## **ORDINANCE NO. 22 - 1719**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-2. - "DEFINITIONS", TO DELETE THE DEFINITION FOR "GROSS ACRE" AND TO REVISE THE DEFINITIONS FOR "HEIGHT," "LOT AREA," AND "LOT COVERAGE"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

1	WHEREAS, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida
2	Statutes, provide municipalities with the authority to exercise any power for municipal purposes,
3	except where prohibited by law, and to adopt ordinances in furtherance of such authority; and
4	WHEREAS, the Town Commission of the Town of Surfside ("Town Commission") finds it
5	periodically necessary to amend its Code of Ordinances and Land Development Code ("Code") in
6	order to update regulations and procedures to maintain consistency with state law, to implement
7	municipal goals and objectives, to clarify regulations and address specific issues and needs that
8	may arise; and
9	WHEREAS, Section 4 of the Town Charter limits the density, intensity, and height of
10	development and structures to that permitted under the Comprehensive Plan or Zoning Code in
11	effect in 2004; and
12	WHEREAS, the Town finds that certain definitions in the Code have been interpreted to allow
13	development that is out of scale and incompatible with the Town's land development objectives
14	and that may potentially exceed the limitations of Section 4 of the Town Charter; and
15	WHEREAS, the Town Commission finds that amending Section 90-2 of the Town Code to
16	delete the definition of "gross acre," and revise the definitions of "height," "lot area," and "lot
17	coverage," is necessary and in the best interests of the Town and its residents; and
18	WHEREAS, on January 11, 2022 at its regular monthly meeting, the Town Commission
19	directed staff to evaluate and prepare an ordinance amending Section 90-2 Definitions, to delete
20	the definition of "gross acre," and revise the definitions of "height," "lot area," and "lot coverage;"
21	and

22	WHEREAS, the Town Commission held its first public hearing on February 8, 2022 and
23	recommended approval of the proposed amendments to the Code of Ordinances having complied
24	with the notice requirements in the Florida Statutes; and
25	WHEREAS, at a joint special meeting of the Town Commission and the Planning and Zoning
26	Board held on February 23, 2022, changes to the Zoning Code were addressed, including revisions
27	to the definition of lot coverage; and
28	WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held
29	its hearing on the proposed amendment on February 24, 2022 with due public notice and input; and
30	WHEREAS, the Town Commission has conducted a second duly noticed public hearing on
31	these regulations as required by law on March 8, 2022 and further finds the proposed changes to
32	the Code are necessary and in the best interest of the community.
33 34 35 36 37 38 39 40 41	NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA¹:  Section 1. Recitals. The above Recitals are true and correct and are incorporated herein by this reference:  Section 2. Town Code Amended. Section 90-2. – "Definitions", of the Surfside Town Code of Ordinances is hereby amended, and repealed and replaced, with the following¹:
42	Sec. 90-2. – Definitions.
43 44	* * *
45 46 47 48 49 50	Gross acre: The acreage within the perimeter of a lot plus one half the right-of-way of adjacent streets and alleys. For properties east of Collins Avenue, the calculation of gross acreage shall also include the area up to the crosion control line.
51 52 53 54 55	<ul><li>Height:         <ul><li>(1) Flat roofs: The vertical distance from the average datum or elevation of the crown of the road fronting the lot or building site, to the highest point of the roof.</li></ul></li></ul>

Coding: Strikethrough words are deletions to the existing words. <u>Underlined words</u> are additions to the existing words. Changes between first and second reading are indicated with <u>highlighted double-strikethrough</u> and <u>double underline</u>.

