



**Town of Surfside
Zoning Code Workshop
MINUTES
June 22, 2021
6 p.m.**

1. Opening

A. Call to Order

Mayor Burkett called the meeting to order at 6:01 p.m.

B. Roll Call of Members

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

Present: Mayor Charles Burkett, Vice Mayor Tina Paul and Commissioner Charles Kesl (arrived at 6:32 p.m.) Commissioner Eliana Salzhauer (arrived at 8:35 p.m.)

Absent: Commissioner Nelly Velasquez

Also present were Town Manager Andrew Hyatt, Town Attorney Lillian Arango, Town Attorney Tony Recio, Town Planner Lisa Maack and Building Official James McGuinness.

2. Working List of Open Issues for Discussion

3. Proposals from Individual Commissioners

Vice Mayor Paul spoke regarding her first item and Mayor Burkett agreed with it. staging area for debris and stated that they did not use 88th Street and it has been vacant since 2014.

Jeff Rose spoke regarding staging area for debris

Vice Mayor Paul spoke regarding the item clarifying difference between balcony and rooftop deck. She stated that this comes up every time there is a zoning in progress. She has an issue with not allowing residents to have roof decks and would be nice to allow them within reason.

Mayor Burkett asked if it would make sense if they consider having a roof deck to get authorization from their neighbors. He said that he tries to be openminded and would they like to leave it to the Planning and Zoning Board.

Vice Mayor Paul stated that might not work if someone else purchases the house afterwards and said yes to leave it to the Planning and Zoning Board to approve.

The following individual from the public spoke:

George Kousalous

Jeff Rose

Julian _____ spoke regarding insurance rates climbing on the homes.

Mayor Burkett addressed the comments made by Mr. Kousoulas and the guidelines he proposed.

Vice Mayor Paul asked Town Attorney Recio if he had anything to add.

Town Attorney Recio provided the different scenarios as it pertains to one story and two-story homes and what is permissible and what is not permissible as well as what defines a balcony.

Mayor Burkett asked Town Attorney Recio regarding the different scenarios. He suggested the Vice Mayor to work with the Town Attorney to come up with a draft that would work and then take it before the Town Commission.

Vice Mayor Paul suggested possible revisions and the importance of the location of the lots.

3. Vice Mayor Paul spoke regarding establishing increased setback for new single-family construction while allowing existing homes to rely on current setback provisions (current required setbacks are 20 feet in front and rear, and 5 feet for sides; plus, average setbacks for second floor) to ensure new construction is compatible with and does not overwhelm existing homes and read information as it pertains to the Planning and Zoning Board. She spoke regarding the compounding when you have two constructions side by side. She stated she does not know how much is actually being changed.

Mayor Burkett spoke regarding being a proponent of small lot small home not small lot big home. He would like to see larger parcels in order to build bigger homes.

Discussion took place regarding larger lots and their setbacks.

Mr. Kousoulas spoke regarding the setbacks and the size of the lots.

Discussion took place regarding the raising of homes and finished floor elevation requirements.

Mayor Burkett asked Town Attorney Recio that the height issue and crown of the road to be part of a charter question to be addressed.

Mr. Rose spoke regarding legacy homes having a foot of water due to the rain and the issues.

Mayor Burkett addressed the comments made by Mr. Rose as it pertains to the cash out on the properties.

Vice Mayor Paul stated it is not to penalize new constructions.

Further discussion took place among Mr. Rose and the Commission regarding the increased setbacks, house size and the lot size.

Vice Mayor Paul stated that the new construction overtakes the old construction, she spoke regarding people maximizing the home and eliminating greenspace.

Commissioner Kesl stated that they have to do this together and quality of life is what is important.

Mayor Burkett spoke regarding the home Mr. Julian will be building and the homes on Bay Drive and the size of the homes being built.

Further discussion took place regarding among the Commission and Mr. Rose regarding this specific item.

Commissioner Kesl stated that there are past practices of things that work

Building Official McGuinness spoke regarding a specific property and the legacy homes.

George Kousoulas spoke regarding a focused problem and a bigger issue that cannot be solved in a zoning rewrite.

Discussion took place regarding the lot size and square footage of homes.

Mayor Burkett asked Vice Mayor Paul if she would like the Town Attorney to put language together having big houses on big lots and small houses on small lots and not have a house that covers 90% of the lot. If someone wants to build a bigger home, they have to purchase a bigger lot.

