



**Town of Surfside  
PLANNING & ZONING BOARD  
Zoning Code Workshop  
MINUTES**

**November 16, 2021 - 6 p.m.**  
Town Hall Commission Chambers  
9293 Harding Ave, 2<sup>nd</sup> Floor, Surfside, FL 33154

**1. Call to Order/Roll Call**

Chair Frankel called the meeting to order at 6:01 p.m.

**Present:** Chair Judith Frankel, Board Member Fred Landsman, Member James Mackenzie, Board Member Ruben Bravo, and Alternate Board Member Carolyn Baumel.

**Absent:** Mayor Charles W. Burkett, Board Member Randi MacBride and Alternate Board Member Horace Henderson.

**Also, Present:** Town Attorney Tony Recio, Town Planner Walter Keller and Building Official Jim McGuinness.

**2. Town Commission Liaison Remarks**

No Liaison remarks were given since Mayor Burkett was absent.

**3. Review of List of Changes**

Town Attorney Recio went over the list of changes that were provided.

**4. Additional Single Family Discussion**

- A. Setbacks and Encroachments**
- B. Lot Coverage and Floor Area**
- C. Landscaping and Pervious Area**
- D. Rooftop Uses – Decks and Mechanical**
- E. Accessory Structures; Pool Location**
- F. Understory Parking**

**Under Section 19. Single Family Home Volumes**

Town Attorney Recio stated that the Town Commission decided to move away from this.

Vice Chair Landsman stated his disappointment with the Town Commission as it relates to the recommendations that the Planning and Zoning Board provided.

The following member of the public spoke:

Jeff Rose spoke regarding making recommendations to the Commission and ballot questions of possibly raising the homes.

George Kousoulas stated that the Commission did not want to bother with this portion.

Town Attorney Recio explained the concept of this section and what areas it limits. He provided an overview of the proposed changes to that section of the code.

Board Member Baumel discussed individuals wanting to demolish and rebuild.

Town Attorney Recio spoke regarding the intent of that section of the code as it pertains to building second floor homes.

Board Member MacKenzie asked regarding the requirement when it comes to articulation of the façade.

Vice Chair Landsman commented that the Commission decided to vote against it because they did not understand it.

Town Attorney Recio stated that the Commission is not accustomed to looking at plans.

Board Member Baumel stated that understory is very important.

Board Member MacKenzie asked where they go from here since the majority of the Board is on the same page. He asked if they can go ahead and approve the Town Attorney's proposal.

Town Attorney Recio stated that he will be passing out his proposed notes that basically encompasses what the recommendations of the Board was, and he will present it to the Commission for their consideration. He provided the process of it going before the Commission for a first reading and then coming back to the Board and there is no reason why they cannot give the Commission their recommendations.

Chair Frankel stated that they should provide their recommendations. She stated that it provides incentives in keeping one story homes and building one story homes. She stated that for those that want to build a two-story

home, the developers should give options and to the benefit of the Town they would get homes that are less imposing.

Vice Chair Landsman spoke regarding the understory and those that want two story homes and does not disagree that this is a good incentive but people will push the two story.

Chair Frankel asked what recommendation the Board wants to make to the Commission.

Consensus was reached to move forward with the Board's previous recommendation and to have those provided to the Town Commission.

### **G. Fences, Walls, Gates, and Hedges**

Vice Chair Landsman asked regarding the Commission recommendations on the hedges.

Town Attorney Recio provided the requirements for the hedges for the front of the house and the Commission has not taken a position on gates.

Chair Frankel mentioned that the hedges are not enforceable, and Code Enforcement cannot even go and cite the owner of the property.

Vice Chair Landsman stated that if a Commissioner asks Code Enforcement to go and measure and cite, they will have to.

Chair Frankel stated that if the hedges are in your right of way and in the event the hedges are blocking the view to the street, she does not believe it should be changed from 4 feet.

Board Member Baumel asked that an interior lot house is allowed to have a 6-foot hedge.

Town Attorney Recio stated that nothing is formalized or adopted but they have come to a decision to go with a 6-foot hedge and it is going in the Zoning in Progress.

Chair Frankel stated that the only time the hedges are coming before the Board is when it is a new building.

Town Planner Keller believes that the hedges should be on the property line.

Board Member MacKenzie stated that is because they do not require a landscape architect to provide a signed plan. He stated that they need to have that and a coordinated effort with the design review. He also suggested any new home or major renovation above 50% to come with a landscaping plan.

Board Member Bravo stated it also affects the safety and security of the neighborhood.

