



**Town of Surfside
Zoning Code Workshop
Multifamily, Hotel and Commercial
MINUTES
February 18, 2021
6 p.m.**

1. Opening

A. Call to Order

Mayor Burkett called the meeting to order at 6:00 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 and Vice Mayor Tina Paul (arrived at 6:04 pm)

Absent: Commissioner Eliana Salzhauer, and Commissioner Nelly Velasquez.

Also present were Town Manager Andrew Hyatt, Town Attorney Lillian Arango, Town Attorney Tony Recio, Town Planner Walter Keller and Building Official Ulises Fernandez (arrived at 6:14 pm).

2. Introductory Statement

Mayor Burkett gave an introductory statement and provided a background of the zoning code workshop. He stated that there have been discussions whether or not changes of the zoning code should be done and the cost entailed and the amount spent. He stated some of the arguments are frivolous and some are the Commissioners requesting to make changes to the 2010 code. He discussed with the Commission months ago that would mean to accept a 190-page document that no one can understand and was written by developers. They decided to take the code that did not bring hyper development in Surfside, the code written by residents for residents and they decided to use that code as the foundation for the new code. He spoke regarding the residential district changes and the commercial district changes as well. He would recommend since they have eight months of work done, he thinks they should put together the new code everyone wants to see.

Mayor Burkett wanted to bring to the Commission's attention a couple of pages on the agenda book on page 1 and 278 which includes policy questions.

3. Summary of major substantive changes that are new (i.e. not from either 2006 or current code)

Town Attorney Recio explained the redline of the current code and what has changed in the draft code in comparison from the old code to the new one. He explained the changes and how some of the changes are from the 2002 code. He also spoke regarding item number 4 which is the working list of items that the Commission and members of the public. He stated that these items would need policy direction in order to make the changes.

Commissioner Kesl thanked Town Attorney Recio and stated that the list is manageable and if something comes up, they can add to the running list. He spoke regarding the context on page 1 and how helpful it is. He asked how those came about and if it was based on discussion and recommendations.

Mayor Burkett gave the Commission the related information as it pertains to individual items and their related page numbers.

Vice Mayor Paul asked Town Attorney Recio regarding the red underlined language and was not sure how to read it and normally underlining means something new being added and is here tonight to hear from the public.

Town Attorney Recio stated that the red is new language from the 2006 code not from the current code. The green language is current code items moved to a new location.

Commissioner Kesl explained the language and editing of the draft presented which includes language changes. He asked if there are any other prefix to the edit key.

Town Attorney Recio explained that he highlighted each section in order for them to find the revisions easier.

Mayor Burkett asked Town Attorney Recio how he went about making the changes.

Town Attorney Recio continued explaining the summary of the substantiate changes to the code and how he went about making the changes to the code. He stated if it was relocated it will appear in dark green.

Item 1 (a) (Definitions – Section 90-2 – Acre) and (b) (Definitions – Section 90-2 – Aggregation) from the Town Attorney Summary:

Town Attorney Recio explained acreage as well as aggregation as defined in Section 90.2.

Vice Mayor Paul stated aggregation has been in the comprehensive plan since 2009 and asked how does aggregation affect things since it's been there for a long time.

Town Attorney Recio addressed the question by Vice Mayor Paul regarding the aggregation and this change to the code is adding another layer to that provision. This aggregation definition is requesting a review process if you are planning on aggregating the lots.

Mayor Burkett stated that the review process is determined by the Commission.

Commissioner Kesl stated that there were other areas of the code that were bypassed when it comes to that topic. He asked if someone can give an example of density.

Item 1 (c) (Definitions - Section 90-2-Architecturally Significant Building) and 22 (Architecturally Significant Buildings – Section 90-272) from the Town Attorney Summary:

Mayor Burkett spoke regarding the designation of historic and architecturally significant buildings.

Town Attorney Recio stated that the page relevant to that topic is page 268.

