

ORDINANCE NO. 23 - 1745

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-19.7 OF SECTION 90-19 "SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT REVIEW PROCESS" TO MODIFY THE LIST OF APPLICATIONS EXEMPTED FROM PLANNING AND ZONING BOARD REVIEW; 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
3 purposes, except where prohibited by law, and to adopt ordinances in furtherance of such
4 authority; and

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

10 **WHEREAS**, Section 90-19 of the Code provides for design review approval of single-
11 family and two-family homes and related structures by the Planning and Zoning Board (the
12 "Board"); and

13 **WHEREAS**, the Code has been amended on several occasions to provide more
14 specific criteria for design review evaluation of certain structures and home modifications
15 in the single-family district; and

16 **WHEREAS**, the town planner is well equipped to address many different kinds of
17 structures and home modifications without involving the Board; and

18 **WHEREAS**, at a joint special meeting of the Town Commission and the Board held
19 on January 31, 2023, changes to the Zoning Code were addressed, including amending
20 the list of applications exempted from design review by the Board; and

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**, the Town Commission finds it in the best interest and welfare of the Town
22 to improve efficiency of the Board by amending the Zoning Code to expand the list of
23 applications that are exempt from design review by the Board; and

24 **WHEREAS**, the Town Commission held its first public hearing on May 9, 2023 and,
25 having complied with the notice requirements in the Florida Statutes, approved the
26 proposed amendments to the Code; and

27 **WHEREAS**, the Planning and Zoning Board, as the local planning agency for the
28 Town, held its hearing on the proposed amendment to the Code on May 24, 2023 with due
29 public notice and input, and recommended adoption of the proposed amendments to the
30 Code subject to deleting front yard fences and gates to provide for Planning & Zoning
31 Board review of those structures; 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.

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

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

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42 **Section 2. Town Code Amended.** Section 90-19.7 of Section 90-19 "Single-
43 family and two-family development review process" of the Code, is hereby amended as
44 follows¹:

45 **Sec. 90-19. Single-family and two-family development review process.**

46 * * *

47 **90-19.7** The following shall be exempt from planning and zoning board and design
48 review; however, the design guidelines shall be followed:

- 49 (1) Interior or rear yard fences.
- 50 (2) Interior renovations.
- 51 (3) Single-family and two-family awnings.
- 52 (4) Screens.
- 53 (5) Driveways.

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- 54 (6) Re-roofs.
- 55 (7) Trellis.
- 56 (8) Rooftop photovoltaic solar systems.
- 57 (9) Sheds.
- 58 (10) Front yard fences and gates in the H30A and H30B districts with design review
- 59 approval from town planner
- 60 (11) Garage conversions.
- 61 (12) Carports.
- 62 (13) Window Signs in SD-B40
- 63 (14) Business District SD-B40 Awnings
- 64 (15) Wall Opening (window and door) changes on existing homes not visible from a
- 65 public right-of-way
- 66 (16) Rear Yard Pools
- 67 (17) Rear Yard Decks
- 68 (18) Rooftop Mechanical Equipment
- 69 (19) Ground-level mechanical not visible from a public right-of-way

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

77 **Section 4. Inclusion in the Code.** It is the intention of the Town Commission, and
78 it is hereby ordained that the provisions of this Ordinance shall become and made a part of
79 the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be
80 renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be
81 changed to "Section" or other appropriate word.

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

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

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

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

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94 On Final Reading Moved by: Vice Mayor Rose

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96 On Final Reading Second by: Commissioner Landsman

97 **First Reading:**
98 Motion by: Commissioner Meisheid
99 Second by: Commissioner Landsman

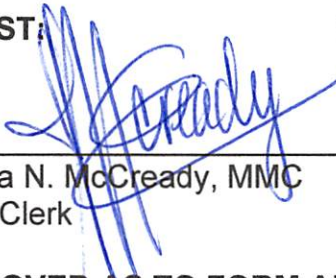
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102 **Second Reading:**
103 Motion by: Vice Mayor Rose
104 Second by: Commissioner Landsman

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107 **FINAL VOTE ON ADOPTION**
108 Commissioner Fred Landsman Yes
109 Commissioner Nelly Velasquez Yes
110 Commissioner Marianne Meisheid Yes
111 Vice Mayor Jeffrey Rose Yes
112 Mayor Shlomo Danzinger Yes

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Mayor Shlomo Danzinger


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