Vice Mayor Paul stated that there are different things happening. If someone has a legacy home and make an addition, they should be able to do so. They should be mindful of their surroundings.

Direct Town Attorney to come up with language as it pertains to 50% of lot size

Commissioner Kesl spoke regarding the maximum square footage of spaces.

Town Clerk McCready read an email from Commissioner Velasquez stating that she is not in support of this item for single family district.

4. Vice Mayor Paul spoke regarding the item that is to require LEED Gold or Green Building Certification for all new construction.

Vice Mayor Paul asked for the Building Official to work with Town Attorney to come up with a proposal to encourage homeowners to build LEED certify and greener.

Town Clerk McCready read an email from Commissioner Velasquez stating that she is not in support of this item for single family district.

The following individual from the public spoke:

Jeff Rose stated that the pressing matter is sustainability and the rise of sea level rise.

5. Waive permit fees for photovoltaic systems.

Vice Mayor Paul requested to have permit fees waived for those that place photovoltaic systems on their roofs.

6. Prohibit boundary walls along interior side property lines in single family district insofar as the walls may exacerbate poor drainage conditions (possible that this is adequately addressed by increased setbacks).

Vice Mayor Paul stated that maybe the walls should not be higher elevation.

Building Official spoke regarding the properties must maintain the water on their property and the requirements per the code.

Vice Mayor Paul spoke regarding some type of limitation between homes.

The following individuals from the public spoke:

George Kousoulas

Discussion took place regarding the item and the size of the wall.

Mayor Burkett asked for Town Attorney Recio to add some language that addresses this issue.

7. Provide expedited review process for additions and renovations to existing single family homes.

Vice Mayor Paul introduced this item and asked if they could have this done quicker.

Town Attorney Recio stated that in terms of permitting, the zoning code can handle the Planning and Zoning Board aspect and asked what can be done from the building department portion in addressing the permits for these types of homes.

Building Official McGuinness addressed the question by Town Attorney Recio and stated that they are doing everything digitally which makes things more expedited.

The following individual from the public spoke:
Jeff Rose

Mayor Burkett asked what this relates to.

Mr. Rose addressed Mayor Burkett's question.

Vice Mayor Paul stated that Mr. Rose is interpreting differently. She stated that there is a section of the building code that can define this.

Town Attorney Recio will work on the language to add to the code.

8. Increase percentage of Florida friendly landscaping required.

Vice Mayor Paul introduced the item.

Commissioner Kesl agrees with the item and it is vegetation that is suitable in this environment.

Vice Mayor Paul stated that the University of Florida has a list and that she is suggesting increasing the percentage.

Town Attorney Recio stated for the record that currently it is 20% of the property.

The following individual from the public spoke:
George Kousoulas

Further discussion took place regarding the increase of landscaping.

Town Attorney Recio spoke regarding what is currently on the code.

Mayor Burkett asked Town Attorney Recio to put that into the code and proposal to increase the percentage more than 20% and possibly 30%.

9. Consider allowing rooftop decks in single family under limited conditions.

Vice Mayor Paul introduced the item and stated that she supports this and what is the difference between a balcony and a roof deck if they are small.

Town Clerk McCready read Commissioner Velasquez' email that she is not in support of rooftop decks.

Commissioner Kesl stated that there are roof decks on legacy houses

Mayor Burkett stated that he is all for roof decks and understands that Commissioner Velasquez is against it because it impedes on the neighbor so have the neighbors sign off on the approval.

Vice Mayor Paul spoke regarding possibilities of limiting it by the size in relationship to the neighbors and the position and not necessarily need the neighbor's approval.

Building Official McGuinness spoke regarding using special exceptions which is a way to control certain constructions and roof decks by special exceptions.

Mayor Burkett stated that it seems to be a spicy issue.

Mayor Burkett stated there is consensus of getting language on rooftop and formulate something that hits all the marks and bring it back.

Town Clerk McCready read the email from Commissioner Velasquez regarding the first-floor rooftop deck and the second-floor rooftop decks.

10. Consider incentives for new construction that preserves the previous home's footprint.

Vice Mayor Paul introduced the item and it speaks about the shape.

Mayor Burkett stated that it has already been discussed.

Commissioner Kesl spoke regarding the item and hip style roof and the daylight plane.

The following individual spoke on the item:
Jeff Rose

Discussion took place regarding the item and maximizing the square footage of the home and the shape of the home.

