

ORDINANCE NO. 10-~~1556~~

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING," ARTICLE VII "OFF-STREET PARKING AND LOADING," DIVISION 1 "OFF-STREET PARKING," SECTION 90-77 "OFF-STREET PARKING REQUIREMENTS" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES REGARDING OFF-STREET PARKING COMPLIANCE FOR THE SD-B40 ZONING DISTRICT; 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 of the Town of Surfside, Florida ("Town Commission") desires to foster the creation of a pedestrian-friendly mixed-use downtown environment within the Town of Surfside ("Town"), by supporting the redevelopment and revitalization of properties in the traditional downtown area within the Town's SD-B40 Zoning District; and

WHEREAS, the Town adopted amendments to the Future Land Use Element of the Town of Surfside Comprehensive Plan which support the use of a Parking Trust Fund as a method for funding the construction of public parking garages and other facilities and programs to provide needed parking within the Town's business district; and

WHEREAS, the Town Commission finds that, as a traditional downtown business area within a geographically constrained beachfront community, vehicle parking is substantially limited within the SD-B40 Zoning District; and

WHEREAS, the parking limitations within the SD-B40 Zoning District hinder the ability of businesses and other nonresidential uses to develop, improve and redevelop properties; and

WHEREAS, the Town desires to encourage businesses to gravitate to the downtown business district and/or create opportunity for redevelopment within the SD-B40 Zoning District and for the past several years has not been able to enforce parking requirements to provide new spaces as a matter of custom and practice because there is little available land to devote to this purpose and instead has attempted to provide alternatives around the Town including shared parking, joint use and off site facilities; and

WHEREAS, the centralized location and proximity of the SD-B40 Zoning District to the Town's beachfront district and residential neighborhoods makes the area well-suited to the creation and imposition of another parking mitigation option per the Town Comprehensive Plan, and specifically, allowing new businesses and development projects to meet off-street parking requirements through the payment of fees into a Town Parking Trust Fund, which shall then be utilized to finance one or more capital projects that support the creation and provision of public parking; and

WHEREAS, the Town proposes to amend Section 90-77 "Off-street parking requirements" of its Code of Ordinances to provide an exception from the requirements for provision of off-street parking for changes of occupancy within the SD-B40 Zoning District, and to allow new development and renovations within the district to comply with the off-street parking requirements through payment of a parking fee into the Town's Downtown Parking Trust Fund, in addition to other methods of compliance; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments to the district regulations on June 24, 2010 with due public notice and input; and

WHEREAS, the Town Commission shall have conducted a duly noticed public hearing on these regulations as required by law on July 13, 2010, having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Town Commission finds that this Ordinance is consistent with the Town's Comprehensive Plan and furthers the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND 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. 90-77. Off-street parking requirements.

(a) Except as otherwise provided herein, when any building or structure is hereafter constructed; or structurally altered so as to increase the number of dwelling units or hotel/motel rooms; or structurally altered so as to increase its total commercial floor area, including provision of outdoor seating; or when any building or structure is hereafter converted to any of the uses listed in subsection 90-77(b) (c) off-street parking spaces shall be provided in accordance with the requirements of subsection 90-77(b) (c) or as required in subsequent sections of this article. The requirement for an increase in the number of required parking spaces shall be provided on the basis of the enlargement or change of use.

(b) Off-street parking compliance for properties and uses located in SD-B40 Zoning District. The following shall apply to properties and uses within the SD-B40 Zoning District:

(1) *Applicability.* Compliance with the off-street parking requirements shall be required for all projects and developments consisting of new construction. It shall also be required for renovations with an aggregate job value which equals or exceeds any of the following:

(i) \$40,000, or

(ii) for interior renovations (may include exterior signage or façade improvements), 10% of current building value, or

(iii) for interior and exterior renovations (excluding signage), 10% of the current assessed value of the property.

Assessed value and building value shall be determined from the Miami-Dade County Property Appraiser's Office tax rolls. All permits issued for projects and development within a 365-day period shall be aggregated to determine if this threshold is met. Normal repairs and maintenance shall not trigger compliance. Changes of use or changes of business in an existing building that are not accompanied by construction or renovations meeting the thresholds of this subsection shall be exempt from the off-street parking requirements of Section 90-77.

(2) *Options to satisfy parking requirements.* Satisfaction of the off-street parking requirements of this subsection (b) may be achieved through compliance with any combination of the following options:

(i) Subsection 90-77(c) On site provision of parking spaces;

(ii) Subsection 90-77(d) Tandem parking;

(iii) Section 90-80 "Joint use and off-site facilities;"

(iv) Section 90-81 "Shared parking;" or

(v) Section 90-77(b)(3) Payment of parking trust fee.

(3) *Parking trust fee.* The off-street parking requirements may be complied with by paying into the Downtown Parking Trust Fund the sum of money that is the product of the number of parking spaces required but not provided, multiplied times the amount of the established fee per parking space. The parking fee amount shall be calculated on a "per parking space" standard, based upon a portion of the cost of the land, combined with the cost of design and construction, for a single structured off-street parking space. The established fee per parking space shall be determined by the Town Manager and approved by resolution of the Town Commission, as may be amended from time to time. All required parking fees shall be paid prior to the issuance of a building permit.

