

## **RESOLUTION NO. 2026 - 3481**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CALLING FOR A TOWN OF SURFSIDE SPECIAL ELECTION TO BE HELD ON MARCH 17, 2026, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE A BALLOT QUESTION CONTAINING A PROPOSED AMENDMENT TO THE TOWN CHARTER AT ARTICLE II – “TOWN COMMISSION”, SECTION 11. – “POWERS OF THE COMMISSION,” TO CHANGE THE VOTING REQUIREMENTS FOR CHANGES TO THE FLOOR AREA RATIO (FAR); PROVIDING REQUISITE BALLOT LANGUAGE AND CHARTER AMENDMENT TEXT FOR SUBMISSION TO THE ELECTORATE; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF THE MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS FOR THE SPECIAL ELECTION; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Section 97.1 of the Town Charter of the Town of Surfside ("Town")

23 referencing Section 6.03 of Article 6 of the Home Rule Charter for Miami-Dade County  
24 provides the manner in which charter amendments shall be proposed; and

25           **WHEREAS**, the Town Commission met on December 9, 2025, and found it  
26 necessary to amend its Charter in order to implement municipal goals and objectives and  
27 address specific issues and needs that may arise, the Town Commission wishes to put a  
28 ballot question to the electorate regarding the possibility of changing the voting requirements  
29 for making changes to the Town's zoning code which affect Floor Area Ratio (FAR) for all  
30 detached single-family homes in the H30A and H30B districts; and

31       **WHEREAS**, the Town Commission wishes to seek the approval of the electors by a  
32 ballot question referendum concerning an amendment to Article II – “Town Commission”  
33 Section 11(9). – “Powers of Commission” to require a vote of four of the five Town

34 commissioners to make any changes to the Town's zoning code affecting Floor Area Ratio  
35 (FAR) for all detached single-family homes in the H30A and H30B districts and to require a  
36 vote of four of the five Town commissioners and approval of 60% of the votes cast by  
37 referendum to amend or repeal this amendment; and

38           **WHEREAS**, in accordance with the provision of the Charter of the Town of Surfside  
39 (Chapter 27914, Laws of Florida, 1951) as amended, a special municipal election is hereby  
40 directed to be held in the Town of Surfside at the Town Hall Commission Chambers, 9293  
41 Harding Avenue, Surfside, Florida, from 7:00 o'clock a.m. until 7:00 o'clock p.m. Eastern  
42 Standard Time, on the 17th day of March, 2026, said date being the third Tuesday in March  
43 2026, for the purpose of submitting to the electorate the proposed referendum ballot  
44 language concerning an amendment to Article II – "Town Commission" Section 11(9). –  
45 "Powers of Commission" to require a vote of four of the five Town commissioners to make  
46 any changes to the Town's zoning code affecting Floor Area Ratio (FAR) for all detached  
47 single-family homes in the H30A and H30B districts and to require a vote of four of the five  
48 Town commissioners and approval of 60% of the votes cast by referendum to amend or  
49 repeal this amendment; and

50           **WHEREAS**, the appropriate and proper Miami-Dade County election officials shall  
51 conduct the said Special Election hereby called, with acceptance of the certification of the  
52 results of said Special Election to be performed by the Town Commission. The official  
53 returns shall be furnished to the Town Clerk as soon as the ballots from the precinct have  
54 been tabulated and in accordance with Section 26-12 of the Town Code and applicable  
55 laws; and

56           **WHEREAS**, the voting precinct in the Town for said Special Election which has been

57     established by the proper and appropriate Miami-Dade County Election Officials is located  
58     at Surfside Town Hall, 9293 Harding Avenue, Surfside, Florida 33154. All Town electors  
59     shall vote at this polling place for this Special Election, or by using the vote-by-mail (VBM)  
60     option; and

61           **WHEREAS**, not less than thirty (30) days' notice of the adoption of this Resolution  
62     and of its provisions calling for a referendum shall be given by publication in accordance  
63     with Florida Statutes 50.0311. Such publication shall be made once in the fifth week before  
64     the election and once in the third week before the election in accordance with the provisions  
65     of Section 100.342, Florida Statutes, and the Town Charter and Code, or as otherwise  
66     prescribed by law; and

67           **WHEREAS**, the Town Commission finds that this Resolution is in the best interest  
68     and welfare of the Town.

