



**Town of Surfside  
Town Commission Meeting  
AGENDA**

**SUPPLEMENT No. 1**

**November 9, 2016**

**7 p.m.**

**Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Floor  
Surfside, FL 33154**

*Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.*

*Rule 6.05 Agenda. The good and welfare portion of the agenda set for 8:15 p.m. shall be restricted to discussion on subjects not already specifically scheduled on the agenda for discussion and debate. In no event shall this portion of the agenda be allotted more than 45 minutes with each speaker to be given no more than three minutes, unless by vote of a majority of the members of the commission present, it is agreed to extend the time frames. Likewise, commission members shall be restricted to speaking three minutes each unless an extension is granted in the same manner as set forth in the prior sentence.*

*Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item.*

*Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once reached this capacity, people will be asked to watch the meeting from the first floor.*

*\* Denotes agenda items as "must haves" which means there will be significant impacts if the item is not addressed tonight. If these items have not been heard by 10 p.m., the order of the agenda will be changed to allow them to be heard.*

**1. Opening**

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**
- D. Mayor and Commission Remarks – Mayor Daniel Dietch**
- E. Agenda and Order of Business Additions, deletions and linkages**
- F. Community Notes – Mayor Daniel Dietch**

**2. Quasi-Judicial Hearings (None)**

**3. Consent Agenda (*Set for approximately 7:30 p.m.*)**

*All items on the consent agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request that an item be removed from the Consent Agenda and discussed separately.*

**Recommended Motion: To approve all consent agenda items as presented below.**

**A. Minutes – Sandra Novoa, MMC, Town Clerk**

***Deferred to December 13, 2016 Regular Town Commission Meeting***

**B. Budget to Actual Summary as of August 31, 2016 – Guillermo Olmedillo, Town Manager**

**\*C. Town Manager’s Report – Guillermo Olmedillo, Town Manager**

- 1. See Click Fix
- 2. Development Applications
- 3. Code Compliance Cases
- 4. October 2016 Significant Incidents/Arrests
- 5. High Holiday Detail
- 6. New CSA Position
- 7. Run with the Police-5K Run/Walk
- 8. Police Events
- 9. Information Technology and TV Broadcasts

**\*D. Town Attorney’s Report – Linda Miller, Town Attorney**

**E. Committee Reports – Guillermo Olmedillo, Town Manager**

- August 25, 2016 Pension Board Meeting Minutes
- September 29, 2016 Planning and Zoning Board Meeting Minutes
- September 29, 2016 Sustainability Subcommittee Meeting Minutes

**F. Expenditure of Forfeiture Funds for Fiscal Year 2016-2017 – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2016/2017 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$50,592 FROM THE FORFEITURE FUND TO SUPPORT CRIME PREVENTION INITIATIVES, COMMUNITY-BASED PROGRAMS AND LAW ENFORCEMENT EQUIPMENT; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.**

**4. Ordinances**

*(Set for approximately N/A p.m.) (Note: Good and Welfare must begin at 8:15)*

**A. Second Reading Ordinances**

*(Set for approximately 7:45 p.m.) (Note: Good and Welfare must begin at 8:15)*

**B. First Reading Ordinances**

**1. Architectural Significance – Commissioner Daniel Gielchinsky**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-2 “DEFINITIONS” AND 90-33 “ALTERATION OR ENLARGEMENT OF NONCONFORMING STRUCTURES” TO PERMIT ALTERNATIVES FOR THE REDEVELOPMENT OF EXISTING ARCHITECTURALLY SIGNIFICANT BUILDINGS IN THE H120 ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.**

**2. Amendment to Chapter 54, Division 2 “Noise” – Guillermo Olmedillo, Town Manager**

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 54 “OFFENSES AND MISCELLANEOUS PROVISIONS” DIVISION 2 “NOISE”; SPECIFICALLY AMENDING SECTION 54-78 “PROHIBITED NOISES”, SPECIFICALLY AMENDING SECTION 54-79 “RESTRICTED NOISES—CLASSIFIED; ENUMERATED”; CREATING SECTION 54-80 “ENFORCEMENT BY CODE COMPLIANCE OFFICER; NOTICE OF VIOLATION; WARNINGS; RESPONSIBILITY TO PROVIDE CURRENT ADDRESS”; CREATING SECTION 54-81 “RESPONSIBILITY FOR COMPLIANCE”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**3. Amendment to Sec. 14-29 of the Code of the Town of Surfside – Guillermo Olmedillo, Town Manager**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14 “BUILDINGS AND BUILDING REGULATIONS”; SPECIFICALLY AMENDING SECTION 14-29. “PERMIT FEES” TO PROVIDE FOR A CONSISTENT CALCULATION FOR THE COST OF CONSTRUCTION FOR PERMIT FEES AND FOR THE RIGHT OF THE TOWN OF SURFSIDE TO CONDUCT AN AUDIT OF THE CONSTRUCTION COSTS AT THE CONCLUSION OF CONSTRUCTION; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**4. Amending Article VI. – “Rules of Procedure For Town Meetings”  
Specifically Amending Sections 2-201, 2-202, 2-203,2-204, 2-205, 2-206, 2-207, 2-208 and 2-209 – Linda Miller, Town Attorney**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE VI. - “RULES OF PROCEDURE FOR TOWN MEETINGS”; SPECIFICALLY AMENDING SECTIONS 2-201, 2-202, 2-203, 2-204, 2-205, 2-206, 2-207, 2-208 AND 2-209; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.**

