## **ORDINANCE NO. 2024 - 1786**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-2 - "DEFINITIONS" TO REVISE THE DEFINITION FOR "LOT COVERAGE" TO DECREASE THE MAXIMUM LOT COVERAGE ALLOWED IN THE H30A AND H30B ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities with the authority to exercise any power for municipal purposes, except as prohibited by law, and to adopt ordinances in furtherance of such authority; and

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

WHEREAS, the Town finds that many detached, single-family homes in Town are being replaced in recent years with imposing, two-story homes, which vary in actual height throughout the residential district, providing for inconsistent and thereby inequitable treatment of height limits throughout the community; and

WHEREAS, some of the Town's Code, including definitions within the zoning sections of the Code, resulted in a reduction of permeable areas on a lot not resolved by stormwater management; and

WHEREAS, the Town Commission, after considering the recommendations of the Town's Local Planning Agency, namely its Planning & Zoning Board, seeks to limit lot coverage in the H30A and H30B zoning districts depending upon the number of stories of the home, and amending previously granted exceptions to same; and

32 WHEREAS, the Town Commission now seeks to amend the Code for such 33 purposes and finds that changes to zoning definitions and height limits in the H30A and 34 H30B zoning districts to be in the best interest of the Town; and 35 WHEREAS, the Town Commission held its first public hearing on September 24, 36 2024, and having complied with the notice requirements in the Florida Statutes, 37 recommended approval of the proposed amendments to the Code; and 38 WHEREAS, the Planning and Zoning Board, serving as the local planning agency 39 for the Town, held its hearing on the proposed amendment to the Code on September 40 25, 2024, and again at a joint workshop with the Town Commission on October 7, 2024. 41 with due public notice and input, and recommended approval of the proposed 42 amendments to the Code; and 43 WHEREAS, the Town Commission has conducted a second duly noticed public 44 hearing on these Code amendments as required by law on October 8, 2024, and further 45 finds the proposed changes to the Code are necessary and, in the Town's best interest. 46

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

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

Section 2. Town Code Amended. Chapter 90-2. – "Definitions" of Surfside Town Code of Ordinances are hereby amended as follows:

## Sec. 90-2. - Definitions.

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Lot Coverage: The percentage of the total area of a lot that, when viewed from above, would be covered by all principal and accessory buildings and structures (except in-ground swimming pools, non-concrete fences, screen enclosures, wood decks and pergolas), or portions thereof. In the H30A and H30B detached, single-family districts, the lot coverage is limited to a maximum 50 percent of the lot for single-story homes and 40 of the lot for two-story homes; provided however that the following shall not be included in determining the lot coverage for twostory homes:

- Uncovered steps and exterior, cantilevered balconies; (1)
- (2) Uncovered terraces, patios, breezeways, or porches which are open on two (2) or more sides; and

Coding: Strikethrough-words are deletions to the existing words. <u>Underlined words</u> are additions to the existing words. Changes between first and second reading are indicated with nighlighted double strikethrough and double underline.

66 67	(3) Covered, <u>cantilevered</u> terraces, patios, breezeways, or porches which are open on two (2) <u>or more</u> sides.
68 69 70 71	In no instance may the sum of the lot coverage and all exemptions listed in subsections (1)-(3) above exceed 50 percent of the lot area for one-story homes and 46 percent of the lot area for two-story homes.  * * *
72 73 74 75	Grade: The sidewalk elevation at the centerline of the front of the property. If there is no sidewalk, the elevation average datum or elevation of the crown of the road at the centerline of the front of the property shall be used upon the street serving the lot or building site.
76 77	Grade, adjusted means the midpoint elevation between grade and the minimum required flood elevation for a lot(s).
78 79 80	Grade, average existing means the average grade elevation calculated by averaging spot elevations of the existing topography taken at ten-foot intervals along the property lines.
81 82 83 84	Grade, future adjusted means the midpoint elevation between the future crown of the road as defined in the town's stormwater master plan, as may be created, enacted or amended, and the base flood elevation plus two feet for a lot(s).
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86 87 88 89	<u>Section 4.</u> <u>Severability.</u> If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.
90 91 92 93 94	Section 5. Inclusion in the Code. 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.
95 96	<u>Section 6.</u> <u>Conflicts.</u> Any and all ordinances and resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed.
97 98 99 100	Section 7. Effective Date. This ordinance shall become effective upon adoption on second reading.

101 102	PASSED AND ADOPTED on first reading this 24th day of September 2024.
103	PASSED AND ADOPTED on second reading this 8th day of October 2024.
104	TAGGED AND ADOI TED ON SCOOM TEACHING this out day of october 2024.
105	First Reading: Second Reading:
106	Motion by: Vice Mayor Paul  Motion by: Vice Mayor Paul
107	Second by: Commissioner Coto Second by: Commissioner Velasquez
108	2, <u>2011, 11, 12, 12, 12, 12, 12, 12, 12, 12, </u>
109	FINAL VOTE ON ADOPTION
110	Commissioner Ruben A. Coto Yes
111	Commissioner Nelly Velasquez Yes
112	Commissioner Gerardo Vildostegui Yes
113	Vice Mayor Tina Paul Yes /
114	Mayor Charles W. Burkett Yes
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117	Attact: ORPORTOR W. Burkett, Mayor
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121	Sandra N. McCready, MMC, Town Clerk
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123	Approved as to Form and Legal Sunigienty
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127	Mark Blumstein, Town Attorney