

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 90-70 et. seq. OF ARTICLE VI. – “SIGNS”, CHAPTER 90 OF THE TOWN CODE, TO AMEND THE EXEMPT SIGNS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (the “Town”) repealed and replaced its Sign Ordinance by Ordinance 2014-1624 (“Town of Surfside Sign Code”); and

WHEREAS, the Town has set forth exemptions to the Town of Surfside Sign Code pursuant to Section 90-70, 90-73 and 90-75 of the Town Code; and

WHEREAS, the Town Commission desires to expand exemptions thereunder so as to exempt any signs erected or placed by the Town; and

WHEREAS, to achieve the Town’s objectives, the Town Commission seeks to amend Section 90-70, Section 90-73 and Section 90-75 to exempt the Town from complying with the Town of Surfside Sign Code; and

WHEREAS, the Town Commission further seeks to amend the provisions of Section 90-76.1 to limit non-conforming signs in Town; and

WHEREAS, the Town Commission finds that amending the foregoing Sections of the Town of Surfside Sign Code is in the best interest and welfare of the Town.

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

Section 1. **Recitals Adopted.** The above-stated recitals are hereby adopted and confirmed.

Section 2. **Town Code Amended.** The Code of Ordinances of the Town of Surfside, Florida is hereby amended by amending Section 90-70(b), “Sign permits”, as follows:

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**.

Chapter 90 – Zoning

Article VI. – Signs

Sec. 90-70. – Sign permits.

(b) *Exempt signs.* The following signs are allowed and exempt from permit requirements:

- (1) National flag. A flag displayed in a window shall not exceed 20 percent of the window glass area.
- (2) Banners erected by the town including street pole banners.
- (3) Non-illuminated numerical address.
- (4) Open/closed sign suspended behind a glass window or door provided the sign does not exceed one (1) square foot. The sign may be illuminated by white internal illumination. Illuminated signs shall not be allowed to blind intermittently.
- (5) Non-illuminated business hours sign suspended behind a glass window or door provided the sign does not exceed one square foot.
- (6) All temporary signs as provided in section 90-74.
- (7) Menu sign not exceeding two square feet displayed on the wall, window, or front door of a sit-down restaurant within the SD-B40 district only.
- (8) Plastic or metal wall sign not larger than 16 inches in width and five inches in height stating “Managed by _____” with the name of the individual, partnership or corporation or equivalent that manages a building.
- (9) Fumigation warning sign as required by the Department of Agriculture and Consumer Services.
- (10) Any sign placed by or erected by the Town.

* * *

Sec. 90-73. – Permanent signs by district.

(b) *H30, H40, MU and H120 zoning districts.*

(3) *Permitted signs.*

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87 b. *Monument sign.* One monument sign shall be permitted per street
88 frontage. The maximum sign area shall not exceed ~~25~~ 30 square feet. The maximum
89 height shall not exceed ~~five~~ six feet from the ground. Signs shall maintain a five-foot
90 setback from all property lines and no portion shall be permitted to project within this
91 five-foot setback area. Signs are required to be landscaped at the base. Signs may
92 be internally or externally illuminated.

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96 Sec. 90-75. – Prohibited signs.

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98 No sign shall be erected, constructed, or affixed in violation of the provisions of
99 these regulations, and any sign not specifically provided for and permitted by these
100 regulations shall be prohibited. Except for signs placed by or erected by the Town,
101 ~~None~~ of the following signs shall be erected, constructed, or affixed in the town
102 except as otherwise permitted by the Code:

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106 Sec. 90-76.1. – Non-conforming signs.

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108 (a) *Sign amortization.* ~~All legally permitted signs~~ requiring a permit from the Town
109 which become non-conforming by the provisions of this Code shall be replaced
110 with a conforming sign within ~~three years~~ one year of the effective date of the
111 ordinance from which this article derives.

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113 (b) Non-conforming signs shall be immediately replaced if any of the following
114 conditions exist during the amortization period.

- 115
116 (1) There is additional development of a site.
117 (2) There is a change in use, occupancy, or tenant.
118 (3) There is a change in sign copy (with the exception of window signs).
119 (4) There is a structural sign alteration or repair.
120 (5) There is sign damage by any cause which exceeds 50 percent of the sign
121 as determined by the building official.
122 (6) There is removal of a sign.
123 (7) The sign is located in the H30A, H30B and H30C zoning districts.

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125 (c) *Sign relocation.* Non-conforming signs shall not be permitted to be relocated.

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131 **Section 3. Severability.** If any section, sentence, clause or phrase of this
132 ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,
133 then said holding shall in no way affect the validity of the remaining portions of this
134 ordinance.

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

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142 **Section 5. Conflicts.** Any and all Ordinances and Resolutions or parts of
143 Ordinances or Resolutions in conflict herewith are hereby repealed.

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145 **Section 6. Effective Date.** That this Ordinance shall become effective upon
146 adoption.

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148 **PASSED AND ADOPTED** on first reading this _____ day of _____, 2024.

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150 **PASSED AND ADOPTED** on second reading this _____ day of _____, 2024.

151
152 **First Reading:**

153 Motion by: _____

154 Second by: _____

152 **Second Reading:**

153 Motion by: _____

154 Second by: _____

155
156 **FINAL VOTE ON ADOPTION**

157 Commissioner Ruben A. Coto _____

158 Commissioner Nelly Velasquez _____

159 Commissioner Gerardo Vildostegui _____

160 Vice Mayor Tina Paul _____

161 Mayor Charles W. Burkett _____

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164 _____
164 Charles W. Burkett, Mayor

165 Attest:

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167 _____

168 Sandra McCready, MMC

169 Town Clerk

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171 Approved as to Form and Legal Sufficiency:

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174 _____
175 Mark Blumstein, Interim Town Attorney

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