



**Town of Surfside  
Regular Town Commission Meeting**

**SUPPLEMENTAL NO. 1**

**AGENDA**

**September 10, 2019**

**7 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Floor  
Surfside, FL 33154

*Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.*

*Rule 6.05 Agenda. The good and welfare portion of the agenda set for 8:15 p.m. shall be restricted to discussion on subjects not already specifically scheduled on the agenda for discussion and debate. In no event shall this portion of the agenda be allotted more than 45 minutes with each speaker to be given no more than three minutes, unless by vote of a majority of the members of the commission present, it is agreed to extend the time frames. Likewise, commission members shall be restricted to speaking three minutes each unless an extension is granted in the same manner as set forth in the prior sentence.*

*Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit community-based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and any person who only appears as a representative of a neighborhood, homeowners or condominium association without compensation for the appearance, whether direct or indirect or contingent, to express support of or opposition to any item.*

*Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once reached this capacity, people will be asked to watch the meeting from the first floor.*

*\* Denotes agenda items as "must haves" which means there will be significant impacts if the item is not addressed tonight. If these items have not been heard by 10 p.m., the order of the agenda will be changed to allow them to be heard.*

**1. Opening**

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**
- D. Mayor and Commission Remarks – Mayor Daniel Dietch**
- E. Agenda and Order of Business** Additions, deletions and linkages
- F. Community Notes – Mayor Daniel Dietch**
- G. Presentation of Childhood Cancer Awareness Month Proclamation – Mayor Daniel Dietch**
- H. Scholarship Award to Farah Ritter Vazquez and Louis D’Antuono- Mayor Daniel Dietch**

**2. Quasi-Judicial Hearings - None**

- 3. Consent Agenda (*Set for approximately 7:30 p.m.*)** *All items on the consent agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request that an item be removed from the Consent Agenda and discussed separately. If the public wishes to speak on a matter on the consent agenda they must inform the Town Clerk prior to the start of the meeting. They will be recognized to speak prior to the approval of the consent agenda.*

**A. Minutes – Sandra Novoa, MMC, Town Clerk**

- July 9, 2019 Special Town Commission Meeting – Budget Millage Rate Minutes
- August 13, 2019 Special Town Commission Meeting – Quasi-Judicial Hearing Minutes
- August 13, 2019 Regular Town Commission Meeting Minutes

**\*B. Town Manager’s Report – Guillermo Olmedillo, Town Manager**

**\*C. Town Attorney’s Report – Weiss Serota, Town Attorney**

**D. Committee Reports – Guillermo Olmedillo, Town Manager**

- April 17, 2019 - Sustainability and Resiliency Committee Meeting Minutes
- June 27, 2019 – Special Pension Board Meeting Minutes
- July 8, 2019 – Parks and Recreation Committee Meeting Minutes
- July 25, 2019 – Special Pension Board Meeting Minutes

- E. Resolution Authorizing a Mutual Aid Agreement between the Florida Division of Emergency Management and the Town of Surfside -**  
Guillermo Olmedillo, Town Manager

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A STATEWIDE MUTUAL AID AGREEMENT WITH FLORIDA DIVISION OF EMERGENCY MANAGEMENT; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

- F. Childhood Cancer Awareness Month Proclamation –** Mayor Daniel Dietch

- G. Independent External Audit Re-Engagement Resolution –** Guillermo Olmedillo, Town Manager

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN ENGAGEMENT LETTER WITH MARCUM LLP FOR FINANCIAL AUDITING SERVICES FOR FISCAL YEAR ENDING SEPTEMBER 30, 2019; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

- H. Recognition of Isaac Salver from The Town of Bay Harbor Islands –**  
Vice Mayor Gielchinsky

- I. Memorandum of Understanding Between the Town of Surfside, The Village of Bal Harbour, and The Town of Bay Harbor Islands –** Guillermo Olmedillo, Town Manager

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING AMONG THE TOWN OF SURFSIDE, THE VILLAGE OF BAL HARBOUR, AND THE TOWN OF BAY HARBOR ISLANDS RELATING TO A SCHOOL ADDRESS VERIFICATION PLAN CONTRIBUTION; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**J. Summer Camp Bus Invoices – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND APPROVING THE PURCHASE OF SUMMER CAMP BUS SERVICES FOR 2019 FROM ACADEMY; AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$11,970.00 FROM THE PARKS AND RECREATION OPERATING FUND 2018/2019 BUDGET; PROVIDING FOR WAIVER OF COMPETITIVE PROCUREMENT PURSUANT TO SECTION 3-12 OF THE TOWN CODE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**K. Resolution of the Town Commission to Accept the FDOT High Visibility Enforcement for Pedestrian and Bicycle Safety Grant for 2019-2020 – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ACCEPTING A \$6,000 PEDESTRIAN AND BICYCLE SAFETY HIGH VISIBILITY EDUCATION AND ENFORCEMENT CAMPAIGN GRANT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION THROUGH A GRANT WITH THE UNIVERSITY OF NORTH FLORIDA TRAINING AND SERVICES INSTITUTE, INC.; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**L. Amending and Restating Section 125 Flexible Benefit Plan - Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AMENDED AND RESTATED SECTION 125 FLEXIBLE BENEFITS PLAN FOR THE TOWN; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION OF THE AMENDED AND RESTATED PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.**

