

ORDINANCE NO. 2022 - 1730

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 90-47.3 RELATING TO THE LOCATION AND REQUIREMENTS FOR GROUND-LEVEL MECHANICAL EQUIPMENT AND CREATING SECTION 90-67.3 RELATING TO THE LOCATION AND REQUIREMENTS FOR ROOFTOP MECHANICAL EQUIPMENT, ON PROPERTIES IN THE H30A AND H30B ZONING DISTRICTS; 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 (the “Town”) finds it periodically
5 necessary to amend its Code of Ordinances and Land Development Code (“Code”) in order to
6 update regulations and procedures to maintain consistency with state law, to implement municipal
7 goals and objectives, to clarify regulations and address specific issues and needs that may arise; and

8 **WHEREAS**, Section 90-47.3 of Article IV. – District Regulations, of Chapter 90,
9 “Zoning,” of the Town Code requires property owners in the H30A and H30B zoning districts to
10 provide certain rear yard and/or side yard setbacks for air conditioning equipment, pool pumps, or
11 other ground mechanical equipment; and

12 **WHEREAS**, additionally, Section 90-44.2 of Chapter 90 allows rooftop mechanical
13 equipment, but does not provide regulations governing the location and requirements, such as
14 screening, for mechanical equipment on roofs; and

15 **WHEREAS**, although mechanical equipment is typically loud and aesthetically
16 unappealing, mechanical equipment is necessary for modern living and is ubiquitous in the
17 Town; and

18 **WHEREAS**, due to innovations in mechanical equipment, it is now more feasible to
19 mitigate the negative visual and auditory consequences of mechanical equipment; and

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ARTICLE IV. – DISTRICT REGULATIONS.

Section 90-47. - Yards generally, allowable projections.

90-47.3. On properties designated H30A or H30B, air conditioning equipment, pool pump or other mechanical equipment may be located at ground level in a required rear setback, provided such equipment is at least 5 feet from any side or rear lot line and 10 15 feet from any other single-family or two-family residence, shall maintain at least a five foot setback from the rear and side yards and is not visible from any street or waterway. All equipment shall be visually screened by an enclosure of sufficient height which adequately hides the equipment from view from all angles (excluding from above) and matches closely to its immediate surroundings in texture, color, and appearance. Additionally, the equipment shall be acoustically screened to reduce noise to no more than 55 dBA when measured from any property line of the subject lot.

- a. All installations of equipment shall comply with the latest adopted versions of the Florida Building Code and the Florida Mechanical Code.
- b. Straight change out of equipment, defined as no change in the size and location of existing equipment, shall be exempt from the visual and sound screening requirements provided for herein.

ARTICLE V. – DESIGN STANDARDS

90-67.3. Rooftop Mechanical Equipment in H30A and H30B Districts.

The following requirements apply to all rooftop mechanical equipment located within the H30A and H30B zoning districts:

- a. Setback from roof perimeter. All equipment and enclosures shall be set back from the roof perimeter so that it is not visible from eye-level view from grade at a distance of 75 feet from any property line of the subject lot. This shall be demonstrated by line-of-sight drawings submitted as part of a zoning approval or design review package.
- b. Screening. All equipment shall be visually screened by an enclosure of sufficient height which adequately hides the equipment from view from all angles (excluding from above) and matches closely to its immediate surroundings in texture, color, and appearance, or is set into the roof structure itself without changing the visible contour of the roof as seen from the street. In either instance, neither equipment nor screening shall be visible from eye-level from grade at any property line, nor

87 discernible from eye-level from grade outside of the property lines. Additionally,
88 the equipment shall be acoustically screened to reduce noise to no more than 55 dBA
89 when measured from any property line of the subject lot.

90 c. The footprint area of the equipment, as defined by the perimeter of the decorative
91 and acoustic screen enclosure, shall not exceed 7.5% of the total area of the roof
92 upon which it is placed.

93 d. Rooftop equipment and all screening elements shall not exceed six (6) feet above
94 the roof slab for a flat roof or six (6) feet above the top of the tie beam for a pitched
95 roof.

96 e. All installations of equipment shall comply with the latest adopted versions of the
97 Florida Building Code and the Florida Mechanical Code.

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99 f. Straight change out of equipment, defined as no change in the size and location of
100 existing equipment, shall be exempt from the visual and sound screening
101 requirements provided for herein.

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105 **Section 3. Severability.** If any section, sentence, clause or phrase of this Ordinance is
106 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall
107 in no way affect the validity of the remaining portions of this Ordinance.

108 **Section 4. Inclusion in the Code.** It is the intention of the Town Commission, and it is
109 hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of
110 Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to
111 accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other
112 appropriate word.

113 **Section 5. Conflicts.** Any and all ordinances and resolutions or parts of ordinances or
114 resolutions in conflict herewith are hereby repealed.

115 **Section 6. Effective Date.** This ordinance shall become effective upon adoption on second
116 reading.

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118 **PASSED** on first reading this 12th day of July, 2022.

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120 **PASSED** and **ADOPTED** on second reading this 13th day of September, 2022.

124 **First Reading:**
125 Motion by: Vice Mayor Jeffrey Rose
126 Second by: Commissioner Fred Landsman

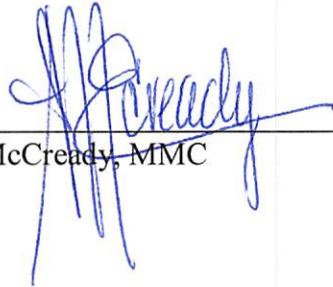
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129 **Second and Final Reading:**
130 Motion by: Commissioner Landsman
131 Second by: Vice Mayor Rose

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134 **FINAL VOTE ON ADOPTION**

135	Commissioner Fred Landsman	<u>Yes</u>
136	Commissioner Marianne Meisheid	<u>Yes</u>
137	Commissioner Nelly Velasquez	<u>Yes</u>
138	Vice Mayor Jeffrey Rose	<u>Yes</u>
139	Mayor Shlomo Danzinger	<u>Yes</u>

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Shlomo Danzinger, Mayor

143 **ATTEST:**
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147 Sandra N. McCready, MMC
148 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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157 Weiss Serota Helfman Cole & Bierman, P.L.
158 Town Attorney