



**Town of Surfside
Special Town Commission Meeting
MINUTES
March 2, 2021
3 p.m.**

1. Opening

A. Call to Order

Mayor Burkett called the meeting to order at 3:02 p.m.

B. Roll Call of Members

Town Clerk McCready called the roll with the following members present:

Present: Mayor Charles Burkett, Commissioner Charles Kesl, Vice Mayor Tina Paul and Commissioner Nelly Velasquez.

Absent: Commissioner Eliana Salzhauer.

Also present were Town Manager Andrew Hyatt, Town Attorney Lillian Arango, Town Attorney Tony Recio, Building Official Ulises Fernandez and Town Planner Walter Keller.

2. Zoning in Progress Extension - Andrew Hyatt, Town Manager

Mayor Burkett explained the importance of this meeting, and the need to extend the zoning in progress.

Commissioner Kesl stated that he does see that this meeting is for the extension of the zoning in progress and that some clarifications were made to the text. He then asked for an explanation of how the clarification came about.

Town Attorney Recio addressed the question from Commissioner Kesl regarding the clarification. He advised that one change was to clarify the fence specifications in order for residents to get their fences in place and the other change has to do with single family or duplex driveways. He stated that after working with Town Planner Keller, they drafted the language to handle these issues.

Commissioner Kesl stated he is comfortable with this but has a question regarding the no motels no hotels section and is that to allow anyone with existing boutique hotels to be able to keep them and how that would be dealt with moving forward.

Town Attorney Recio addressed the question from Commissioner Kesl regarding the hotels and stated that is already in place in the current version of the draft code but they did not put it in here because they did not get specific direction to place it in this zoning in progress. They are trying to keep this zoning in progress limited for now.

Commissioner Kesl agrees with keeping this zoning in progress limited and continue working on the zoning code.

Commissioner Velasquez wanted to confirm that the existing hotels would be grandfathered in with this protection in the code.

Town Attorney Recio stated that this zoning in progress does not do anything with existing hotels and it is not impacting them immediately, it only states that no new hotels could be built.

Commissioner Kesl asked if the no motels no hotels that are new are coming from the new code?

Mayor Burkett stated that the old code allows for motels and hotels.

Town Attorney Recio stated that the 2006 code allows them on the west side.

Mayor Burkett addressed the comments made by Commissioner Kesl.

Commissioner Kesl stated that for consistency they might want to leave the restriction of the hotels and motels in the new code.

Mayor Burkett stated that is where it is now in the zoning in progress. He stated that there were no hotels allowed on the dry side of Collins but there were motels.

Commissioner Kesl stated that he is fine with either and spoke regarding having continuity until they come up with the final code.

Vice Mayor Paul stated that in the workshop they came up with excluding the historic district and asked if it should be in the zoning in progress.

Town Attorney Recio stated that they have language for that and they can put in the zoning in progress if they wish to. He read the language into the record addressing the hotels and motels in the H40 district.

Vice Mayor Paul spoke regarding the eaves of the sloped roofs and allowing up to 24 inches for the sloped roofs. She spoke regarding the 8 inches on the flat roofs and would like change only the sloped roofs to 24 inches.

Town Planner Keller stated that the consensus of the Planning and Zoning Board is that they liked the 24 inches for the sloped roofs and does not believe the 8 inches would work.

Vice Mayor Paul spoke regarding the 20% landscape must be Florida friendly and Town Planner Keller stated it does not describe a way to apply the percentage. She would like a better definition and examples of what is Florida friendly.

Mayor Burkett asked Town Planner Keller to explain what Florida friendly means.

Town Planner Keller stated that it means native plants that grow well in this environment and that non-native plants can sometimes work better or just as well. He stated that the application of the 20% is not properly defined and most people do not understand and would like to know how to specifically apply the 20%.

Vice Mayor Paul stated her recommendation is to look into it and define it properly.

Mayor Burkett addressed the comment made by Vice Mayor Paul and stated that he could call another meeting to discuss this and she can work with Town Attorney Recio and Town Planner Keller to define it.

