



**Town of Surfside
Zoning Code Workshop
MINUTES
January 18, 2022
6 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154

1. Opening

Mayor Burkett called the meeting to order at 6:08 p.m.

A. Roll Call of Members

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

Present: Mayor Charles Burkett, Vice Mayor Tina Paul (arrived at 6:12 p.m.), Commissioner Nelly Velasquez, Commissioner Charles Kesl and Commissioner Eliana Salzhauer (arrived at 6:49 p.m.)

Also present were Town Manager Andrew Hyatt, Town Attorney Lilian Arango, Town Attorney Tony Recio, Town Planner Walter Keller and Building Official James McGuinness.

2. Summary of Changes from September and October Workshops

Mayor Burkett gave an overview and history of the reason for the zoning code rewrite. He stated that what he has proposed to the Commission is that they had a zoning code that worked in the past and they would like to go back to that code and use that code as the foundation for the rewrite. He stated that they have the protective code the Town had for decades. He stated that they have been trying to get the code rewrite using the foundation as stated.

3. Summary of Changes to Draft Code – Remaining Items

Town Attorney Recio went through where they left off in the last workshop and gave an overview of what they have discussed previously. He stated that he will have some questions for the Commission.

The Commission agreed to allow synthetic turf only in non-pervious areas.

Town Attorney Recio spoke regarding additional flooring area for addition or alterations to family homes known as the practical areas. He stated do they want to allow an exception or have the homeowner come for a variance.

Commissioner Velasquez asked if that would still require the 50% rule.

Town Attorney Recio stated that they still have to follow that rule.

Town Attorney Recio stated that on page 63, they decided the blank is 1970 and what you get is an extra 5% lot coverage. They capped lot coverage at 40% and this would allow them 45%.

Mayor Burkett asked if that would be the build on the first floor.

Town Attorney Recio stated that it currently is not limited to the first floor but they could limit to the first floor.

Mayor Burkett spoke regarding the lot coverage and building under the existing rules.

Vice Mayor Paul stated that she is fine with that because they are preserving the home and the character of the Town.

Commissioner Kesl spoke regarding incentivizing individuals to keep the original home.

The following individuals from the public spoke:

George Kousoulas
Jeff Rose
Carolyn Baumel

Commissioner Velasquez asked regarding the 45% rule.

Town Attorney Recio answered Commissioner Velasquez' question.

Commissioner Velasquez agrees giving an incentive to preserve the original home while adding more square footage, this will allow them to be bigger on the first floor to avoid going to a second home.

Vice Mayor Paul spoke regarding some wanting a second floor.

Town Attorney Recio responded to the comments made by the Commission as it pertains to additions.

Discussion took place among the Commission and the Town Attorney regarding the 50% rule as it pertains to renovations and tear downs.

Building Official McGuinness spoke regarding FEMA's flood requirements and replacement costs.

Mayor Burkett stated consensus was reached to add the extra 5% and the houses are required to be compatible and sensitive to existing designs.

Roof top decks in H30C and H30B

Town Attorney Recio gave an overview of the item and spoke regarding roof top decks in a certain area.

Commissioner Velasquez stated she was fine with them on the water lots because they are bigger but the smaller lots you are already having loss of privacy.

Vice Mayor Paul stated that she was not for the prohibition.

Town Attorney Recio stated that on the water they can have it but not in the interior lots.

Vice Mayor Paul asked if the corridor lots are limited.

Town Attorney Recio read the limits of the interior lots.

Discussion took place among the Commission and Town Attorney Recio regarding the height requirements for the roof top decks.

Mayor Burkett gave an update to Commissioner Salzhauer on what has been discussed tonight.

Town Attorney Recio stated the way it currently is written as it pertains to the roof top decks.

Commissioner Velasquez asked regarding the homes that already have roof top decks.

Town Attorney Recio addressed the question asked by Commissioner Velasquez.

Commissioner Salzhauer spoke regarding roof top decks in residential areas and it should not be allowed.

Commissioner Kesl spoke regarding the roof top decks and the noise they can bring and that the key is to have peaceful neighborhoods.

Vice Mayor Paul stated that the roof top decks need to be controlled by size. She expressed her concerns with the ones on Harding Avenue. She stated that having a roof top deck is like having a balcony and needs to be limited by size.

Mayor Burkett, Vice Mayor Paul and Commissioner Velasquez are fine with the roof top decks on the waterfront properties. Further discussion took place among the Commission regarding the roof top decks and noise.