**M. Granicus Agenda Management Software Agreement – Sandra Novoa, MMC, Town Clerk**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A SERVICE AGREEMENT WITH GRANICUS, LLC, FOR NOVUS AGENDA MANAGEMENT SOFTWARE; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**N. Termination of State of Emergency Hurricane Dorian –  
Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CONFIRMING THE TERMINATION OF THE STATE OF EMERGENCY DECLARED FOR THE TOWN OF SURFSIDE, FLORIDA RELATED TO HURRICANE DORIAN; AND PROVIDING FOR AN EFFECTIVE DATE**

**4. Ordinances**

*(Set for approximately 7:45 p.m.) (Note: Good and Welfare must begin at 8:15)*

**A. Second Reading Ordinances**

**1. Repealing Section 2-28, “Reimbursement of Travel and Other Expenses” of the Town Code – Guillermo Olmedillo, Town Manager [*Linked to Item 5A*]**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 2, “ADMINISTRATION” OF THE TOWN’S CODE OF ORDINANCES BY REPEALING SECTION 2-28, “REIMBURSEMENT OF TRAVEL AND OTHER EXPENSES”; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**2. One-Year Extension of the 2018 Parking Exemption Ordinance – Guillermo Olmedillo, Town Manager**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 90-77, “OFF-STREET PARKING” OF CHAPTER 90, “ZONING” OF THE TOWN’S CODE OF ORDINANCES TO EXTEND THE PARKING EXEMPTION PROGRAM TO ADDRESS VACANCIES AND ECONOMIC REVITALIZATION IN THE SD-B40 ZONING DISTRICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

- 3. Repealing of Ordinance 2019-1698 (Amending Section 34-11 of the town Code to Prohibit the Distribution, Sale or Use of Single-Use Plastics, Including Single Use Plastics Bags) – Guillermo Olmedillo, Town Manager**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, REPEALING ORDINANCE NO. 2019-1698, WHICH AMENDED PORTIONS OF SECTION 34-11, “PROHIBITION ON DISTRIBUTION, SALE OR USE OF PLASTIC STRAWS” OF THE TOWN’S CODE OF ORDINANCES, AND AMENDED THE TITLE TO “PROHIBITION ON DISTRIBUTION, SALE OR USE OF SINGLE-USE PLASTICS,” PROVIDED FOR DEFINITIONS FOR SINGLE-USE PLASTICS, AND REGULATING SINGLE-USE PLASTICS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

- 4. Prohibiting Hotels in H40 – Guillermo Olmedillo, Town Manager  
[Linked to Items 4B2 and 9D]**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-41, “REGULATED USES”, TO CHANGE THE LIST OF PERMITTED, CONDITIONAL, AND PROHIBITED USES TO PROHIBIT HOTELS IN THE H-40 ZONING DISTRICT SOUTH OF 93<sup>RD</sup> STREET AND ADDRESS HOTEL ACCESSORY USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.**

*(Set for approximately 8:00 p.m.) (Note: Good and Welfare must begin at 8:15)*

#### **B. First Reading Ordinances**

- 1. Ordinance Amending Section 2-235 (“Lobbying”) of the Town Code Lobbyist Registration Fee Exemption for Principals of Town Business – Guillermo Olmedillo, Town Manager**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 2-235 – “LOBBYING” TO PROVIDE AN EXEMPTION FROM LOBBYIST REGISTRATION FEES FOR PRINCIPALS AND EMPLOYEES OF TOWN BUSINESSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

2. **Limitations on Accessory Uses in H40** – Guillermo Olmedillo, Town Manager [*Linked to Items 4A4 and 9D*]

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-41, “REGULATED USES”, TO ESTABLISH LIMITATIONS ON HOTEL ACCESSORY USES IN THE H-40 ZONING DISTRICT SOUTH OF 93<sup>RD</sup> STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.**

3. **Amendment of Election Qualifying Dates Due to the March 17, 2020 Presidential Preference Primary** – Town Clerk Sandra Novoa, MMC and Town Attorney Lily Arango, Esq.

