

ORDINANCE NO. 23 - 1744

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-50. – “ARCHITECTURE AND ROOF DECKS” TO MODIFY REQUIREMENTS FOR GARAGE CONVERSIONS; 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
3 purposes, except where prohibited by law, and to adopt ordinances in furtherance of such
4 authority; and

5 **WHEREAS**, the Town Commission of the Town of Surfside (“Town Commission”)
6 finds it periodically necessary to amend its Code of Ordinances and Land Development
7 Code (“Code”) in order to update regulations and procedures to maintain consistency with
8 state law, to implement municipal goals and objectives, to clarify regulations and address
9 specific issues and needs that may arise; and

10 **WHEREAS**, Section 90-50.1 of the Code provides for architectural guidelines for
11 structures in Surfside; and

12 **WHEREAS**, Sub-Section 90-50.1(7) provides regulations for the conversion of a
13 garage to habitable space; and

14 **WHEREAS**, garage conversions are currently allowed only with design review
15 approval of the Planning and Zoning Board (the “Board”); and

16 **WHEREAS**, at a joint special meeting of the Town Commission and the Board held
17 on January 31, 2023, changes to the Zoning Code were addressed, including to improve
18 the efficiency of the Board by exempting garage conversions from design review by the
19 Board; and

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

53 one window shall be provided. The window or windows shall have the upper
54 lintel beam level with the existing windows on the same face of the home.
55 New windows shall be in the same style and similar in proportions as the
56 existing windows to provide a consistent look to the façade. If the garage
57 entrance is located at the front or primary corner of the property, landscaping
58 shall be provided along the base of the new exterior wall. When the
59 installation of landscaping results in insufficient off-street parking, a
60 landscaped planter shall be permitted in lieu of the required landscaping. It
61 is intended hereby to prohibit and prevent any violation of the single-family
62 classification and to minimize the burden upon the administrative forces of
63 the town in policing and enforcing the provisions hereof. Changes to the
64 appearance of the residence shall not constitute a change prohibited by the
65 "home office" provision of this Code. If the exterior door of the garage
66 conversion is no longer level with grade, stairs may be installed, and the
67 exterior door must be accordingly corrected to comply with the Florida
68 Building Code. The stairs shall be permitted to encroach no more than 24
69 inches into the side or rear setbacks. The converted garage shall meet all
70 requirements of the Florida Building Code, including finished floor elevation.

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

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

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

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

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90 **PASSED and ADOPTED** on first reading this 9th day of May, 2023.

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92 **PASSED and ADOPTED** on second reading this 13th day of June, 2023.

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On Final Reading Moved by: Commissioner Landsman

On Final Reading Second by: Vice Mayor Rose

First Reading:

Motion by: Vice Mayor Rose

Second by: Commissioner Landsman

Second Reading:

Motion by: Commissioner Landsman

Second by: Vice Mayor Rose

FINAL VOTE ON ADOPTION

Commissioner Fred Landsman	<u>Yes</u>
Commissioner Nelly Velasquez	<u>Yes</u>
Commissioner Marianne Meisheid	<u>Yes</u>
Vice Mayor Jeffrey Rose	<u>Yes</u>
Mayor Shlomo Danzinger	<u>Yes</u>



ATTEST:

[Handwritten signature in blue ink]

Sandra N. McCready, MMC
Town Clerk

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:

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Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney