

ORDINANCE NO. 2024 - 1767

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-62 – “OUTDOOR LIGHTING” TO PROVIDE OUTDOOR LIGHTING REGULATIONS FOR SINGLE-FAMILY RESIDENTIAL DWELLINGS; 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,
2 Florida Statutes, provide municipalities with the authority to exercise any power for
3 municipal purposes, except where prohibited by law, and to adopt ordinances in
4 furtherance of such authority; and

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

10 **WHEREAS**, Section 90-62 of the Code provides outdoor lighting regulations for
11 multi-family and non-residential properties; and

12 **WHEREAS**, currently, there are no applicable outdoor lighting regulations for
13 single-family dwellings; and

14 **WHEREAS**, at a regular meeting of the Town Commission held on September 12,
15 2023, the Town Commission directed the Town Attorney to present an ordinance
16 addressing outdoor lighting standards in the single-family residential zone; and

17 **WHEREAS**, the Town Commission held its first public hearing on December 12,
18 2023 and, having complied with the notice requirements in the Florida Statutes,
19 recommended approval of the proposed amendments to the Code; and

20 **WHEREAS**, the Planning and Zoning Board, serving as the local planning agency
21 for the Town, held its hearing on the proposed amendment to the Code on January 18,
22 2024 with due public notice and input, and recommended approval of the proposed
23 amendments to the Code, with a modification to limit the light color of exterior permanent
24 light fixtures to white; and

25 **WHEREAS**, the Town Commission has conducted a second duly noticed public
26 hearing on these Code amendments as required by law on February 13, 2024 and further
27 finds the proposed changes to the Code are necessary and in the best interest of the
28 Town.

29 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
30 **TOWN OF SURFSIDE, FLORIDA¹:**

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32 **Section 1. Recitals.** The above Recitals are true and correct and are
33 incorporated herein by this reference:

34 **Section 2. Town Code Amended.** Sections 90-62. – “Outdoor lighting” is
35 hereby amended as follows:

36 Sec. 90-62. – Outdoor lighting.

37 **90.62.1** The following are applicable to all new construction and remodeling of
38 single-family and duplex dwellings:

39 ~~(a) All lights other than landscape lighting. Electrical Plans indicating the location of~~
40 ~~the lighting fixtures; type of lights, height of lights and levels of illumination; shade,~~
41 ~~type and height; and bases, deflectors and beam directions shall be submitted to~~
42 ~~the Building Department as part of an Electrical permit approval.~~

43 ~~a. Continuous lighting requires shielding to direct light down~~

44 ~~i. Max. Lumens: 450 per fixture~~

45 ~~ii. Min. Spacing: every 20 ft~~

46 ~~b. Motion Sensor/Intermittent safety lighting. Must be on a 15 min. timer and~~
47 ~~may only be located attached to the home and illuminating a front yard,~~
48 ~~secondary frontage or rear yard~~

49 ~~i. Max. Lumen; 1100 or 75 watt~~

50 ~~ii. Maximum of two such fixtures per property~~

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52
53 ~~(b) Outdoor lighting shall be designed so that any overspill of lighting onto adjacent~~
54 ~~properties shall not exceed one half foot candle (vertical) and one half foot candle~~
55 ~~(horizontal) illumination on adjacent properties.~~

56
57 ~~(c) (a) Except for motion-sensor activated safety lighting, Outdoor lighting fixtures,~~
58 ~~including in roof eaves or overhangs, above 10 feet shall be shielded or employ~~
59 ~~shielded fixtures so that light sources are not visible from do not spill beyond the~~
60 ~~property line to adjacent properties or rights-of-way.~~

61

¹ 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.

62 ~~(d) An outdoor lighting installation shall not be placed in permanent use until a letter~~
63 ~~of compliance from a registered architect or engineer is provided to the town~~
64 ~~manager or designee, certifying that the installation has been field checked and~~
65 ~~meets the requirements set forth above.~~

66
67 ~~(e) (b) An outdoor lighting plan indicating the location of the lighting fixtures; type of~~
68 ~~lights, height of lights and levels of illumination shall be submitted to the town~~
69 ~~manager or designee for approval. The town manager or designee may issue a~~
70 ~~permit for such proposed outdoor lighting, if, after review of the plans and after~~
71 ~~consideration of the design characteristics of the lighting fixtures and lighting poles~~
72 ~~and bases, they are found to be in harmony compatible with the site architecture~~
73 ~~design, the adjacent area and the neighborhood, and will be deflected, shaded~~
74 ~~shielded and focused away from adjacent properties; and will not be a nuisance to~~
75 ~~adjacent properties and traffic.~~

76
77 ~~(f) All of the foregoing installations shall conform to the Florida Building Code.~~

78
79 ~~(g) All exterior lighting on single family and duplex properties in H30A, H30B and~~
80 ~~H30C zoning districts shall be individual fixtures. Permanent strip lighting is~~
81 ~~prohibited outdoors, including on balconies or architectural features.~~

82
83 ~~(h) Low voltage or solar landscape up lighting is permitted at a maximum strength of~~
84 ~~600 Lumens or 60 watts per fixture provided the fixture is no higher than 3 feet~~
85 ~~high from grade.~~

86
87 ~~(i) (c) Temporary holiday lighting is exempt form permitting requirements~~

88 90.62.2 The following are applicable to all multi-dwelling and non-residential
89 properties:

90 * * *

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

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

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

102 **Section 6. Effective Date.** This ordinance shall become effective upon adoption
103 on second reading.
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105 **PASSED** on first reading on the 12th day of December, 2023.

106 **PASSED AND ADOPTED** on second reading on the 13th day of February, 2024.

107 **First Reading:**

108 Motion by: Commissioner Meischeid
109 Second by: Commissioner Velasquez
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112 **Second Reading:**

113 Motion by: Vice Mayor Rose
114 Second by: Commissioner Meischeid
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117 **FINAL VOTE ON ADOPTION**

119 Commissioner Fred Landsman	<u>Yes</u>
120 Commissioner Marianne Meischeid	<u>Yes</u>
121 Commissioner Nelly Velasquez	<u>Yes</u>
122 Vice Mayor Jeff Rose	<u>Yes</u>
123 Mayor Shlomo Danzinger	<u>Yes</u>

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127 
128 _____
129 Shlomo Danzinger, Mayor

128 **ATTEST:**

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130
131 _____
132 Sandra N. McCready, MMC
133 Town Clerk
134



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

137 
138 _____
139 Weiss Serota Helfman Cole & Bierman, P.L.
140 Town Attorney
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