56	(2) Pitched roofs: The vertical distance from the average datum or elevation
57	of the crown of the road fronting the lot or building site, to the top of the tie
58	beam. A pitched roof shall have a maximum pitch of 4/12.
59	(3) H120 District: For the H120 district, the maximum building height of 120
60	feet is measured from the current elevation established by the Florida Department
61	of Environmental Protection for the first habitable floor as of the effective date of
62	this ordinance, which is set at +16.63 NAVD88 (or +18.2 feet NGVD29). The
63	maximum building height shall not exceed +136.63 NAVD88 (or +138.2
64	NGVD29) to the highest point of the structural roof for a flat roof or the top of
65	the tie beam for a pitched roof.
66	
67	* * *
68	
69	Lot area: The total horizontal area within the lot lines of the lot. In determining usable
70	<u>Lot area in the H120 district, it shall be calculated based on the area bounded by from </u>
71	the west, north, and south lot lines and to the bulkhead line on the east. The area
72	between the erosion control line and the bulkhead line shall not be counted as part of the
73	lot area for calculation of density, lot coverage, or any other zoning calculation used to
74	and the north lot line shall be the north boundary and the south lot line shall be the south
75	<del>boundary</del> .
76	* * *
77	<u> </u>
78	
79	Lot coverage: The percentage of the total area of a lot that, when viewed from above,
80	would be covered by all principal and accessory buildings and structures (except
81	swimming pools, fences, screen enclosures, and pergolas), or portions thereof. In the
82 83	H30A and H30B single family districts, the lot coverage is limited to a maximum forty percent (40%) of the lot; provided however that the following allowable exclusions, as
84	described under "floor area," shall not be included in determining the lot coverage: the
85	building area.
86	i. <u>Uncovered steps and exterior balconies;</u>
87	ii. Uncovered terraces, patios, breezeways, or porches which are open on two (2)
88	sides; and
89	iii.Covered terraces, patios, breezeways, or porches which are open on two (2) sides.
90	in. Covered terraces, parios, orcedeways, or perenes which are open on two (2) sides.
91	In no instance may the sum of the lot coverage and all exemptions listed in i-iii exceed 6
92	46% of the lot area.
93	10/10 Of the lot droa.
94	* * *
95	Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance is
96	held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall
97	in no way affect the validity of the remaining portions of this Ordinance.
98	Section 4. Inclusion in the Code. It is the intention of the Town Commission, and it is
99	hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of

100	Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to
101	accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other
102	appropriate word.
103	
104	Section 5. Conflicts. Any and all ordinances and resolutions or parts of ordinances or
105	resolutions in conflict herewith are hereby repealed.
106	1
107	Section 6. Effective Date. This ordinance shall become effective upon adoption on second
108	reading.
109	rouding.
	DACCED and ADODTED on first reading this 9th day of Cabruary 2022
110	PASSED and ADOPTED on first reading this 8th day of February, 2022.
111	
112	<b>PASSED</b> and <b>ADOPTED</b> on second reading this 8 <sup>th</sup> day of March, 2022.
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115	On Final Reading Moved by:Commissioner Salzhauer
116	On I man reading words by:
117	On Final Reading Second by: Commissioner Kesl
118	On I mai reading become by
	First Deading.
119	First Reading:
120	Motion by: Commissioner Salzhauer  Second by: Commissioner Veleganez
121	Second by: Commissioner Velasquez
122	
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124	Second Reading:
125	Motion by: Commissioner Salzhauer
126	Second by: Commissioner Kesl
127	
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129	FINAL VOTE ON ADOPTION
130	Commissioner Charles Kesl Yes
131	Commissioner Eliana R. Salzhauer Yes
132	Commissioner Nelly Velasquez Yes
133	Vice Mayor Tina Paul Yes
134	Mayor Charles W. Burkett Yes
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139	// 0
140	//Charles W. Burkett
141	// Mayor
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145	ATTEST:
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147	W SATVILLE
148	Nongo
149	Sandra N. McCready, MMC
150	Town Clerk
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152	APPROVED AS TO FORM AND LEGALITY FOR THE USE
153	AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:
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155	$\mathcal{H}_{\mathcal{U}_{2}}$
156	- Luango.
157	Weiss Serota Helfman Cole & Bierman, P.L.
158	Town Attorney
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