

**ORDINANCE NO. 2024 - 1770**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-74. – TEMPORARY SIGNS” TO REMOVE SUBSECTION (3) LIMITATION ON REAL ESTATE SIGNS PERTAINING TO COLOR AND LOGO; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

1           **WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166,  
2 Florida Statutes, provide municipalities with the authority to exercise any power for  
3 municipal purposes, except where prohibited by law, and to adopt ordinances in  
4 furtherance of such authority; and

5           **WHEREAS**, the Town Commission of the Town of Surfside (“Town”) finds it  
6 periodically necessary to amend its Code of Ordinances and Land Development Code  
7 (“Code”) in order to update regulations and procedures to maintain consistency with state  
8 law, to implement municipal goals and objectives, to clarify regulations and address  
9 specific issues and needs that may arise; and

10           **WHEREAS**, the Town Commission desires to amend Section 90-74. – “Temporary  
11 Signs” of the Code to remove the limitations in subsection (3) on real estate signs  
12 providing for black and white signs and inclusion of a trademark logo or symbols; and

13           **WHEREAS**, at a regular meeting of the Town Commission held on January 16,  
14 2024, the Town Commission directed the Town Attorney to present an ordinance  
15 amending Section 90-74. – “Temporary Signs” of the Code to remove subsection (3)  
16 limiting the color of real estate signs to black and white and eliminating the current  
17 restrictive color, artistic and graphical requirements for real estate signs; and

18           **WHEREAS**, the Town Commission held its first public hearing on February 13,  
19 2024, and having complied with the notice requirements in the Florida Statutes,  
20 recommended approval of the proposed amendments to the Code; and

21           **WHEREAS**, the Planning and Zoning Board, serving as the local planning agency  
22 for the Town, held its hearing on the proposed amendment to the Code on February 29,

23 2024 with due public notice and input, and recommended approval of the proposed  
24 amendments to the Code; and

25 **WHEREAS**, the Town Commission has conducted a second duly noticed public  
26 hearing on these Code amendments as required by law on March 12, 2024 and further  
27 finds the proposed changes to the Code are necessary and in the best interest of the  
28 Town.

29 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**  
30 **TOWN OF SURFSIDE, FLORIDA<sup>1</sup>:**

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32 **Section 1. Recitals.** The above Recitals are true and correct and are  
33 incorporated herein by this reference:

34 **Section 2. Town Code Amended.** Section 90 -74. - "Temporary Signs" of the  
35 Town Code is hereby amended as follows:

36 \* \* \*

37 **Sec. 90-74. - Temporary signs.**

38 (a) *Real estate sign.*

39 (1) *SD-B40 district.* One professionally lettered real estate sign shall be  
40 permitted per building frontage. The maximum sign area shall be three square  
41 feet. The sign shall be mounted flat against the building wall or a minimum of 12  
42 inches from a window, and shall not project above the eave line of the building.

43 (2) *All other zoning districts.* One professionally lettered real estate sign shall be  
44 permitted per street frontage. The sign shall be wall mounted flat against the  
45 building wall or securely fastened to a wood or metal freestanding stake or post  
46 of sufficient strength. The maximum sign panel area shall be 18 inches by 24  
47 inches. A maximum of two riders shall be permitted to attach above or below the  
48 main sign panel not to exceed six inches by 24 inches per rider for in-ground  
49 signs. The maximum sign height for in-ground signs including support frame shall  
50 not exceed 42 inches from the ground to the top of the sign. Such sign shall be  
51 located outside of any sight visibility triangle. No portion of the sign shall extend  
52 across the property line.

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<sup>1</sup> Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double-strikethrough~~ and double underline.

53 ~~(3) All real estate signs shall be black and white and may include a trademarked~~  
54 ~~logo or symbol.~~

55 ~~(43)~~ Sign shall be constructed of rigid, weather proof materials.

56 ~~(54)~~ Sign shall not be lighted or illuminated in any manner.

57 ~~(65)~~ Sign shall be removed within seven days of a lot, building, residence or  
58 tenant space being leased, rented or sold.

59 \* \* \*

60 **Section 3. Severability.** If any section, sentence, clause or phrase of this  
61 Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,  
62 then said holding shall in no way affect the validity of the remaining portions of this  
63 Ordinance.

64 **Section 4. Inclusion in the Code.** It is the intention of the Town Commission,  
65 and it is hereby ordained that the provisions of this Ordinance shall become and made a  
66 part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may  
67 be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may  
68 be changed to "Section" or other appropriate word.

69 **Section 5. Conflicts.** Any and all ordinances and resolutions or parts of  
70 ordinances or resolutions in conflict herewith are hereby repealed.

71 **Section 6. Effective Date.** This ordinance shall become effective upon adoption  
72 on second reading.  
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74 **PASSED** on first reading on the 13<sup>th</sup> day of February, 2024.

75 **PASSED AND ADOPTED** on second reading on the 12<sup>th</sup> day of March, 2024.

76 **First Reading:**

77 Motion by: Vice Mayor Rose  
78 Second by: Commissioner Landsman  
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81 **Second Reading:**

82 Motion by: Vice Mayor Rose  
83 Second by: Commissioner Landsman  
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86 **FINAL VOTE ON ADOPTION**

87  
88 Commissioner Fred Landsman Yes

89 Commissioner Marianne Meisheid Yes  
90 Commissioner Nelly Velasquez Yes  
91 Vice Mayor Jeff Rose Yes  
92 Mayor Shlomo Danzinger Yes

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**ATTEST:**

  
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Sandra N. McCready, MMC  
Town Clerk



  
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Shlomo Danzinger, Mayor

**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

  
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Weiss Serota Helfman Cole & Bierman, P.L.  
Town Attorney