ORDINANCE NO. 2023 - 1755

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING RE-TITLING SECTION 90-58, "CARPORT CANOPIES", TO MODIFY THE REGULATIONS FOR CARPORTS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN **EFFECTIVE DATE.**

,	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 90-58 of the Code allows for the construction of carport canopies
11	in a front, secondary side or rear yard setback in the H30A and H30B districts; and
12	WHEREAS, Section 90-2 of the Code defines "carport" as a roofed and usually wall-
13	less shed projecting from the side of a building, used as a shelter for automobiles; and
14	WHEREAS, the term "canopy" is defined in Section 90-2 of the Code as a permanent
15	roof-like cover made of cloth, metal, vinyl or other permanent material supported from the
16	ground or deck or floor of a building, and from the walls of a building for protection from
17	sun or weather; and
18	WHEREAS, 90-58.1 currently restricts the allowable materials for carport canopies to
19	canvas (or similar material) covered pipe; and
20	WHEREAS, the currently allowable materials present potential windspeed hazards if
21	not removed prior to major storms, and the Town has limited resources to monitor and
22	enforce their proper removal during storm preparation; and

23	WHEREAS, modern construction methods allow for more sturdy construction
24	materials that significantly reduce the windspeed hazard when constructed pursuant to the
25	Florida Building Code; and
26	WHEREAS, at a regular meeting of the Town Commission held on July 11, 2023,
27	2023, the Town Commission directed the Town Manager to present an ordinance
28	addressing the allowance of additional materials for carport canopies; and
29	WHEREAS, the Town Commission held its first public hearing on August 8, 2023 and,
30	having complied with the notice requirements in the Florida Statutes, approved the
31	proposed amendments to the Code; and
32	WHEREAS, the Planning and Zoning Board, as the local planning agency for the
33	Town, held its hearing on the proposed amendment to the Code on August 31, 2023 with
34	due public notice and input, and recommended approval of the proposed amendments to
35	the Code; and
36	WHEREAS, the Town Commission has conducted a second duly noticed public
37	hearing on these Code amendments as required by law on, 2023 and
38	further finds the proposed changes to the Code are necessary and in the best interest of
39	the Town.
10 11 12 13	NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA¹:
14 15 16	<u>Section 1.</u> <u>Recitals.</u> The above Recitals are true and correct and are incorporated herein by this reference:
17 18	<u>Section 2.</u> <u>Town Code Amended.</u> Section 90-58 "Carport Canopies" of the Code, is hereby amended as follows:
19	Sec. 90-58. Carport <u>s</u> Canopies .
60	* * *
51 52 53	Carports, consisting of the structural members and the roof or canopy, eanopies may be constructed, in a front, secondary side or rear yard setback in the H30A and H30B districts subject to the following:

¹ 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 **highlighted double strikethrough** and <u>double underline.</u>

- (1) The carport Such canopy shall not exceed 20 feet in length, and 20 feet in width.
 - (2) The height of the carport such canopy shall not exceed ten feet.
 - (3) The height of the side openings shall be at least six feet, three inches.
 - (4) The carport Such canopy shall be subject to the following minimum setbacks:
 - a. Rear: Five feet.

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- b. Interior side: Five feet.
- c. Primary (front) and secondary (corner): Two feet.
- d. Rear of street curb: Seven feet.
- (5) A <u>carport eanopy</u> shall at all times remain open on all four sides, if free standing, and open on three sides if attached to the main building. <u>The structure shall be nonsubstantial in appearance and each side shall maintain a solid to transparent open ratio of no more than 3510% solid to 6590% transparent open.</u>
- (6) The area under a canopy must be entirely paved by an approved paving material.
- (7) A carport shall be constructed pursuant to the
- 90-58.1 In addition to all provisions of the Florida Building Code, Florida State Product Approval, and Miami-Dade County Product Approval Notice of Acceptance.
- (8) The, the following construction standards for canvas-covered canopies are required and shall be complied with:
 - (1) No canopy A carport shall be constructed except of (i) canvas (or similar material) cloth, vinyl or other permanent material, supported from the ground or deck or floor of a building, and or from the walls of a building for protection from sun or weather, by covered metal pipe, or (ii) of wood, composite wood, aluminum, or plastic (but not PVC pipe). Framework shall be galvanized Schedule 40 pipe assembled either with Schedule 40 galvanized fittings or welded and joints painted with a liquid zinc compound. For a ten-foot by 20-foot canopy, uprights shall be of not less than 11/4inch pipe; the perimeter shall be of not less than one inch pipe and the rafters of not less than three-fourths-inch pipe. For a 20-foot by 20-foot canopy, the pipe sizes shall each be increased by one-fourth-inch. All uprights shall be either lag-bolted into a concrete base or, if mounted in dirt, concreted at least one foot deep with a safety tee at the bottom of the pipe. The design and the minimum size of structural members shall not be less than required to resist a 75 mile-per-hour wind with applicable shape factors. All fabric shall be designed for quick removal, which shall be required at a wind velocity in excess of 75 miles per hour. A carport shall not be constructed of concrete or concrete block.

98	(2) The framework height shall be a maximum of ten feet and a minimum of seven feet
99	above grade. No uprights shall be installed closer than two feet from the front lot
100	line.
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102	(3) (9) If applicable, Ccovering material shall carry the Miami-Dade Fire Marshal's
103	certificate of non-flammability. The material shall be attached to the framework by
104	lacings only.
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106	(4) (10) A proposed carport shall be subject to design review for consistency of design
107	with the existing house, appropriateness of materials, and compatibility of location
108	and orientation on the lot. The Town Planner may refer any design review of a
109	carport to the Planning & Zoning Board for final review and approval based upon
110	this section and the Design Guidelines.
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112	* * *
113	Section 3. Severability. If any section, sentence, clause or phrase of this
114	Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,
115	then said holding shall in no way affect the validity of the remaining portions of this
116	Ordinance.
117	Section 4. Inclusion in the Code. It is the intention of the Town Commission,
118	and it is hereby ordained that the provisions of this Ordinance shall become and made a part
119	of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be
120	renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be
121	changed to "Section" or other appropriate word.
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123	Section 5. Conflicts. Any and all ordinances and resolutions or parts of
124	ordinances or resolutions in conflict herewith are hereby repealed.
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126	<u>Section 6.</u> <u>Effective Date</u> . This ordinance shall become effective upon adoption
127	on second reading.
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129	PASSED on first reading on the 8 th day of August, 2023.
130	PASSED AND ADOPTED on second reading on the 12th day of September, 2023.
150	TAGGED AND ADOITED ON Second reading on the 12 day of September, 2025.
131	First Reading:
132	Motion by: Vice Mayor Rose
133	Second by: Commissioner Meischeid
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136	Second Reading:
137	Motion by: Vice Mayor Rose
138	Second by: Commissioner Meischeid
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141	FINAL VOTE ON ADOPTION
142	Commissioner Fred Landsman Yes
143	Commissioner Marianne Meischeid Yes
144	Commissioner Nelly Velasquez No
145	Vice Mayor Jeffrey Rose Yes
146	Mayor Shlomo Danzinger Yes
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149	Shlomo Danzinger, Mayor
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152	Sandra N. Mooready, MMO 10 S LA
153	Town Clerk
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155	APPROVED AS TO FORM AND LEGALITY FOR THE USE
156	AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:
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160	Weiss Serota Helfman Cole & Bierman, P.L.
161	Town Attorney