

ORDINANCE NO. 18 - 11668

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING ARTICLE VI "SIGNS" OF "CHAPTER 90 ZONING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PROVIDE FOR GROUND-AFFIXED LETTER OR NUMBER SIGNS; PROVIDING FOR SEVERABILITY; 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, Florida
2 Statutes, provide municipalities the authority to exercise any power for municipal purposes, except
3 where prohibited by law, and to adopt ordinances in furtherance of such authority; and

4 **WHEREAS**, a request has been submitted to consider the revision of the Sign Code to permit
5 ground-affixed letter or number signs subject to certain requirements; and

6 **WHEREAS**, the Town Commission does not wish to censor speech, but rather to provide for
7 the public welfare by regulating signage in the Town in a manner that enhances the aesthetics of the
8 community, reduces visual pollution, provides clear information and minimizes distractions to
9 drivers in the interests of traffic safety; and

10 **WHEREAS**, sign regulation to advance the governmental purpose of aesthetics has long been
11 upheld by the state and federal courts; and

12 **WHEREAS**, Article II, Section 7 of the Florida Constitution provides that "[i]t shall be the policy
13 of the state to conserve and protect its natural resources and scenic beauty. . . ." A beautiful
14 environment preserves and enhances the desirability of the Town as a place to live and to do business
15 and implementing the Florida Constitution is a compelling governmental interest; and

16 **WHEREAS**, Florida law requires local governments to adopt comprehensive plans and
17 implement them through land development regulations (also known as zoning regulations) and
18 approval of development orders that are consistent with the comprehensive plan. See Part II of Chapter
19 163, Florida Statutes. Florida law specifically requires that the Town adopt sign regulations. See

¹Additions to the text are shown in underline. Deletions are shown in ~~strikethrough~~. Additions between first and second reading are shown in double underline.

20 Section 163.3202(2)(f), Florida Statutes and the Town finds that complying with state law is a
21 compelling governmental interest; and

22 **WHEREAS**, the Town’s Comprehensive Plan has numerous provisions that require the Town to
23 ensure the aesthetic character of the Town and to ensure traffic safety on roads within the Town through
24 the regulation of signs and implementing the Town Comprehensive Plan is a compelling governmental
25 interest; and

26 **WHEREAS**, the Town Commission finds that the proposed request creates an aesthetically
27 pleasing format and display conducive to the wayfinding needs of the community; and

28 **WHEREAS**, the Planning and Zoning Board, as the local planning agency for the Town, held
29 its hearing on the proposed amendment on December 7, 2017 with due public notice and input and
30 recommended approval with conditions; and

31 **WHEREAS**, the Town Commission held its first public hearing on November 14, 2017 of the
32 proposed amendments to the Code of Ordinances having complied with the notice requirements by
33 the Florida Statutes; and

34 **WHEREAS**, the Town Commission has conducted a second duly noticed public hearing on
35 these regulations on January 9, 2018 as required by law on and further finds the proposed change
36 is consistent with the Comprehensive Plan and in the best interest of the community.

37
38 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
39 **TOWN OF SURFSIDE, FLORIDA¹:**

40
41 **Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein by
42 this reference:

43
44 **Section 2. Town Code Amended.** Section 90-2. – “Definitions” of the Surfside Town Code
45 of Ordinances is hereby amended and shall read as follows¹:

46 **ARTICLE VI. – SIGNS**

47
48 * * *

49
50 **Sec. 90-69. Definitions**

51
52 Words and terms not defined shall be interpreted in accord with the normal dictionary meaning
53 and the customary usage of the word shall apply.

¹ Additions to the text are shown in underline. Deletions to the text are shown in ~~strikethrough~~.

54
55 *Area: The entire perimeter of a sign which encloses visually communicative copy such as letters,*
56 *symbols, or logos, including the advertising surface and any framing, trim, or molding including*
57 *the supporting structure.*

58 *Area of a ground-affixed letter or number sign: The square footage of a ground-affixed letter or*
59 *number sign shall be the aggregate surface area of all letters and numbers comprising the sign,*
60 *based only on the principal surface of the sign and excluding any supporting structure. No*
61 *fictional border or frame shall be imputed to the area size.*

62 * * *

63 *Ground-affixed letter or number sign: A sign using letters and/or numbers in which each letter*
64 *or number is affixed to the ground and which has no frame or border surrounding the letters or*
65 *numbers.*

66 * * *

67 **Sec. 90-73. - Permanent signs by district.**

68 * * *

69 (b) *H30C, H40, MU and H120 zoning districts.*

70 (1) Signage on the outside of a hotel, multifamily building, or other similar structure which
71 identifies a secondary business within the same structure is prohibited. Supplemental
72 signs as permitted in this subsection shall be exempt from this requirement.

73 (2) *Content.* Commercial signs may only include the trade name, logo of the establishment,
74 the nature of business or services rendered, or the products sold on the premises, except
75 as otherwise provided in this Code. Signs may not include any reference to rates.