11. Allow existing synthetic turf for its usable life, but then require conversion to natural turf.

Vice Mayor Paul introduced the item and stated that many people placed artificial turn and it should not be allowed.

The following individual from the public spoke:
Jeff Rose stated that the artificial turf is to replace concrete or pavers

Mayor Burkett agrees with also grandfathering those that have them and when it wears out they must replace with natural grass.

Vice Mayor Paul stated that it is still the same problem because people are placing them now to get grandfathered in. She stated it is an environmental issue.

Mayor Burkett stated that there are useful areas like the driveway but agrees with Vice Mayor Paul.

Vice Mayor Paul stated that it is not good for environment and grandfather those in that have them currently.

Mayor Burkett stated that they can say, if you are grandfathered in, bring the receipt in to Town and give a time frame to bring proof.

Commissioner Kesl explained the reason why it is not good for the environment and good for the ecosystem. He stated that they should provide solutions.

Vice Mayor Paul explained why it is not good for the environment.

Commissioner Kesl stated that they should not grandfather in large areas.

Vice Mayor Paul stated for those that have it currently to be grandfathered in but when the life span is done, they must remove it.

Town Attorney Recio stated that they can come up with some language to place on the code.

Town Attorney Recio spoke regarding lot coverage, page 28 of the agenda packet regarding lot coverage and stated that currently they exempt certain things on the lot coverage.

Mayor Burkett stated that they were all focused on the 40% lot coverage but that is only the footprint and does not include the second floor. He believes they have to keep that in mind because it might not be ideal.

Town Attorney Recio stated that in one section it allows 40% and the second floor cannot be right on top. He spoke regarding the three categories that are open to the elements on the first floor but cap it to 6% of the lot and he wanted to know if they wanted to keep it at 6% or go up or down.

Vice Mayor Paul asked what happens if they build a house with an uncovered terrace and then they decide to cover it.

Town Attorney Recio stated that if you come and cover it you will increase the lot coverage and will not be allowed to cover it.

The following individual from the public spoke:
George Kousoulas spoke and stated it has to be less than 6%.

Further discussion took place regarding the setbacks and what is allowable on the second floor.

Mayor Burkett stated that the Town Attorney will write up 7 and 6.5% and for Mr. Kousoulas to come with different options and pictures and then they can make a choice.

Discussion took place regarding the coverage and the difference how it would affect other properties.

Town Attorney Recio explained the limitations.

Mayor Burkett stated that they will have two options and decide next week.

Vice Mayor Paul stated to go with the 7.5%.

Mayor Burkett stated that they will have both options and decide which one they would like.

Further discussion took place on the item and practical difficulties, variances and what will be considered.

Vice Mayor Paul would leave it in for the legacy homes.

The following individual spoke:

Jeff Rose

Joshua Epstein

George Kousoulas

Julian

Commissioner Kesl likes the consistency of the code and working together and is advocating for the 47%.

Vice Mayor Paul spoke regarding a joint planning and zoning workshop when they decided not to unlock the charter at that time.

Commissioner Salzhauer spoke regarding that meeting and Mr. Kousoulas gave a good presentation and if they could make it user friendly without unlock the charter.

Mayor Burkett stated that they spoke regarding 50% or 47% and would support 47.5%.

Commissioner Kesl would support 47.5% as well.

Vice Mayor Paul stated that you are voting for a bigger house.

Mayor Burkett summarized the percentages and what covers the lots.

Commissioner Salzhauer stated that a resident mentioned that they will get to 50% and now she is hearing 47% and 50%. Her position is the 40%.

Mayor Burkett addressed the comments made by Commissioner Salzhauer.

Consensus was to not raise the percentage.

Town Attorney Recio stated the next item is page 114 and it pertains to corner lots and certain circumstances as it pertains to setbacks (for example where they put the pools and fences).

Commissioner Salzhauer stated that the corner lots would choose where the house finish.

Town Attorney Recio addressed the comments made by Commissioner Salzhauer

Further discussion took place regarding the item and what the Town calls the front to determine setbacks, accessory uses, landscaping and which side makes more sense to determine the front of the house.

Town Attorney Recio stated that this was brought up because they had some issues come up by the Planning and Zoning Board.

Vice Mayor Paul stated that it should be the Town Manager or his designee.

Commissioner Kesl objects to this.

Commissioner Salzhauer objects to this and puts the Town Manager in a weird position.

Town Attorney Recio stated the reason it was put in is because this flexibility is common to other codes and a common element and it would allow you to fit the house better.