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

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

73           **Section 2. Special Election Called; Notice of Election.** That a special election  
74     is hereby called, to be held on Tuesday, March 17, 2026, to present to the qualified electors  
75     of the Town of Surfside, the ballot questions provided in this Resolution. Such publication  
76     shall be made in accordance with F.S. 50.0311 and Section 100.342 and should be  
77     completed once in the fifth week before the election and once in the third week before the  
78     election, or as otherwise prescribed by law, and shall be in substantially the following form:

79                           **"THE TOWN OF SURFSIDE, FLORIDA**  
80                           **NOTICE OF CHARTER AMENDMENTS REFERENDUM**

## **SPECIAL ELECTION**

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO. 2026-3481 ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA ("TOWN"), A SPECIAL ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE TOWN ON TUESDAY, MARCH 17, 2026, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE FOLLOWING CHARTER AMENDMENT QUESTIONS SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN:

## QUESTION 1

## **REQUIRING VOTE OF FOUR OF FIVE TOWN COMMISSIONERS TO CHANGE FLOOR AREA RATIO REGULATIONS**

96 Shall the Charter be amended to require a vote of four of the five Town commissioners to  
97 make any changes to the Town's zoning code affecting Floor Area Ratio (FAR) for all  
98 detached single-family homes in the H30A and H30B districts and, if this amendment is  
99 approved, require a vote of four of the five Town commissioners and approval of 60% of the  
100 votes cast by referendum to amend or repeal this amendment?

Yes [ ]

No [ ]

107 Sandra N. McCready, MMC, Town Clerk"

108        **Section 3. Form of Ballot; Ballot Question.** That the official ballot to be used in  
109        the Special Election to be held on Tuesday, March 17, 2026, as hereby called, shall be in  
110        substantially the following form, to-wit:

**“OFFICIAL BALLOT**

**113    QUESTION 1**

114 **REQUIRING UNANIMOUS VOTE OF ENTIRE TOWN COMMISSION TO CHANGE**  
115 **FLOOR AREA RATIO REGULATIONS**

117 Shall the Charter be amended to require a vote of four of the five Town commissioners to

118 make any changes to the Town's zoning code affecting Floor Area Ratio (FAR) for all  
119 detached single-family homes in the H30A and H30B districts and, if this amendment is  
120 approved, require a vote of four of the five Town commissioners and approval of 60% of the  
121 votes cast by referendum to amend or repeal this amendment?

122  
123                   Yes [ ]

124  
125                   No [ ]

127                   **Section 4. Balloting.** That balloting shall be conducted between the hours of 7:00  
128 a.m. until 7:00 p.m. on election day at the regular polling place for Town elections. Vote-by-  
129 mail ballots shall be provided as authorized by law. All qualified Town electors who are  
130 timely registered in accordance with law shall be entitled to vote.

131                   **Section 5. Charter Amendment Text; Effectiveness.** The text of the proposed  
132 Charter amendments (the "Charter Amendments") are set forth in Exhibit "A", which are  
133 attached hereto and incorporated herein. The Charter Amendments shall become effective  
134 if the majority of the qualified electors of the Town voting on the Charter Amendments vote  
135 for its adoption, and it shall be considered adopted and effective upon the certification of the  
136 Special Election results. Following the adoption of the Charter Amendments, the Town Clerk  
137 shall file the adopted Charter Amendments with the Clerk of the Circuit Court of Miami-Dade  
138 County, Florida.

139                   **Section 6. Available for Public Inspection; Town Clerk to Utilize the Services**  
140                   **of Miami-Dade County Supervisor of Elections.** Copies of this Resolution providing for  
141 the special election referendum are on file in the Office of the Town Clerk located at 9293  
142 Harding Avenue, Surfside, Florida and are available for public inspection during regular  
143 business hours. Furthermore, the Town Clerk is authorized to utilize the services of Miami-  
144 Dade County Supervisor of Elections for any assistance required in the administration of the

145 election. The Town shall pay all expenses for conducting this Special Election and will pay  
146 such expenses to Miami-Dade County upon receipt of invoice or statement approved by the  
147 Supervisor of Elections of Miami-Dade County, Florida.

148        **Section 7. Authorization of Town Officials.** The Town Manager, Town Attorney  
149        and Town Clerk are hereby authorized to take all steps necessary to complete the execution  
150        and implementation of the terms and purposes of this Resolution, and the Special Election  
151        Referendum if adopted and effective.

152        **Section 8. Effective Date.** This Resolution shall become effective immediately  
153        upon adoption.

154 PASSED AND ADOPTED this 13th day of January, 2026.

155

156

157 Motion by: Commissioner Velasquez;  
158  
159 Second by: Vice Mayor Paul.  
160

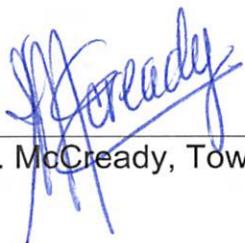
## 161 FINAL VOTE ON ADOPTION

163	Commissioner Ruben A. Coto	<u>Absent</u>
164	Commissioner Nelly Velasquez	<u>Yes</u>
165	Commissioner Gerardo Vildostegui	<u>Absent</u>
166	Vice Mayor Tina Paul	<u>Yes</u>
167	Mayor Charles W. Burkett	<u>Yes</u>