**5. Resolutions and Proclamations**

*(Set for approximately 8:15 p.m.) (Note: Depends upon length of Good and Welfare)*

**A. Human Health Based Water Quality Criteria – Commissioner Tina Paul**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA URGING THE U.S. ENVIRONMENTAL PROTECTION AGENCY TO ADHERE TO STRICTER STANDARDS AND TO CONTINUE TO MAXIMIZE OPPORTUNITIES FOR THE PROTECTION OF PUBLIC HEALTH AND THE ENVIRONMENT IN THEIR CONSIDERATION OF FLORIDA'S PROPOSED HUMAN HEALTH-BASED WATER QUALITY CRITERIA; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE FLORIDA GOVERNOR, FLORIDA SENATE PRESIDENT, HOUSE SPEAKER, CHAIR AND MEMBERS OF THE MIAMI-DADE COUNTY STATE LEGISLATIVE DELEGATION, ADMINISTRATOR OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE DIRECTOR OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR APPROVAL AND AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**B. Upgrade/Replacement of the Town of Surfside Parking Pay Stations – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH HARRINGTON RESOURCES INC., DBA PARKER SYSTEMS FOR THE UPGRADE AND REPLACEMENT OF PARKING PAY STATIONS AND PAY-BY-PLATE FUNCTIONALITY; PIGGYBACKING OFF THE TERMS OF THE COMPETITIVELY AWARDED CONTRACT BY LEE COUNTY, FLORIDA; AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$324,373.00 FROM THE MUNICIPAL PARKING FUND, MACHINERY AND EQUIPMENT FROM ACCOUNT NUMBER 402-9500-545-6410; AUTHORIZING AND APPROVING THE TOWN MANAGER TO ENTER INTO A CONTRACT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.**



**6. Good and Welfare (Set for approximately 8:15 p.m.)**

*Public comments for subjects or items not on the agenda. Public comment on agenda items will be allowed when agenda item is discussed by the Commission.*

**7. Town Manager and Town Attorney Reports**

Town Manager and Town Attorney Reports have been moved to the Consent Agenda – Item 3.

*All items on the Consent Agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request that an item be removed from the consent agenda and discussed separately.*

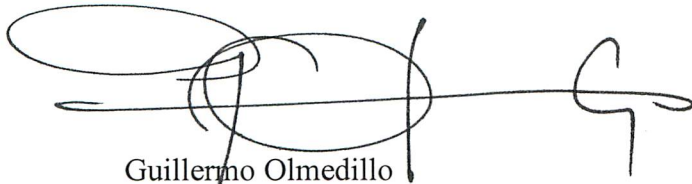
**8. Unfinished Business and New Business**

**9. Mayor, Commission and Staff Communications**

- A. Meeting Dates and Deadlines for 2017** – Sandra Novoa, MMC, Town Clerk
- B. Ad Hoc Traffic Advisory Committee Recommendation(s)** – Guillermo Olmedillo, Town Manager
- C. Bal Harbour Shoppes Expansion** – Mayor Daniel Dietch
- D. Future Land Use Element of Comp Plan** – Commissioner Michael Karukin

**10. Adjournment**

Respectfully submitted,



Guillermo Olmedillo  
Town Manager

---

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY

AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT [www.townofsurfsidefl.gov](http://www.townofsurfsidefl.gov).

TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY ATTEND THIS MEETING.

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.



**Town of Surfside  
Town Commission Meeting  
November 10<sup>th</sup>, 2016  
7:00 pm**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 9D  
**Date:** November 9, 2016  
**From:** Michael Karukin  
**Subject:** Future Land Use Element of Comp Plan

---

**Objective:** To amend policy 1.1 and policy 3.6 in the Future land use element of the 2010 Comprehensive Plan (Comp Plan).

