

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 90 "ZONING" OF THE CODE OF ORDINANCES, TO REGULATE UNDERGROUND PARKING IN THE TOWN; PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (the "Town") Commission finds it periodically necessary to amend its Code of Ordinances (the "Town Code") in order to update regulations and procedures to implement municipal goals and objectives; and

WHEREAS, the Town Commission now seeks to amend the Town Code to prohibit underground structures parking for residential and mixed-use uses in all zoning districts, except H120, and to require the elevation of the lowest finished level of underground structures parking for nonresidential uses be at least one foot above the water table, as further specified herein;

WHEREAS, the Town Commission considered and approved First Reading of this Ordinance at its Regular Commission on July 9, 2024;

WHEREAS, the Local Planning Agency ("LPA") of the Town considered and approved passage of this Ordinance at its Planning and Zoning Board Meeting on July 24, 2024; and

WHEREAS, the Town Commission and the Town's LPA have determined that this Ordinance is consistent with the Town's Comprehensive Plan and in the best interest of public health, safety and welfare.

NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:

Section 1. **Recitals Adopted.** That the above-stated recitals are hereby adopted and confirmed.

Section 2. Town Code Amended. That Chapter 90 "Zoning", is hereby amended to read as follows:¹

Chapter 90. ZONING

Article VII. – OFF-STREET PARKING

Sec. 90-79.- Restricted and prohibited parking

90-79.6 Except in the H120 zoning district, the elevation of the lowest finished floor of the lowest level of any parking Garage or structure shall be no lower than Grade. No underground, below Grade or basement parking Garage or structure is allowed in any zoning district other than in the H120 zoning district.

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. 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 5. Conflicts. That all sections or parts of sections of the Town Code, all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall become effective upon adoption. This Ordinance shall only apply to building permits for which a process number is issued after the effective date of this Ordinance.

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Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted double-strikethrough and double underline.

PASSED AND ADOPTED on first reading this 9th day of July, 2024.

PASSED AND ADOPTED by the Town's LPA this 24th day of July, 2024

PASSED AND ADOPTED on second reading this 13th day of August, 2024.

First Reading:

Motion by: _____

Second by: _____

Second Reading:

Motion by: _____

Second by: _____

FINAL VOTE ON ADOPTION

Commissioner Ruben A. Coto _____

Commissioner Nelly Velasquez _____

Commissioner Gerardo Vildostegui _____

Vice Mayor Tina Paul _____

Mayor Charles W. Burkett _____

Charles W. Burkett, Mayor

Attest:

Sandra N. McCready, MMC
Town Clerk

Approved as to Form and Legal Sufficiency:

Mark Blumstein, Interim Town Attorney