

ORDINANCE NO. 18-1078

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING,” SECTION 90-61 “PAVING IN FRONT AND REAR YARDS IN H30 AND H40 DISTRICTS,” TO ADDRESS DRIVEWAYS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside ("Town") recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the Town’s regulations are current and consistent with the Town’s planning and regulatory needs; and

WHEREAS, the Town desires to amend the code to prohibit a front driveway from extending beyond the front a house unless approved by the Design Review Board; and

WHEREAS, the Town Commission held its first public hearing on February 13, 2018 having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendment on February 22, 2018 with due public notice and input; and

WHEREAS, the Town Commission conducted a second duly noticed public hearing on these regulations as required by law on March 13, 2018; and

WHEREAS, the Town Commission hereby finds and declares that adoption of this Ordinance is in the best interest of the Town.

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. Section 90-61 “Paving in Front and Rear Yards in H30 and H40 Districts,” of Chapter 90, “Zoning” of the code of the Town of Surfside, Florida is hereby amended as follows¹:

¹ Additions to text are shown in underline. Deletions to text are shown in ~~striketrough~~. Additions between first and second reading are shown in double underline. Deletions between first and second reading are shown in ~~double striketrough~~.

Chapter 90 – ZONING

* * *

Sec. 90-61. - Paving in front and rear yards in H30 and H40 districts..

* * *

- (8) A driveway shall not extend beyond the front plane of the home unless:
- a) providing direct access to a vehicular garage; or
 - b) presented to and approved by the Design Review Board which shall consider whether the extension is necessary to serve the property and will be compatible with the neighborhood.

Driveways existing prior to March 13, 2018 [effective date of this ordinance] shall be deemed legally non-conforming ~~grandfathered~~ and may be repaired or rebuilt, but not expanded.

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Section 3. 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 4. 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 5. Conflicts. Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 6. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND ADOPTED on first reading this 13th day of February, 2018.

PASSED AND ADOPTED on second reading this 13th day of March, 2018.

On Final Reading Moved by: Commissioner Gielchinsky
On Final Reading 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
Absent
yes
yes

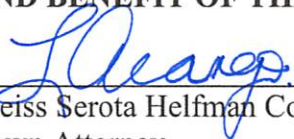


Daniel Dietch, Mayor

ATTEST:


Sandra Novoa, MMC, Town Clerk

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



Weiss Serota Helfman Cole & Bierman, P.L.,
Town Attorney