

**ORDINANCE NO. 2025-1790**

1           **AN ORDINANCE OF THE TOWN COMMISSION OF THE**  
2           **TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN**  
3           **OF SURFSIDE CODE OF ORDINANCES BY AMENDING**  
4           **SECTION 90 ARTICLE IV – “DISTRICT REGULATIONS” TO**  
5           **CREATE SECTION 90-49.6; “PROVISIONS FOR THE**  
6           **DEMOLITION OF DETACHED, SINGLE-FAMILY HOMES,**  
7           **DUPLEXES, DWELLINGS, AND TOWNHOUSES IN THE**  
8           **H30A, H30B, H30C AND H40 ZONING DISTRICTS;”**  
9           **CREATING SECTION 90-49.6, PROVIDING FOR FINES,**  
10           **APPEALS, ENFORCEMENT; SEVERABILITY; PROVIDING**  
11           **FOR INCLUSION IN THE CODE; PROVIDING FOR**  
12           **CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

13  
14           **WHEREAS**, the Article VIII, Section 2 of the Florida Constitution, and Chapter 166,  
15 Florida Statutes, provide municipalities with the authority to exercise any power for  
16 municipal purposes, except as prohibited by law, and to adopt ordinances in furtherance  
17 of such authority; and

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

23           **WHEREAS**, Town of Surfside has the authority to enact laws which promote the  
24 public health, safety and general welfare of its residents; and

25           **WHEREAS**, the Town’s Code does not currently provide for any formal demolition  
26 rules or procedures when a total demolition permit is requested for a detached, single-  
27 family home, duplex, dwelling and townhouse (hereinafter, “Structures”) within the H30A,  
28 H30B, H30C and H40 zoning districts (hereinafter, “Districts”); and

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.

29 **WHEREAS**, it is appropriate for the Town to adopt criteria in its Code by which formal  
30 demolition rules and procedures are codified for all Structures in the Districts within the  
31 Town; and

32 **WHEREAS**, the Town Commission held its first public hearing on November 12, 2024  
33 and approved the proposed amendment to the Code of Ordinances having complied with  
34 the notice requirements in the Florida Statutes; and

35 **WHEREAS**, the Planning and Zoning Board, as the local planning agency for the  
36 Town, held its hearing on the proposed amendment on ~~November 21~~ December 19, 2024,  
37 with due public notice and input, and recommended approval/denial of the proposed  
38 amendment to the Code; and

39 **WHEREAS**, the Town Commission has conducted a second duly noticed public  
40 hearing on this regulation, as required by law, on ~~December 10, 2024~~ January 14, 2025  
41 and further finds the proposed change to the Code is necessary and in the best interest  
42 of the community.

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

45  
46 **Section 1. Recitals.** The above Recitals are true and correct and are incorporated  
47 herein by this reference:

48  
49 **Section 2. Town Code Amended.** Chapter 90 – “Zoning” of the Surfside Town  
50 Code of Ordinances is hereby amended to create Section 49.6 - “Provisions for the  
51 Demolition of Detached, Single-Family Homes, Duplexes, Dwellings, and Townhouses in  
52 the H30A, H30B, H30C and H40 Zoning Districts” to read as follows:  
53

54 \* \* \*

55  
56 **Sec. 90-49.6 - Issuance of demolition permits.**  
57

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.

- 58 1. Emergency demolition orders. This section shall not supersede the requirements  
59 of the applicable building code with regard to unsafe structures and the issuance  
60 of emergency demolition orders, as determined by the building official.  
61 2. In addition to the requirements set forth at Section 14-28, a demolition permit for  
62 the total demolition of any detached, single-family home, duplex, dwelling or  
63 townhouse shall not be issued unless all of the following criteria are satisfied:  
64  
65 a) Obtain a building permit process number for new construction from the  
66 Building Department.  
67  
68 b) The building permit application and all required plans for the new  
69 construction or proposed improvements to a lot shall be reviewed and  
70 approved by the Planning Department, Building Department and/or  
71 Planning & Zoning Board, as applicable.  
72  
73 c) All applicable fees for the new construction or proposed improvements to a  
74 lot shall be paid, including, but not limited to building permit fees.  
75  
76 d) A tree survey, if required, shall be submitted and a replacement plan, if  
77 required, shall be reviewed and approved by the Planning Department  
78 and/or Planning & Zoning Board, as applicable.  
79  
80 3. Penalties and enforcement. For a violation of the foregoing, each day of  
81 noncompliance shall constitute a separate offense. The Code Compliance  
82 Department is empowered and authorized to require compliance with this section  
83 within 30 days of written notice to violators.  
84  
85 4. The following civil fines shall be imposed for a violation of this subsection 90-49.6:  
86  
87 a) First violation within a 12-month period: \$2,500.00;  
88  
89 b) Second violation within a 12-month period: \$5,000.00;  
90  
91 c) Third violation within a 12-month period: \$7,500.00;  
92  
93 d) Fourth or subsequent violation within a 12-month period: \$10,000.00.  
94  
95 5. Enforcement of subsection 90-49.6 (2). The Code Compliance Department shall  
96 enforce subsection 90-49.6 (2). The notice of violation shall inform the violator of  
97 the nature of the violation, amount of fine for which the violator is liable, instructions  
98 and due date for paying the fine, that the violation may be appealed by requesting  
99 an administrative hearing before a special master within ~~ten~~ twenty (~~420~~) days after  
100 service of the notice of violation, and that the failure to appeal the violation within  
101 ~~ten~~ twenty (~~420~~) days of service shall constitute an admission of the violation and  
102 a waiver of the right to a hearing.