Vice Mayor Paul asked regarding the redline on pages 268 and 269 and what those changes are and she discussed neglect of historic properties regarding broken windows on some buildings.

Town Attorney Recio addressed the question by Vice Mayor Paul and stated that this language is new and based on the City of Miami Beach's Historic Code.

Mayor Burkett read into the record page 269. He asked Town Manager Hyatt to send Code Enforcement to look at the building which is open.

Further discussion took place among the Commission regarding designation of historic preservation of a building and architectural significance.

Town Attorney Recio went through the item and explained this section of the code as well as certain incentives for protecting the building. He spoke regarding modification of the property and this provision will give them more say as to the owner being able to do modifications.

Mayor Burkett asked Commissioner Kesl if he believes that the architectural significance definition for buildings is a good thing.

Commissioner Kesl stated he does agree with that.

Town Attorney Recio explained the changes to the language regarding the architecturally significant building and what areas were struck through and added.

Item 1 (d) (Definitions - Section 90-2- Density) from the Town Attorney Summary:

Mayor Burkett spoke regarding density.

Town Attorney Recio explained the definition of net lot area.

Town Planner Keller stated that in zoning you normally deal with net acre and explained how that works.

Mayor Burkett read the definition into the record as well as the density allowed.

Town Planner Keller stated that the zoning code doesn't state exactly what the density of a parcel is and refers you to the comprehensive plan.

Mayor Burkett discussed the density like the Chateau and what type of buildings one wants to see on the lots that are still vacant. He would vote to keep the density as least as possible.

Vice Mayor Paul asked Town Planner Keller to look at the density and give recommendations as it pertains to the different zoning districts. She stated that the issue she kept seeing was the size of the one and two bedrooms and when you have a unit bigger than that size you are not compensated for and that is how you end up with more density. They need to look at the size of the unit.

Further discussion among the Commission and Town Planner Keller regarding the size of the buildings and density of those buildings. He stated that they do not have a good handle of the economic impact of the larger units.

Town Attorney Arango clarified the comprehensive plan and density.

Town Attorney Recio stated it is a 109 units per acre as per the comprehensive plan.

Vice Mayor Paul asked regarding page 11 that it refers to the comprehensive plan.

Mayor Burkett stated that he asked for this to be put in because it was old enough that they could use it to make sure that the buildings would not be denser.

Town Attorney Recio stated that the reference of 2004 is consistent with the Town Charter.

Item 1 (e) (Definitions - Section 90-2- Lot Coverage) from the Town Attorney Summary:

Mayor Burkett read the definition of lot coverage as stated in page 16.

The following individual from the public spoke:
George Kousoulas spoke regarding density of buildings.

Commissioner Kesl asked regarding intensity issue and stated those are very important factors.

Item 1 (f) (Definitions - Section 90-2- Public Schools) from the Town Attorney Summary:

Mayor Burkett asked if anyone had issues with that definition.

No members from the Commission had any issues with this section of the Code.

Item 1 (g) (Definitions - Section 90-2- Setbacks) from the Town Attorney Summary:

Mayor Burkett asked if anyone had issues with the definition of setbacks

No members from the Commission had any issues with this section of the Code.

Item 1 (h) (Definitions - Section 90-2- Suite-Hotel Room) from the Town Attorney Summary:

Mayor Burkett asked if it materially changed.

Town Attorney Recio stated that it does not, it specifies that a suite hotel room is one that has a kitchen.

Commissioner Kesl stated that he believes that smaller spaces with a modern module design is what the future is about because it can be moved easier.

Town Attorney Recio stated that if you want fewer is speaking to density, smaller is speaking to intensity. This is only for hotel rooms that want to have a kitchen they have to be a specific size.

Vice Mayor spoke regarding a tour she took of the Marriott and if they do not have a stove top does that still mean it is a kitchen.

Town Attorney Recio stated that it has to have a stove to cook.

Further discussion took place among the Commission regarding the actual meaning of kitchen in a hotel suite and the size requirement.

Mayor Burkett stated that what they do with this will determine how the hotels will interact with the rest of the community and the impact it will have on the hotels.

