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.

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

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

WHEREAS, the Town Commission desires to amend Section 90-74. — "Temporary Signs" of the Code to amend section (c) to increase the number of signs allowed in "All other zoning districts" from Three to Five; and

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

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

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

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

Recitals. The above Recitals are true and correct and are 21 Section 1. incorporated herein by this reference: 22 **Section 2. Town Code Amended.** Section 90 -74. - "Temporary Signs" of the 23 Town Code is hereby amended as follows: 24 25 Sec. 90-74. - Temporary signs. 26 All other zoning districts. Five Three professionally lettered temporary signs (1 per 27 (c) political candidate seeking election to public office) shall be permitted per property street 28 frontage. The sign shall be wall mounted flat against the building wall or securely fastened 29 to a wood or metal freestanding stake or post of sufficient strength. The maximum sign 30 area shall be three square feet per sign. Sign face shall be constructed of metal, plastic, 31 wood, pressed wood or cardboard. The maximum sign height for in-ground signs 32 including support frame shall not exceed 42 inches from the ground to the top of the sign. 33 Such sign shall be located outside of any sight visibility triangle. No portion of the sign 34 35 shall extend across the property line. 36 37 (g) Signs placed on construction sites. (1) One-professionally lettered sign shall be permitted per construction site or 38 development subject to the issuance of a building permit for the project. Such sign shall 39 be removed immediately if the building permit for the project expires and construction 40 has not commenced, and/or the permit is not renewed. 41 (2) Maximum sign area is 16 square feet. 42 (3) Such sign may be freestanding affixed to posts, a flat wall sign, or to a 43 construction fence. Freestanding signs shall be a minimum of ten feet from the property 44 line and shall be a maximum of five feet in height from the ground to the top of the sign. 45 Wall signs shall not extend above the floor of the second story, parapet wall, or eave 46 line of the building. 47 (4) Rigid weatherproof board is required. 48 (5) Such sign must be removed within 72 hours of the issuance of a certificate 49 of occupancy. 50 The purpose of the sign is identification, and the sign may identify the 51 property, the owner or agent and the address and telephone number of the agent of 52 work completed to the premises upon which the sign is located, and other similar 53 information. 54

- 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.
 - (6) Sign shall be so erected or placed that its centerline is parallel or perpendicular to the front property line.
 - (7) Sign shall not be erected or placed closer than five (5) feet to the front property line unless the main part of the building is less than five (5) feet from the front property line, in which case the sign may be placed in or upon a front or side door, 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.

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- 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.
 - (11) Sign must be removed within seventy-two (72) hours of the issuance of temporary or final certificate of occupancy for the property or as determined by the Building Official or his/her designee.
 - <u>Section 3.</u> <u>Severability.</u> If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.
 - <u>Section 4.</u> <u>Inclusion in the Code</u>. 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.

90 91	<u>Section 5.</u> <u>Conflicts.</u> Any and all ordinances and resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed.
92 93 94	Section 6. Effective Date. This ordinance shall become effective upon adoption on second reading.
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 98 99 100 101	First Reading: Motion by: Commissioner Coto Second by: Commissioner Velasquez
102 103 104 105 106	Second Reading: Motion by: Commissioner Velasquez Second by: Vice Mayor Paul
107 108 109 110 111 112 113	FINAL VOTE ON ADOPTION Commissioner Gerardo Vildostegui Commissioner Nelly Velasquez Commissioner Ruben Coto Vice Mayor Tina Paul Mayor Charles W. Burkett Yes Yes
114 115 116 117 118	Charles W. Burkett, Mayor
119 120 121 122 123	Sandra M. McCready, MMC Town Clerk
124 125 126 127 128 129 130 131	APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF THE TOWN OF SURFSIDE ONLY: Mark Blumstein, Esq. Interim Town Attorney