

RESOLUTION NO. 2024 - 3312

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, DECLARING ZONING IN PROGRESS FOR PREPARATION OF AMENDMENTS TO CHAPTER 90 "ZONING" OF THE TOWN CODE OF ORDINANCES, APPLICABLE TO ALL APPLICATIONS ON PROPERTIES LOCATED IN H30A and H30B ZONING DISTRICTS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Surfside ("Town") seeks to preserve its unique charm and character, which is cherished by residents and visitors alike; and

WHEREAS, the Town's charm and character are largely attributed to its limited height, density and intensity, leaving ample room for air and light, throughout the Town, including in the Town's detached, single family residential district known as H30A and H30B; and

WHEREAS, the Town has experienced recent development trends within its H30A and H30B zoning districts that have included the construction of new detached, single-family homes and significant additions to existing detached, single-family homes that are incompatible with the Town's established character; and

WHEREAS, these developments have, in some cases, resulted in structures that are disproportionately large in comparison to neighboring properties, thereby disrupting the visual harmony and established character of the Town's detached, single-family residential district; and

WHEREAS, the Town Commission has determined that the current Zoning Code does not adequately address the impact of these developments on the Town's charm and character; and

WHEREAS, the Town finds that there is an urgent need to amend the Zoning Code to establish development standards that ensure new construction and substantial additions to existing detached, single-family homes in the H30A and H30B zoning districts are compatible with the Town's scale and overall aesthetic; and

WHEREAS, the Town desires to invoke the zoning in progress or pending ordinance doctrine, as referenced under Section 90-6 of Town Code and in *Smith v. City of Clearwater*, 383 So.2d 681 (Fla. 2d DCA 1980), with respect to the Zoning Code, thereby deferring the acceptance, processing, and approval of applications on properties located in the H30A and H30B zoning districts for the development of (1) detached, single-family homes; and (2) additions to existing detached, single-family homes in excess of 50% square footage for a period of sixty (60) days, or until the Town Commission adopts on second reading the amendments under review and such amendments become effective, whichever occurs first unless relief is sought and provided as set forth herein; and

WHEREAS, the Town further determines that this Resolution shall not apply to any application that was filed on or before August 13, 2024; and

WHEREAS, having conducted a duly noticed public hearing, the Town Commission finds that this Resolution is in the best interest and welfare of the Town.

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

Section 1. Recitals. The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Invocation of Zoning in Progress. The Town Commission adopts this Resolution and invokes the zoning in progress or pending ordinance doctrine, thereby deferring the acceptance, processing, and approval of all applications on properties located in the H30A and H30B zoning districts for (1) detached, single-family homes; and (2) additions to existing detached, single-family homes in excess of 50% square footage, filed on or after August 13, 2024. This deferral shall last for 60 days, or until the Town Commission adopts on second reading the amendments under review and such amendments become effective, whichever occurs first, except as provided below.

Section 3. Relief. Applicants claiming infringement with vested or constitutional rights, or other justification, may request relief from this Resolution through written request to and decision by the Town Manager. The Town Manager may grant relief only upon findings based on competent substantial evidence that such infringement will in fact occur, or has in fact occurred, or other justification supporting relief therefrom, and the public health, safety and welfare are not adversely impacted by allowing such applications to be accepted and processed. Such request shall be an administrative remedy and condition precedent to all judicial relief sought arising from this Resolution. Appeals from a decision of the Town Manager under this Resolution to the Town Commission may be filed using the process set forth in Division 3 of Article II of Chapter 90 of Town Code. The Town retains complete administrative, quasi-judicial or legislative discretion, as applicable, as to whether to approve or deny any application so filed.

Section 4. Authorization. The appropriate Town officials are authorized to take any necessary action to effectuate the intent of this Resolution.

Section 5. Conflicts. All Sections or parts of Sections of the Town Code of Ordinances, all Ordinances or parts of Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Resolution are repealed to the extent of such conflict.

Section 6. Effective Date. This Resolution shall become effective immediately upon passage by the Town Commission.

PASSED AND ADOPTED this 13th day of August, 2024.

Motion By: Commissioner Velasquez

Second By: Commissioner Coto

FINAL VOTE ON ADOPTION:

Commissioner Ruben A. Coto	<u>Yes</u>
Commissioner Nelly Velasquez	<u>Yes</u>
Commissioner Gerardo Vildostegui	<u>Yes</u>
Vice Mayor Tina Paul	<u>Yes</u>
Mayor Charles W. Burkett	<u>Yes</u>

ATTEST:



Sandra N. McCready, MMC
Town Clerk



Charles W. Burkett, Mayor

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



Mark Blumstein
Interim Town Attorney