Commissioner Kesl stated that they need goals to attain and these things are measurable.

Mayor Burkett stated that his goal with this rewrite of the code is seeing better quality and not so much as quantity.

Item 2 (Vested Rights Provision – Former Section 90-5(11)) from the Town Attorney Summary:

Mayor Burkett read the definition into the record and asked if any Commissioners have any questions.

Town Attorney Recio explained why it was taken out for the purposes of this document and for policy discussion and whether they want to restate it in your code since it is understood already.

Mayor Burkett asked if Town Attorney Recio could show in the document where it is made clear.

Town Attorney Recio answered Mayor Burkett's question and gave an explanation as to the vested rights to property owners.

Mayor Burkett stated if they want to be explicit on what rights the property owners have and when it expires.

Commissioner Kesl would like to have that language stricken and stated that there are enough laws statewide that protects owners' property rights.

Vice Mayor Paul stated that her concern is with existing properties and they need to be protected.

Mayor Burkett stated that this is in respect to development rights.

Town Attorney Recio stated that it is essentially development rights and Vice Mayor Paul is referring to nonconforming rights.

The following individuals from the public spoke:

Graham Penn spoke regarding vested rights and Section 90-13 and that resolves the issue.

Jeff Rose spoke regarding vested rights.

George Kousoulas spoke regarding intent.

Joshua Epstein spoke regarding the demographics of Surfside.

Mayor Burkett asked if the public speaker Graham Penn's comments are relative to vested rights.

Town Attorney Recio stated that it would not harm but would eliminate an avenue but not all avenues as to vested rights.

Commissioner Kesl spoke regarding diversity and mixed-use environment.

Item 3 (Minimum Qualifications for Planning and Zoning Members – Former Section 90-15)) from the Town Attorney Summary:

Town Attorney Recio stated this is a consequence of the 2006 code and is not a subsequent change, think it should go back in which provides the makeup of the Board of having an engineer and architect.

Vice Mayor Paul commented on the changes made in 2016 because it was hard to obtain members with specific qualifications and is happy the way it currently is.

Mayor Burkett commented if the members of the Planning and Zoning Board should be specific job titles or residents at large.

Commissioner Kesl stated that they should be qualified but does not think it should be in the code and maybe reframe it for them to have expertise in certain areas.

Vice Mayor Paul stated that they should have some qualifications and could be amended if needed and ideally you do want to have architects and individuals with those qualifications.

Town Attorney Recio stated that currently in the code is noted as specific certification.

Further discussion took place regarding the certification of the members.

Vice Mayor Paul stated that she believes it should be left in as it is currently.

Commissioner Kesl stated if it would be up to him, he would leave it out but if it is that requirements are needed, he will be fine with leaving it in.

The following individuals from the public spoke:

Jeff Rose
Joshua Epstein
George Kousoulas
Judith Frankel

Item 5 (Home Office – Former Section 90-26)) from the Town Attorney Summary:

Town Attorney Recio stated that they got rid of this concept and there is no prohibition. Home office is more than just working from home.

Mayor Burkett asked if Vice Mayor Paul has any issue or comments with this portion. The question is if we want to regulate home office or leave it out of the code and deal with it in the future if needed.

Vice Mayor Paul commented to go more in depth.

Mayor Burkett asked Vice Mayor Paul asked to go through it and give Town Attorney Recio her suggestions.

Commissioner Kesl stated that he would look at quality of life and some businesses would not be conducive to having them in a home office.

Mayor Burkett suggested to put it back in and use the current code as a template and if someone wants to change it, they can address it at the next workshop.

The following individual from the public spoke:
Joshua Epstein

Item 7 (Conditional Use Procedures and List –Section 90-90) from the Town Attorney Summary:

Town Attorney Recio went through this section and it does not pertain to public schools and we do not have any say for public schools unless they are for building permits and life safety. This means it would go to the Town Commission for approval after going before the Planning and Zoning Board.