**Consideration:** The Town Commission (TC) approved about \$50,000 for work on the EAR Based Amendments to the town's Comp Plan, a state mandated process. There are 2 sections of the Comp Plan that cover allowable locations for hotel development or "tourist facilities": policy 1.1 (third paragraph) and policy 3.6.

Policy 1.1 from 2010 Comp Plan

Moderate-High Density Residential: up to 79 residential dwelling units per acre or up to 108 hotel units per acre and not more than 40 feet in height. The permitted uses are single family, duplex, and multi-family residential uses, hotels, public schools, places of public assembly, and parks and open spaces.

Policy 3.6 from 2010 Comp Plan

Policy 3.6 – The Town shall maintain a future land use map pattern and other development regulations which limit new tourist facilities to properties in the Moderate Density Residential/Tourist, Moderate-High Residential, and High Density Residential/Tourist land use categories.



## Background

In 2009, the Comp Plan was modified expanding the locations of where a “tourist facility” such as a dedicated hotel can be built from only “the east side of Collins Avenue” to the west side, spanning the Collins to Harding corridor covering 2 additional land use categories. As indicated by the tracked changes version of the 2009 EAR report, the Moderate Density Residential Tourist and Moderate High [Density] Residential land use categories were added to the policy thereby increasing the land area that would allow dedicated hotels to be built.

Tracked changed version of old comp plan showing cross out of east side of Collins and addition of other land use categories from 2009 EAR Report. What was policy 3.9 is now policy 3.6.

~~Policy 3.9-6 - The Town shall maintain~~Maintain a future land use map pattern and other development regulations which ~~limits~~limit new tourist facilities to properties ~~on the east side of Collins Avenue~~in the Moderate Density Residential/Tourist, Moderate-High Residential, and High Density Residential/Tourist land use categories.

From 2009 EAR Surfside Comp Plan Amendments.

Tracked changed version of old comp plan showing edits to Policy 1.1 of Future Land Use Element from 2009 EAR Report.

Moderate-High Density Residential: up to 79 residential dwelling units per acre or up to 108 ~~hotel or motel~~ units per acre and not more than 40 feet in height. The permitted uses are single family, duplex, and multi-family residential uses, ~~hotels~~ public schools, places of public assembly, and parks and open spaces.

The map of these land use categories are found in the Future Land Use Map (FLU-7) [Click here](#).

Annotated versions are provided on the next page.

To illustrate the expansion of where a dedicated hotel can be built, the first map shows the area where hotels were always allowed, and still are, as defined by the past and present Comp Plan. The set of maps displayed side by side below illustrate the additional locations.

Prior to the 2009 EAR Report hotels were permitted only on the east side of Collins as illustrated below.