Charles W. Burkett, Mayor

175 ATTEST:

176  
177 Sandra N. McCready, Town Clerk



178  
179  
180 APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

181  
182 Thais Hernandez, Town Attorney



187 **TEXT OF PROPOSED CHARTER AMENDMENT TO**  
188 **THE TOWN OF SURFSIDE CHARTER<sup>1</sup>**189 \* \* \*  
190 **REQUIRING UNANIMOUS VOTE OF ENTIRE TOWN COMMISSION TO CHANGE**  
191 **FLOOR AREA RATIO REGULATIONS**192 The Town of Surfside Charter Article II – “Town Commission” Section 11. – “Powers of  
193 commission” is hereby amended to read as indicated below, with additions to existing  
194 Charter text being shown in underline; and deletions from existing Charter text being shown  
195 in ~~strikethrough~~.  
196

197

198 **Sec. 11. Powers of commission.**199 All powers of the town not specifically conferred on other officers and employees and the  
200 determination of all matters of policy shall be vested in the commission. Without limitation  
201 of the foregoing, the commission shall have power to:202 (1) Appoint and remove the town manager, municipal judge, associate municipal judge,  
203 town attorneys, prosecuting attorney and certified public accountants for audits.204 (2) Establish administrative departments as designated and described in the budget  
205 adopted under Sections 65 and 66.

206 (3) Adopt the budget of the town.

207 (4) Levy, assess and collect such general and special taxes and fees on all property within  
208 the town, and such special assessments for special and local improvements, and such  
209 excise, occupational, privilege and special service fees and taxes, within the limits herein  
210 provided, as shall be lawful for carrying out the purpose and powers of the town.

211 (5) Authorize the issuance of bonds.

212 (6) Adopt plats.

213 (7) Appoint members of any or all advisory boards or commissions the commission may  
214 establish under this Charter and prescribe by ordinance their duties, responsibilities,  
215 authorized procedures and tenure of office.

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<sup>1</sup>Proposed additions to existing Town Charter text are indicated by underlining; proposed deletions from existing Town Charter text are indicated by ~~strikethrough~~.

217 (8) Adopt and modify the official map of the town.

218 (9) Regulate and restrict: (a) location, number of stories, height, size, cubic contents,  
219 construction, appearance and area of buildings and other structures (including billboards,  
220 signs and other advertising devices); (b) the percentage and portion of lots and lands that  
221 may be occupied or built on; (c) the density of population; (d) the use of buildings,  
222 structures and land for trade, industries, residence, apartment houses and all and any  
223 other purposes; (e) no authorization or permit shall be issued for the construction, repair,  
224 alteration, extension or replacement of any structure or building east of the "ocean  
225 bulkhead line" of the Town of Surfside, which "ocean bulkhead line" was established by  
226 ordinance no. 95, approved and adopted on the 8th day of February, 1943, and is  
227 presently set forth and described as section 6-20 [now section 14-76 et seq.] of the Code  
228 of the Town of Surfside, except that the commission may provide for the construction of  
229 groins, bulkheads, seawalls, jetties, breakwaters or other protective work east of the  
230 "ocean bulkhead line" by ordinance. ~~See my question on page 12.7 A vote of four of the~~  
231 ~~five Town commissioners is required to make any changes, modifications or alterations to~~  
232 ~~any aspect of the Town's zoning code that addresses, affects or concerns the Floor Area~~  
233 ~~Ratio (FAR) for all detached single-family homes in the H30A and H30B districts. The~~  
234 ~~foregoing voting requirements shall not be repealed, revised, amended, or changed except~~  
235 ~~by a vote of four of the five members of the Town Commission and approval of a minimum~~  
236 ~~of 60% of the votes cast by referendum.~~

237 (10) Adopt, modify and carry out plans for the clearance of slum districts and the  
238 rehabilitation of blighted areas.

239 (11) Adopt, modify and carry out plans for the improvement and redevelopment of  
240 neighborhoods and for the replanning, reconstruction or redevelopment of any area or  
241 district which may have been destroyed in whole or in part by disaster.

242 (12) Grant public utility franchises and regulate the exercise thereof.

243 (13) Provide for annual, monthly, continuing or special audits by independent certified  
244 public accountants.

245 (14) Provide for life and/or disability insurance for employees of the Town of Surfside  
246 and/or its agents and/or its officers on a group insurance plan, and to pay all or such  
247 portions of the premium or premiums thereon as it may by ordinance determine; and to  
248 establish and create by ordinance a pension, annuity and retirement system for any or all  
249 groups of officers, or agents or employees of the

250 Town of Surfside. Any pension or retirement system established under the provisions of  
251 this section shall be administered by a pension board appointed by the commission.

252 (15) Regulate and license the sale, possession and custody of firearms within the town.