

ORDINANCE NO. 10-1558

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE CODE OF SURFSIDE, FLORIDA BY REPEALING AND REPLACING CHAPTER 90 ENTITLED "ZONING" IN ITS ENTIRETY; ADOPTING A NEW CHAPTER 90 ENTITLED "ZONING" INCLUDING ADOPTION OF AN OFFICIAL TOWN ZONING MAP FOR ALL DISTRICTS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside (the "Town") has been updating and streamlining its Zoning Code and had amended its official Zoning Map to better reflect the Town's future needs and community vision; and

**WHEREAS**, this Ordinance purports to repeal and replace Chapter 90 "Zoning" in its entirety, including but not limited to, Ordinance 08-1491, all subsequent amendments thereto, up through and including the date of this Ordinance (and including but not limited to 08-1504, 08-1505, 09-1510, 09-1514, 09-1515, 09-1520, 09-1523, 09-1524; 09-1526; 09-1528, 09-1529; 09-1532; 09-1539; 09-1542; 10-1545;10-1549;10-1550; 10-1551 and 10-1552) as well as the official Zoning Map, as may have been amended from time to time, all of which is incorporated into the revised Zoning Code attached hereto as Exhibit "A"; and

**WHEREAS**, after the prior intended adoption on May 13, 2008 as well as the hearings for each amendment thereto since 2008, and properly noticed public hearings on each amendment before the Local Planning Agency pursuant to Section 163.3174 (4) (c) which in each case determined that the aforementioned Zoning Code, Official Zoning Map, and all updates thereto contained attached as Exhibit "A" were (and are) consistent with the Town Comprehensive Plan; and

**WHEREAS**, the Town Commission has reviewed this Ordinance at duly noticed and held public hearings beginning June 8, 2010 and before the LPA which again determined that it is consistent with the Town's comprehensive plan and the continuing development of the vision of the Town, as well as all other requirements of the law; and

**WHEREAS**, all of the recitals contained in Ord. 08-1491 are hereby incorporated into and fully adopted as part of this ordinance and the zoning code adopted herein.

**WHEREAS**, the Town Commission hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest as well as promotes the public health, safety and welfare of the citizens of the Town of Surfside.

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

**Section 1. Recitals.** Each of the above stated recitals are true and correct and are incorporated herein by this reference.

**Section 2. Adoption of the Zoning Code.**

- A. The Town Commission hereby repeals the existing Chapter 90 "Zoning" of the Town Code (including Division II Signs) and replaces it with the Zoning Code, the Official Zoning Map, together with all amendments to the Zoning Code adopted since May 13, 2008 attached hereto as composite Exhibit "A" and incorporated as if fully set forth herein subject only to the removal of "hotel" as a permitted use from the H30C.
- B. It is the not the intent of this Ordinance to increase existing heights, densities or intensities in any manner whatsoever. Accordingly, regardless of the measurements, computations or considerations, the density, intensity and

height of development and structures within the Town of Surfside shall not exceed the maximum allowable floor areas, maximum allowable floor area ratios or the maximum allowable building heights 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 on the date that this amendment was adopted by the electorate in 2004 and to the extent it was further implemented by the Zoning Code previously in effect in 2007.

**Section 3. Repeal of Conflicting Provisions.**

All provisions of the Code of the Town of Surfside and any prior Official Zoning Maps that are in conflict with this Ordinance are hereby repealed.

**Section 4. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance 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 Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part. It should be noted Section 90-71 et. seq. of the Code contains its own severability clauses with respect to "Division II Signs" and these severability provisions with respect to Signs shall govern over this general severability clause if any section of the Code between Section 90.71 through 90.80 is held invalid or unconstitutional.

**Section 5. Inclusion in the Code.** It is the intention of the Town Commission, and it is hereby ordained that the provision of this Ordinance shall become and made part of the Town of Surfside, Florida, Code of Ordinances; that the sections of this Ordinance may be renumbered or

re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 6. Effective Date.** This Ordinance shall be retroactive to May 13, 2008 upon adoption on second reading.

PASSED and ADOPTED on First Reading the 8<sup>th</sup> day of June, 2010.

PASSED and ADOPTED on Second Reading this 10<sup>th</sup> day of Aug. 2010.

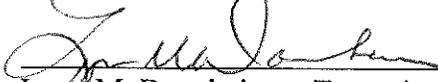


\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:

  
\_\_\_\_\_  
Debra Eastman  
Town Clerk

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

  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney

Moved by: Commissioner Kopelman

Second by: Commissioner Karukin

**Vote:**

Mayor Dietch	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Vice Mayor Graubart	yes	<input type="checkbox"/>	no	<input checked="" type="checkbox"/>
Commissioner Karukin	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Kopelman	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Olchyck	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>