

ORDINANCE NO. 10-1545

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90.2 AND 90.58 "CARPORT CANOPIES" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS,** The Town of Surfside ("Town") proposes to amend its Code of Ordinances to address uniformity in carport canopy placement and design; and

**WHEREAS,** The Town has determined that existing Florida Building Code regulations should be supplemented by this Town ordinance; and

**WHEREAS,** The Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on November 19, 2009 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

**WHEREAS,** The Town Commission held its first public reading on December 8, 2009 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

**WHEREAS,** The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on January 12, 2010 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

**Section 1. Recitals.** The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

**Section 2. Code Amendment.** The code of the Town of Surfside, Florida is hereby amended as follows:

Sec. 90.2 Definitions

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Secondary Frontage: when referring to a corner lot, the secondary frontage shall be the widest portion of the lot abutting the street.

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Sec. 90.58

**Carport canopies**

Carport canopies may be constructed, in a front, secondary frontage, side or rear yard setback in the H30A and H30B districts.

1. Such canopy shall not exceed twenty (20) feet in length, nor ten (10) feet in width.

~~2. No canopy shall extend beyond a property line or shall be closer than five (5) feet to the rear of the street curb, and supporting pipes shall be no closer than seven (7) feet.~~

2. The height of such canopy shall not exceed ten (10) feet.

~~3. The height of such canopy shall not exceed ten (10) feet, measured from the ground level to the uppermost point of the cover.~~

3. The height of the side openings shall be at least six (6) feet, three (3) inches.

~~4. A front yard canopy shall be at least five (5) feet from the side property line.~~

4. Such canopy shall be subject to the following minimum setbacks:

a. Rear: five (5) feet

b. Interior Side: five (5) feet

c. Primary (Front) and Secondary (Corner): two (2) feet

d. Rear of Street Curb: seven (7) feet

5. A canopy shall at all times remain open on all four (4) sides, if free standing, and open on three (3) sides if attached to the main building.

6. The area under a canopy must be entirely paved by an approved paving material ~~concreted or asphalted~~.

~~7. Side openings shall be at least six (6) feet, three (3) inches, in height as measured from the ground level.~~

7. Under no circumstances is a carport to be located on a corner lot in such a way as to conflict with the requirements of Section 90-52 (Required Clearances).

~~8. The width of the canopy shall not be less than the width of the driveway.~~

**Section 3. Severability.** If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

**Section 4. Conflict.** All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

**Section 5. Inclusion in the Code of Ordinances.** 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.

**Section 6. Effective Date.** This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this 8 day of December 2009.

PASSED and ADOPTED on second reading this 12 day of January, 2010.

  
VICE-MAYOR  
MARC IMBERMAN, VICE MAYOR

Attest:

Debra Eastman  
Debra Eastman, Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

Lynn M. Dannheisser  
Lynn M. Dannheisser, Town Attorney

On Second Reading Moved by: Commissioner Levine

On Second Reading Seconded by: Commissioner Calderon

**Vote:**

Mayor Burkett	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Vice Mayor Imberman	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Calderon	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Levine	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Weinberg	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>