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 101, “QUALIFYING FOR ELECTED OFFICE” OF THE TOWN CHARTER PURSUANT TO SECTIONS 100.3605(2) AND 166.021(4), FLORIDA STATUTES, WITH LIMITED APLICABILITY TO ESTABLISH QUALIFYING DATES AND SUPPLEMENTAL QUALIFYING DATES FOR THE TOWN’S MARCH 17, 2020 GENERAL ELECTION; PROVIDING FOR INCORPORATION INTO CHARTER; PROVIDING FOR CODIFICATION; PROVIDING FOR AUTHORIZATION; PROVIDING FOR NOTIFICATION TO MIAMI-DADE COUNTY ELECTIONS DEPARTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**5. Resolutions and Proclamations**

*(Set for approximately 8:45 p.m.) (Note: Depends upon length of Good and Welfare)*

- A. **New Travel, Transportation, and Meal Policy** - Guillermo Olmedillo, Town Manager [*Linked to Item 4A1*]

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING A TRAVEL, TRANSPORTATION AND MEAL POLICY FOR TOWN OFFICIALS AND EMPLOYEES; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**B. Solid Waste Services Special Assessment Final Rate Resolution –  
Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RELATING TO SOLID WASTE MANAGEMENT SERVICES, INCLUDING COLLECTION, DISPOSAL AND RECYCLING OF RESIDENTIAL SOLID WASTE IN THE TOWN OF SURFSIDE, FLORIDA; REIMPOSING SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED RESIDENTIAL PROPERTY LOCATED WITHIN THE TOWN OF SURFSIDE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING FOR AN EFFECTIVE DATE.**

**C. American Flood Coalition Memorandum Of Understanding -  
Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) AND ADDENDUM WITH THE AMERICAN FLOOD COALITION FOR A FLOOD ADAPTATION ASSESSMENT; AUTHORIZING THE TOWN MANAGER TO ENTER INTO THE MOU AND ADDENDUM FOR SUCH PURPOSE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**D. Employee Health Benefits Contract Renewal for FY 2019-2020 -  
Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING UNITEDHEALTHCARE TO PROVIDE EMPLOYEE HEALTH INSURANCE, GUARDIAN TO PROVIDE DENTAL AND VISION COVERAGE, MUTUAL OF OMAHA TO PROVIDE LIFE AND DISABILITY INSURANCE, AND ASURE SOFTWARE FOR FLEXIBLE SPENDING ARRANGEMENT BENEFIT SERVICES AND COBRA ADMINISTRATION, TO TOWN EMPLOYEES FOR FISCAL YEAR 2019/2020; AUTHORIZING THE TOWN MANAGER TO ENTER INTO ANY NECESSARY AGREEMENTS WITH UNITED HEALTHCARE AND OTHER PROVIDERS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**



**E. Request to Join Efforts re: Proposed Constitutional Amendment re: Assault Weapons – Vice Mayor Daniel Gielchinsky**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND DIRECTING THE TOWN TO JOIN IN THE FILING OF A BRIEF AT THE FLORIDA SUPREME COURT SUPPORTING THE PLACEMENT ON THE BALLOT OF THE INITIATIVE PETITION ENTITLED “PROHIBITS POSSESSION OF DEFINED ASSAULT WEAPONS”; AND PROVIDING AN EFFECTIVE DATE.**

**F. Approval of Temporary Use Agreement between the Town of Surfside and Miami Dade College for the use of the School of Justice Driving Range – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AGREEMENT FOR TEMPORARY USE OF MIAMI-DADE COLLEGE FACILITIES; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**G. Single-Use Plastic Bag Preemption Urging Resolution – Mayor Daniel Dietch**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA URGING THE FLORIDA LEGISLATURE TO REPEAL SECTIONS 403.708, 403.7033 AND 500.90, FLORIDA STATUTES, AND REJECT ANY OTHER STATUTES THAT INHIBIT A LOCAL GOVERNMENT’S ABILITY TO REGULATE EXPANDED POLYSTYRENE OR SINGLE-USE PLASTIC BAGS; AND REQUESTING THE SUPPORT OF GOVERNOR RON DESANTIS IN THOSE EFFORTS.**

**6. Good and Welfare (Set for approximately 8:15 p.m.)**

*Public comments for subjects or items not on the agenda. Public comment on agenda items will be allowed when agenda item is discussed by the Commission.*

**7. Town Manager and Town Attorney Reports**

Town Manager and Town Attorney Reports have been moved to the Consent Agenda –  
Item 3.

