

ORDINANCE NO. 14 - 1615

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING", AND SPECIFICALLY AMENDING SECTION 90-45 "SETBACKS"; 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 address lot frontage and building lengths for properties in the H120 district; and

WHEREAS, the Town Zoning Code indicates that interior side setbacks for properties in the H120 district are 10 feet and for properties on a corner, the side setback is 20 feet; and

WHEREAS, many of the properties on the east side of Collins Avenue have larger, aggregated lots and a 10 foot side setback does not seem adequate for 120 foot tall buildings; and

WHEREAS, the Town Commission has determined setbacks in the H120 district to be 10% of the lot frontage and therefore, a 300 foot lot would result in 30 foot side setbacks; and

WHEREAS, The Town Commission held its first public reading on December 10, 2013 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on January 30, 2014 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 has conducted a second duly noticed public hearing on these regulations as required by law on February 11, 2014 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

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:

Sec. 90-45. Setbacks.

(b) *Setbacks.*

(1) *Required Setbacks—Tables:* The following tables shall be utilized for structures in the H30C, H40, H120, and SD-B40 zoning districts.

H120	Minimum Setback (Feet)
Primary frontage	40 FT
Interior side <u>Side</u>	40 FT <u>10% of the lot frontage, no less than 10 feet</u>
Rear	30 FT
Secondary frontage (Corner only)	<u>10% of the frontage, no less than 20 FT</u>

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 10 day of December 2013.

PASSED and ADOPTED on second reading this 11 day of February 2014.



Daniel Dietch, Mayor

ATTEST:



Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Town Attorney

On Final Reading Moved by: Vice Mayor Karukin

On Final Reading Seconded by: Comm. Olchy K

Vote:

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