

ORDINANCE NO. 10-1563

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING," ARTICLE IV. "DISTRICT REGULATIONS" SECTION 90-41. "REGULATED USES" TO ALLOW SURFACE PARKING LOTS TO BE LOCATED IN ANY ZONING DISTRICT EXCEPT H30A AND H30B; AMENDING ARTICLE VII "OFF-STREET PARKING AND LOADING," DIVISION 1 "OFF-STREET PARKING," SECTION 90-77 "OFF-STREET PARKING REQUIREMENTS" AND SECTION 90-82. "DESIGN STANDARDS" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ADD A PROVISION RELATIVE TO MUNICIPAL SURFACE PARKING AND DESIGN STANDARDS; 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"), the business owners and Tourist Board have all expressed a desire to foster redevelopment and revitalization of commercial uses and properties in the traditional downtown area the within the Town of Surfside ("Town"); and

WHEREAS, the Town adopted amendments to the Future Land Use Element of the Town of Surfside Comprehensive Plan Transportation Element Objective 6 and Policy 6.1 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 as well as adopting Ordinance 10-1556 establishing a Parking Trust Fund; and

WHEREAS, the Town has purchased property and wishes to provide as much additional municipal parking as reasonably possible within this geographically constrained beachfront community and has determined the Code requirements for such lots must be amended to make this effort more feasible and without which amendments the ability of businesses and other nonresidential uses to develop, improve and redevelop properties will be hindered; and

Ordinance No. 10-1563

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 October 28, 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 November 9, 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. 90-41. Regulated Uses.

(e) Surface parking lots owned, operated, and maintained by the Town may be located in any zoning category except H30A and H30B.

Sec. 90-77. Off-street parking requirements.

(d) Parking by use.

Municipal parking. The provisions of this ~~chapter~~ Article (Off-Street Parking and Loading) and the Code shall not apply to the use of any property by the Town in any government capacity, function, or purpose. This exemption shall also apply to setbacks and lot coverage requirements as set forth in section 90-45 and section 90-49 hereinabove.

Sec. 90-82. Design standards.

(m) Municipal surface parking lots design standards. Notwithstanding anything to the contrary, the provisions of Section 90-49 "Lot Standards", Chapter 90 Article V. "Design Standards" and Chapter 90 Article VIII "Landscape Requirements" shall not apply to surface parking lots owned, operated, and maintained by the Town and located along Collins Avenue . However, no less than 10% of the gross square area of the site shall be landscaped.

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 10 day of October, 2010.

PASSED and ADOPTED on second reading this 9 day of November, 2010.



Daniel Dietch, Mayor

ATTEST:

Debra E. Eastman
Debra E. Eastman, MMC
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Lynn M. Dannheisser
Lynn M. Dannheisser, Town Attorney

On ^{*second*} Reading Moved by: *Karukin*

On Second Reading Seconded by: *Olchyk*

Vote:

Mayor Dietch	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Vice Mayor Graubart	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Commissioner Karukin	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Commissioner Kopelman	yes <input type="checkbox"/>	<i>absent</i>
Commissioner Olchyk	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>