

ORDINANCE NO. 22 - 1728

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-2. - "DEFINITIONS" TO REVISE THE DEFINITION FOR "LOT COVERAGE," AND SECTION 90-49. - "LOT STANDARDS" TO INCREASE THE MAXIMUM LOT COVERAGE ALLOWED FOR SINGLE-STORY HOMES THAT DO NOT EXCEED 22 FEET IN HEIGHT TO 50%; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

1 **WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida
2 Statutes, provide municipalities with the authority to exercise any power for municipal purposes,
3 except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

4 **WHEREAS**, the Town Commission of the Town of Surfside ("Town Commission") finds it
5 periodically necessary to amend its Code of Ordinances and Land Development Code ("Code") in
6 order to update regulations and procedures to maintain consistency with state law, to implement
7 municipal goals and objectives, to clarify regulations and address specific issues and needs that
8 may arise; and

9 **WHEREAS**, the Town Commission finds that many of the older homes in Town are one-
10 story; and

11 **WHEREAS**, the Town Commission finds that many of the older homes in Town have been
12 replaced in recent years with imposing two-story homes that present compatibility challenges with
13 the remaining one-story homes; and

14 **WHEREAS**, the current forty percent (40%) lot coverage limitation disincentives the
15 preservation of existing one-story homes by owners who simply need a little more space; and

16 **WHEREAS**, although relief exists in the form of a practical difficulty variance, such requires
17 considerable process, time, and money; and

18 **WHEREAS**, the Town Commission desires to encourage and enable preservation of existing
19 single-family homes by allowing for their expansion and provide an option to home owners so that
20 they are not compelled to build a two-story home; and

21 **WHEREAS**, the Town Commission desires to incentivize new home builders to consider
22 single-story homes, which may be more compatible with the surrounding neighborhood and less
23 expensive to build; and

24 **WHEREAS**, at the Town Commission meeting on June 14, 2022, the Town Commission
25 considered increasing the maximum lot coverage allowed to fifty percent (50%) for single-family
26 homes provided they do not exceed 22 feet in height, and directed the Town Attorney to prepare an
27 ordinance implementing that policy; and

28 **WHEREAS**, the Town Commission desires to amend the Code for such purposes and finds
29 that such a change to maximum lot coverage for single-story homes is in the best interests of the
30 Town and its residents; and

31 **WHEREAS**, the Town Commission held its first public hearing on July 12, 2022 and, having
32 complied with the notice requirements in the Florida Statutes, approved the proposed ordinance
33 with a change to the definition of “lot coverage” to allow 50% lot coverage for single family homes,
34 on first reading; and

35 **WHEREAS**, the Planning and Zoning Board, as the local planning agency for the Town, held
36 its hearing on the proposed amendment on August 25, 2022 with due public notice and input, and
37 recommended approval of this ordinance as amended by a 5-0 vote; and

38 **WHEREAS**, the Town Commission has conducted a second duly noticed public hearing on
39 these regulations as required by law on September 13, 2022 and further finds the proposed changes
40 to the Code are necessary and in the best interest of the community.

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43 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
44 **TOWN OF SURFSIDE, FLORIDA¹:**

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46 **Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein by
47 this reference:

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49 **Section 2. Town Code Amended.** Chapter 90-2. – “Definitions” and Chapter 90-49. –
50 “Lot standards,” of the Surfside Town Code of Ordinances are hereby amended as follows:

51 **Sec. 90-2. – Definitions.**

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¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes made at first reading are indicated with ~~double-strikethrough~~ and double underline.

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Lot coverage: The percentage of the total area of a lot that, when viewed from above, would be covered by all principal and accessory buildings and structures (except swimming pools, fences, screen enclosures, and pergolas), or portions thereof. In the H30A and H30B single family districts, the lot coverage is limited to a maximum fifty percent (50%) of the lot for single-story homes and forty percent (40%) of the lot for two-story homes; provided however that the following shall not be included in determining the lot coverage:

- i. Uncovered steps and exterior balconies;
- ii. Uncovered terraces, patios, breezeways, or porches which are open on two (2) sides; and
- iii. Covered terraces, patios, breezeways, or porches which are open on two (2) sides.

In no instance may the sum of the lot coverage and all exemptions listed in i-iii exceed 50% of the lot area for one-story homes and 46% of the lot area for two-story homes.

Sec. 90-49. Lot standards.

Lot standards	H30A	H30B	H30C	H40	H120	SD-B40	MU	CF
Minimum lot width	50 FT	50 FT	50 FT	50 FT	50 FT	0 FT	-	-
Minimum lot area	8,000 FT	5,600 FT	-	-	-	-	-	-
Maximum lot coverage	40%*	40%*	-	-	-	-	-	-
Minimum pervious area	35%	35%	20%	20%	20%	-	-	-

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* Homes with a maximum height of 22 feet that do not exceed one habitable story may provide up to fifty percent (50%) lot coverage. A single-story home exceeding forty percent (40%) lot coverage shall not be altered to provide a second story unless the lot coverage is reduced to a maximum 40%.

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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.

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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.

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Section 5. Conflicts. Any and all ordinances and resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed.

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90 **Section 6. Effective Date.** This ordinance shall become effective upon adoption on second
91 reading.
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93 **PASSED** on first reading this 12th day of July, 2022.
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95 **PASSED** and **ADOPTED** on second reading this 13th day of September, 2022.
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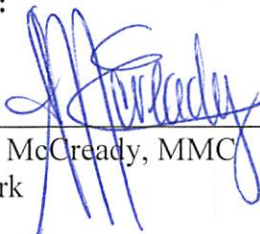
97 **First Reading:**
98 Motion by: Vice Mayor Jeffrey Rose
99 Second by: Commissioner Fred Landsman
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102 **Second and Final Reading:**
103 Motion by: Vice Mayor Jeffrey Rose
104 Second by: Commissioner Fred Landsman
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107 **FINAL VOTE ON ADOPTION**

108 Commissioner Fred Landsman Yes
109 Commissioner Marianne Meisheid Yes
110 Commissioner Nelly Velasquez No
111 Vice Mayor Jeffrey Rose Yes
112 Mayor Shlomo Danzinger Yes
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116 _____
117 Shlomo Danzinger, Mayor

116 **ATTEST:**
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120 Sandra N. McCready, MMC
121 Town Clerk
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123 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**
124 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**
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127 _____
128 Weiss Serota Helfman Cole & Bierman, P.L.
129 Town Attorney
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