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67 (4) *Parking exemption.* There is hereby created a "Parking Exemption Program".

68 a. Program. For the period from {July 10, 2018 —Effective date of this Ordinance} to  
69 {July 10, 2019~~20~~ —1 year from the effective date of this Ordinance}, first floor  
70 properties in the SD-B40 zoning district which are vacant as of {July 10, 2018 -  
71 ~~Effective date of this Ordinance~~} through and including July 10, 2020~~2019~~ shall not  
72 be required to provide parking spaces, beyond those currently provided for the  
73 property, for any additional parking spaces required by the following:

- 74 1. The development of currently vacant existing first floor square footage for a  
75 change of use to retail or restaurant use which creates a requirement for  
76 additional parking spaces;
- 77 2. The development of a new sidewalk café in conjunction with a new retail or  
78 restaurant occupancy in currently vacant space;
- 79 3. The development of second floor square footage for a change of use to retail or  
80 restaurant use which creates a requirement for additional parking spaces  
81 provided the second floor area is an integral part of and accessed solely from the  
82 interior of a connected first floor space.

83 b. Application required. To qualify for the parking exemption program, a parking  
84 exemption application must be submitted, in a form to be approved by the town, with  
85 all supporting documentation as required by the application.

86 c. Eligibility for program.

87 1. Only properties vacant as of between July 10, 2018 and July 10, 2020~~2019~~, as  
88 identified by the Town's Downtown Vacancy inventory dated July 10, 2018 and  
89 updated July 1, 2019, are eligible for the program. Notwithstanding the  
90 inventory as of the effective date of this Ordinance, the Town Manager may add  
91 eligible properties to the inventory during the term of the Parking Exemption  
92 Program without further action of the Commission.

93 2. The application for a parking exemption, and all supporting documents,  
94 including any applicable certificate of use, building permit or development  
95 approval applications, shall have been submitted and deemed to be complete by  
96 the town prior to the program expiration, and all required permits received and  
97 the retail or restaurant space subsequently built and opened to the public within  
98 one year from approval of parking exemptions.

99 3. Eligibility is limited to first floor square footage which was existing and vacant  
100 as of between July 10, 2018 and July 10, 2020~~2019~~, which is changing use and  
101 will be utilized for retail, restaurant, or new sidewalk café space in conjunction  
102 with the new retail or restaurant occupancy of currently vacant space, or the  
103 occupancy of existing vacant second floor space for retail or restaurant use in  
104 conjunction with, and which is an integral part of and accessed solely from, the  
105 interior of a currently vacant connected first floor space.

106 d. Program guidelines.

- 107 1. Program duration. The parking exemption program shall last ~~for a period of one~~  
108 ~~year,~~ from July 10, 2018, to July 10, 2019~~20~~. Notwithstanding the foregoing,  
109 the town commission, may, for any reason and in its sole discretion, discontinue  
110 this parking exemption program at any point during the duration of the program.
- 111 2. This program does not allow the elimination of any existing parking spaces and  
112 exemptions cannot be obtained to replace existing parking.
- 113 3. This program may not be used for new construction, expanded building area or  
114 for independently accessed, stand-alone second floor square footage.
- 115 4. Once parking exemptions are awarded, failure to complete construction and  
116 open to the public within one year of approval of any parking exemptions shall  
117 result in forfeiture of any parking exemptions obtained.
- 118 5. Status following end of program.
- 119 i. Nonconforming. At the end of the parking exemption program, all retail,  
120 restaurant, and sidewalk café area built under the parking exemption  
121 program will become nonconforming use as to parking, and shall be subject  
122 to the requirements of the nonconforming use provisions of the Town's  
123 Code of Ordinances. Notwithstanding the foregoing, retail, restaurant and  
124 sidewalk café; uses which were granted parking exemptions under this  
125 program may be completely remodeled or rebuilt without providing  
126 additional parking, as originally permitted through the parking exemption  
127 program, as long as it is the same business and use and the retail floor area  
128 or restaurant seating capacity is not increased. If floor area or seating  
129 capacity are increased, compliance with the parking requirements in effect  
130 at that time is required for the new floor area or seating capacity, through a  
131 mechanism available in the Code then in effect.
- 132 ii. Availability of exemptions to successor businesses. Parking exemptions are  
133 granted to a specific business for a specific use and are not assignable or  
134 transferable to another business, use, or property.

