



34           **WHEREAS**, Division 2. – Stormwater Management Requirements of Article II. –  
35 Stormwater Drainage Management of Chapter 34 – “Environment” of the Code provides  
36 for stormwater regulations and performance and development standards for  
37 development; and

38           **WHEREAS**, the Town Commission seeks to improve on-site retention of all  
39 stormwater for new construction of single-family homes, and in all instances where the  
40 existing grade or elevation of a site is modified, engineering plans shall be provided  
41 indicating the retention of all stormwater on site in accordance with the Town Code,  
42 Miami- Dade County and State regulations, including the Florida Building Code; and

43           **WHEREAS**, the Town Commission further wishes to amend Section 90-56. –  
44 “Fences, Walls and Hedges” of the Code for retention walls in connection with new  
45 construction of single-family homes, including height and design of the walls; and

46           **WHEREAS**, at a special meeting of the Town Commission held on July 23, 2024,  
47 the Town Commission directed the Town Attorney to present an ordinance addressing  
48 stormwater retention on site and standards for retention walls for new single-family  
49 homes; and

50           **WHEREAS**, the Town Commission held its first public hearing on August 13, 2024,  
51 and having complied with the notice requirements in the Florida Statutes, recommended  
52 approval of the proposed amendments to the Code; and

53           **WHEREAS**, the Planning and Zoning Board, serving as the local planning agency  
54 for the Town, held its hearing on the proposed amendment to the Code on September 6,  
55 2024, with due public notice and input, and recommended approval of the proposed  
56 amendments to the Code; and

57           **WHEREAS**, the Town Commission has conducted a second duly noticed public  
58 hearing on these Code amendments as required by law on September 10, 2024, and  
59 further finds the proposed changes to the Code are necessary and in the best interest of  
60 the Town; and

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63 WHEREAS, the Town Commission thereafter conducted a Joint Workshop with its  
64 Planning & Zoning Board on October 7, 2024, and conducted a third duly noticed public  
65 hearing on these regulations, as required by law on October 8, 2024, finding these  
66 proposed changes to the Town Code necessary and in the Town's best interest.

67 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**  
68 **TOWN OF SURFSIDE, FLORIDA:**

69  
70 **Section 1. Recitals.** The above Recitals are true and correct and are  
71 incorporated herein by this reference:

72 **Section 2. Town Code Amended.** Division 2. – Stormwater Management  
73 Requirements of Article II. – Stormwater Drainage Management of Chapter 34 –  
74 “Environment” of the Code is hereby amended as follows:

75 **DIVISION 2. - STORMWATER MANAGEMENT REQUIREMENTS**

76 **Sec. 34-41. - Exemptions.**

77 The following development activities are exempt from the provisions of this  
78 division, except that steps to control erosion and sedimentation must be taken  
79 for all development.

80 (1) Maintenance activity that does not change or affect the quality, rate, volume  
81 or location of stormwater flows on the site or of stormwater runoff.

82 (2) Action taken under emergency conditions to prevent imminent harm or  
83 danger to persons, or to protect property from imminent fire, violent storms,  
84 hurricanes or other hazards.

85 **Sec. 34-42. - Performance standards.**

86 All development must be designed, constructed and maintained to meet the  
87 following performance standards:

88 (1) Stormwater retention on-site. ~~In all instances where the elevation of the~~  
89 ~~existing grade of a site is raised, a~~ A site shall be designed to retain all  
90 stormwater on site in accordance with the requirements of this Code and  
91 Miami-Dade County and regulations, including the Florida Building Code.  
92 Design and calculations demonstrating compliance shall be set forth in plans  
93 signed and sealed by a ~~state~~ Florida licensed civil engineer and submitted as  
94 part of the design review board process and building permit application.

