

RESOLUTION NO. 2025-3362

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CALLING FOR A SPECIAL ELECTION ON APRIL 1, 2025, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA PROPOSED AMENDMENT TO THE TOWN CHARTER PURSUANT TO SECTION 97.1 OF THE TOWN CHARTER; APPROVING REQUISITE BALLOT LANGUAGE; PROVIDING FOR COPIES OF THE TEXT OF THE CHARTER AMENDMENTS TO BE MADE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR BALLOTING AND ELECTION PROCEDURES; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside ("Town") Commission adopted Resolution No. 2025-3362 recognizing the importance of quality of life for Town residents by limiting the floor area ratio to 0.50 for new detached, single-family structures in the H30A and H30B districts, upon becoming effective, from repeal, revision, amendment or change without the unanimous vote of the Town Commission with all members present and a minimum 60% vote of the Town's Electors; and

WHEREAS, to submit the amendment of the Town Charter to the electors of the Town, the Town Commission must approve legally sufficient ballot language via resolution, adhering to word count limits, and transmit same to the Miami-Dade County Supervisor of Elections, together with an appropriate request for a special election, thereby authorizing the Miami-Dade County Elections Department to take the actions necessary to administer the special election for the Town; and

WHEREAS, the Town Commission has prepared and considered the amended ballot language contained herein, and, after careful deliberation and upon the recommendation of the Town Attorney, the Town Commission finds the ballot language as provided herein to be legally sufficient; and

WHEREAS, pursuant to Section 97.1 of the Town Charter and Section 6.03
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of Miami-Dade County Code, the Town Commission seeks to provide the requisite, amended ballot language for submission to the Town Electors, to provide copies of the amendments to be available for public inspection, and to direct the Town Clerk to request and utilize the services of the Miami-Dade County Supervisor of Elections to administer a special election by placing the following ballot questions on the April 1, 2025 election ballot.

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

Section 1. Recitals. The above recitals are confirmed, adopted, and incorporated herein and made part hereof by reference.

Section 2. Special Election Called. A special election is hereby called and requested of the Miami-Dade County Supervisor of Elections, to run concurrent with, and by placing the following ballot questions, on the April 1, 2025, Special Election ballot to amend the Town's Charter. The Town Clerk is hereby directed to request and utilize the services of the Miami-Dade County Supervisor of Elections to administer the election.

Section 3. Charter Amendment. The following language shall be placed on the ballot to be presented to the voters.

* * *

"Pursuant to the Charter, and subject to the majority vote of qualified electors at the special election set forth herein, the Charter of the Town of Surfside, Florida, is hereby amended to read as follows:

ARTICLE I. – INCORPORATION; FORM OF GOVERNMENT; POWERS

* * *

Sec. 4. – General powers of town; powers not deemed exclusive.

The town shall have all the powers granted to municipal corporations and to towns by the constitution and general laws of the state, together with all the implied powers necessary to carry into execution all the powers granted. The town may acquire property within or without its corporate limits for any town purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise or lease. The Town

shall not sell, lease for a term in excess of three years or exchange any Town-owned real property, unless such sale, lease or exchange is approved by at least four (4) members of the Town Commission and a minimum of 60% of the Town electors voting at a regularly scheduled general election or special election of the voters of the Town on such proposed sale, lease or exchange of Town-owned real property. This restriction shall not apply to existing leases entered into prior to the effective date of this provision, nor shall it apply to any utility, easements or rights-of-way. Except as prohibited by the constitution of this state or restricted in this Charter, the town shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the town shall have and may exercise all powers which, under the constitution of this state, it would be competent for this Charter specifically to enumerate.

The density, intensity, and height of development and structures within the Town of Surfside shall not exceed the maximum allowable units per acre, floor area ratios or the maximum allowable building heights in stories and feet that are set out in the Town of Surfside Comprehensive Plan or the Code of the Town of Surfside, whichever provisions are most restrictive, which were in effect in 2004. Lot area of lots shall only include the area or acreage within the lot lines of a lot, except that for properties east of Collins Avenue lot area shall be limited to the area bounded by the north, south and west lot lines and the Bulkhead Line on the east (not the Erosion Control Line). Height for properties east of Collins Avenue shall be measured from the elevation determined by the Florida Department of Environmental Protection for the first floor as of 2004 of +16.63 NAVD. such that the maximum height of 120 feet to the structured roof shall not exceed +136.63 NAVD. This amendment to the Town of Surfside Charter shall not be repealed, revised, amended, or superseded unless repeal, revision, amendment, or superseding provisions are placed on the ballot at a regularly scheduled election of the Town of Surfside and approved by a minimum 60% vote of the electors of the Town of Surfside.

Except for lots zoned for municipal use or SD-B40, the lots west of Collins Avenue and east of Harding Avenue shall only contain detached, single family, multi-family structures or townhomes, and lots west of Harding Avenue shall only contain detached, single-family structures. The foregoing shall not be repealed, revised, amended or changed except by unanimous vote of the Town Commission with all members present and a minimum 60% vote of the Town's Electors.

