

ORDINANCE NO. 2024 - 1771

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 14-31 – “REQUIRED ROOFING MATERIALS” AND SECTION 90-50.1 – “ARCHITECTURE” OF SECTION 90-50. – “ARCHITECTURE AND ROOF DECKS” TO CLARIFY REQUIREMENTS AND ALLOW RE-ROOFS AND REPLACEMENTS WITH THE SAME EXISTING MATERIAL WITHOUT DESIGN REVIEW APPROVAL BY THE PLANNING AND ZONING BOARD; 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**, the Town Commission desires to amend Sections 14-31 “Required
11 Roofing Materials” and Section 90-50.1 – “Architecture” of Section 90-50. – “Architecture
12 and Roof Decks” to clarify requirements and streamline and simplify the process for re-
13 roofs and replacements with the same existing material, as a straight change out with the
14 same material, without the necessity of design review by the Planning and Zoning Board;
15 and

16 **WHEREAS**, at a regular meeting of the Town Commission held on January 16,
17 2024, the Town Commission directed the Town Attorney to present an ordinance
18 amending the Code to allow for re-roofs and replacement without design review before
19 the Planning and Zoning Board; and

20 **WHEREAS**, the Town Commission held its first public hearing on February 13,
21 2024, and having complied with the notice requirements in the Florida Statutes,
22 recommended approval of the proposed amendments to the Code; and

23 **WHEREAS**, the Planning and Zoning Board, serving as the local planning agency
24 for the Town, held its hearing on the proposed amendment to the Code on February 29,
25 2024, with due public notice and input, and recommended approval of the proposed
26 amendments to the Code; and

27 **WHEREAS**, the Town Commission has conducted a second duly noticed public
28 hearing on these Code amendments as required by law on March 12, 2024 and further
29 finds the proposed changes to the Code are necessary and in the best interest of the
30 Town.

31 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
32 **TOWN OF SURFSIDE, FLORIDA¹:**

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

36 **Section 2. Town Code Amended.** Section 14-31. - "Required Roofing
37 Materials" of the Town Code is hereby amended as follows:

38 **Sec. 14-31. - Required roofing materials.**

39 (a) Except as otherwise specifically provided in this section, all roofs and mansard
40 facias shall be constructed of or replaced with the following materials:

41 (1) Clay tile;

42 (2) White concrete tile;

43 (3) Solid color cement tile which color is impregnated with the same color intensity
44 throughout, provided said color is first approved by the planning and zoning
45 board;

46 (4) Architecturally Embellished Metal.

47 (5) Other Building Code approved roof materials if granted design review approval
48 by the planning and zoning board.

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.

49 (6) Re-roofing or replacement of the roof with the same or existing material shall
50 be allowed and shall not require design review approval by the planning and zoning board.
51 All new single-family homes or additions to existing homes shall comply with the permitted
52 or required roofing materials and all applicable sections of the Florida Building Code(s). .

53 (b) Flat Low slope roofs with a minimum pitch of 2% (1/4 inch per foot) are
54 permitted on additions to existing pitched roof structures, provided:

55 (1) The roof required by this section is not practical, as determined by the town
56 manager;

57 (2) The addition shall not exceed 15 percent of the ground area of the pitched roof
58 section of the existing buildings or a maximum of 500 square feet, whichever
59 is greater (with any existing flat roof sections counting against allowable new
60 area);

61 (3) The addition is not visible from the front elevation of a building on an interior
62 lot or is not visible from the front or side elevations on a corner lot.

63 (c) All existing roofs having an incline of less than two inches per foot shall have
64 covering of built-up roofing material, and gravel, or thermoplastic single ply membrane
65 (TPO), or fiberglass and shall require the approval of the planning and zoning board as
66 being harmonious with other buildings in the area.

67 (d) Unless otherwise provided by resolution, any person, persons, firm or
68 corporation violating any of the provisions of this section, shall, upon conviction thereof,
69 be punished by a fine not to exceed the maximum penalty as determined by Florida
70 Statute. Each day that a violation is permitted to exist shall constitute a separate offense.

71 **Section 3. Town Code Amended.** Section 90-50.1 – “Architecture” of Section
72 90-50. – “Architecture and Roof Decks” of the Town Code is hereby amended as follows:

73 **Sec. 90-50. - Architecture and roof decks.**

74 **90-50.1 Architecture.**

75 (1) Elevation and facade articulation variations.

76 a.The architectural design of proposed main buildings shall create a unique
77 elevation compared to the main buildings of the adjacent two buildings on
78 each side of the subject property on the same side of street. If the adjacent
79 lot is vacant then the next adjacent lot shall be utilized. A unique elevation
80 shall be created through the modulation of at least three of the following
81 architectural features:

82 1. Length, width and massing of the structure;

- 83 2. Number of stories;
- 84 3. Facade materials;
- 85 4. Porches and other similar articulation of the front facade;
- 86 5. Number and location of doors and windows; and
- 87 6. Roof style and pitch.

