

ORDINANCE NO. 12- 1591

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90-77 "OFF STREET PARKING REQUIREMENTS" TO PERMIT MECHANICAL PARKING LIFTS TO BE COUNTED AS REQUIRED PARKING SPACES SUBJECT TO CERTAIN CONDITIONS; 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 of Surfside is desirous of amending the Town Code to provide for automated parking through the use of parking lifts and mechanical parking systems, subject to certain conditions; and

WHEREAS, the Planning and Zoning Board, as the Local Planning Agency for the Town, held its hearing on the proposed amendments to the Code of Ordinances on June 28, 2012; and

WHEREAS, the Town Commission has held its first duly noticed public hearing on these regulations on July 17, 2012 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on August 15, 2012 and further finds the proposed change to the Code necessary and in the best interest of the community.

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:

Division 1. Off-Street Parking
Section 90-77. Off-Street Parking Requirements.

- f) Parking lifts. For the purposes of this section, "parking lifts" shall be defined as an electro-hydraulic mechanism in a multifamily residential building or in a non-residential building that lifts a parked passenger vehicle to make space available to park a passenger vehicle below it in a single vertical tandem fashion. A parking lift space may be counted as a parking space required by subsection 90-77(c), and shall not be subject to the minimum parking stall size requirements of subsection 90-81.1(1) provided that all of the following conditions are fulfilled:
1. A traffic queuing analysis shall be submitted by the owner of the building for parking areas using parking lifts, for review and approval by the Town Manager, to ensure efficient processing times and queue lengths. The number of parking lifts permitted to be counted as required parking spaces shall be determined by the approved queuing analysis; and
 2. All parking lifts shall be located within a fully enclosed parking garage and shall not be visible from exterior view. No outside parking lifts shall be permitted; and
 3. Parking lifts shall be permitted only when operated by an attendant or a licensed and insured valet parking company on a 24-hour/seven-days-a-week basis, to be confirmed by Restrictive Covenant to be recorded by the owner/applicant prior to establishment of the use; and
 4. No resident, guest, patron or customer of the building shall be permitted to operate the parking lift. A physical barrier shall be placed in the parking area to prohibit access to the parking lift area by residents, guests, patrons or customers of the building; and
 5. All parking lifts shall be maintained and kept in good working order; and
 6. The parking lift platform must be sealed and of a sufficient width and length to completely cover the bottom of the vehicle on the platform to prevent dripping liquids or debris onto the vehicle below; and
 7. All lifts must be designed so that power is required to lift the car, but that no power is required to lower the car, in order to ensure that the lift can be lowered and the top vehicle can be accessed in the event of a power outage; and
 8. All parking lifts must be designed to prevent lowering of the lift when a vehicle is parked below the lift; and
 9. Ceiling heights of any parking level with parking lifts shall be a minimum of fourteen feet four inches (14'4") and sufficient to accommodate all types of passenger vehicles. Such required height shall be proposed in the traffic queuing study and approved by the Town Manager. There shall be no beams, plumbing, or sprinklers that lower or otherwise interfere with this clearance across the entire span of the parking space; and
 10. Noise and vibration barriers shall be utilized to ensure that surrounding walls decrease sound and vibration emissions outside of the parking garage.

- g) No automated parking system, other than the parking lifts defined in subsection 90-77(f) shall be permitted as a required parking space unless first approved as a conditional use by the Planning and Zoning Board at a public hearing following the procedures in section 90-35 of the Town Code.

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.

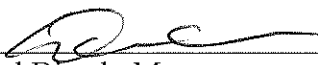
Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

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 ten (10) days after adoption on second reading.

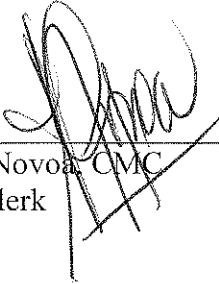
PASSED and ADOPTED on first reading this 17 day of July, 2012.

PASSED and ADOPTED on second reading this 15 day of August, 2012.



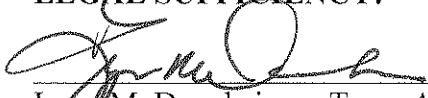
Daniel Dietch, Mayor

Attest:



Sandra Novoa, CMC
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: Commissioner Kligman.

On Second Reading Seconded by: Vice Mayor Karukin

Vote:

Mayor Daniel Dietch	yes	<input checked="" type="checkbox"/>	no	_____
Vice- Mayor Karukin	yes	<input checked="" type="checkbox"/>	no	_____
Commissioner Olchyk	yes	<input checked="" type="checkbox"/>	no	_____
Commissioner Kligman	yes	<input checked="" type="checkbox"/>	no	_____