All new, detached-single family homes constructed in the H30A and H30B districts of the Town shall not exceed a 0.50 Floor Area Ratio. The foregoing shall not be repealed, revised, amended or changed except by unanimous vote of the Town Commission with all members present and a minimum 60% vote of the Town's Electors.

* * *

Section 4. Approved Ballot Language. The following ballot language for the amendments to the Town Charter comprised of a ballot title, summary question and response, is found legally sufficient and approved. The form of ballot for the amendments shall be submitted to the electors in substantially the following form:

1) MAXIMUM FLOOR AREA RATIO FOR NEW HOMES

The Charter does not limit the floor area ratio for detached, single-family structures in Town. It is proposed that the Charter be amended to limit the floor area ratio to 0.50 for new detached single-family homes in the H30A and H30B districts unless approved by unanimous vote of the Commission with all members present and a minimum 60% vote of the Town's Electors.

Shall the foregoing amendment be adopted?

YES []

NO []

Section 5. Public Inspection of Amendments. The full text of the amendments set forth above and incorporated herein and made a part hereof by this reference, shall be made available for public inspection during regular business hours at and through the office of the Town Clerk. The Town Clerk is directed to make copies of the amendments and this Ordinance available for public inspection and copying.

Section 6. Ballot and Canvassing.

1) The balloting shall be conducted on April 1, 2025, between the hours of 7:00 A.M. and 7:00 P.M. at the regular polling places provided for elections in the Town. Absentee voting shall be available as authorized by law. Early voting pursuant to Section 101.657, Florida Statutes, shall be provided. All qualified Town Electors who are timely registered in accordance with law shall be entitled to vote.

2) The Town Clerk is authorized to obtain any necessary election administration services from the Miami-Dade Supervisor of Elections. The Town Clerk and the Miami-Dade County Supervisor of Elections are hereby authorized to take all appropriate action necessary to carry into effect and accomplish the electoral provisions of this Resolution. This Special Election shall be canvassed pursuant to the Town Charter and Town Code, unless otherwise provided by law.

Section 7. Notice of Election. The Town Commission hereby directs the Town Clerk to publish the notice of said election in accordance with Section 100.342, Florida Statutes, and in substantially the following form:

“NOTICE OF SPECIAL ELECTION”

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION DULY ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, A SPECIAL ELECTION HAS BEEN CALLED ON _____, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE FOLLOWING PROPOSED CHARTER AMENDMENT SHALL BE SUBMITTED TO THE QUALIFIED TOWN ELECTORS:

1) MAXIMUM FLOOR AREA RATIO FOR NEW HOMES

It is proposed that the Charter be amended to limit the floor area ratio to a maximum 0.50 for new detached, single-family homes in the H30A and H30B districts in Town unless approved by unanimous vote of the Commission with all members present and a minimum 60% vote of the Town’s Electors.

Shall the foregoing amendment be adopted?

YES []]

NO []]

The full text of the proposed Charter Amendments is available at the Office of the Town Clerk, 9293 Harding Avenue, Surfside, FL 33154.

Section 8. Effectiveness of Charter Amendments.

A. The proposed amendment set forth above in Section 3 of this Resolution shall become effective if the majority of qualified Town Electors voting on said amendment vote for adoption; and it shall be considered adopted and effective upon certification of the election results.

B. The Town Attorney is authorized to revise the Charter to the extent necessary to assure that any amendment adopted conform to one another and is properly included in the publication of the revised Town Charter. If some, but not all, of the Charter amendments are approved by the Electors, conforming amendments shall be deemed to be adopted and the Town Attorney is authorized to reflect and implement such revisions of the Charter, including the revision of transitional provisions, to the extent necessary to assure that all amendments adopted conform to one another and to all remaining Charter provisions. If conflicting Charter amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

C. Upon adoption of the Charter amendment, the Town Clerk shall file the adopted Charter amendment with the Clerk of the Circuit Court of Miami-Dade County, Florida and/or the Florida Department of State, as applicable.

Section 9. Implementation. The Town Manager, Town Clerk, and Town Attorney are hereby authorized and directed to implement the provisions of this Resolution and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Resolution.

Section 10. Conflicts. All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 11. Severability. The provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Resolution but they shall remain in effect, it being the legislative intent that this Resolution shall stand.

Section 12. Inclusion in the Charter. Subject to the requirements of Section 8 above, the Town Commission intends and hereby provides that the amendments to the Town Charter set forth herein shall become and be made a part of the Charter of the Town of Surfside, Florida and that the Sections of this Resolution and the proposed Charter Amendments may be renumbered or re-lettered to accomplish such intention.

Section 13. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this 14th day of January, 2025.

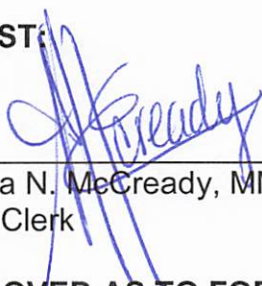
Motion By: Commissioner Velasquez

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>No</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 LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE TOWN OF SURFSIDE ONLY:**



Thais Hernandez, Esq.
Acting Town Attorney