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

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

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

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

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

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

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

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

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

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

**“THE TOWN OF SURFSIDE, FLORIDA
NOTICE OF CHARTER AMENDMENTS REFERENDUM**

81 SPECIAL ELECTION

82
83 PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO.
84 2026-3481 ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF
85 SURFSIDE, FLORIDA ("TOWN"), A SPECIAL ELECTION HAS BEEN CALLED
86 AND ORDERED TO BE HELD WITHIN THE TOWN ON TUESDAY, MARCH 17,
87 2026, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE
88 FOLLOWING CHARTER AMENDMENT QUESTIONS SHALL BE SUBMITTED TO
89 THE QUALIFIED ELECTORS OF THE TOWN:
90

91
92 QUESTION 1

93 REQUIRING VOTE OF FOUR OF FIVE TOWN COMMISSIONERS TO CHANGE FLOOR
94 AREA RATIO REGULATIONS
95

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?
101

102 Yes []

103
104 No []
105
106 _____

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:

111 **"OFFICIAL BALLOT**

112
113 QUESTION 1

114 REQUIRING UNANIMOUS VOTE OF ENTIRE TOWN COMMISSION TO CHANGE
115 FLOOR AREA RATIO REGULATIONS
116

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

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

Yes []

No []

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

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

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

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

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

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

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

Motion by: Commissioner Velasquez;

Second by: Vice Mayor Paul.

FINAL VOTE ON ADOPTION

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



Charles W. Burkett, Mayor

175 **ATTEST:**

176
177
178 Sandra N. McCready, Town Clerk



179
180 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

181
182
183
184 Thais Hernandez, Town Attorney

186 **EXHIBIT "A"**

187 **TEXT OF PROPOSED CHARTER AMENDMENT TO**
188 **THE TOWN OF SURFSIDE CHARTER¹**

189 * * *

190
191 **REQUIRING UNANIMOUS VOTE OF ENTIRE TOWN COMMISSION TO CHANGE**
192 **FLOOR AREA RATIO REGULATIONS**

193
194 The Town of Surfside Charter Article II – "Town Commission" Section 11. – "Powers of
195 commission" is hereby amended to read as indicated below, with additions to existing
196 Charter text being shown in underline; and deletions from existing Charter text being shown
197 in ~~strikethrough~~.

198
199 **Sec. 11. Powers of commission.**

200 All powers of the town not specifically conferred on other officers and employees and the
201 determination of all matters of policy shall be vested in the commission. Without limitation
202 of the foregoing, the commission shall have power to:

203 (1) Appoint and remove the town manager, municipal judge, associate municipal judge,
204 town attorneys, prosecuting attorney and certified public accountants for audits.

205 (2) Establish administrative departments as designated and described in the budget
206 adopted under Sections 65 and 66.

207 (3) Adopt the budget of the town.

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

212 (5) Authorize the issuance of bonds.

213 (6) Adopt plats.

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

¹Proposed 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.