

1 **ORDINANCE NO. 2024-1781**

2
3 **AN ORDINANCE OF THE TOWN COMMISSION OF THE**
4 **TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER**
5 **90 "ZONING" OF THE CODE OF ORDINANCES, TO**
6 **REGULATE UNDERGROUND PARKING IN THE TOWN;**
7 **PROVIDING FOR INCLUSION IN THE CODE, AND**
8 **PROVIDING FOR CODIFICATION; PROVIDING FOR**
9 **SEVERABILITY; PROVIDING FOR CONFLICTS;**
10 **PROVIDING FOR INCORPORATION OF RECITALS; AND**
11 **PROVIDING FOR AN EFFECTIVE DATE.**

12
13 **WHEREAS**, the Town of Surfside (the "Town") Commission finds it periodically
14 necessary to amend its Code of Ordinances (the "Town Code") in order to update
15 regulations and procedures to implement municipal goals and objectives; and

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

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

23 **WHEREAS**, the Local Planning Agency ("LPA") of the Town considered and
24 approved passage of this Ordinance at its Planning and Zoning Board Meeting on July
25 24, 2024; and

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

29
30 **NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE**
31 **HEREBY ORDAINS:**

32
33 **Section 1. Recitals Adopted.** That the above-stated recitals are hereby
34 adopted and confirmed.

35
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.

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

38
39 Chapter 90. ZONING

40
41 ***

42
43 Article VII. – OFF-STREET PARKING

44
45 ***

46
47 **Sec. 90-79.- Restricted and prohibited parking**

48 ***

49 90-79.6 Except in the H120 zoning district, the elevation of the lowest finished floor
50 of the lowest level of any parking Garage or structure shall be no lower than Grade.
51 No underground, below Grade or basement parking Garage or structure is allowed
52 in any zoning district other than in the H120 zoning district.

53
54 **Section 3. Severability.** That the provisions of this Ordinance are declared to
55 be severable and if any section, sentence, clause or phrase of this Ordinance shall for
56 any reason be held to be invalid or unconstitutional, such decision shall not affect the
57 validity of the remaining sections, sentences, clauses and phrases of this Ordinance but
58 they shall remain in effect, it being the legislative intent that this Ordinance shall stand
59 notwithstanding the invalidity of any part.

60
61 **Section 4. Inclusion in the Code.** It is the intention of the Town
62 Commission, and it is hereby ordained that the provisions of this Ordinance shall become
63 and made a part of the Town of Surfside Code of Ordinances, that the sections of this
64 Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word
65 "Ordinance" may be changed to "Section" or other appropriate word.

66
67 **Section 5. Conflicts.** That all sections or parts of sections of the Town Code,
68 all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict
69 with this Ordinance are repealed to the extent of such conflict.

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

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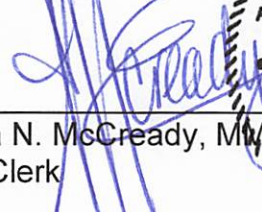
¹
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77 PASSED AND ADOPTED on first reading this 9th day of July, 2024.
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79 PASSED AND ADOPTED by the Town's LPA this 24th day of July, 2024
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81 PASSED AND ADOPTED on second reading this 13th day of August, 2024.
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83
84 **First Reading:** **Second Reading:**
85 Motion by: Commissioner Velasquez Motion by: Commissioner Velasquez
86 Second by: Commissioner Vildostegui Second by: Vice Mayor Paul
87

88
89 **FINAL VOTE ON ADOPTION**
90 Commissioner Ruben A. Coto Yes
91 Commissioner Nelly Velasquez Yes
92 Commissioner Gerardo Vildostegui Yes
93 Vice Mayor Tina Paul Yes
94 Mayor Charles W. Burkett Yes
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97
98 **Attest:**  _____ Charles W. Burkett, Mayor
99

100
101  _____
102 Sandra N. McCready, MPA
103 Town Clerk

104 **Approved as to Form and Legal Sufficiency:**
105
106 _____
107 Mark Blumstein, Interim Town Attorney



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