

ORDINANCE NO. 14 - 1626

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" AMENDING CODE SECTION 90-52 "REQUIRED CLEARANCES" AND STRIKING CODE SECTION 90-92 "SIGHT TRIANGLES AND CLEARANCES"; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 90-52 of the code requires that all new construction maintain a corner clearance distance of 25 feet along both lot lines and that this corner clearance area remain free of all obstructions greater than 24 inches in height; and

WHEREAS, Section 90-92 also requires a 25 foot corner clearance area, but this code provision states that this area shall provide an unobstructed view of 30 inches for eight feet in height and this code provision does not reference if it is for new or existing structures; and

WHEREAS, Section 90-52 provides for a lower height for obstructions within this corner clearance area; and

WHEREAS, Section 90-92 allows for an additional six inches in height which is typical within most zoning codes; and

WHEREAS, the additional six inches offers homeowners the ability to plant landscaping groundcover with a maximum height of 30 inches within the corner clearance area; and

WHEREAS, Town Staff recommends striking Section 90-92 of the Code and amending Section 90-52 for consistency; and

WHEREAS, the Town recommends all corner properties provide and maintain unobstructed corner clearance areas along both the front and side lot lines; and

WHEREAS, the Town recommends that the Town Manager or designee shall make the final determination regarding unobstructed corner clearance areas; and

WHEREAS, the Town Commission held its first public hearing on October 14, 2014 having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments on October 30, 2014 with due public notice and input; and

WHEREAS, the Town Commission conducted a second duly noticed public hearing on

these regulations as required by law on November 18, 2014.

WHEREAS, it is in the best interest of the Town to strike Section 90-92 of the Code and amend Section 90-52 for consistency.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:

Section 1. Recitals. The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Code Amendment. The code of the Town of Surfside, Florida is hereby amended as follows:

Sec. 90-52. - Required clearances.

As an aid to free and safe movement of vehicles at and near street intersections and in order to promote more adequate protection for the safety of children, pedestrians, operators of vehicles and for property, ~~for proposed construction hereafter~~, there shall be limitations on the height of fences, walls, gateways, ornamental structures, signs, hedges, shrubbery, and other fixtures, construction, and planting on corner lots in all districts where front yards are required as follows:

- (a) All corner properties shall provide and maintain unobstructed corner clearance areas ~~measured a distance of 25 feet along both the front and side lot lines; and measured from the point of intersection, of the intersecting lot lines.~~
- (b) All objects, fences, walls, gateways, ornamental structures, signs, hedges, shrubbery, and other fixtures, construction, and planting within any corner clearance areas as ~~previously defined shall be limited to a maximum height of 24 inches above the established elevation of the nearest curb; provide unobstructed cross-visibility at a level between 30 inches and eight feet, with the exception of tree trunks that do not create a traffic hazard; and~~
- (c) ~~Any permanent or semi-permanent structures, including trees or shrubs, with the exception of walls or fences subject to the height limitations stated herein, shall not be allowed or constructed. The property owner shall be responsible for maintaining all landscaping within any part of the corner clearance areas; and~~
- (d) It shall be unlawful for any person to plant or cause to be planted any tree or shrubs or to place any structure in the public right-of-way without a permit from the Town Manager or designee. The elevation grades of the public right-of-way adjacent to private property shall not be altered; and
- (e) Only turf as defined in Section 90-85.2 of the Code shall be located within the public-right-of-way between the edge of any roadway or curb and the private property line; and

- (f) The Town Manager or designee shall make the final determination regarding unobstructed corner clearance areas.

Sec. 90-92. -- Sight triangles and clearances.

~~When the subject property abuts the intersection of one or more streets or access ways, all landscaping within the triangular area located within 25 feet of the intersection of the front and side street property lines shall provide unobstructed cross-visibility at a level between 30 inches and eight feet, with the exception of tree trunks that do not create a traffic hazard. The property owner shall be responsible for maintaining all landscaping within the cross-visibility triangle. Landscaping, except required turf and groundcover, shall not be located closer than five feet from the edge of any roadway and three feet from the edge of any alley or pavement. All sight triangles shall be indicated on the landscape plans.~~

~~NOTE: The town traffic engineer shall have final approval of the clear sight triangles.~~

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

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

Section 6. Effective Date. This Ordinance shall be effective ten (10) days after adoption on second reading.

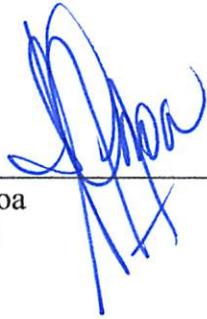
PASSED and ADOPTED on first reading this 14th day of October, 2014.

PASSED and ADOPTED on second reading this 18th day of November, 2014.



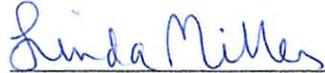
Daniel Dietch, Mayor

ATTEST:



Sandra Novoa
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



Linda Miller, Town Attorney

On First Reading Moved by: Vice Mayor Tourgeman

On Second Reading Seconded by: Commissioner Cohen

VOTE ON ADOPTION:

Commissioner Barry R. Cohen	yes	<input checked="" type="checkbox"/>	no	_____
Commissioner Michael Karukin	yes	<input checked="" type="checkbox"/>	no	_____
Commissioner Marta Olchyk	yes	<input checked="" type="checkbox"/>	no	_____
Vice Mayor Eli Tourgeman	yes	<input checked="" type="checkbox"/>	no	_____
Mayor Daniel Dietch	yes	<u>ABSENT</u>	no	_____