Mayor Burkett asked if they come from the old code.

Town Attorney Recio stated that some did and some did not and they just put them together.

Town Clerk McCready asked Town Attorney Recio if the portion of Section 90.90 of the notice required by the applicant is still a requirement.

Town Attorney Recio stated it is still required it was just moved.

Vice Mayor Paul asked Town Attorney Recio if this is from the current code and what are the changes to the current code.

Mayor Burkett stated it is a compilation from both codes.

Town Attorney Recio stated that currently it goes back and forth a lot and it made sense to lay it out to make it clearer. Whatever was a conditional use in either code, it remains a conditional use now and other changes like how long they are valid for it is now limited to 12 months instead of 24 months.

Further discussion took place regarding conditional uses by the Commission and Town Attorney Recio regarding what is allowed and what is not allowed and time frame allowed and how long you allow them to pull the permit.

Mayor Burkett suggested adding language if they are diligently working on the permit give them up to two years.

Town Attorney Arango asked if the 2006 code was stricter.

Town Attorney Recio stated that the 12 months was discussions that took place at Commission, the current code sets it at 24 months.

Commissioner Kesl stated that it should be 12 months because circumstances change.

Mayor Burkett agrees with Commissioner Kesl and leave it as it currently is and if in the future, they would like to modify it they can.

The following individual from the public spoke:

George Kousoulas stated that they should leave it at 24 months because it takes a while to get a building permit, as well as financing.

Items 8 and 9 (Heightened Variance and Variance Procedures – Section 90-91 and Practical Difficulty Variance – Section 90-91.1) from the Town Attorney Summary:

Town Attorney Recio stated this was added and gave the definition and what variances are allowable.

Mayor Burkett stated that he is not a variance person and this was a compromise for those that really wanted to make an argument for a change. He recommends for it to be unanimous at the Town Commission but would be happy to remove it.

Vice Mayor Paul asked if this is from the 2006; and is not in favor of this.

Town Attorney Recio stated that it speaks about two different variances and explained the two variances.

Commissioner Kesl stated that he is totally against variances in Surfside.

Town Attorney Recio explained the different types of variances and their definition and loading requirements.

The following individuals from the public spoke:

George Kousoulas

Jeff Rose

Joshua Epstein

Commissioner Kesl asked regarding practical variances and heightened variances.

Mayor Burkett stated he is not a big fan of variances but there should be an outlet for those that have hardship and there needs to be a mechanism to control it by way of a majority vote by the Commission.

Vice Mayor Paul asked for clarification regarding where the heightened variance came about.

Town Attorney Recio stated that is a new subject.

Vice Mayor Paul spoke regarding a variance that Graham Penn emailed that was approved in 2009. She does not understand why they would add another variance and is not in favor of adding an extra variance.

Mayor Burkett stated that he would make it one variance and one variance policy and have them go before the Commission for approval.

Town Planner Keller addressed the comments made regarding the variances.

Item 10 (Special Exception Procedures and List – Section 90-92) from the Town Attorney Summary:

Town Attorney Recio spoke regarding conditional uses with specific approvals and gave the explanation on the special exceptions and gave the three kinds of exceptions and the uses that are not totally described in the code.

Mayor Burkett stated this is a safety valve for over development.

Town Attorney Recio also stated that if they are to combine density, they can only do 85% and it is in the current code and placed it into this one as a safety mechanism.

Commissioner Kesl stated that you still have a height restriction and it could be advantageous having a building of 20 units instead of 2 buildings of 10 units.

Further discussion took place among the Commission regarding aggregation of lots.

Mayor Burkett stated that special exceptions are like a variance but for three specific things and asked Town Attorney Recio how many Commissioners have to approve this or have a unanimous vote by the Commission.

Town Attorney Recio stated that it would have to be four Commissioners to approve.

Discussion took place among the Commission and Town Attorney Recio regarding nonconforming use and aggregation of lots.

Vice Mayor Paul asked from which code this comes from and she is not in favor of aggregation of lots.