76 (3) *Permitted signs.*

77 a. *Individually-mounted letter sign.* Permitted as under the requirements of [section](#)
78 [90-73\(a\)\(3\)b.](#), except total sign area for multi-family dwellings within the H30C
79 and H40 districts shall not exceed 75 square feet.

80 b. *Monument sign.* One monument sign shall be permitted per street frontage. The
81 maximum sign area shall not exceed 25 square feet. The maximum height shall not
82 exceed five feet from the ground. Signs shall maintain a five-foot setback from all
83 property lines and no portion shall be permitted to project within this five-foot
84 setback area. Signs are required to be landscaped at the base. Signs may be
85 internally or externally illuminated.

86 c. *Supplemental sign.* A sign for any establishment reading "Office," "Vacancy,"
87 "Private Beach," "Swimming Pool," "Cabanas," "Coffee Shop," "Restaurant," or

88 other such wording shall be considered a supplemental sign. Such signs shall be
89 limited to three square feet in size; except in the H120 district, a hotel with a
90 restaurant may display an individual sign not to exceed five square feet in size
91 containing the name of the restaurant. The total combined square footage of
92 individual supplemental signs shall not exceed eight square feet per main building.
93 Such signs shall not be included in calculating the total maximum sign area for the
94 lot. Signs shall be dignified in character and shall be restricted to the wording
95 described above.

96 d. *Parking sign.* Parking signs not over four square feet in size may be erected at each
97 exit or entrance of parking lots serving buildings in these zoning districts. Such
98 signs may be illuminated by indirect lighting only. Lettering on these signs shall
99 be limited to the name and address of the primary business, multifamily building
100 or hotel, and the words "Entrance" or "Entrance Only," "Exit" or "Exit Only,"
101 "Parking," "Resident Parking," "Guest Parking," "Visitor Parking," "Private
102 Parking," "Valet Parking," or "Customer Parking."

103 e. *Emergency address sign.* Buildings on the east side of Collins Avenue abutting the
104 beach walking path shall be required to provide an emergency address sign
105 identifying the name and address of the building. Sign shall be mounted on a free-
106 standing post not to exceed 18 inches in height and 24 inches in width. Address
107 letters and numbers shall not exceed two inches in height and name shall not exceed
108 one inch in height. Sign material shall be weatherproof and reflective so as to be
109 clearly visible at night.

110 f. *Electric vehicle charging station sign.* A sign shall be posted at the electric vehicle
111 charging station stating "Electric Vehicle Charging Station." Signs shall be no
112 greater than 24 inches wide by 18 inches high. Color and letter size specifications
113 shall meet the Manual on Uniform Traffic Control Devices (MUTCD)
114 requirements for sign designation (electric vehicle charging).

115 g. *Ground-affixed letter or number sign.* The total area of each ground-affixed letter
116 or number sign shall not exceed 20 square feet. The height of each sign shall not
117 exceed five feet from the ground. The depth of each sign shall not exceed one foot.
118 The total length of all such signs for each property shall not exceed 25% of the
119 frontage of a lot. All ground-affixed letter or number signs shall be set back two
120 and one-half feet from the right-of-way.

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

124 **Section 4. Inclusion in the Code.** It is the intention of the Town Commission, and it is hereby
125 ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside
126 Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to

127 accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other
128 appropriate word.

129
130 **Section 5. Conflicts.** Any and all Ordinances and Resolutions or parts of Ordinances or
131 Resolutions in conflict herewith are hereby repealed.

132
133 **Section 6. Effective Date.** This ordinance shall become effective upon adoption.

134
135 **PASSED and ADOPTED** on first reading this 14th day of November, 2017.

136
137 **PASSED and ADOPTED** on second reading this 9th day of January, 2018.


138
139
140 On Final Reading Moved by: Commissioner Gielchinsky

141
142 On Final Reading Second by: Vice Mayor Cohen

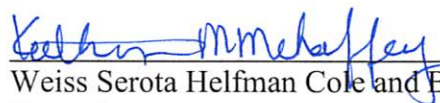
143
144
145 **FINAL VOTE ON ADOPTION:**

| | |
|-------------------------------------|------------|
| 146 Commissioner Daniel Gielchinsky | <u>yes</u> |
| 147 Commissioner Michael Karukin | <u>yes</u> |
| 148 Commissioner Tina Paul | <u>yes</u> |
| 149 Vice Mayor Barry Cohen | <u>yes</u> |
| 150 Mayor Daniel Dietch | <u>yes</u> |

151
152
153
154 
155
156 _____
157 Daniel Dietch, Mayor

156 **ATTEST:** 
157
158 _____
159 Sandra Novoa, MMC, Town Clerk

160
161 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**
162 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

163
164 
165 _____
166 Weiss Serota Helfman Cole and Bierman, P.A.
Town Attorney