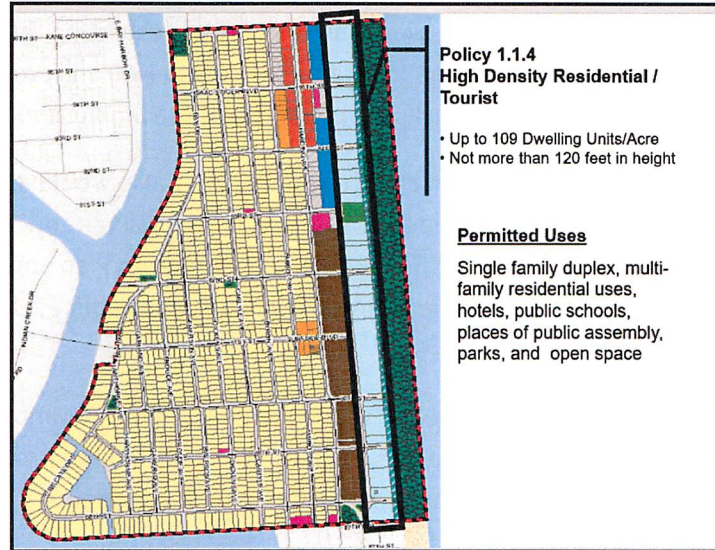
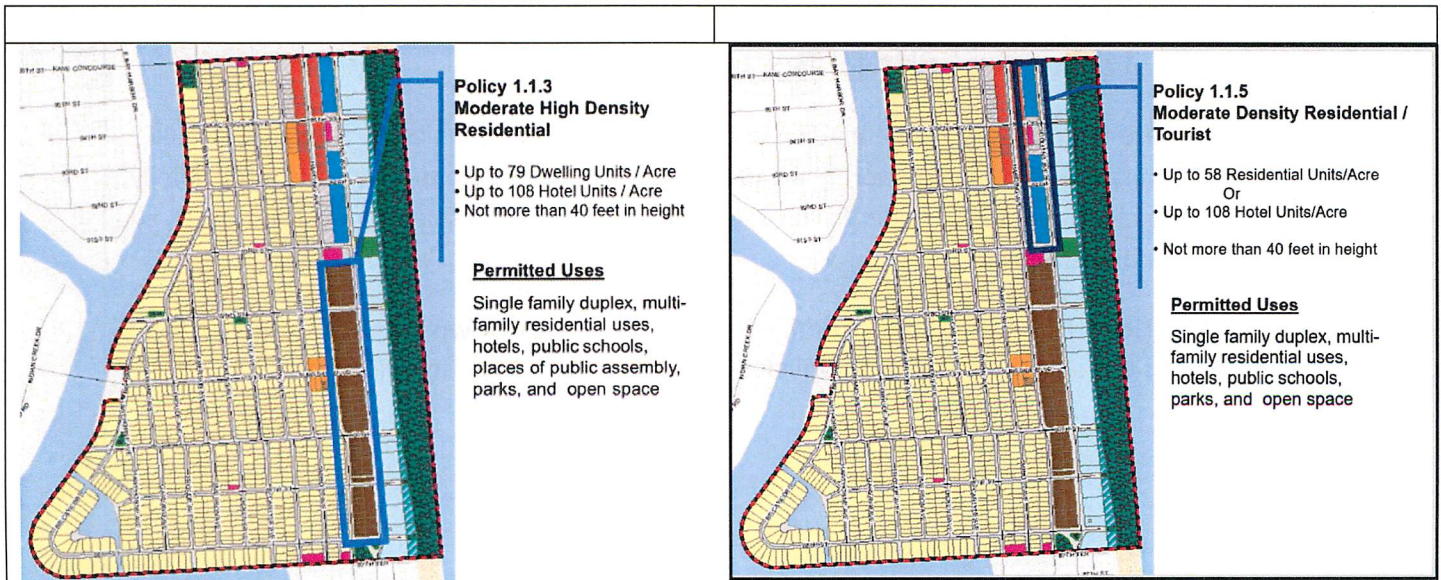


Figure 1 High Density Residential/Tourist (H120)

After approval of the 2009 EAR Report, the locations where hotels would be permitted were expanded to the Moderate High Density Residential (the “Corridor”) and Moderate Density Residential Tourist. Motels were permitted but the word “motel” was removed as part of the 2009 changes as well.





The goal is to improve residential quality of life. This change in comp plan policy may help by mitigating the risk of new dedicated hotel development projects within the Moderate High Density Residential land use category as defined in the Future Land Use Element of the Towns Comprehensive Plan. In my mind the current language in policy 3.6 is too broad and combined with recent trends in property aggregations along the corridor, the risk is increased.

Now that we have some experience with hotel projects, for which the full impacts have not yet been fully realized, the preferred option for Surfside would be to consider restricting the ability for large dedicated hotels to be built in the portion of the town zoned H30 and H40 and covered by the Moderate High [Density] Residential land use category as illustrated in the future land use map FLU-7.

If there is agreement to change policy 3.6, then changes to policy 1.1 also would also need to be considered. The Town Planner will obviously need to assess this discussion item. Since the Town Planner is in the early stages of developing the next EAR Report for Comp Plan amendments, I am asking the TC to direct the administration to assess the alternative language for policy 1.1 and policy 3.6 as presented below.

The following text edit to the Comp Plan policy 3.6 is proposed for TC consideration. This may seem like a simple change (striking 3 words), but it seems like it can dramatically help to protect and preserve the small-town character for years to come and improve quality of life for residents.

#### **Proposed Edits to Policy 3.6**

The Town shall maintain a future land use map pattern and other development regulations which limit new tourist facilities to properties in the Moderate Density Residential/Tourist, ~~Moderate-High Residential~~, and High Density Residential/Tourist land use categories.

If the changes to policy 3.6 are acceptable, then policy 1.1 would also need to be addressed.

#### **Proposed edits to Policy 1.1 Third Paragraph**

Moderate-High Density Residential: up to 79 residential dwelling units per acre ~~or up to 108 hotel units per acre and~~ not more than 40 feet in height. The permitted uses are single family, duplex, and multi-family residential uses, ~~hotels~~, public schools, places of public assembly, and parks and open spaces.

**Recommendation:** Direct the Town Administration to have the Town Planner formalize the recommended edits to the comp plan policies as described in this discussion item.

Thank you

Michael Karukin