The following individuals from the public spoke:

George Kousoulas
Jeff Rose

Carolyn Baumel
Randy Rose
Shlomo Danzinger
Marianne Meisheid

Mayor Burkett stated that he could set this aside and come back to it.

Vice Mayor Paul stated that the H30C should be looked at similar to the H120.

Champlain Tower South stays as is.

Use Restrictions

Town Attorney Recio stated the Commission desire was no new hotels in the historic district.

Mayor Burkett stated that those smaller hotels will not be successful.

Mayor Burkett asked Commissioner Kesl if he wants ratty hotels. He stated what they are trying to do is get the units renovated into viable units.

Discussion took place among the Commission regarding the hotels in the historic district.

The following individuals from the public spoke:

Randy Rose
Jeff Rose
George Kousoulas

Commissioner Salzhauer spoke regarding the quality of life.

Vice Mayor Paul stated she supports the hotels option to give flexibility to the property owners in the historic district to revitalize their property.

Commissioner Velasquez likes it with conditional use but would prefer no more hotels in Town.

Town Attorney Recio explained the process of conditional use.

Consensus was reached by the Commission to allow hotels in the historic district with serious conditions.

5A is a procedural issue-When you have conditions on conditional uses and site plan approvals to require them to get a temporary occupational license – Consensus was reached among all.

5B-original put 45 days from submittal day, they changed it to go down to 30 days.

Vice Mayor Paul asked why the amount of days was changed because they might need more time. She wanted to know the previous timeline.

Town Attorney Recio stated it used to be 21 days and they added more time to allow the Town Planner more time to be able to review the applications.

Mayor Burkett stated that the Town Planner needs more help and there is still a level of frustration out there on the time that it is taking.

Commissioner Velasquez asked that it was being done within 21 days and does not understand why the Town Planner cannot do it within 21 days.

Town Planner Keller addressed the comment made by Commissioner Velasquez and explained why there is need for more than 21 days.

Town Attorney Recio stated that he suggested 45 days because it is not only the Town Planner that has to review the applications.

Commissioner Kesl understands why they need 45 days.

Commissioner Salzhauer asked Town Planner if he can do it within 30 days.

Town Planner Keller stated that in some projects would take 45 days.

Commissioner Salzhauer stated if they would like to divide it to certain ones in 30 days and some in 45 days.

Consensus was reached among the Commission to allow for 30 days for residential and 45 days for high rise and commercial.

The following individuals from the public spoke:

Jeff Rose
Carolyn Baumel

6B –

Town Attorney Recio introduced the item regarding clarification of understory area beneath first finished floor to make code internally consistent.

The following individuals from the public spoke

George Kousoulas
Jeff Rose

Carolyn Baumel

Commissioner Salzhauer stated that this is not something to rush into and they could address it later.

Commissioner Kesl stated this did need clarification. He does not support increasing the height limit but is in support of the understory and having a pervious area that will absorb the water.

Commissioner Velasquez agrees with Commissioner Salzhauer and believes this is opening a pandora's box. She does not support this at the moment and believes this is something that needs to be looked at. She spoke regarding increasing the homes by 5 feet and that is too much.

Building Official McGuinness addressed the comments made by Commissioner Velasquez.

Vice Mayor Paul supports this and has heard the discussion at the Planning and Zoning Board Meetings. She stated this is being progressive. She does not support the extra 5 feet of height because their goal is to try and incentivize individuals from tearing down the homes.

Mayor Burkett agrees with Vice Mayor Paul and Commissioner Kesl. He noted the concerns of the Commissioners and spoke regarding Lindsey Lecour's home and that it is a very nice home. He spoke about conditions that would address Commissioner Velasquez and Salzhauer's concerns.

Further discussion took place among the Commission and staff regarding this item.

The following individuals from the public spoke:

George Kousoulas
Jeff Rose
Joel Lapidus
Carolyn Baumel
Allen Davoudpour

Mayor Burkett asked if there would be certain provisions in place would they feel comfortable.

Commissioner Velasquez would like to explore this more and speak with Town Attorney Recio.

Commissioner Salzhauer believes this item is too big of a topic to tackle and believes it can be changed later and does not want to open this box.

Commissioner Velasquez stated that she feels the same way as Commissioner Salzhauer and this item just came up. She stated that they need to understand it better and sit with the Town Attorney and Town Planner to see how it changes the aspect of the Town.

