

ORDINANCE NO. 11- 1569

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90.65 BOAT STORAGE, INCLUDING ZONING CODE DEFINITIONS OF “SETBACKS” AND “YARDS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside (“Town”) proposes to amend its Code of Ordinances to amend the boat storage regulations to permit boat trailers and personal watercraft in the side or rear setbacks, including Zoning Code definitions of “Setbacks” and “Yards;” and

**WHEREAS**, subsequent to the Planning and Zoning Board meeting of October 28, 2010, the Town Manager suggested additional provisions; and

**WHEREAS**, the Town Commission held its first public reading on January 18, 2011 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

**WHEREAS**, the Planning and Zoning Board, as the Local Planning Agency for the Town, held its hearing on the proposed amendments to the district regulations on January 27, 2011 with due public notice and input and amended the ordinance such that; and

**WHEREAS**, the Town Commission has conducted a second duly noticed first reading on February 8, 2011 and shall have conducted a second reading on March 8, 2011 and further finds the proposed change to the Code necessary and in the best interest of the community.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AS FOLLOWS:**

**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. 90-65. Boat storage-parking.**

In the following section the term "boat" shall include every description of watercraft or airboat used or capable of being used as a means of transportation on water, including personal watercraft, but shall not include kayaks or canoes or similar non-motorized watercraft. No more than one boat may be parked on any lot in the H30A or H30B districts subject to the following conditions:

- (a) Boats shall not be used for living or sleeping quarters, and shall be placed on and secured to a transporting trailer.
- (b) No boat, or boat trailer shall be parked ~~or stored~~ within the required interior side yard setback and/or required rear yard setback, or project or encroach on any public right-of-way.
- (c) A boat trailer and personal watercraft may be parked in the front, side, or rear yards. If parked in the side or rear yard, the boat trailer and personal watercraft shall not be visible to the neighboring property. A fence, wall or hedge, consistent with the code, shall be installed in order to limit visibility to the maximum extent possible.
- (ed) When parked or stored in the front or secondary frontage yard the place of parking shall be parallel with and immediately adjacent to or on the driveway and shall be at least five feet from the interior side or rear property line.
- (~~de~~) The parking, storage or keeping of any boat or boat trailer shall not obstruct driveways or impede the ability of the abutting property owner to maintain the right-of-way clearance. The parking, storage or keeping of any boat or boat trailer shall not cause other vehicles to be parked in rights-of-way so as to create a hazard. The parking or storage of a boat or boat trailer shall not be in conflict with the provisions of 90-52.
- (ef) If covers are provided for the open part of all boats, the covers for any items must fit to the contours of the boat. The color of the cover should be complimentary to the exterior color of the boat. No tarps shall be used.
- (fg) Boats, boat trailers, and places of parking shall be kept in a clean, neat and presentable condition. Boats and boat trailers shall not be inoperable, wrecked, junked, partially dismantled or abandoned.
- (gh) No boat which does not have a valid registration and a valid license plate decal properly displayed, as required by state law, shall be kept on any lot for more than 30 days, unless they are stored inside a totally enclosed building.
- (hi) It shall be unlawful to park a boat or boat trailer on any lot, unless such lot contains a residential dwelling and the boat belongs to the occupant of such dwelling, a member of his immediate family, a resident of the household residing on the property, or a bona fide guest or visitor thereof.
- (ij) No major repairs or overhaul work shall be made or performed on the premises.

(jk) Boats and boat trailers stored on any lot in the H30A or H30B districts shall be secured or removed immediately upon the issuance of a hurricane warning by a recognized governmental agency.

**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 8 day of January, 2011.

PASSED and ADOPTED on second reading this 8 day of March, 2011.

  
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Daniel Dietch, Mayor

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**Attest:**

Debra E. Eastman

Debra E. Eastman, M.M.C., Town Clerk

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

Lynn M. Dannheisser  
Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: Commissioner Kopelman

On Second Reading Seconded by: Commissioner Karukin

**Vote:**

Mayor Dietch	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Vice Mayor Graubart	yes	<input type="checkbox"/>	no	<u>absent</u>
Commissioner Karukin	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Kopelman	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Olchyk	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>

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