Town Attorney Recio stated that on page 96, whatever is black is new language.

Mayor Burkett stated that this allows you to take a position if you want to let any type of development move forward.

Item 11 (a-c) (Hotel and Suite Hotel Permitted only in H120; Structured Parking not Permitted – see also former Section 90-49.4; and Pet Grooming as accessory to Pet Supplies) from the Town Attorney Summary:

Mayor Burkett stated this is the reason why he wanted to go back to the old code which includes ballrooms and hotels on the west side of Collins.

Town Attorney Recio went through hotels and suites permitted and it is only permitted on the east side of Collins.

Commissioner Kesl stated that hotels on the west side of Collins is not a bad thing but it has to do with the density and intensity of the hotel.

Vice Mayor Paul stated that on the past Commission they compromised with allowing boutique hotels on the block that is designated historic.

Town Attorney Recio stated they are not expressly exempt if they have a hotel already operating. They can use it just cannot use it as a hotel because it is not a permitted use.

Further discussion took place among the Commission regarding restrictions on the hotels on the west side of Collins.

Mayor Burkett stated that he will get with Town Attorney Recio and come back with different language. He stated that they do prefer to see historic buildings instead of boutique hotels.

The following individual from the public spoke:
Kristofer Machado
George Kousoulas
Linen Nelson

Mayor Burkett asked speaker Kristofer Machado how changing the conforming use would change their insurance rates.

Kristofer Machado answered the question from Mayor Burkett regarding the problem with insurance and refinancing.

Commissioner Kesl commented if the project had initially variances approved.

Mayor Burkett stated that he would not like to see more parking garages built on the corridor.

Commissioner Kesl commented on the challenge on the parking garages and stopping the parking fund option.

Town Attorney Recio explained this item.

No discussion.

Item 12 (Increased Front and Rear Setbacks for Deep Lots – Condition 10 of Section 90-155) from the Town Attorney Summary:

Town Attorney Recio explained the item and the setback requirements.

Vice Mayor Paul commented on the item and the setback requirements and agrees with bigger setbacks but does not want to impose it.

The following individual spoke on the item:
George Kousoulas

Town Attorney Recio explained the changes.

Commissioner Kesl spoke regarding the increase in airspace, and second story bulkiness.

Mayor Burkett spoke regarding improvements to the code.

Item 14 (Rooftop Solar (Aesthetic Provisions) - Section 90-156) from the Town Attorney Summary:

Town Attorney Recio introduced the item and gave examples of direction of the solar panel and considering the esthetics involved.

Commissioner Kesl stated that he is not in agreement and believes they should encourage the use of solar panels.

Vice Mayor Paul asked if this makes it more difficult for people placing more solar panels.

The following individuals spoke on the item:
Jeff Rose
Joshua Epstein
George Kousoulas

Town Attorney Recio answered speaker Jeff Rose regarding the height requirement being three feet.

Mayor Burkett stated that solar panels are great and there are esthetic considerations as well as FPL has an initiative that they are building a solar farm and one can subscribe or purchase an arm and you can bring the power in from that area.

Commissioner Kesl stated that a lot of the solar panels roll up.

Vice Mayor Paul elaborated on the solar farms and the last time she checked with FPL the wait list is full and is not a viable option.

Further discussion took place regarding solar panels, requirements on placement and permitting process.

Mayor Burkett stated that they will leave this as an open item to discuss further.

Item 15 (Setback Encroachments for Architectural Elements - Section 90-177(b)) from the Town Attorney Summary:

Town Attorney Recio introduced the item and spoke regarding some buildings needed an overhang of the roof.

Mayor Burkett stated that their concern is that some of the houses looked like they were on top of each other.

The following individuals from the public spoke:
George Kousoulas
Jeff Rose

Vice Mayor Paul stated if the Planning and Zoning Board recommended this then she is all for it.

Commissioner Kesl stated that he agrees with not allowing a projection out into the setback.