Commissioner Kesl spoke regarding the understory and supports this item.

Vice Mayor Paul stated this not a new concept and it was not considered by the previous commission because it was not brought to their attention. She spoke regarding Lindsey Lecour's house. She supports everything except the extra 5 feet in height.

Mayor Burkett stated to bring this back with the package that they will be approving at their next commission meeting. The commissioners can talk with the Town Attorney and Town Planner and have a discussion.

Page 93 of the Bold-Chart with Notes for the next 6 pages that is one way of presenting the information and asked which way they would like to have it presented.

Mayor Burkett asked if it was presented this way before.

Town Attorney Recio stated that one way to present it could be H30A and H30B all the rules there. He stated that himself and Town Planner Keller could work with this current chart but understands how placing it all in one area would be easier for others to understand.

Mayor Burkett asked regarding the way it was previously in the code.

Town Attorney Recio's recommendation is to have it in separate pieces, all single family under one section.

Commissioner Velasquez would prefer to have it the way it is being presented tonight.

The following individuals from the public spoke:

George Kousoulas

Commissioner Salzhauer stated that the version they have is very confusing. She stated that whatever would be easier for him to explain to the people. She does not have an opinion. She stated that it would be good to have it separate.

Commissioner Velasquez asked for clarification.

Town Attorney Recio clarified his recommendations on the two forms of presenting the item.

Commissioner Kesl stated that what is confusing to him is the minimum floor requirement. He is fine with Town Attorney Recio's recommendation.

Vice Mayor Paul agrees with Town Attorney Recio's recommendation.

Consensus was reached by the Commission to have Town Attorney Recio's recommendation of placing all similar items under each section (example all single-family homes under one section).

17. Demolition

Commissioner Velasquez stated that she prefers to have a vacant lot than a property that is unsafe. A vacant home can attract squatters and be vandalized.

Building Official McGuinness addressed the comments made by the Commission.

The following individuals from the public spoke:

Jeff Rose
George Kousoulas
Randy Rose

Commissioner Salzhauer addressed the comments from the public and spoke regarding the article she had distributed to the Commission.

Commissioner Velasquez asked if they will be citing the homeowner of vacant homes that are in the process of demolition. She stated that they need to allow the homeowner to demolish a property that is vacant and in unsafe conditions.

Commissioner Kesl spoke regarding the item and does not believe it fits in.

Vice Mayor Paul spoke regarding the intention which is the commitment of the property owner to build what they stated they would build.

Mayor Burkett agrees with Commissioner Velasquez as it relates to properties that are in bad condition.

Commissioner Salzhauer asked what has changed.

Further discussion took place among the Commission regarding the item.

20 Sustainability and Permit Fees for Rooftop solar

Town Attorney Recio provided an overview of the item and the concept.

Commissioner Velasquez commented on the item and believes that there are sections that need to be discussed further.

Commissioner Kesi spoke regarding the guidelines provided to link to the standards and believes this is very important.

Vice Mayor Paul stated that she supports this and would like to know the number for what the requirement should be.

Mayor Burkett spoke regarding if there is a criteria and if it is in the Building Code.

The following individuals from the public spoke:

George Kousoulas
Jeff Rose

Commissioner Salzhauer stated that she is for having standards. She is in agreement with the Silver LEED.

Commissioner Velasquez stated she is fine with this but would like to know more about it.

Further discussion took place among the Commission on this topic.

Consensus was reached among the Commission to request Silver LEED as a minimum standard requirement everywhere except in residential.

Item 21 - Permit Fees for Rooftops solar

Vice Mayor Paul spoke about the ordinance that was adopted previously and that it was taken care of with that process and that the fees will be waived.

Town Attorney Recio confirmed that all solar panels are required to go in front of the Planning and Zoning Board for Design Review.

Item 22- Fences, walls and gates

Town Attorney Recio asked for direction regarding fences in front yards specifically. He explained that the Planning and Zoning Board does not place fences in front yards. He explained the front and side of the property and how to treat it as it pertains to walls and fences.

Commissioner Salzhauer spoke regarding fences and gates being a problem for her because it changes the neighborhoods and the dynamic of the neighborhood. She stated that she does not want walls or fences.

Commissioner Velasquez spoke regarding many houses that have fences and they should not have to take down their existing fences.

