

ORDINANCE NO. 13 – 1604

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” SPECIFICALLY SECTION 90-19 “SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT PROCESS” TO ADD “TRELLISES” LOCATED IN THE REAR OR INTERIOR SIDE YARD TO ITEMS NOT SUBJECT TO PLANNING & ZONING BOARD REVIEW; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Town of Surfside (“Town”) proposes to amend its Code of Ordinances to add trellises located in the rear or interior side yard to single family and two-family development items that are not subject to Planning & Zoning Board review; and

**WHEREAS**, applications for trellises are burdensome for property owners proposing minor upgrades to their homes; and

**WHEREAS**, trellises do not add to the impervious area or negatively affect lot coverage and currently, staff confirms that the trellises meet all setback and zoning requirements; and

**WHEREAS**, the Town Commission held its first public hearing on July 16, 2013 having complied with the notice requirements required by Florida Statutes; and

**WHEREAS**, the Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on July 25, 2013 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

**WHEREAS**, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on August 13, 2013.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:**

**Section 1. Recitals.** The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

**Section 2. Code Amendment.** The code of the Town of Surfside, Florida is hereby amended as follows:

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

- (1) Interior or rear yard fences.
- (2) Interior renovations.
- (3) Awnings.
- (4) Screens.
- (5) Driveways.
- (6) Re-roofs
- (7) Trellises

**Section 3. Severability.** If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

**Section 4. Conflict.** All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

**Section 5. Inclusion in the Code of Ordinances.** 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.

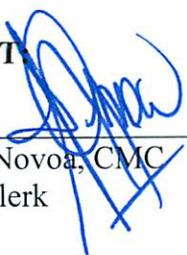
**Section 6. Effective Date.** This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this 16<sup>th</sup> day of July, 2013.

PASSED and ADOPTED on second reading this 13<sup>th</sup> day of August, 2013.

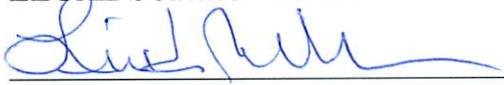
  
\_\_\_\_\_  
Daniel Dietch, Mayor

ATTEST



\_\_\_\_\_  
Sandra Novoa, CMC  
Town Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**



\_\_\_\_\_  
Linda Miller, Interim Town Attorney

On Final Reading Moved by: Commissioner Graubart

On Final Reading Seconded by: Vice Mayor Karukin

Vote:

Commissioner Graubart	yes <input checked="" type="checkbox"/> no <input type="checkbox"/>
Commissioner Kligman	yes <u>ABSENT</u> no <input type="checkbox"/>
Commissioner Olchyk	yes <u>ABSENT</u> no <input type="checkbox"/>
Vice Mayor Michael Karukin	yes <input checked="" type="checkbox"/> no <input type="checkbox"/>
Mayor Daniel Dietch	yes <input checked="" type="checkbox"/> no <input type="checkbox"/>

*[Handwritten signature]*

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