

ORDINANCE NO. 2022- 1732

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 90-15 OF CHAPTER 90, "ZONING," OF THE TOWN CODE TO MODIFY THE PLANNING AND ZONING BOARD MEMBERSHIP QUALIFICATION REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (the "Town") created the Town Planning and Zoning Board (the "Board") to advise the Town Commission on all zoning and design review matters; and

WHEREAS, the Town Commission recognizes that changes to the Board's qualification requirements are periodically necessary to ensure that the Town is able to appoint qualified members to the Board; and

WHEREAS, Section 90-15 of Chapter 90, "Zoning," of the Town Code establishes criteria that govern the qualifications of the members that make up the Board; and

WHEREAS, Section 90-15 provides that one Board member or alternate member must have experience or education in sustainability and resiliency (the "Resiliency Member"); and

WHEREAS, at its September 13, 2022 meeting, the Town Commission approved a motion to amend Section 90-15 of the Town Code by removing the requirement for a Resiliency Member because the requirement unnecessarily limits the pool of potential applicants; and

WHEREAS, at first reading of this Ordinance at the October 12, 2022 Town Commission meeting, the Town Commission directed that Section 90-15 be further revised to expand or add other categories of Board members, as previously provided in this Section, to include a sustainability and resiliency member, developer and realtor; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendment on October 27, 2022, with due public notice and input, and recommended approval of this proposed amendment with two changes: (i) to clarify Section 90-15(1)(a) to provide that at least three members shall

each meet one of the categories listed, and (ii) to require that the Florida-licensed real estate broker or realtor in section 90-15(1)(a).10 have an active license; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on November 15, 2022 and further finds the proposed changes to the Code are necessary and in the best interest of the community.

WHEREAS, the Town Commission desires to facilitate the timely appointment of qualified members to the Board members by removing the Resiliency Requirement; and

WHEREAS, the Town Commission finds that amending Section 90-15 of Chapter 90, of the Town's Code as set forth herein, is in the best interest of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:¹

Section 1. **Recitals Adopted.** That the above-stated recitals are hereby adopted and confirmed.

Section 2. **Town Code Amended.** The Code of Ordinances of the Town of Surfside, Florida is hereby amended by amending Section 90-15 of Chapter 90, "Zoning", as follows:

Chapter 90 – Zoning

Article II. – Administration and Enforcement

Division 1. – Planning and Zoning Board

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:

¹ Coding: Strikethrough words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted double strikethrough and double underline.

(a) Zoning matters: The planning and zoning board shall consist of five members and a first alternate member and a second alternate member. ~~One board member or one alternate member appointed shall have education and/or experience in sustainability and resiliency, which may include environmental science (“resiliency member”).~~ At least three of the members or alternates ~~must be~~ shall each meet at least one of the following:

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.

7. Florida-licensed architect.

8. Education and/or experience in sustainability and resiliency, which may include environmental science.

9. Real estate developer with at least three years of professional experience, either as the principal or executive.

10. Active Florida-licensed real estate broker or realtor with at least three years of professional experience.

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. Codification. 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 on second reading.

PASSED on first reading this 12th day of October, 2022.

PASSED and **ADOPTED** on second reading this 15th day of November, 2022.

First Reading:

Motion by: Vice Mayor Rose

Second by: Commissioner Landsman

Second and Final Reading:

Motion by: Commissioner Meischeid.

Second by: Vice Mayor Rose

FINAL VOTE ON ADOPTION

Commissioner Fred Landsman YES

Commissioner Marianne Meischeid YES

Commissioner Nelly Velasquez YES

Vice Mayor Jeffrey Rose YES

Mayor Shlomo Danzinger

yes



Shlomo Danzinger, Mayor

ATTEST:



Sandra N. McCready, 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