Commissioner Salzhauer stated the lots Commissioner Velasquez is talking about are corner lots.

Commissioner Kesl stated that the front of the homes should not have fences or gates.

Vice Mayor Paul stated they should allow the existing gates and fences and any new ones should follow the design guidelines.

Town Attorney Recio stated that Planning and Zoning Board would like to not have to see these applications before them. They recommended up to 4 feet in height and no fences or gates in the front yard.

Mayor Burkett stated that he is not happy that they limited the hedges to 6 feet. He stated that there are very lovely homes with gates in the front.

Town Planner Keller explained the Planning and Zoning Board's frustration is due to the fences and gates not being in the code.

The following individuals from the public spoke:

Jeff Rose
Carolyn Baumel
Shlomo Danzinger
Shaya Schneider

Commissioner Salzhauer stated this is exactly why she did not want to be part of the zoning rewrite. She spoke regarding the fences, gates and hedges.

Commissioner Velasquez spoke regarding the comments made by Commissioner Salzhauer.

Commissioner Kesl spoke regarding the low walls in Town. He stated that Commissioner Salzhauer speaks for many of the residents and they need to be careful because it will change the character of the Town.

Vice Mayor Paul stated that they need the recommendation of the Town Planner and the Board. It is not about restricting people but what will fit in the community. She stated that there needs to be regulation on how it will look.

Mayor Burkett stated that they are here to make a decision. He stated there is nothing wrong with gates and a gate that is beautiful adds beautiful architectural components to the house.

Commissioner Salzhauer stated that it started with corner lots allowing this and supports that but the problem is when it grows.

Commissioner Velasquez spoke regarding the fences and gates.

Further discussion took place among the Commission regarding their position on gates and fences.

Mayor Burkett summarized the comments made by the Commission.

The following individuals from the public spoke:

Jeff Rose
George Kousoulas
Carolyn Baumel
Shlomo Danzinger

Commissioner Salzhauer addressed the comments made by the Commission and the public and does not want fences and gates.

Commissioner Velasquez stated that the fences and gates in the inner lots should be smaller and passing fences and supports them on the corner lots.

Further discussion took place among the Commission regarding the item and having the Town Attorney and Town Planner place this into the code.

Mayor Burkett gave a summary of the item and asked each member of the Commission for their input.

Consensus was reached by the Commission with the direction given to the Town Attorney regarding gates and fences (Commissioner Velasquez, Vice Mayor Paul and Mayor Burkett).

23: Design Review of additions and renovations to existing single-family homes –

Town Attorney Recio spoke regarding the agenda process for the Planning and Zoning Board.

Consensus was reached by the Commission to go with Town Attorney Recio's suggestions.

24 Florida Friendly Landscaping

Town Attorney Recio gave an overview of the item.

Town Planner Keller addressed the difference of the trees as it pertains to the code. He stated that they need to look at the landscape code as it pertains to single family homes.

Commissioner Velasquez asked regarding different forms of the plants. She asked if this change means that the homeowner has to go with a landscaper to place a tree in their home. She does not agree with additional expense to the homeowner. She believes that this needs to be looked at more.

Vice Mayor Paul stated the way she interpreted this portion of the code.

The following individual from the public spoke:

Carolyn Baumel
Shlomo Danzinger
Allen Davoudpour
Jeff Rose
George Kousoulas
Linden Nelson

Commissioner Salzhauer supports this item.

Commissioner Velasquez stated that if the plants mentioned are Florida friendly then she is in support of the item.

Commissioner Kesl spoke regarding his experience and spoke regarding sustainability and believes 40% is a low benchmark.

Vice Mayor Paul agrees with the 40% and what Commissioner Kesl stated regarding the list.

Mayor Burkett spoke regarding the comment made by Commissioner Kesl and does not believe they should have plants that do not need water like Arizona. He stated that he supports what they have.

Consensus was reached by the Commission on the changes made.

25. Practical Difficulty Variance

Town Attorney Recio explained the item and what would be allowed under a practical difficulty variance.

Commissioner Velasquez agrees with the proposal.

Commissioner Salzhauer agrees with the proposal.

Commissioner Kesl agrees with the proposal.

Vice Mayor Paul agrees with the proposal and it is up to the owner where the front door is.

Discussion among the Commission and the Town Attorney took place regarding what constitutes the front of the property.

