

ORDINANCE NO. 12- 1583

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" AND SPECIFICALLY AMENDING SECTION 90-56.1 "CONSTRUCTION FENCING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Commission (the "Commission") by Ordinance 10-1549 adopted regulations to require and address construction fencing issues but recognized therein that there might be unique circumstances under which the Commission should be able to waive any particular requirements; and

**WHEREAS**, the Commission having already heard one request for a waiver of the setback, landscaping and graphic requirement now anticipates there will be other such requests which can be easily handled by the Town Manager and the Town Commission hereby wishes to delegate that authority to the Manager as it may best suit the needs of the community; and

**WHEREAS**, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendment on December 22, 2011 with due public notice and input; and

**WHEREAS**, the Town Commission held its first public hearing on December 13, 2011, having complied with the notice requirements required by Florida Statutes; and

**WHEREAS**, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on January 17, 2012

**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:

**90-56.1 Construction Fencing**

e. Setbacks. A temporary fence installed on the front of the property shall be situated six feet from the property line on Harding Avenue and Collins Avenue, unless specifically waived by the town ~~manager~~ ~~commission~~. The setback area between the temporary fence and the property line shall contain a continuous extensively landscaped buffer which must be maintained in good healthy condition by the property owner. No temporary construction permit shall be issued unless a landscape plan is approved by the Town for the buffer. Failure to maintain the landscaping will result in the Town taking action to replace same and lien the property for the costs of landscaping.

g. Murals and graphics. Graphics and murals on temporary construction fencing are prohibited unless approved by the town ~~manager~~ ~~commission~~ ~~at site plan review pursuant to section 90-20.~~ The town ~~commission~~, in its discretion, may permit ~~graphics and painted murals on temporary construction fences~~ for aesthetic enhancement of the fence and advertisement of the project to be ~~constructed at site plan review.~~

**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.

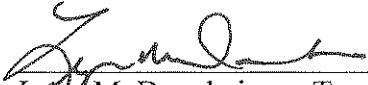
PASSED and ADOPTED on first reading this 13<sup>th</sup> day of December, 2011.

PASSED and ADOPTED on second reading this 17<sup>th</sup> day of January, 2012.

  
\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:  
  
\_\_\_\_\_  
Sandra Novoa  
Town Clerk

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

  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: Commissioner Karukin

On Second Reading Seconded by: Commissioner Olchyk

**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	<u>Absent</u>	no	<input type="checkbox"/>
Commissioner Olchyk	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>