88 (2) In the H30C, H40 and H120 districts: when more than one building is provided,
89 buildings shall be designed in such a way that they are not monotonous.

90 (3) All elevations for new structures and multi-story additions (additions greater
91 than 15 feet in height) shall provide for a minimum of ten-percent wall openings including
92 windows, doors or transitional spaces defined by porches, porticoes or colonnades per
93 story.

94 (4) All elevations for single story additions to existing structures shall result in a
95 zero percent net loss of wall openings including windows, doors or transitional spaces
96 defined by porches, porticoes or colonnades.

97 (5) Roof materials are limited as follows:

98 a. Clay tile; or

99 b. White concrete tile; or

100 c. Solid color cement tile which color is impregnated with the same color
101 intensity throughout, provided said color is granted design review
102 approval by the planning and zoning board;

103 d. Architecturally embellished metal; or

104 e. Other Florida Building Code approved roof material(s) if granted design
105 review approval by the planning and zoning board.

106 f. Re-roofing or replacement of the roof with the same or existing material
107 shall be allowed and shall not require design review approval by the
108 planning and zoning board. All new single-family homes or additions to
109 existing homes shall comply with the permitted or required roofing
110 materials and all applicable sections of the Florida Building Code(s).

111 (6) Garage facades. Attached garages located at the front of a single-family home
112 shall not exceed 50 percent of the overall length of the facade.

113 (7) Converting single-family attached garages. When an attached garage is
114 converted for any other use, the garage door or doors may be replaced by a solid exterior

115 wall and access to the former garage area must be provided from the main premises, in
116 addition to any other permitted access. At least one window shall be provided. If the
117 garage entrance is located at the front or primary corner of the property, landscaping shall
118 be provided along the base of the new exterior wall. When the installation of landscaping
119 results in insufficient off-street parking, a landscaped planter shall be permitted in lieu of
120 the required landscaping. It is intended hereby to prohibit and prevent any violation of the
121 single-family classification and to minimize the burden upon the administrative forces of
122 the town in policing and enforcing the provisions hereof. Changes to the appearance of
123 the residence shall not constitute a change prohibited by the "home office" provision of
124 this Code. If the exterior door of the garage conversion is no longer level with grade, stairs
125 may be installed and the exterior door must be accordingly corrected to comply with the
126 Florida Building Code. The stairs shall be permitted to encroach no more than 24 inches
127 into the side or rear setbacks.

128 (8) Notwithstanding the foregoing, some of the architecture provisions in this
129 section, while specific to zoning districts H30A and H30B, may also be applicable to single
130 family homes in other zoning districts.

131 (9) Paint colors. Structures in the H30A and H30B zoning districts shall be
132 permitted to be painted the four lightest colors for the structure's primary color on the color
133 swatch on file in the building department. All other colors may be accent colors. A paint
134 swatch shall be submitted to the building department for approval by the town manager
135 or designee. The planning and zoning board shall make a design determination in cases
136 of uncertainty.

137 * * *

138 **Section 4. Severability.** If any section, sentence, clause or phrase of this
139 Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,
140 then said holding shall in no way affect the validity of the remaining portions of this
141 Ordinance.

142 **Section 5. Inclusion in the Code.** It is the intention of the Town Commission,
143 and it is hereby ordained that the provisions of this Ordinance shall become and made a
144 part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may
145 be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may
146 be changed to "Section" or other appropriate word.

147 **Section 6. Conflicts.** Any and all ordinances and resolutions or parts of
148 ordinances or resolutions in conflict herewith are hereby repealed.

149 **Section 7. Effective Date.** This ordinance shall become effective upon adoption
150 on second reading.

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152 **PASSED** on first reading on the 13th day of March, 2024.

153 **PASSED AND ADOPTED** on second reading on the 12th day of March, 2024.

154 **First Reading:**

155 Motion by: Commissioner Landsman

156 Second by: Commissioner Meischeid

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159 **Second Reading:**

160 Motion by: Commissioner Landsman

161 Second by: Mayor Dazinger

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164 **FINAL VOTE ON ADOPTION**

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166 Commissioner Fred Landsman Yes

167 Commissioner Marianne Meischeid Yes

168 Commissioner Nelly Velasquez Yes

169 Vice Mayor Jeff Rose Yes

170 Mayor Shlomo Danzinger Yes

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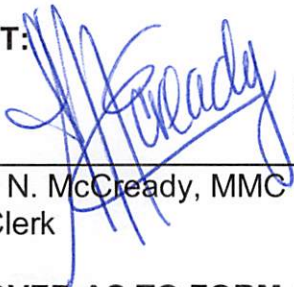
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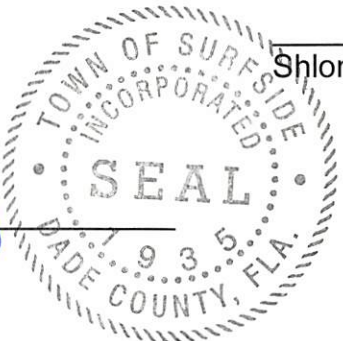
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ATTEST:



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