Town Planner Keller agrees with having a landscape plan as part of the requirements.

Further discussion took place among the Board regarding hedges and the requirements being proposed.

The following members of the public spoke:

Jeff Rose

George Kousoulas

Board Member MacKenzie stated that the Town must develop a guideline and for it to be better than what they have in place now. He spoke regarding the 10-foot setback.

Chair Frankel stated one of their recommendations would be to require a landscape plan proposal certified by a landscape architect incorporating the other recommendations on number of trees, pervious and Florida friendly as well as time taken to evaluate landscape requirements to be a comprehensive document. She stated that they would like to see the landscape plan go before the design review board.

Town Planner Keller spoke how they look at each project depending on the work they will be doing as it pertains to the pervious area.

Chair Frankel asked if they wanted to provide a recommendation and reiterated what the Commission proposed.

Vice Chair Landsman would advocate 8 feet because it gives some level of security or safety.

Board Member MacKenzie is supportive of the 4-foot hedge.

Board Member Bravo is supportive of the 4-foot hedge.

Vice Chair Landsman stated that if the Commission wants 6 feet, he will not fight them.

Consensus was reached to leave the hedges at 6 feet.

Chair Frankel spoke regarding gates and walls and stated that anything 2 feet and zero opacity she does not have an issue. She stated that when they get to the 4 feet in the front, it gets trickier because a fence without a gate is useless and to her a 4-foot fence is not keeping children in or anyone coming over. She stated that a 4-foot fence is more decorative and not for security.

Discussion took place regarding the height and the necessity of having gates and fence.

Vice Chair Landsman asked what the Commission decided on this.

Town Attorney Recio stated that the recommendation was back in June, but they have not discussed it again.

Vice Chair Landsman spoke regarding having ideas and possibilities of designs. He spoke regarding updating the design review guidelines. He stated that he would prefer fences and gates not to go before this Board.

Further discussion took place regarding the gates and fences and strict guidelines.

The following individuals from the public spoke:

George Kousoulas

Jeff Rose

Board Member MacKenzie spoke regarding a house on a specific location and that some need it and others do not.

Chair Frankel stated that she agrees with Vice Chair Landsman that they do not want to deal with this issue. She spoke regarding some meeting a hardship requirement.

Town Attorney Recio stated that this can fall under special exception and not necessarily a variance but does have to meet certain criteria.

Town Planner Keller spoke regarding fences of the front house and some of the older homes do not have much of a front set back.

Discussion took place regarding the front setbacks and those wanting a fence in order for children to play in the front yard and fences in the backyard has never been a problem.

Vice Chair Landsman suggested that for the H30B they do not allow for any gates for interior lots, for corner lots you let them come to this Board and make their argument for hardship, for H30A they let them come to this Board to make their case and they can consider the gates.

Chair Frankel asked regarding the secondary frontage.

Town Planner Keller stated that with those they cannot put up a fence without approval.

Chair Frankel stated that the front door cannot be blocked by gates.

Town Attorney Recio reiterated, H30B allows decorative walls of 2 feet with 100% opacity, if you put a fence, it is a 4-foot hedge blocking the fence with 2 feet solid and anything above that cannot be solid. No gates on any of these. On a corner lot for secondary frontage only, gates with Planning and Zoning Board approval. One situation is the boat example, which is perpendicular to the road, so you are not facing it as a pedestrian. One of the defining things is that when you are on the street you aren't looking at it, so are there going to be the same rules for both. Corner lots no gates on the front door; if parallel to the street with board approval and perpendicular to the street to go before the board.

Board Member MacKenzie stated that part of the discussion has to be that most of the corner lots have their front door on side of street.

The following member of the public spoke:  
Jared Superstein

Chair Frankel asked what the setback would be for H30A.

Further discussion took place regarding the H30A homes and gates and those coming before the Board for a hardship approval.

Town Attorney Recio spoke regarding corner lots and they are saying for H30B that they can have them in some areas.

Chair Frankel stated that all in H30A they are saying no gates.

Town Attorney Recio asked if they want to couple it with a variance and explained what they are allowed to ask for in the variance application.

Board Member MacKenzie stated that if these properties truly have a hardship they can come before the Board for a variance.

Chair Frankel stated that when presenting this to the Commission it is important to explain that the intent is to keep the feel of Surfside.

Town Attorney Recio suggested having a designated board member to look over his notes to make sure he has all the information.

Chair Frankel suggested to forward it to the Board through the Deputy Town Clerk.