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95 Absent approval by the Planning & Zoning Board, the elevation of the lot,  
96 parcel, tract or site shall not be raised more than twenty-four (24) inches  
97 above grade, as that term is defined pursuant to Section 90-2 of Town Code.  
98

99 (2) While development activity is underway and after it is completed, the  
100 characteristics of stormwater runoff shall approximate the rate, volume,  
101 quality, and timing of stormwater runoff that occurred under the site's natural  
102 unimproved or existing state, except that the first four inches of stormwater  
103 runoff shall be treated in an off-line retention system or such other system as  
104 may be approved by the Planning & Zoning Board and Building Official ~~county~~  
105 ~~department of environmental resource management.~~  
106

107 (3) The proposed development and development activity shall not violate the  
108 water quality standards as set forth in chapter 17-3, Florida Administrative  
109 Code.  
110

111 **Sec. 34-43. - Design standards.**

112 To comply with the performance standards set forth in this division, the proposed  
113 stormwater management system shall conform to the following design standards:

114 (1) Detention and retention systems shall be designed to comply with the  
115 Stormwater Management Manual adopted by Miami-Dade County, this Code  
116 and all State regulations, including the Florida Building Code.  
117

118 (2) To the maximum extent practicable, natural systems shall be used to  
119 accommodate stormwater.  
120

121 (3) The proposed stormwater management system shall be designed to  
122 accommodate the stormwater that originated within the development on-site  
123 and stormwater that flows onto or across the development from adjacent  
124 lands.  
125

126 ~~(4) The proposed stormwater management system shall be designed to function~~  
127 ~~properly for a minimum 20-year life. Lots shall retain, at a minimum, the runoff~~  
128 ~~from a 25-year/60-minute storm event with zero off-site discharge. To satisfy~~  
129 ~~same, the following may be implemented:~~  
130

131 a. An adequate drainage system to capture and store the stormwater;  
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133 b. Where grading raises the property more than 12 inches as  
134 compared to elevations of adjacent properties, a retaining wall shall  
135 be required.  
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- c. Lot grading shall direct stormwater away from buildings, structures and homes, and shall prevent stormwater from running off to or discharging onto an adjacent lot not approved for stormwater retention.
  
- d. Green areas, swales, pervious pavers, pervious pavement, dry shallow exfiltration trenches, retention systems, or similar infrastructure as may be acceptable to the Planning & Zoning Board and Building Official shall be utilized to satisfy the minimum stormwater retention on the site or lot. Pervious pavers and pavement may only be utilized for stormwater management if the manufacturer of same certifies a minimum permeability rate of 3 inches per hour.
  
- e. To satisfy the foregoing requirements, the following shall not be located within the pervious area and shall not be included in calculations of minimum pervious area: structures; nonstructural impervious surface improvements; or other impediments to stormwater infiltration, including, without limitation, over-compaction of soils.
  
- f. Setbacks shall be pervious or be covered by pervious materials certified with a minimum permeability rate of 3 inches per hour, including without limitation pavers, to prevent stormwater runoff and discharges onto adjacent lots and lands.
  
- g. Any improvements made on a lot shall not cause or let stormwater to run off or discharge onto adjacent parcels, properties, land, or surface waterbodies, unless approved by the Planning & Zoning Board and Building Official.

- (5) The design and construction of the proposed stormwater management system shall be certified as meeting the requirements of this article by a professional civil engineer registered in the state.
  
- (6) No surface water may be channelled or directed into a sanitary sewer.
  
- (7) The proposed stormwater management system shall be compatible with the stormwater management facilities on surrounding properties or streets, taking into account the possibility that substandard systems may be improved in the future.
  
- (8) The banks of detention and retention areas shall be sloped to accommodate, and shall be planted with, appropriate vegetation.

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- 181 (9) Dredging, clearing of vegetation, and deepening, widening, straightening,  
182 stabilizing or otherwise altering natural surface waters shall be minimized.  
183
- 184 (10) Natural surface waters shall not be used as sediment traps during or after  
185 development.  
186
- 187 (11) Water reuse and conservation shall, to the maximum extent practicable, be  
188 achieved by incorporating the stormwater management system into  
189 irrigation systems serving the development.  
190
- 191 (12) ~~The grading of all properties other than single-family lots located west of~~  
192 ~~Collins Avenue shall be designed so that the average grade elevation of the~~  
193 ~~lot, other than the building's footprint, shall not exceed twenty-four (24)~~  
194 ~~twelve (12) inches above grade the average elevation as defined pursuant~~  
195 ~~to in Section 90-2 of Town Code along the center line of the street pavement~~  
196 ~~on which it fronts. Proposed elevations along the property boundaries shall~~  
197 ~~match the adjacent lands, and cause no storm water runoff to flow across~~  
198 ~~any of the property's boundaries, as provided in subsection (3) above.~~  
199 Retaining walls and yard slope for new construction of single-family homes  
200 shall comply with the requirements of this Section ~~90-56~~ of this Code, as set  
201 forth below at subsection (15).  
202
- 203 (13) A Florida Registered Professional Civil Engineer shall provide certification  
204 of conformance with these design standards of the project's grading design  
205 at the time of submittal to the Planning & Zoning Board and for approval of  
206 construction documents, at completion and prior to occupancy.  
207
- 208 (14) Stormwater retention. Where the existing elevation of a lot is modified, a lot  
209 shall be designed with adequate infrastructure to retain all stormwater in  
210 accordance with all applicable state and local regulations, as determined by  
211 the public works department and as approved by the Planning & Zoning  
212 Board.  
213
- 214 (15) Retaining wall and yard slope requirements. Within the required rear yard  
215 and within the required side yard facing a street the following shall apply:
- 216 1. The maximum height of retaining walls shall not exceed 30  
217 inches and shall always be 6 inches higher than lot elevation.
  - 218 2. Retaining walls shall be finished with stucco, stone, or other  
219 high-quality materials, in accordance with the applicable design  
220 review criteria as approved by the Planning & Zoning Board.
  - 221 3. The maximum slope of the required front and side yard facing a  
222 street shall not exceed 41 percent (5:1 horizontal:vertical).

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223 **Secs. 34-44—34-65. - Reserved.**

224 \* \* \*

225 **Section 3. Town Code Amended.** Section 90-56. – “Fences, Walls and  
226 Hedges” of the Code is hereby amended as follows:

227 **Sec. 90-56. - Fences, walls and hedges.**

228 90-56.1.A. A fence or ornamental non-concrete wall not more than ~~four~~six feet in  
229 height, as measured from adjusted grade or 30 inches above grade or future adjusted  
230 grade, whichever is greater, may project into or enclose an interior side or rear yard  
231 only, as approved by the Planning & Zoning Board during design review process for  
232 new homes. Notwithstanding anything to the contrary elsewhere in the code, for  
233 purposes of this section, grade is defined as the point of the ground immediately below  
234 the location of the fence or wall.

235 90-56.1.B. Retaining Wall Standards; New Single-Family Homes. A retaining wall  
236 constructed to maintain site elevation in connection with new construction of a single-  
237 family-home shall comply with Section 34-43 of Town Code ~~be a maximum height of six~~  
238 ~~feet measured from the existing edge of pavement abutting the property~~ and may be  
239 installed only on interior side and rear property lines, and in no event in the front yard.  
240 ~~If the subject site's ground elevation is raised such that additional height is required to~~  
241 ~~comply with governmental regulations, including the Florida Building Code, then a railing~~  
242 ~~system shall be permitted to a maximum of 48 inches above the retaining wall, provided~~  
243 ~~such railing system above the wall does not exceed a maximum of 50 percent opacity.~~  
244 ~~All retaining walls shall be concrete, and stuccoed and finished on all sides. Railing~~  
245 ~~systems installed above the maximum six-foot wall height shall not include concrete~~  
246 ~~elements.~~

247 \* \* \*

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

252 **Section 5. Inclusion in the Code.** It is the intention of the Town Commission,  
253 and it is hereby ordained that the provisions of this Ordinance shall become and made a  
254 part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may  
255 be renumbered or re-lettered to accomplish such intentions; and the word “Ordinance” may  
256 be changed to “Section” or other appropriate word.

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

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

261  
262 **PASSED AND ADOPTED** on first reading this 13th day of August, 2024.

263  
264 **PASSED AND ADOPTED** on second reading this 8th day of October, 2024.

265  
266 **First Reading:** **Second Reading:**  
267 Motion by: Commissioner Velasquez Motion by: Commissioner Vildostegui  
268 Second by: Vice Mayor Paul Second by: Commissioner Velasquez

269  
270 **FINAL VOTE ON ADOPTION**  
271 Commissioner Ruben A. Coto Yes  
272 Commissioner Nelly Velasquez Yes  
273 Commissioner Gerardo Vildostegui Yes  
274 Vice Mayor Tina Paul Yes  
275 Mayor Charles W. Burkett Yes

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277  
278 \_\_\_\_\_ Charles W. Burkett, Mayor

279 **Attest:**   
280  
281 \_\_\_\_\_

282 Sandra N. McCreedy, MMC, Town Clerk  
283  
284 **Approved as to Form and Legal Sufficiency:**

285   
286  
287 \_\_\_\_\_  
288 Mark Blumstein, Town Attorney



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