

ORDINANCE NO. - 16-1646

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14 "BUILDINGS AND BUILDING REGULATIONS"; ARTICLE III "PROPERTY MAINTENANCE STANDARDS"; SPECIFICALLY AMENDING SECTION 14-55 "MAINTENANCE OF VACANT LOTS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is in the best interest of the Town to amend the Code to authorize the Town Manager to prescribe reasonable conditions for owners of unsecured vacant lots or buildings to install fencing to minimize adverse effects upon the community; and

WHEREAS, Section 14-55 (a)(6), Vacant Lots or Buildings, requires owners of unsecured vacant lots or buildings to install fencing in compliance with the Town's Fences, Walls and Hedges Ordinance (Section 90-56); and

WHEREAS, the proposed amendment clarifies the current Code by creating uniform standards for fencing on vacant lots for aesthetic enhancement of the Town, proscribing the fence height, fence opacity, and restrictions on fence materials; and

WHEREAS, the proposed amendment expedites and facilitates the process by which a vacant lot owner installs fencing by eliminating the requirement for approval by the Design Review Board; and

WHEREAS, the Town Commission held its first public reading on January 12, 2016 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 Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on February 9, 2016 and further finds the proposed change to the Code necessary and in the best interest of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF

THE TOWN OF SURFSIDE, FLORIDA:

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

Section 2. Article III. "Property Maintenance Standards" of the Code is hereby amended as follows:

Sec. 14-55. - Vacant lots or buildings.

(a) Vacant lot. The owner protects and maintains the lot as follows:

- (1) The owner will not permit garbage and solid waste to accumulate on the property.
- (2) Unsafe buildings and structures shall be demolished.
- (3) Junked materials, construction equipment, or construction materials will not be stored on the lot.
- (4) The owner shall maintain the lot in a park-like setting in accordance with a landscape plan approved by the city manager or his/her designee. At a minimum, the park-like setting must be grass or appropriate ground-cover encompassing the entire lot.
- (5) The owner will maintain plants and landscaping on the lot in accordance with this chapter. The lots shall be trimmed and mowed, with the height of grass and weeds being no more than eight inches.
- (6) ~~Fencing will be required and shall comply with the town's Fences, Walls and Hedges Ordinance (Section 90-56) as may be amended from time to time.~~ Vacant lots shall be fenced with a four foot fence. The fence shall maintain a maximum of 50% opacity. Chain-link fencing shall not be permitted. Fences under this section do not require approval by the Design Review Board.

The foregoing shall not apply to active construction sites defined as those sites with active building permits on which work is being continuously pursued within the discretion of the building official.

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 upon final adoption on second reading.

PASSED and ADOPTED on First Reading the 12th day of January, 2016.


PASSED and ADOPTED on Second Reading this 9th day of February, 2016.


Daniel Dietch, Mayor

ATTEST:


Sandra Novoa, MMC, Town Clerk

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


Linda Miller
Town Attorney

On Final Reading Moved by: Commissioner Cohen

On Final Reading Seconded by: Commissioner Olchyk

VOTE ON ADOPTION:

Commissioner Barry Cohen	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Michael Karukin	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Marta Olchyk	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Vice Mayor Eli Tourgeman	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Mayor Daniel Dietch	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>