

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**
47 **TOWN OF SURFSIDE, FLORIDA:**

48
49 **Section 1. Recitals.** The above Recitals are true and correct and are
50 incorporated herein by this reference:

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

53
54 **Sec. 90-2. - Definitions.**

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

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

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66 (3) Covered, cantilevered terraces, patios, breezeways, or porches
67 which are open on two (2) or more sides.

68 In no instance may the sum of the lot coverage and all exemptions listed in subsections
69 (1)-(3) above exceed 50 percent of the lot area for one-story homes and 46 percent of
70 the lot area for two-story homes.

71 * * *

72 Grade: The sidewalk elevation at the centerline of the front of the property. If
73 there is no sidewalk, the elevation ~~average datum or elevation~~ of the crown of the
74 road at the centerline of the front of the property shall be used ~~upon the street~~
75 ~~servicing the lot or building site.~~

76 Grade, adjusted means the midpoint elevation between grade and the
77 minimum required flood elevation for a lot(s).

78 Grade, average existing means the average grade elevation calculated by
79 averaging spot elevations of the existing topography taken at ten-foot
80 intervals along the property lines.

81 Grade, future adjusted means the midpoint elevation between the future
82 crown of the road as defined in the town's stormwater master plan, as may be
83 created, enacted or amended, and the base flood elevation plus two feet for
84 a lot(s).

85 * * *

86 **Section 4. Severability.** If any section, sentence, clause or phrase of this
87 Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,
88 then said holding shall in no way affect the validity of the remaining portions of this
89 Ordinance.

90 **Section 5. Inclusion in the Code.** It is the intention of the Town Commission,
91 and it is hereby ordained that the provisions of this Ordinance shall become and made a
92 part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may
93 be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may
94 be changed to "Section" or other appropriate word.

95 **Section 6. Conflicts.** Any and all ordinances and resolutions or parts of
96 ordinances or resolutions in conflict herewith are hereby repealed.

97 **Section 7. Effective Date.** This ordinance shall become effective upon adoption
98 on second reading.

99
100

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101 **PASSED AND ADOPTED** on first reading this 24th day of September 2024.

102

103 **PASSED AND ADOPTED** on second reading this 8th day of October 2024.

104

105 **First Reading:**

106 Motion by: Vice Mayor Paul

107 Second by: Commissioner Coto

108

Second Reading:

Motion by: Vice Mayor Paul

Second by: Commissioner Velasquez

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

115

116

117

118 _____ Charles W. Burkett, Mayor

118 **Attest:**

119

120

121 _____ Sandra N. McCready, MMC, Town Clerk

122

123 **Approved as to Form and Legal Sufficiency**

124

125

126

127 _____ Mark Blumstein, Town Attorney



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