Vice Chair Landsman suggested that the Chair would be the best person to serve as the designate.

Consensus was reached to have Chair Frankel and Board Member MacKenzie to be the designated members to review the recommendations and provide any input.

**Item 23. Design Review of additions and renovations to existing single-family home.**

Discussion took place regarding which items should be placed first on the agenda.

Town Attorney Recio stated the current way the agenda is done is the way that it has been done in the past. He also stated that a recommendation was made to place small projects before large projects.

**Item 24 Florida Friendly Landscaping**

Town Attorney Recio stated that this falls under the previously discussed Item number 4 and it was approved.

**Item 25. Practical Difficulty Variance**

Town Attorney Recio spoke regarding the proposal they had, He stated that they can get rid of this but the second part of this which is the part which adds a variance to determine the front of a corner lot. He stated that the Commission decided to make a variance to determine the front portion of the house.

Town Planner Keller stated it only makes sense on a new vacant lot.

Board Member MacKenzie stated that if you are using the front of the lot and enforce the front to be the long side, they end up putting 20 feet instead of 5 feet because they would be losing 15 feet of property. He

stated it needs to be kept the way it is which is the front being the short side of the lot.

Town Attorney Recio explained that this became an issue with the gates and fences and that has been covered.

#### **Item 26. Variance**

Chair Frankel asked if they only need to have three votes to approve a variance.

Town Attorney Recio stated that right now you only need three votes but at one time it was requested to be unanimous, but it has been brought down to four and not five votes.

Chair Frankel stated that it is fine the way it is with three votes.

The following member of the public spoke:  
George Kousoulas

Vice Chair Landsman believes that it is fine with the four votes.

Town Attorney Recio stated it should also be limited to what they can ask for and mentioned them.

Consensus was reached to leave it at four votes.

A motion was made by Vice Chair Landsman to extend the meeting for 15 minutes until (8:20 p.m.), seconded by Board Member Bravo. The motion carried with a 5-0 vote.

#### **H. Additional Concerns**

The following individuals from the public spoke:  
George Kousoulas spoke regarding number 5 – definition of story.  
Jeff Rose spoke regarding higher ceilings.

Board Member MacKenzie stated that the Building Code speaks regarding what is allowed and the space allocated for storage.

Chair Frankel would recommend to the Commission to be clear that it is not allowing more habitable space but only to increase the height from the crown of the road to allow higher freeboard but only if you are doing an open side concept.



Further discussion took place among the Board members regarding the height.

Board Member MacKenzie stated that if they want to incentivize pitched roofs, they only penalize flat roof architecture and that is what people are trying to discourage. He believes that in 30 feet you can meet the freeboard and meet the requirements. He just believes that they should not go on the referendum because it will fail.

A motion was made by Vice Chair Landsman to extend the meeting for an additional 10 minutes (until 8:30 p.m.), seconded by Board Member MacKenzie. The motion carried with a 5-0 vote.

Building Official McGuinness suggested changing it from where you measure it from which is from design flood elevation.

Town Attorney Recio stated that right now the charter states you cannot increase the height and it would have to go to a ballot question because you are changing the point in the sky. He read what the current code states.

Chair Frankel believes they should present both point of views.

Town Attorney Recio stated that he cannot have this by tomorrow. If the Chair would like to provide language, then he can give it to the Town Attorney tomorrow.

Chair Frankel asked for Building Official McGuinness to come up with the language and provide it to the Town Attorney by tomorrow. She just wants Mr. McGuinness to put the concept together.

**5. Additional Public Comment**

No additional public comments.

**6. Additional Question and Answer**

**7. Scheduling Additional Workshop (if necessary)**

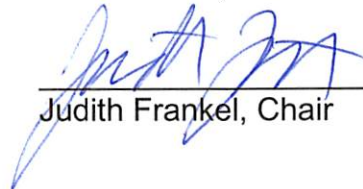
No future workshop meeting dates were requested.

**8. Adjournment**

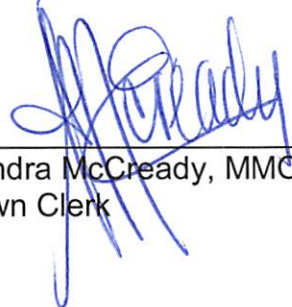
The workshop adjourned at 8:34 p.m.

Respectfully submitted,

Accepted this 27 day of 2022, 2022.

  
\_\_\_\_\_  
Judith Frankel, Chair

Attest:

  
\_\_\_\_\_  
Sandra McCreedy, MMC  
Town Clerk