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136 **Section 3. Codification.** It is the intent of the Town Commission that the provisions  
137 of this ordinance shall become and be made a part of the Town's Code of Ordinances, and that the  
138 sections of this Ordinance may be renumbered or relettered, and the word "ordinance" may be  
139 changed to "section," "article," "regulation," or such other appropriate word or phrase in order to  
140 accomplish such intentions.

141 **Section 4. Severability.** The provisions of this Ordinance are declared to be severable  
142 and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be  
143 invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,  
144 sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the  
145 legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

146 **Section 5. Conflicts.** All ordinances or parts of ordinances, resolutions or parts of  
147 resolutions, in conflict herewith, are repealed to the extent of such conflict.

148 **Section 6. Effective Date.** This Ordinance shall become effective immediately upon  
149 final adoption on second reading.

150 **PASSED** on first reading on the 9<sup>th</sup> day of July 2019.

151 **PASSED AND ADOPTED** on second reading on the 10th day of September 2019.


152 **On Final Reading Moved By:** Vice Mayor Gielchinsky

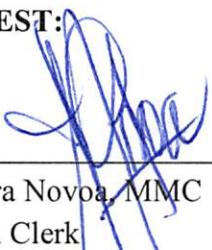
153 **On Final Reading Second By:** Commissioner Karukin

154 **FINAL VOTE ON ADOPTION**

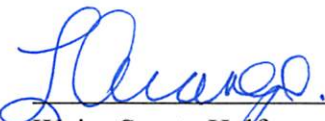
155	Commissioner Barry Cohen	<u>Absent</u>
156	Commissioner Michael Karukin	<u>Yes</u>
157	Commissioner Tina Paul	<u>Yes</u>
158	Vice Mayor Daniel Gielchinsky	<u>Yes</u>
159	Mayor Daniel Dietch	<u>Yes</u>

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

165 **ATTEST:**  
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168 \_\_\_\_\_  
169 Sandra Novoa, MMC  
170 Town Clerk

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

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177 Weiss Serota Hoffman Cole & Bierman, P.L.  
178 Town Attorney

**Exhibit "A"**

**Town Inventory of Vacant Properties in the Business District  
(Updated July 1, 2019)**

<b>West Side</b>	<b>East Side</b>
9452 Harding Avenue <sup>2</sup>	9433 Harding Avenue
9466 Harding Avenue <sup>2</sup>	9441 Harding Avenue
9472 Harding Avenue	9453 Harding Avenue <sup>2</sup>
9486 Harding Avenue <sup>2</sup>	9455 Harding Avenue <sup>2</sup>
9488 Harding Avenue <sup>3</sup>	9461 Harding Avenue <sup>2</sup>
9540 Harding Avenue <sup>2</sup>	9471 Harding Avenue <sup>2</sup>
9588 Harding Avenue <sup>3</sup>	9491 Harding Avenue
	262 95th Street
	9509 Harding Avenue <sup>3</sup>
	9513 Harding Avenue <sup>2</sup>
	9541 Harding Avenue <sup>2</sup>
	9555 Harding Avenue
	9571 Harding Avenue <sup>3</sup>
	9599 Harding Avenue <sup>2</sup>

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<sup>2</sup> Designates those properties that have been added to the inventory since July 10, 2018 and were vacant as of July 1, 2019

<sup>3</sup> Designates those properties that were in the original 2018 Downtown Vacancy Inventory dated July 10, 2018 and have already participated in the Parking Exemption Program