPECIFICALLY AMENDING SECTION 90-18 "DESIGN REVIEW BOARD" CHANGING THE LICENSE AND PROFESSIONAL EXPERIENCE REQUIREMENTS FOR MEMBERS SERVING ON THE DESIGN REVIEW BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there are experienced professionals residing within the Town of Surfside in the areas of construction, engineering and planning; and

WHEREAS, changing the license and professional experience requirements for specified members serving on the Planning and Zoning Board and Design Review Board will allow the Town to benefit from the expertise of members of the community; and

WHEREAS, it is necessary to amend Chapter 90 of Town Code of Ordinances to allow license requirements to be substituted by consideration of years of professional experience and educational qualifications; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on April 28, 2016 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 has conducted a first reading on May 10, 2016; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on June 14, 2016 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 Ordinances of the Town of Surfside, Florida Section 90-15 “Membership/quorum, minimum qualifications, officers, terms of officers, vacancies, general regulations, recommendations, expenditures, indebtedness” is amended to read as follows:

Sec. 90-15. - Membership/quorum, minimum qualifications, officers, terms of officers, vacancies, general regulations, recommendations, expenditures, indebtedness.

(1) *Membership/quorum:* The planning and zoning board membership and quorum requirements for zoning matters and design review matters are as follows:

(a) *Zoning matters:* The planning and zoning board, when performing its zoning functions, shall consist of five members, ~~two~~ one of the following: a Florida-licensed general contractor or certified planner (AICP) or a Florida-licensed landscape architect, or a registered interior designer, or a Florida-licensed attorney.

1. Florida-licensed general contractor or a construction management professional with at least three years of professional experience as a construction project manager, construction superintendent or construction estimator,
2. Florida licensed PE or a civil, mechanical, electrical, chemical or environmental engineer with a baccalaureate degree in engineering and three years of professional experience,
3. Certified planner (AICP) or a planning professional with a graduate degree in Planning from a program accredited by the Planning Accreditation Board with at least three years of professional planning experience or a bachelor’s degree in Planning from a program, accredited by the Planning Accreditation Board (PAB) with at least three years of professional planning experience,
4. Florida-licensed landscape architect with at least three years of professional experience,
5. Registered interior designer with at least three years of professional experience,
6. Florida-licensed attorney with at least three years of professional experience, or
7. Real estate developer with three years of professional experience, either as the principal or executive.

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Section 3. Code Amendment. The Code of Ordinances of the Town of Surfside, Florida Section 90-18 "Design Review Board" is amended to read as follows:

Sec. 90-18. - Design review board.

The planning and zoning board, when performing its design review and FEMA variance and appeals board functions shall be constituted as the design review board and shall have seven members. The seven members shall include the five members appointed by the town commission for the planning and zoning board and two additional members, at least one of the design review board members shall be a Florida-licensed architect or Florida-licensed landscape architect. The second design review board member shall be a Florida-licensed architect or ~~a Florida-licensed general contractor or a certified planner (AICP) or a Florida-licensed landscape architect, or a registered interior designer, or a Florida-licensed attorney.~~

1. Florida-licensed general contractor or a construction management professional with at least three years of professional experience as a construction project manager, construction superintendent or construction estimator,
2. Florida licensed PE or a civil, mechanical, electrical, chemical or environmental engineer with a baccalaureate degree in engineering and three years of professional experience,
3. Certified planner (AICP) or a planning professional with a graduate degree in Planning from a program accredited by the Planning Accreditation Board with at least three years of professional planning experience or a bachelor's degree in Planning from a program, accredited by the Planning Accreditation Board (PAB) with at least three years of professional planning experience,
4. Florida-licensed landscape architect with at least three years of professional experience,
5. Registered interior designer with at least three years of professional experience,
6. Florida-licensed attorney with at least three years of professional experience, or
7. Real estate developer with three years of professional experience, either as the principal or executive.

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Section 4. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 5. Inclusion in the Code. 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. Conflicts. Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 7. Effective Date. This ordinance shall become effective upon adoption.

PASSED and ADOPTED on First Reading the 10th day of May, 2016.

PASSED and ADOPTED on Second Reading this 14th day of June, 2016

Motion by Commissioner Gielchinsky,

Second by Commissioner Karukin.

FINAL VOTE ON ADOPTION

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

yes
yes
yes
yes
yes



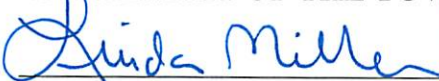
Daniel Dietch, Mayor

ATTEST:



Sandra Novoa, MMC, Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



Linda Miller, Town Attorney