

RESOLUTION NO. 2023- 2969

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, OPPOSING SENATE BILL 102 (2023) AND HOUSE BILL 627 (2023); URGING THE FLORIDA LEGISLATURE TO SUBSTANTIALLY REVISE OR NOT ENACT SENATE BILL 102 OR HOUSE BILL 627 (2023); PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Senate Bill 102 (2023) (the “Senate Bill”), introduced as part of the regular 2023 Florida Legislative session, proposes to specify requirements for, and restrictions on, municipalities in approving applications for certain housing developments, among other amendments; and

WHEREAS, House Bill 627 (the “House Bill”), which is identical to the Senate Bill (collectively, the Senate Bill and House Bill are referred to as the “Bills”), was also introduced as part of the regular 2023 Florida legislative session; and

WHEREAS, either of the Bills, if enacted, would require a municipality to authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial or mixed use if at least 40% of the units remain “affordable,” as that term is defined in Section 420.0004, Florida Statutes, for at least 30 years; and

WHEREAS, the Bills provide that a municipality may not restrict the density below the highest allowed density on any land in the municipality where residential development is allowed, or the height of a proposed development below the highest currently allowed height for a commercial or residential development located within one mile of the proposed development, or 3 stories, whichever is higher; and

WHEREAS, the Bills provide that proposed development consistent with their terms must be administratively approved and may not require further action by the

governing body of a municipality including requiring a comprehensive plan amendment, change of zoning, or a site plan amendment, if the development meets other land development regulations such as setbacks and parking; and

WHEREAS, in small municipalities like the Town, the Bills threaten to disrupt the delicate balance of uses, densities, and intensities in ways that could negatively impact the quality of life of residents and businesses; and

WHEREAS, the Bills threaten to preempt the Town's local authority and jurisdiction to determine the course of development within the Town's geographic boundaries; and

WHEREAS, while the Bills are still in review and subject to modification, the Town Commission desires to oppose the Bills given the potential impact of new high-density, high-intensity multifamily or mixed-use development within the Town's commercial area; and

WHEREAS, the Town opposes the Bills, and urges the Florida Legislature to substantially revise the Bills to address the Town's concerns or not enact either of the Bills; and

WHEREAS, the Town Commission finds that this Resolution is in the best interest and welfare of the residents of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. That each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Opposition. The Town Commission hereby opposes the Bills and urges the Florida legislature to substantially revise the Bills to address the Town's concerns or not enact either of the Bills.

Section 3. Transmittal. The Town Clerk is directed to transmit this Resolution to the Miami-Dade County State Legislative Delegation, Florida State House of Representatives Speaker Paul Renner, Florida State Senate President Kathleen C. Passidomo, and Florida Governor Ron DeSantis for their review.

Section 4. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED on this 14th day of February, 2023.

Motion By: Mayor Danzinger

Second By: Commissioner Velasquez

FINAL VOTE ON ADOPTION:

Commissioner Fred Landsman	<u>Yes</u>
Commissioner Marianne Meisheid	<u>Yes</u>
Commissioner Nelly Velasquez	<u>Yes</u>
Vice Mayor Jeff Rose	<u>Yes</u>
Mayor Shlomo Danzinger	<u>Yes</u>

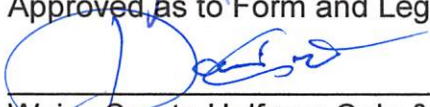
Attest:


Sandra McCready, MMC
Town Clerk




Shlomo Danzinger, Mayor

Approved as to Form and Legal Sufficiency:


Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney