ORDINANCE NO. 23 - 1744

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-50. – "ARCHITECTURE AND ROOF DECKS" TO MODIFY REQUIREMENTS FOR GARAGE CONVERSIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, Section 90-50.1 of the Code provides for architectural guidelines for structures in Surfside; and

WHEREAS, Sub-Section 90-50.1(7) provides regulations for the conversion of a garage to habitable space; and

WHEREAS, garage conversions are currently allowed only with design review approval of the Planning and Zoning Board (the "Board"); and

WHEREAS, at a joint special meeting of the Town Commission and the Board held on January 31, 2023, changes to the Zoning Code were addressed, including to improve the efficiency of the Board by exempting garage conversions from design review by the Board; and

20	WHEREAS, additional regulations are necessary in order to remove garage
21	conversions from design review by the Board and provide the town planner with such
22	authority and guidance; and
23	WHEREAS, the Town Commission finds it in the best interest and welfare of the Town
24	to amend the regulations and requirements for garage conversions; and
25	WHEREAS, the Town Commission held its first public hearing on May 9, 2023, and,
26	having complied with the notice requirements in the Florida Statutes, approved the
27	proposed amendments to the Code; and
28	WHEREAS, the Planning and Zoning Board, as the local planning agency for the
29	Town, held its hearing on the proposed amendment to the Code on May 24, 2023 with due
30	public notice and input, and recommended adoption of the proposed amendments to the
31	Code; and
32	WHEREAS, the Town Commission has conducted a second duly noticed public
33	hearing on these Code amendments as required by law on June 13, 2023 and further finds
34	the proposed changes to the Code are necessary and in the best interest of the Town.
35 36 37 38	NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA¹:
39 40 41	<u>Section 1.</u> <u>Recitals</u> . The above Recitals are true and correct and are incorporated herein by this reference:
42 43	Section 2. Town Code Amended. Section 90-50.1 of Section 90-50 "Architecture and roof decks" of the Code, is hereby amended as follows ¹ :
44	Sec. 90-50. Architecture and roof decks.
45	90-50.1 Architecture.
46	* * *
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49	(7) Converting single-family attached garages. When an attached garage is
50	converted for any other use, the garage door or doors may be replaced by a
51 52	solid exterior wall and access to the former garage area must be provided from the main premises, in addition to any other permitted access. At least

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

one window shall be provided. The window or windows shall have the upper lintel beam level with the existing windows on the same face of the home. New windows shall be in the same style and similar in proportions as the existing windows to provide a consistent look to the façade. If the garage entrance is located at the front or primary corner of the property, landscaping shall be provided along the base of the new exterior wall. When the installation of landscaping results in insufficient off-street parking, a landscaped planter shall be permitted in lieu of the required landscaping. It is intended hereby to prohibit and prevent any violation of the single-family classification and to minimize the burden upon the administrative forces of the town in policing and enforcing the provisions hereof. Changes to the appearance of the residence shall not constitute a change prohibited by the "home office" provision of this Code. If the exterior door of the garage conversion is no longer level with grade, stairs may be installed, and the exterior door must be accordingly corrected to comply with the Florida Building Code. The stairs shall be permitted to encroach no more than 24 inches into the side or rear setbacks. The converted garage shall meet all requirements of the Florida Building Code, including finished floor elevation.

<u>Section 3.</u> <u>Severability.</u> 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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 <u>Section 4.</u> <u>Inclusion in the Code</u>. 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.

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

<u>Section 6.</u> <u>Effective Date.</u> This ordinance shall become effective upon adoption on second reading.

PASSED and **ADOPTED** on first reading this 9th day of May, 2023.

PASSED and **ADOPTED** on second reading this 13th day of June, 2023.

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96	On Final Reading Moved by: Commissioner Landsman
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98	On Final Reading Second by: Vice Mayor Rose
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100	First Reading:
101	Motion by: Vice Mayor Rose
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105	Second Reading:
106	Motion by: Commissioner Landsman
107	Second by: Vice Mayor Rose
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110	FINAL VOTE ON ADOPTION
111	Commissioner Fred Landsman Yes
112	Commissioner Nelly Velasquez Yes
113	Commissioner Marianne Meischeid Yes
114	Vice Mayor Jeffrey Rose Yes
115	Mayor Shlomo Danzinger Yes
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120	ESUS HOURS RESERVE
121	Mayor Shlomo Danzinger
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124	ATTEST: SEAL:
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127	The county
128	Sandra N. McCready, MMC
129	Town Clerk
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131	APPROVED AS TO FORM AND LEGALITY FOR THE USE
132	AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:
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136	Weiss Serota Helfman Cole & Bierman, P.L.
137	Town Attorney
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