

ORDINANCE NO. 13- 1610

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" AND SPECIFICALLY AMENDING SECTION 90-56.1.B. "CONSTRUCTION FENCING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PERMIT CONSTRUCTION FENCING MATERIALS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission recognizes the need for appropriate construction fencing materials to secure and maintain a construction site during demolition and construction; and

WHEREAS, the current Town Code does not allow for the full spectrum of construction fences in use today; and

WHEREAS, the Town Code specifically allows only chain link and canvas covered fences for construction; and

WHEREAS, other types of fences may provide better representation of the construction project in its ability to provide a media for graphics and solid materials; and

WHEREAS, the Town Commission shall have conducted a first duly noticed public hearing on these regulations as required by law on October 8, 2013; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, shall conduct a hearing on the proposed amendment on October 24, 2013 with due public notice and input; and

WHEREAS, the Town Commission shall have conducted a duly noticed second public hearing on these regulations as required by law on November 12, 2013.

WHEREAS, it is in the best interest of the Town to adopt the proposed revisions to the Code.

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

Section 1. Recitals. The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Code Amendment. The code of the Town of Surfside, Florida is hereby amended as follows:

Sec. 90-56. Fences, walls and hedges.

90-56.1.A. A fence or ornamental wall not more than six feet in height, as measured from grade, may project into or enclose an interior side or rear yard only. Notwithstanding anything to the contrary elsewhere in the code, for purposes of this section, grade is defined as the point of the ground immediately below the location of the fence or wall.

90-56.1.B. Construction fencing. Temporary construction fences are required by this ordinance unless otherwise determined by the Building Official. A construction fence permit shall be obtained from the Building Department prior to the fence being erected. Each fence constructed or maintained shall be constructed and anchored in accordance with the Florida Building Code.

(a) *Permit required.* A permit application and a current survey of the site.

(b) *Permitted fence.* ~~Subject to the approval of the building and zoning departments, chain-link fence with canvas (or similar material) are the only type of fence that is permitted.~~ Construction fences shall be designed in such a manner as to have all exposed materials finished, coated, covered or clad in or with materials such as paint, windscreens, canvases or similar materials, subject to the approval of the Town Manager or designee.

~~(1) Chain-link fences with canvas (or similar material backing) are permitted subject to approval of the building and zoning departments. The property owner or agent shall obtain a demolition permit from the building department. The chain-link fence shall be permitted to be utilized as a demolition fence for a period of no longer than two months or until expiration of the demolition permit, whichever occurs first. However, such demolition fence shall not be removed until the installation of a permitted construction fence, as defined in this section.~~

~~(2)~~(1) The permitted construction fence shall be installed immediately upon removal of the temporary demolition fence. At no time shall the parcel remain without a protective barrier.

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 ten (10) days after adoption on second reading.

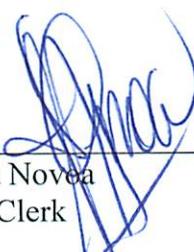
PASSED and ADOPTED on first reading this 8th day of October, 2013.

PASSED and ADOPTED on second reading this 10th day of December, 2013.



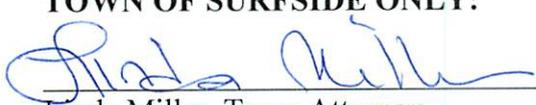
Daniel Dietch, Mayor

Attest:



Sandra Novoa
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
TOWN OF SURFSIDE ONLY:**



Linda Miller, Town Attorney

On Final Reading Moved by: Vice Mayor Karuikin

On Final Reading Seconded by: Commissioner Olchyk

Vote:

Commissioner Joseph Graubart	yes	<input checked="" type="checkbox"/>	no	_____
Commissioner Michelle Kligman	yes	<input checked="" type="checkbox"/>	no	_____
Commissioner Marta Olchyk	yes	<input checked="" type="checkbox"/>	no	_____
Vice Mayor Michael Karuikin	yes	<u>Absent</u>	no	<u>Absent</u>
Mayor Daniel Dietch	yes	<input checked="" type="checkbox"/>	no	_____

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