

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 AND 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.

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 90-58 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

54 (1) The carport ~~Such canopy~~ shall not exceed 20 feet in length, and 20 feet in width.

55 (2) The height of the carport ~~such canopy~~ shall not exceed ten feet.

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

57 (4) The carport ~~Such canopy~~ shall be subject to the following minimum setbacks:

58 a. Rear: Five feet.

59 b. Interior side: Five feet.

60 c. Primary (front) and secondary (corner): Two feet.

61 d. Rear of street curb: Seven feet.

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

63 (6) The area under a canopy must be entirely paved by an approved paving material.

64 (7) A carport shall be constructed pursuant to the

65 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.

66 (8) ~~The, the following construction standards for canvas-covered canopies are required and shall be complied with:~~

67 (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 1¼-inch 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.~~
101
102 (3) ~~(9) If applicable, C~~covering 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.~~

111 * * *
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 **Section 6. Effective Date.** This ordinance shall become effective upon adoption
127 on second reading.
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129 **PASSED** on first reading on the 8th day of August, 2023.

130 **PASSED AND ADOPTED** on second reading on the 12th day of September, 2023.

131 **First Reading:**

132 Motion by: Vice Mayor Rose

133 Second by: Commissioner Meischeid
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136 **Second Reading:**

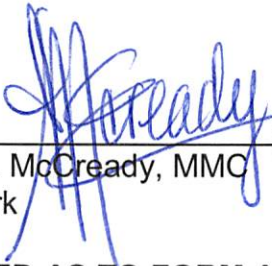
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FINAL VOTE ON ADOPTION

Commissioner Fred Landsman	<u>Yes</u>
Commissioner Marianne Meischoid	<u>Yes</u>
Commissioner Nelly Velasquez	<u>No</u>
Vice Mayor Jeffrey Rose	<u>Yes</u>
Mayor Shlomo Danzinger	<u>Yes</u>



Sandra N. McCready, MMC
Town Clerk



Shlomo Danzinger, Mayor

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



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