

ORDINANCE NO. 23 - 1733

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90.61.1(c) OF ARTICLE V. – DESIGN STANDARDS OF CHAPTER 90 OF THE TOWN CODE OF ORDINANCES, TO MODIFY THE PERMITTED WIDTH OF CURB CUTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; 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**, Section 90.61.1(c) of the Code governs the maximum number and location of
10 curb cuts that may be provided for a property in the H30A and H30B districts, and in the H30C
11 district west of Harding Avenue; and

12 **WHEREAS**, Section 90.61.1(c) currently restricts properties with a lot width of less than 100
13 feet to one curb cut of a maximum width of 18 feet, or two curb cuts of a maximum width of 12
14 feet each that are separated from each other by at least 12 feet; and

15 **WHEREAS**, pursuant to Section 90-61, front yard setbacks in the H30A and H30B districts
16 may not be more than 50% paved which will continue to limit that amount of impervious and paved
17 surfaces irrespective of the allowable width of a curb cut; and

18 **WHEREAS**, at a public meeting on October 27, 2022, the Planning and Zoning Board
19 discussed driveway curb cuts in single family neighborhoods and voted to recommend that the
20 Town Commission consider this amendment; and

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.

21 **WHEREAS**, at a Special Meeting held on December 13, 2022, the Town Commission
22 considered the Planning and Zoning Board’s recommendation and voted to direct the Town Planner
23 and Town Attorney to prepare an ordinance to amend the Code to expand the maximum width of a
24 driveway curb cut to 24 feet; and

25 **WHEREAS**, the Town Commission considered this ordinance on first reading at a duly
26 noticed public hearing held on January 10, 2023, and approved it on first reading, where the
27 Commission voted to revise the proposed ordinance to (a) increase the maximum width of curb cuts
28 for lots with a lot width of 100 feet or greater with two curb cuts, and (b) add a footnote clarifying
29 the design requirements for the driveway connection to the street to address stormwater drainage
30 and flow; and

31 **WHEREAS**, the Planning and Zoning Board, as the local planning agency for the Town, held
32 its hearing on the proposed ordinance with amendments directed by the Commission at first reading
33 amendment on January 26, 2023 with due public notice and input and recommended approval of
34 the ordinance by a vote of 5/0; and

35 **WHEREAS**, the Town Commission has conducted a second duly noticed public hearing on
36 these regulations as required by law on February 14, 2023 and further finds the proposed changes
37 to the Code are necessary and in the best interest of the community.

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39 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
40 **TOWN OF SURFSIDE, FLORIDA¹:**

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

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45 **Section 2. Town Code Amended.** Section 90-61. – “Paving in front and rear yards in
46 H30 and H40 districts.”, of the Surfside Town Code of Ordinances is hereby amended as follows¹:

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

48 Front setbacks in the H30A, H30B, H30C or H40 districts shall not be more than 50
49 percent paved over with any type of material that is not readily permeable by rainwater
50 and groundwater. Pavers and pervious hard materials, including pervious concrete, shall
51 not be utilized for the calculation of pervious area.

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.

52 * * *

53 90.61.1 Curb cuts for properties located in the H30A district, H30B district, and H30C
54 district west of Harding Avenue.

55 * * *

56 (c) The maximum number and location of curb cuts that may be provided for a property
57 shall be determined in accordance with the following table.

	Maximum Driveway Connections (Curb Cuts) Allowed and Location ¹
Front lot line width is less 100 feet	1. One curb cut, not more than 18 feet 24 feet in width; or 2. Two curb cuts, each curb cut shall not be more than 12 feet in width, and there shall be at least 12 feet between curb cuts
Front Lot Line Width is 100 feet or greater	1. One curb cut, not more than 24 feet in width; or 2. Two curb cuts, each curb cut shall not be more than 18 24 feet in width, and there shall be at least 12 feet between curb cuts; or 3. Three curb cuts, each curb cut shall not be more than 12 feet in width, and there shall be at least 12 feet between curb cuts.

58 ¹The driveway connection to the street shall be constructed in substantial compliance with
59 FDOT standard detail sheet for Type F or Drop Curb (also known as Valley Gutter), as applicable.

60 **Section 3. Severability.** If any section, sentence, clause or phrase of this Ordinance is
61 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall
62 in no way affect the validity of the remaining portions of this Ordinance.

63 **Section 4. Inclusion in the Code.** It is the intention of the Town Commission, and it is
64 hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of
65 Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to
66 accomplish such intentions; and the word “Ordinance” may be changed to “Section” or other
67 appropriate word.

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

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72 **Section 6. Effective Date.** This ordinance shall become effective upon adoption on second
73 reading.

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75 **PASSED** on first reading this 10th day of January, 2023.

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77 **PASSED** and **ADOPTED** on second reading this 14th day of February, 2023.

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First Reading:

Motion by: Commissioner Landsman

Second by: Vice Mayor Rose

Second and Final Reading:

Motion by: Commissioner Landsman

Second by: Commissioner Velasquez

FINAL VOTE ON ADOPTION

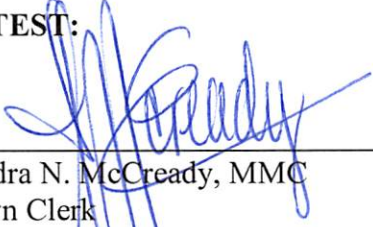
Commissioner Fred Landsman	<u>Yes</u>
Commissioner Marianne Meisheid	<u>Yes</u>
Commissioner Nelly Velazquez	<u>Yes</u>
Vice Mayor Jeffrey Rose	<u>Yes</u>
Mayor Shlomo Danzinger	<u>Yes</u>






 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