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.

103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146

6. Rights of violators of subsection 90-49.6; payment of fine; right to appear; failure to pay civil fine or to appeal; appeals from decisions of the special master.
- a) A violator who has been served with a notice of violation must elect to either:
    - i. Pay the civil fine in the manner indicated on the notice of violation: or
    - ii. Request an administrative hearing before a special master to appeal the notice of violation, which must be requested within ~~ten~~ twenty (~~10~~20) days of the service of the notice of violation.
  - b) The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in Chapter 15, Article I of this Code.
  - c) Applications for hearings shall be accompanied by the applicable fee, as approved by resolution of the Town Commission, which shall be refunded if the named violator prevails in the appeal.
  - d) Failure to pay the civil fine, or to timely request an administrative hearing before a Special Master, shall constitute a waiver of the violator's right to an administrative hearing before the Special Master, and shall be treated as an admission of the violation, for which fines and penalties shall be assessed accordingly.
  - e) A certified copy of an order imposing a fine may be recorded in the public records, and thereafter shall constitute a lien upon any real or personal property owned by the violator, which may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's real or personal property, but shall not be deemed to be a court judgment except for enforcement purposes. Three (3) months following the recording of such lien which remains unpaid, the Town may foreclose or otherwise execute upon the lien, for the amount of the lien plus accrued interest.
  - f) The Special Master shall be prohibited from hearing the merits of the notice of violation or considering the timeliness of a request for an administrative hearing if the violator has failed to request an administrative hearing within ~~ten~~ twenty (~~10~~20) days of the service of the notice of violation.
  - g) The special master shall not have discretion to alter the penalties prescribed in this section.

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.

147 h) Any party aggrieved by a decision of a special master may appeal that  
148 decision to a court of competent jurisdiction.  
149 \* \* \*

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

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

160 **Section 5. Conflicts.** Any and all ordinances and resolutions or parts of  
161 ordinances or resolutions in conflict herewith are hereby repealed.

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

164 **PASSED AND ADOPTED** on first reading this 12<sup>th</sup> day of November, 2024.

166 **PASSED AND ADOPTED** on second reading this 14<sup>th</sup> day of January, 2025.

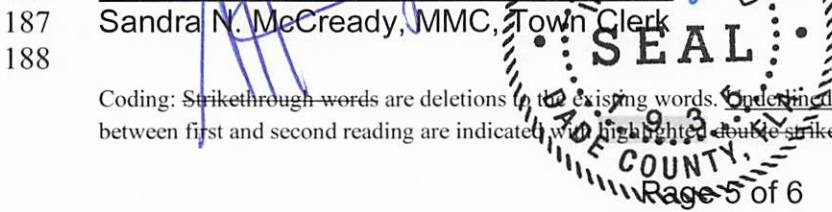
168 <b>First Reading:</b>	168 <b>Second Reading:</b>
170 Motion by: <u>Commissioner Velasquez</u>	170 Motion by: <u>Vice Mayor Paul</u>
172 Second by: <u>Vice Mayor Paul</u>	172 Second by: <u>Commissioner Velasquez</u>

174 **FINAL VOTE ON ADOPTION**

176 Commissioner Ruben A. Coto	<u>Yes</u>
177 Commissioner Nelly Velasquez	<u>Yes</u>
178 Commissioner Gerardo Vildostegui	<u>Yes</u>
179 Vice Mayor Tina Paul	<u>Yes</u>
180 Mayor Charles W. Burkett	<u>Yes</u>

183 \_\_\_\_\_ Charles W. Burkett, Mayor

184 **Attest:** 



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.

189 **Approved as to Form and Legal Sufficiency:**

190

191

192



---

Thais Hernandez, Acting Town Attorney

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.