The following individuals from the public spoke:

George Kousoulas

Consensus was reached among the Commission to leave this section the way it is.

26. Variance

Town Attorney Recio stated that the Commission requested 4 votes of the Commission is needed to grant a variance.

Commissioner Salzhauer asked in the 2004 code how many votes was needed.

Town Attorney Recio stated 3 votes.

Mayor Burkett stated that the Town does not give variances.

Consensus was reached by the Commission to go with 4 votes out of 5.

2. Substantial Compliance Provision.

Town Attorney Recio stated that this will allow the Town Planner discretion for a minor change. He stated that as long as what you want to do complies with the code. He provided a summary of this section of the code and provided an example.

Commissioner Salzhauer asked why this was placed in the code.

Town Attorney Recio explained the reasoning and why he provided this proposal.

Vice Mayor Paul believes they do not have enough information. She asked what is being allowed under b. She stated that c, d, e and f she could agree with because they seem minimal. She stated that she says no to g and h.

Mayor Burkett asked Town Attorney Recio to explain why this section is needed.

Commissioner Salzhauer spoke regarding these sections coming in front of them and believes it was written very developer friendly. She believes that it opens the door and many things go wrong with South Florida and would like to keep a tight lid on the code.

Commissioner Velasquez stated that she cannot agree to this because there are many things that are not clear.

Commissioner Kesl believes this would open up another can of worms. He thanked the Town Attorney for trying to streamline things.

The following individuals from the public spoke:

George Kousoulas
Linden Nelson
Jeff Rose

Mayor Burkett stated consensus is to set this provision to the side. He stated that the draft would go to the Commission for first reading and then go to the Planning and Zoning Board and fine tune it. It would then come to the Commission for second reading.

Commissioner Salzhauer would like to have a joint meeting with the Planning and Zoning Board.

Commissioner Velasquez stated that this particular item was not requested by the Commission.

Commissioner Kesl stated that he wishes they were not rushed to get this done within the next 60 days.

Vice Mayor Paul stated that she is not completely against it, she just has issues with the vagueness.

Mayor Burkett stated that the idea is to put things into the code that would fix the old code.

The following individual from the public spoke:

George Kousoulas

Mayor Burkett asked Town Attorney Recio to put the draft together for the next meeting.

Commissioner Kesl asked to speak about the roof top deck.

Mayor Burkett reiterated the votes for the roof top decks.

Town Attorney Recio stated that if you are putting a deck on a roof 20 feet or less you would be at least 5 feet from the perimeter. He stated if you are higher, you would be required to be 10 feet from each perimeter. The one thing discussed at one point was to not require that on the waterfront side, so they could go right to the edge of the building.

Commissioner Kesl asked what the maximum 30 feet measurement is from and if the deck is above the 30 feet to what maximum.

Town Attorney Recio stated it does not add to the height and the railing is an extra feature.

Commissioner Velasquez stated that the setbacks should be greater in the front and back of the property on the water and the front. She spoke regarding the size of the roof top deck.

Mayor Burkett asked what the problem for the deck would be to project to the back of the water.

Commissioner Salzhauer spoke regarding lobbyist notice and they are speaking without registering. She would like to have a joint session with the Planning and Zoning Board.

Vice Mayor Paul would like to discuss the waterfront setbacks. She is in favor of the decks.

Mayor Burkett stated that he is in favor of the decks without disturbing the neighbors.

The following individuals from the public spoke:

Linden Nelson
Allen Davoudpour
Randy Rose
Jeff Rose
George Kousoulas
Shlomo Danzinger

Commissioner Salzhauer addressed the comments made by the public.

Commissioner Kesl stated that he believes the height limit is also intended to limit uses and applications. He stated that he will not support roof top decks.

Consensus was reached by the Commission to allow roof top decks on waterfront properties with the setbacks stated.

4. Recommendations from Planning and Zoning Board for Single Family Districts

5. Public Comment

6. Question & Answer (based on public comment)

7. Adjournment

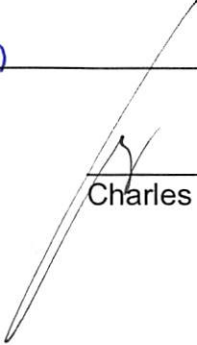
The workshop adjourned at 11:03 p.m.

Accepted this 8 day of March, 2022.

Attest:



Sandra N. McCready, MMC
Town Clerk



Charles W. Burkett, Mayor