(4) *Parking trust fund.* There is hereby established a trust fund to be entitled the "Town of Surfside Downtown Parking Trust Fund," to be maintained and administered by the Town Manager. Parking fees collected pursuant to subsection (b)(3) shall and any other monies may be deposited into this fund. The fund shall be used to facilitate the provision of public off-street parking and infrastructure

improvements related to parking including, but not limited to, the following activities:

- a. Acquire fee simple or other interests in land, and other real property for parking purposes;
- b. Construct, maintain, operate, lease, manage, purchase, or otherwise provide off-street parking facilities for public use including all labor and materials, cost of interest and financing etc;
- c. Provide public information to enhance parking utilization including publicity campaigns, graphics and signage, and other informational devices;
- d. Coordinate plans for parking facility improvements and expansion with public transportation plans and operations in the vicinity;
- e. Provide accessibility to off-street parking facilities by suitable means such as public shuttle, tram or trolley service and related physical improvements such as bus shelters and right-of-way modifications; and
- f. Perform such other related activities as may be necessary to carry out the intent of this subsection.

The success and financial feasibility of providing any such shuttle, tram, bus, or trolley service, as provided in subsection (b)(4)e., shall be subject to annual evaluation by the Town Commission. Funds deposited in the Downtown Parking Trust Fund shall be made available to the Town Commission for the purposes set forth in this subsection, after review and recommendation by the Town Manager to the Town Commission and approval by the Town Commission.

~~(b)~~(c) *Required parking table.* The number of off-street parking spaces that shall be required to serve each building or structure and use shall be determined in accordance with the following table:

Type of Residential Unit/Type of Use	Minimum Space Requirements
Single-family or Two-family	2 spaces
Multi-family--Efficiency and 1-bedroom	1.5 spaces
Multi-family--2-bedroom and 3-bedroom	2.0 spaces
Multi-family--4-bedrooms or more	2.25 spaces
Hotel	1 space for each room

Suite-Hotels		1.25 space for each room
Hotel and Suite-Hotel ancillary uses	Meeting/banquet space	100% of code required parking for place of public assembly for square footage in excess of 20 square feet of gross floor area per hotel room
	Restaurants	1 space per 100 square feet of gross floor area.
Place of Public Assembly: Where seats and/or benches are provided		1 space for every 4 seats, or 1 space for every 6 linear feet or part thereof of bench
Place of Public Assembly: Where fixed seats are not provided		1 space for each 50 square feet of non-administrative and congregation space
Grocery, fruit or meat market		1 space each 250 gross floor area
Retail store or Personal service establishment		1 space each 300 gross floor area
Office or Professional services use, except Financial institutions		1 space each 400 gross floor area
Medical or Dental uses		1 space each 300 gross floor area
Restaurants or other establishments for the consumption of food and beverages on the premises		1 space for every 4 seats
Financial institutions		1 space each 300 gross floor area
Educational services		1 space per classroom, plus 1 per 250 gross floor area

* * *

(e)(d) Tandem parking.

(1) For residential projects of greater than 60 dwelling units, parking spaces may be provided as tandem spaces, provided, however, a minimum of one unencumbered parking space, tandem or regular, must be provided for each dwelling unit and valet parking service shall be provided at all times. One visitor parking space for each 15 dwelling units unless tandem parking with valet services is provided in which case one visitor space for each 20 units is required.

(2) For hotel and suite-hotel uses, tandem parking spaces within a parking structure may be permitted for 100 percent of the required off street parking other than handicapped spaces, provided, however, all uses having tandem spaces must provide 24-hour valet parking service and all applications for use of tandem

parking must be approved by the town commission and the applicant must enter into an agreement, recorded in the public records at the expense of the owner, which shall run with the land and shall bind the heirs, successors, and assigns of said owner, which requires all developments having any tandem parking spaces to provide 24-hour valet parking service.

* * *

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.

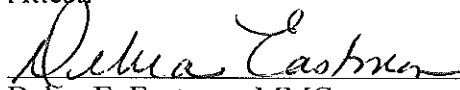
PASSED and ADOPTED on first reading this 8 day of June, 2010.

PASSED and ADOPTED on second reading this 13 day of July, 2010.




Daniel Dietch, Mayor

Attest:



Debra E. Eastman, MMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Lynn M. Dannheisser, Town Attorney

On Second Reading Moved by: Commissioner Kopelman

On Second Reading Seconded by: Commissioner Karukin

Vote:

Mayor Dietch	yes	<input checked="" type="checkbox"/>	no	_____
Vice Mayor Graubart	yes	<input checked="" type="checkbox"/>	no	_____
Commissioner Karukin	yes	<input checked="" type="checkbox"/>	no	_____
Commissioner Kopelman	yes	<input checked="" type="checkbox"/>	no	_____
Commissioner Olchyck	yes	<input checked="" type="checkbox"/>	no	_____

Ordinance No. _____