

ORDINANCE NO. 2024 - 1772

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 AMEND SECTION (c) PERTAINING TO NUMBER OF SIGNS; AMEND SECTION (d) PERTAINING TO CONSTRUCTION SITES; 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 amend section (c) to increase the number of signs allowed in “All
12 other zoning districts” from Three to Five; and

13 **WHEREAS**, the Town Commission desires to amend Section 90-74. – “Temporary
14 Signs” of the Code to amend section (g) Signs placed on construction sites; and

15 **WHEREAS**, the Town Commission has conducted its first duly noticed public
16 hearing on these Code amendments as required by law on April 9, 2024 and further finds
17 the proposed changes to the Code are necessary and in the best interest of the Town.

18 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
19 **TOWN OF SURFSIDE, FLORIDA¹:**

¹ 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.

55 (2) The sign shall be constructed of metal, plastic, wood or pressed wood.
56 Only one (1) per site or development. Maximum sign area is forty (40) square inches.

57 (3) If freestanding, the sign shall be fastened to a supporting member
58 constructed of angle iron not exceeding one (1) inch by one (1) inch or two (2) inches
59 by two (2) inches wooden post. The supporting member shall be all white or all black in
60 color and have no letters/numbers upon it.

61 (4) The supporting member shall be driven into the ground to provide that the
62 top of the fact of such sign shall not be more than four (4) feet above the finished grade
63 of the ground.

64 (5) All such signs shall be lettered professionally. Sign shall not require permit
65 issuance or further approval.

66 (6) Sign shall be so erected or placed that its centerline is parallel or
67 perpendicular to the front property line.

68 (7) Sign shall not be erected or placed closer than five (5) feet to the front
69 property line unless the main part of the building is less than five (5) feet from the front
70 property line, in which case the sign may be placed in or upon a front or side door,
71 window or wall of the building.

72 (8) Where such sign is suspended from an arm of the support, such arm shall
73 not exceed a length of sixteen (16) inches.

74 (9) All such signs shall be erected on a temporary basis.

75 (10) Such sign shall be kept in good repair and shall not be illuminated or
76 constructed of a reflective material and shall not contain any flags, streamers, movable
77 items or like devices.

78 (11) Sign must be removed within seventy-two (72) hours of the issuance of
79 temporary or final certificate of occupancy for the property or as determined by the
80 Building Official or his/her designee.

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

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

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

92 **Section 6. Effective Date.** This ordinance shall become effective upon adoption
93 on second reading.
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95 **PASSED** on first reading on the 9th day of April, 2024.

96 **PASSED AND ADOPTED** on second reading on the 30th day of April, 2014.

97 **First Reading:**

98 Motion by: Commissioner Coto

99 Second by: Commissioner Velasquez

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102 **Second Reading:**

103 Motion by: Commissioner Velasquez

104 Second by: Vice Mayor Paul

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107 **FINAL VOTE ON ADOPTION**

108 Commissioner Gerardo Vildostegui

109 Commissioner Nelly Velasquez

110 Commissioner Ruben Coto

111 Vice Mayor Tina Paul

112 Mayor Charles W. Burkett

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Yes

Yes

Yes

Yes

Yes

Charles W. Burkett, Mayor

ATTEST:

Sandra N. McCready, MMC
Town Clerk

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

Mark Blumstein, Esq.
Interim Town Attorney