Vice Mayor Paul commented that the solar panels should be stricken until they have it defined in the code and does not understand why it ~~should be~~ is restricted.

Mayor Burkett asked Town Attorney Recio to read exactly what is stated in the code addressing solar panels.

Town Attorney Recio read into the record ~~into the record~~ what the proposed zoning in progress notice states regarding the rooftop solar panels and explained that ~~the~~ under the zoning in progress notice, the regulations default to the 2006 code unless changed by the notice.

Mayor Burkett asked if that would be eliminated would there be a way for residents to place them on their roofs.

Town Attorney Recio stated that it would default back to 2006 Code which did not specifically allow solar panels.

Vice Mayor Paul asked if they can add it as one of the exceptions.

Mayor Burkett stated that it is an exception right now based on what the Planning and Zoning Board approves.

Vice Mayor Paul stated that she does not think it is friendly or encouraging to people who want to put up solar panels.

Mayor Burkett stated that if she wants to remove it from the Planning and Zoning Board, he does not think that would be correct. He stated that he would take away the last portion of the height limitation and it would be subject to the Planning and Zoning Board to approve it.

Mayor Burkett asked Town Attorney Recio to remove the last part where it states "do not exceed the height limitation" of the 2006 code and leave it up to the Planning and Zoning Board to approve.

Commissioner Velasquez suggested giving initiatives to encourage people to use more solar panels in order to make the Town more environmentally friendly.

Vice Mayor Paul stated that the idea is to provide incentives in order to encourage them to use solar panels.

Mayor Burkett suggested the revised language.

Vice Mayor Paul spoke regarding the roof deck provision. She explained that she understood the appeal of the roof deck to single family homeowners and suggested roof decks be permitted with restrictions and read those into the record.

Commissioner Velasquez stated that she objects to roof decks and living in a single-family one-story home, you lose privacy.

The following individuals from the public spoke on the item:

Jeff Rose asked what combination of the codes are being used.

George Kousoulas stated that they need to keep their eye on the ball which is to invigorate the zoning in progress and keep it simple.

Mayor Burkett answered Jeff Rose's question and stated that they will use the most restrictive code.

Commissioner Velasquez asked Town Attorney Recio if they had roof decks in the 2006 or 2010 code and she stated she has an issue with roof decks.

Town Attorney Recio stated that in the 2006 they did not have roof decks but they did in the 2010 code.

Mayor Burkett spoke regarding the historic hotels and roof decks will need more discussion and information and address the setbacks as well.

Vice Mayor Paul would like to see the language before voting on it.

Commissioner Kesl stated that they should move forward in renewing the zoning in progress.

Vice Mayor Paul commented on the roof decks, clarifying that it is not a third floor, it is like a balcony of sorts.

Mayor Burkett stated that they need the details and he supports roof decks but needs to be worded correctly and they will come back with language for smaller hotels as well. He stated that if you allow smaller hotels you will have other issues to address. He stated that he is trying to avoid failed projects.

Vice Mayor Paul commented on giving flexibility to the historic-district.

Mayor Burkett stated that he agrees with that and they should look hard at that. He stated that they are trying to preserve those buildings if they can comply with all the requirements. He believes the Florida friendly needs more work and better language.

Mayor Burkett summarized and stated that we would need a motion to amend to add the eaves to 24 inches, the language for the solar panels and not adding the roof decks.

Commissioner Velasquez stated that she does not want to do the historic preservation on the single-family homes and still is not in agreement with roof decks.

Mayor Burkett addressed the comment made by Commissioner Velasquez and the new language will rule out the single-family homes for historic preservation.

Mayor Burkett asked Town Attorney Recio regarding the problematic language addressing the historic preservation.

Town Attorney Recio stated that the definition of Architecturally Significant Buildings is in the current code, but that restrictions set forth in the draft zoning code would not apply under the zoning in progress.

Mayor Burkett clarified the different codes and the language that is applicable.

