

ORDINANCE NO. 14 - 1620

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE CODE OF THE TOWN TO AMEND ALL SECTIONS REFERENCING FINE AMOUNTS FOR CODE VIOLATIONS; SPECIFICALLY AMENDING SECTIONS 90-41.1 "SHORT TERM RENTAL OF SINGLE FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS AND TOWNHOMES"; 90-49.2 "AWNINGS AND CANOPIES"; 90-56 "FENCES, WALLS AND HEDGES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission has had numerous discussions of Code Compliance and of the Town's fine and penalties structure; and

WHEREAS, the Town Commission approved a list of enforcement priorities for the Code Compliance division; and

WHEREAS, the Town Commission desires to revise the Town's fine and penalty structure and determined this was a priority; and

WHEREAS, in an effort to ensure consistency between the Florida Statutes, the Town Code of Ordinances, and Code Compliance procedures, references to fine amounts will be removed from the Code of Ordinances and the reference will be to the schedule of fines to be adopted by the Town Commission in a Resolution; and

WHEREAS, the Town Commission held its first public reading on May 13, 2014 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, has held a public hearing on May 29, 2014 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 June 10, 2014 and further finds the proposed change to the Code necessary and in the best interest of the community.

NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:

Section 1. Recitals. The above Recitals are true and correct and are incorporated herein by this reference.

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

Chapter 90. Zoning.

Sec. 90-41.1. Short term rental of single family dwellings, two-family dwellings, multi-family dwellings and townhomes.

(c) Resort tax and enforcement.

(1) *Payment of resort tax required.* Owners are subject to payment of the resort taxes as establish by the laws of the Town of Surfside.

(2) *Violations of this section:*

a. Are subject to the fines as set forth in the schedule of fines adopted by resolution to the following fines. ~~The special master may not waiver or reduce fines set by this section.~~

i. ~~First violation: \$500.00.~~

ii. ~~Second violation within the preceding 12 months: \$1,500.00.~~

iii. ~~Third violation within the preceding 12 months: \$5,000.00.~~

iv. ~~Fourth or greater violation within the preceding 12 months: \$7,500.00.~~

Sec. 90-49.2. Awnings and canopies.

The following Design Criteria are applicable to all multi-dwelling and non-residential properties. All new and replacement awnings and canopies shall meet these requirements.

d. Enforcement.

1. Code enforcement and/or the building department shall be responsible for the enforcement of these provisions. Any person or entity violating these provisions shall be subject to a ~~\$250/day fine~~ fines as set forth in the schedule of fines adopted by resolution and punishable as provided in section 1-8 and all other applicable sections of the Code of the Town of Surfside.

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

90-56.1.A. A fence or ornamental wall not more than six feet in height, as measured from grade, may project into or enclose an interior side or rear yard only. Notwithstanding anything to the contrary elsewhere in the code, for purposes of this section, grade is defined as the point of the ground immediately below the location of the fence or wall.

90-56.1.B. Construction fencing. Temporary construction fences are required by this ordinance unless otherwise determined by the Building Official. A construction fence permit shall be obtained from the Building Department prior to the fence being erected. Each fence constructed or maintained shall be constructed and anchored in accordance with the Florida Building Code.

- (c) Any person or entity found to be in violation of this subsection shall be subject to ~~a fine of \$500.00 per day~~ fin es as set forth in the schedule of fines adopted by resolution.

- (o) *Enforcement and penalties.* The code compliance division and building departments shall be responsible for the enforcement of the provisions of this section. Any person or entity found to be in violation of this section shall be subject to ~~a \$500.00 fine per day~~ fin es as set forth in the schedule of fines adopted by resolution.

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 13th day of May, 2014

PASSED and ADOPTED on second reading this 10th day of June, 2014




Daniel Dietch, Mayor

ATTEST:



Sandra Novoa
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
TOWN OF SURFSIDE ONLY:**



Linda Miller, Town Attorney

On Final Reading moved by: Vice Mayor Tourgeman

On Final Reading seconded by: Mayor Dietch

FINAL VOTE ON ADOPTION

Commissioner Barry R. Cohen
Commissioner Michael Karukin
Commissioner Marta Olchyk
Vice Mayor Eli Tourgeman
Mayor Daniel Dietch

Absent
NO
yes
yes
yes