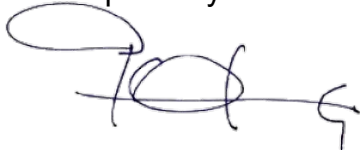
**8. Unfinished Business and New Business**

## 9. Mayor, Commission and Staff Communications

- A. **Stormwater Master Plan** – Guillermo Olmedillo, Town Manager
- B. **FPL Undergrounding** – Commissioner Tina Paul
- C. **Sand Bag Distribution** – Mayor Daniel Dietch
- D. **Zoning in Progress – Ordinance Regarding Hotels in H40 Zoning District, South of 93<sup>rd</sup> Street** – Commissioner Michael Karukin  
*[Linked to items 4B2 and 4A4]*

## 10. Adjournment

Respectfully submitted,



Guillermo Olmedillo  
Town Manager

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THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT [www.townofsurfsidefl.gov](http://www.townofsurfsidefl.gov).

TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY ATTEND THIS MEETING.

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.



## Town of Surfside Commission Communication

**Agenda Item:** # 9D

**Agenda Date:** September 10, 2019

**From:** Commissioner Michael Karukin

**Via:** Lilian M. Arango, Weiss Serota, Town Attorney

**Subject:** Zoning in Progress – Ordinance Regarding Hotels in H40 Zoning District, South of 93<sup>rd</sup> Street

**Background:** On February 12, 2019, the Town Commission directed Town Staff to prepare an ordinance to prohibit Hotel Use in the H40 zoning district south of 93th Street. An Ordinance was considered and passed first reading on March 12, 2019. On March 15, 2019, the Town published a Notice of Zoning in Progress in connection with the Ordinance after first reading of the Ordinance was passed. The proposed Ordinance was then considered by the Planning and Zoning Board on April 25, 2019, which recommended that the Town Commission defer the Ordinance to allow for further data and analysis, and further requested that the Zoning in Progress be extended or reissued. At the August 13, 2019 Commission meeting, the Town Commission voted to defer second reading of the Ordinance. On July 12, 2019, The Town published a Re-Issue of Notice of Zoning in Progress through September 14, 2019. In the event that second reading of the Ordinance is delayed or deferred, the Town should further re-issue and/or extend the Zoning in Progress for an additional 30 days through October 14, 2019.

**Analysis:** Code section 90-6 states that the purpose of zoning in process *generally allows the town to apply, on a retroactive basis, if necessary, changes to zoning regulations or to the zoning district status of property, to previously approved or currently in process development applications. Additionally, the zoning in progress*

*allows a temporary hold on permits and licenses if there is a change in zoning, which is already in progress that would affect the permit of license.* In an effort to avoid the Town accepting an application contrary to the proposed Ordinance, Staff is proposing reissuing Notice of Zoning in Progress, to allow time to conduct second reading of the Ordinance and further evaluation of data and analysis provided.

**Recommendation:** It is recommended that the Town Commission direct the Town Clerk to publish a reissue of Notice of Zoning in Progress, as provided in Section 90-6 “Zoning in Progress” of the Code of Ordinances, applicable through October 14, 2019, in order to apply a hold on the processing of new or amended development applications that are submitted to the Town after the date of the publication of the Notice until such time as second reading of the Ordinance occurs.

# **TOWN OF SURFSIDE**

## **NOTICE OF ZONING IN PROGRESS**

The Town of Surfside published a Zoning in Progress on May 17, 2019 relative to proposed revisions to the Town Zoning Code pursuant to Section 90-6 of the Town Zoning Code. Amendments to the Zoning Code are being considered and may be proposed relative to Amending Chapter 90 Zoning to prohibit Hotel Use in the H40 Zoning District between Collins and Harding Avenues from 93<sup>rd</sup> Street to 88<sup>th</sup> Street, and/or considering the imposition of new design criteria for Hotel Use in the H40 Zoning District. The Town of Surfside previously issued Notice of Re-Issue and hereby gives further notice of Re-Issue of a 30-Day Zoning in Progress from September 15, 2019 through October 14, 2019.

A public hearing for second reading of an ordinance which may prohibit Hotel Use in the H40 Zoning District between Collins and Harding Avenues from 93<sup>rd</sup> Street to 88<sup>th</sup> Street will be considered at second reading and will be noticed prior to the public hearing before the Town Commission. Should the Town of Surfside decide to pursue new design criteria for the Hotel use in the H40 Zoning District, an additional ordinance will be prepared and appropriately noticed for two readings and public hearing. Interested parties may appear at the public hearing and be heard with respect to the proposed Ordinance. Any person wishing to address the Town Commission on any item at the public hearing is asked to register with the Town Clerk prior to that item being heard.

In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Office of the Town Clerk, 305-861-4863, no later than two business days prior to such proceedings.

If a person decides to appeal any decision made by the Town Commission with respect to any matter considered at a meeting or hearing, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Dated this \_\_\_\_\_ day of September, 2019

Sandra Novoa, MMC  
Town Clerk