Town Attorney Recio read the definition from the current code in reference to the Architecturally Significant Buildings and which buildings it pertains to.

Mayor Burkett asked what could they do to deactivate in order to lessen the confusion.

Town Attorney Recio addressed the comment by Mayor Burkett.

Mayor Burkett stated that during the zoning in progress the only thing applicable is what is in the zoning in progress.

Discussion took place among the Commission and Town Attorneys regarding the change in language to the zoning in progress.

Mayor Burkett suggested adding the language regarding the removal of permit fees for those that want to place solar panels on their roofs.

Vice Mayor Paul asked if the mechanical equipment on roof tops were permitted in the 2006 code.

Town Attorney Recio stated that it was not allowed in the 2006 code.

Discussion among the Commission took place regarding changing of the language when it comes to the solar panels as it pertains to the 2006 code.

Town Attorney Recio stated for the record what is allowed on single-family rooftops in the 2006 code and it is very restrictive.

Mayor Burkett stated that the language to be removed is the rest of the words after "guidelines" and add "without permit fees." Mayor Burkett also clarified that the Zoning in Progress should continue with "no roof decks," until they are further reviewed.

Mayor Burkett stated that if they can reach a consensus for another workshop to continue with changes to the language that will improve the zoning in progress.

Town Planner Keller asked if they are including in the zoning in progress the existing single-family discussion regarding the front yard landscape areas because he has some applications that if that is not in the zoning in progress he cannot approve them. He stated that what is proposed in the language that if someone has a driveway and they exceed the amount of hardscape, they can improve the driveway but not expand it.

Town Attorney Recio stated that the motion on the table is to approve what is written currently with the change on the eaves and the photovoltaic language and that what is currently written includes the last bullet point in the Zoning in Progress notice that already addresses Mr. Keller's concerns, so it is part of the motion.

Mayor Burkett read the last bullet into the record and stated that addresses the issue Town Planner Keller mentioned.

The following individuals from the public spoke:

Jeff Rose spoke regarding the rooftop decks in the code as well as mechanical equipment on the roof.

Horace Henderson spoke regarding rooftop decks.

Commissioner Velasquez stated that she was approached by one of the residents and due to the current setbacks, he is not able to build a pool on his corner lot. She also commented on the rooftop decks. She would like to explore pools on corner lots at their next meeting.

Vice Mayor Paul stated that there are several areas she would like to address in the code rewrite and find a form of compatibility in the legacy homes and the new homes being built. She believes that having a workshop with the Planning and Zoning Board would help along with more input from the residents.

Mayor Burkett addressed the comment made by Vice Mayor Paul.

Vice Mayor Paul asked which version is being approved.

Town Attorney Recio stated that the first three (3) pages of the packet is the version that is being considered. This version would default to the 2006 code as modified by the bullet points.

A motion was made by Commissioner Kesl to approve the same document they have been approving all along, with the proposed driveway change to the residential homes, and to make the adjustment to the eaves from 8 inches to 24 inches, add proper photovoltaic language and extend the zoning in progress for 90 days, seconded by Commissioner Velasquez. The motion carried with a 4-0 vote with Commissioner Salzhauer absent.

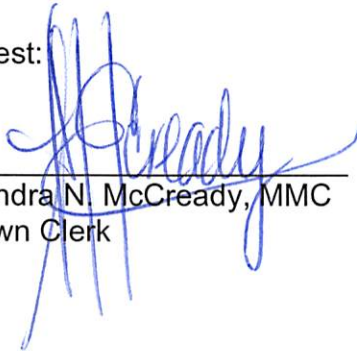
Commissioner Kesl left the meeting at 4:03 p.m.

3. Adjournment

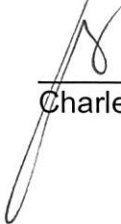
The meeting adjourned at 4:04 p.m.

Accepted this 14th day of September, 2021.

Attest:



Sandra N. McCready, MMC
Town Clerk



Charles W. Burkett, Mayor