

ORDINANCE NO. 14- 1625

**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 PARKING TRUST FEES PAID IN LIEU OF OFF-STREET PARKING; 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") has provided in Section 90-77 of the Town of Surfside Code of Ordinances for the payment of parking fees as an option to satisfy off-street parking requirements of the Zoning Code as a means of fostering a pedestrian-friendly mixed-use downtown environment within the Town of Surfside ("Town"); and

**WHEREAS**, the Town's Future Land Use Element of the Town of Surfside Comprehensive Plan supports 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; and

**WHEREAS**, the Town Commission finds that the Parking Fees and Parking Trust Fund provisions of Section 90-77 should be amended to better effectuate the purposes of the Town; 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 July 31, 2014 with due public notice and input and made its recommendation to the Town Commission regarding consistency with the Comprehensive Plan; and

**WHEREAS**, the Town Commission having conducted duly noticed public hearings on these regulations as required by law, having considered the input of the public, the Planning and Zoning Board and town staff; 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 TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:**

**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 rooms 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(c), off-street parking spaces shall be provided in accordance with the requirements of subsection 90-77(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) Parking compliance for properties and uses located in SD-B40 zoning district and for religious places of public assembly in other areas of the town.

(1) *Off-street parking applicability.* This section applies to:

- a. Uses within the SD-B40 zoning district where changes of use from service businesses to restaurant or retail occur; and
- b. Religious places of public assembly located within the area depicted on the Public Assembly Places as set forth in subsection 90-41(d)(23) hereinabove.

(2) *Options to satisfy parking requirements for uses specified in (1) above.* Satisfaction of the off-street parking requirements ~~of this subsection (b)~~ may be achieved with the permission of the town commission through compliance with any combination of the following options:

- a. On site provision of required parking spaces as more specifically set forth in subsection 90-77(c);
- b. Tandem parking as more specifically set forth in subsection 90-77(d);
- c. Joint use and off-site facilities as more specifically described in section 90-80. If parking is satisfied by agreement with a private third party, the town shall require an agreement in writing for an effective period of no less than five years. No less than 60 days prior to the expiration of such agreement, either a new agreement shall be in place or the owner of the property for which the parking is being provided shall receive the town's approval of the employment of one of the other prescribed options contained in this subsection. Failure to secure the town's approval of one or a combination of the prescribed options shall result in revocation of the owner's certificate of occupancy and certificate of use;
- d. Shared parking; or
- e. Payment of parking trust fee that can be used to finance the provision of parking whether through the purchase, construction or modification of parking facilities or to otherwise provide for additional parking as more specifically set forth in subsection 90-77(b)(4).

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(4) *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 by a one-time payment prior to the issuance of a building permit.

Parking fees collected pursuant to this subsection shall be deposited into the parking trust fund established in subsection 90-77(b)(5). 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, and all other such reasonable costs;
- 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 herein, shall be subject to annual evaluation by the town commission. Funds deposited in the 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.

(5) *Parking trust fund.* There is hereby established a trust fund to be entitled the "Town of Surfside Parking Trust Fund," to be maintained and administered by the Town Manager. Any new construction, addition, alteration or rehabilitation on property within the SD-B40 district or religious place of public assembly or any that creates an increase in off-street parking requirements under Section 90-77 (c) may propose satisfying those requirements for off-street parking by providing a payment-in-lieu as established in the most current fee resolution approved by the Town Commission as follows:

- a. Where the new construction, addition, alteration or rehabilitation creates a demand for off-street parking of 10 or fewer parking spaces;
- b. For new construction, additions, alterations or rehabilitations that create an off-street parking demand greater than 10 spaces, a developer may propose a payment-in-lieu to satisfy the requirement for 10 percent of the overall required off-street parking spaces, over and above the 10 spaces permitted in subsection (a). Acceptance of the payment-in-lieu to satisfy the parking requirement is at the discretion of the Town Commission. When reviewing development plans that propose a payment-in-lieu, the Town Commission will consider any relevant information including, the existing supply of public parking spaces supporting the use, current parking occupancies and plans for construction or expansion of public parking facilities.

~~Parking fees collected pursuant to subsection 90-77(b)(4) 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)(5)c., 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.~~

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**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 upon final adoption on second reading.


**PASSED and ADOPTED** on first reading this 8<sup>th</sup> day of July, 2014.  
**PASSED and ADOPTED** on second reading this 12<sup>th</sup> day of August, 2014.

  
\_\_\_\_\_  
Daniel Dietch, Mayor

ATTEST:

  
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Sandra Novoa, Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

  
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Linda Miller  
Town Attorney

On Final Reading Moved by: Vice Mayor Targeman  
On Final Reading Seconded by: Commissioner Okhyk

VOTE ON ADOPTION:

Commissioner Barry R. Cohen	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Michael Karukin	yes	<input type="checkbox"/>	no	<input checked="" type="checkbox"/> Absent
Commissioner Marta Olchyk	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Vice Mayor Eli Tourgeman	yes	<input type="checkbox"/>	no	<input checked="" type="checkbox"/> Absent
Mayor Daniel Dietch	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>