Vice Mayor Paul asked if this would fall under practical difficulty variance to include corner lots.

Town Attorney Recio stated that they could do that.

Commissioner Kesl agrees with that option.

Consensus was reached to add it as a practice difficulty.

Town Attorney Recio spoke regarding if they want to increase the landscaping on the back of their lot that faces on the other street.

Mayor Burkett asked if there are any that have issues.

Commissioner Salzhauer spoke on the item and not allowing a chain link fence when she purchased her house.

Mayor Burkett stated if there is no problem then it should not be changed.

Consensus was reached to leave it as is.

Town Attorney Recio asked if the design review board decisions are appealable to the Planning and Zoning Board.

Commissioner Salzhauer stated that the Planning and Zoning Board should be making the decision.

Town Attorney Recio stated that the design standards need attention.

Vice Mayor Paul stated that the Planning and Zoning Board requested to allocate funding for a new design review standard.

Commissioner Salzhauer stated that there are homes that are looking too much like each other.

Mayor Burkett stated that they can adopt the design guidelines similar to other municipalities that will work for us.

Building Official McGuinness stated that they should allow an appeal right to at least one board.

Town Attorney Recio stated that the quasi-judicial hearings go before the Commission as an appeal process.

Commissioner Salzhauer stated that the appeal would create more Planning and Zoning Board meetings. She stated that they should allow the Planning and Zoning Board.

The following individual from the public spoke:

Joshua Epstein

Jeff Rose

Consensus was to allow the Planning and Zoning Board to make the decision.

Vice Mayor Paul asked regarding the fences and hedges and what direction they are looking for from the Commission and she would like to do what they want.

Town Attorney Recio stated that they want the Commission to make the decision. He stated that some do not want anything in the front yard and a couple of them have a low barrier at the property line with low hedges. He stated that they do not like gates.

Vice Mayor Paul stated that they need to know what they are looking for to add to the code.

Commissioner Salzhauer stated that she personally does not support hedges, gates or fences in the front yard.

Vice Mayor Paul stated that they should have clarification as it pertains to gates and fences.

Consensus was reached for 2-foot hedges and 50% opacity subject to the rule the Building Official McGuinness stated in the front for side street yards.

Commissioner Kesl does not like fixed walls or gates or fences in the front yard.

Vice Mayor Paul also does not like fixed walls or gates or fences in the front yard.

Consensus was reached to have low hedges for the front side of the yards.

Town Attorney Recio clarified it is 5 feet from the curb and not on the public right of way.

Mayor Burkett stated that the Town Attorney will get everything discussed tonight, put it together, bring it to the next meeting for approval and then it will go to the Planning and Zoning Board.

Commissioners requested having a separate meeting to approve the zoning code rewrite.

Mayor Burkett stated they will do a separate meeting to approve the zoning code rewrite. The first meeting will be for the draft and make sure the language is what was proposed, make those changes and once those changes are made then it is ready to go to the Planning and Zoning Board for their input.

Commissioner Salzhauer stated that they should put in the code certain types of shrubs that only grow a certain height and these are the choices for the front yard.

Commissioner Kesl asked for the Town Clerk to circulate the timeline to get it done.

Discussion took place regarding the number of members and vote needed for a variance.

Consensus was reached that 4 out of the 5 should vote for a variance.

Town Planner Mack spoke regarding design incentives for property owners and they did research to look at what encompasses historic district. She stated that additional pages were added after her conversation with Sarah Codey from the Office of Historic Preservation and gave an overview of the item.

Vice Mayor Paul would like to see the corridor study and spoke regarding the report.

Town Clerk McCready read the email from Commissioner Velasquez.

Commissioner Salzhauer asked Town Planner Mack that they have to preserve the historic portion of the building and what would fit in that area and what that block should look like.

Mayor Burkett asked Town Planner to come up with ideas for that corridor and make that area shine and bring it back for the Commission's input.

The following individuals from the public spoke:

George Kousoulas

Jeff Rose

Mr. Superstein

Discussion took place among the Commission regarding the art district and art studios.

Discussion took place regarding the wedding cake building and what is being done about it.

12. Public Comment

13. Question & Answer (based on public comment)

7. Adjournment

The workshop adjourned at 10:16 p.m.

Accepted this 14th day of September, 2021.

Attest:



Sandra N. McCreedy, MMC
Town Clerk



Charles W. Burkett, Mayor