

ORDINANCE NO. 11- 1578

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 14 BUILDINGS AND BUILDING REGULATIONS; SECTION 14-52 COMMERCIAL STANDARDS ESTABLISHED RELATING TO THE APPEARANCE OF VACANT STOREFRONTS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Commission has attempted to create regulations to address the specific needs of the this unique community and continues to amend these regulations as they may best suit the needs of the community; for the health, safety and welfare of the Town including the fact that in this economic environment, the Town may be experiencing an increase in vacancies in the downtown business district which will adversely impact the exterior appearance of these properties and this ordinance is an attempt to remediate this issue; and

WHEREAS, The Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on May 26, 2011 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on July 12, 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. 14-52. Commercial standards established.

(a) The exterior appearance of all commercial property shall be maintained so as to prevent deterioration or blight.

(1) All exterior building surfaces shall be free of chipping, pitting, cracking, discoloration, peeling or fading.

(2) All exterior signs shall be in good repair and free of chipping, pitting, cracking, peeling, fading or discoloration. Lighted signs shall have all lights working. All signs shall be maintained in a safe, presentable and good structural condition, which shall include the replacement of defective parts, repainting, cleaning and other acts required for the maintenance of the sign. The area around the base of the sign shall be kept free of weeds and debris. If a sign does not comply with the above standards, the town manager or designee may require its removal.

(3) Doors and windows shall be free of cracked or discolored glass or corroded frames. All doors and windows shall be maintained in a safe, presentable and good structural condition, which shall include the replacement of defective parts, repainting, cleaning and other acts required for maintenance of the doors and/or windows.

(4) All awnings shall be without tears or holes and be free of dirt, discoloration, fading or cracking. Any lettering or painted surface on awnings shall conform to subsection (a)(2) of this section. All hardware, supports and poles shall be straight, free of rust, and in good condition.

(5) If any property is vacant for more than 15 7 days, all glass surfaces visible to the public shall be clean and the interior of such vacant store shall be screened from public view in one of the following two ways until property is occupied:

a. All glass surfaces visible to the public shall be covered with a Town approved window exterior screening ~~white colored, 60-pound weight paper, which is available at the Town’s Building Department. (sample of acceptable material on file with the building department).~~ This provision does not preclude the placing of a real estate sign on the premises, pursuant to the requirements in Section 90-74.1. The Town will utilize a licensed and insured installer to attach the screening to the glass of the said property and request reimbursement for the installation from the property owner; or

b. Decorative displays of merchandise currently available within the town, merchandise of the future tenant of the vacant store, signage advertising the future tenant, public service displays or festival and current holiday displays extending as much as three feet into the vacant store shall may be located in displays or a cut out of the windows screening not to exceed more than 25% of the store front which shall have approval from the Town Manager. A copy of the lease shall be provided when seeking Town Manager approval to advertise the future business. The remainder of the storefront shall consist of the Town approved screening. Such screening shall consist of ~~white colored, 60-pound weight paper~~ the Town approved window exterior screening that is available in the

Town's Building Department. The Town will utilize a licensed and insured installer to attach the screening to the glass of the said property and request reimbursement for the installation from the property owner. Such screening shall be mounted on a freestanding partition, attached to a wood frame or affixed by other temporary means.

- (6) If any property is vacant for more than ~~15~~ 7 days, appropriate exterior nighttime lighting shall be provided.
- (7) All sidewalk overhangs attached to commercial buildings shall be structurally sound and free of rust, discoloration, peeling, chipping, cracking, fading, sagging or dirt. All lettering or signage on overhangs shall conform to the requirements provided in subsection (a)(2) of this section.
- (8) No air conditioner or heating or cooling device shall be installed so as to be visible from the street, or so as to discharge condensation onto the sidewalk or street.
- (9) Every merchant, storekeeper or operator of a business in the city Town shall sweep, hose down or cause to be swept and hosed down the sidewalks adjoining his respective place of business ~~and shall remove gum and other sticky substances from the sidewalks,~~ and continuing such actions as often as necessary thereafter to keep the area clean, on each day such business shall be operated. The sweepings shall be picked up and not swept into the gutter.
- (10) Every restaurant shall provide a cigarette disposal receptacle permitted by law. The cigarette receptacle shall be kept clean and sanitary. The contents shall be regularly emptied and the contents shall not be swept into the gutter.
- (b) The town manager is empowered and authorized to require compliance with this section within 30 days of written notice. Failure to comply shall be punishable as provided in section 1-8.

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.

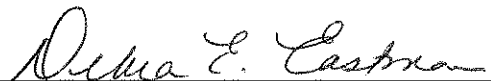
PASSED and ADOPTED on first reading this 14 day of June, 2011.

PASSED and ADOPTED on second reading this 12 day of July, 2011.



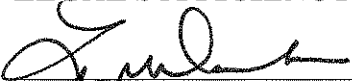
Daniel Dietch, Mayor

Attest:



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

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



Lynn M. Dannheisser, Town Attorney

On Second 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 checked="" type="checkbox"/>	no	<input type="checkbox"/>
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"/>