Item 16 (Clarification of Average Setbacks – Section 90-178) from the Town Attorney Summary:

Town Attorney Recio stated it is the same concept in the current code it is just explained differently. He explained the concept.

The following individual from the public spoke:
Jeff Rose

Item 17 (Front Yard Landscape, and Clarified Permeability Requirements – Sections 90-188 and 90-194) from the Town Attorney Summary:

Town Attorney Recio stated that comes out of the zoning in progress and it is minimum requirements for landscaping and permeability which is 50% of the area has to be permeable and 40% of the rear and 50% of the front yard.

Discussion took place among the Commission regarding the percentage of landscaping on the front yard and what permeable means and is allowable.

Commissioner Kesl spoke regarding the landscaping allowed and what Florida friendly landscaping meant.

Town Attorney Recio explained that pavers for permeable cannot be used and under the definition section of the code.

Town Planner Keller spoke regarding concrete and pavers are never counted as part of permeable.

Town Attorney Recio stated that they can define what Florida friendly plants are.

Discussion took place among the Commission regarding what types are considered Florida friendly plants and native plants.

Vice Mayor Paul stated she is for the Florida friendly landscaping but has concerns regarding existing homes and do not meet those requirements and have to redo their driveway there should be some assistance to them and artificial grass portion of the code should be redone. She feels if they currently have it when it comes to replace it, they should have to replace it with real grass.

Mayor Burkett asked Town Attorney Recio what the current proposed code states regarding artificial turf.

Town Attorney Recio stated that they need to have real landscaping and then if they want synthetic turf instead of pavers then it is allowed.

The following individuals spoke:

George Kousoulas
Jeff Rose

Item 18 (Lot Splitting - Section 90-191.2) from the Town Attorney Summary:

Town Attorney Recio stated that essentially if you have a platted lot you can't cut it anymore.

Mayor Burkett stated that is a given and the next level is if you have a larger house on another lot, do they want bigger houses in Surfside.

Vice Mayor Paul stated they have to consider what they are doing here and how many lots are being affected here and they need to respect the rights of the property

owners. She stated that just because you split the lots doesn't mean you will end up with a bigger house.

Mayor Burkett stated no one is talking about splitting lots.

Vice Mayor Paul is not in favor of splitting the lots but it depends on the size of the lots.

Commissioner Kesl agrees with Vice Mayor Paul because of the impacts and spoke regarding the different designs of the homes and the sizes of the lots and homes.

The following individuals from the public spoke

Jeff Rose

George Kousoulas

Joshua Epstein

Mayor Burkett stated it is not about the platted lot but the house on the property. He strongly disagrees with the notion that people bought their houses in Surfside to cash out on the way out. He asked the Commission what do they want to see in their Town.

Vice Mayor Paul stated that she is not supportive of combining lots. If you split the lots you end up with smaller homes.

Town Attorney Recio stated that the adding of lots is aggregation of lots.

**Item 19 (Temporary Construction Signs in Single-Family – Section 90212(g))
from the Town Attorney Summary:**

Town Attorney Recio introduced the item and it is only for temporary construction sites only when a home is being built. It limits the sign size and height.

The following individuals from the public spoke:

Jeff Rose

Joshua Epstein

George Kousoulas

Commissioner Kesl asked Town Attorney Recio where the small sign idea came from.

Town Attorney Recio stated that this comes from a conversation back in September where the Mayor and himself had a discussion due to residents coming to the Mayor with concerns and they looked at Coral Gables sign requirement.

Commissioner Kesl stated that it should be consistent with real estate signs and believes Coral Gables signs are too small.

Vice Mayor Paul stated that they are considered temporary signs like political signs and they should be the same size to avoid discriminating against others. She believes the signs should be consistent and is fine with the code as it is currently.

Commissioner Kesl asked if the sign code was changed at any time.

Town Attorney Recio stated the sign code did change and there were a couple of rulings that affected the sign code which changed in the last five or six years. The current sign code is construction sign is 4 feet by 4 feet. In 2014 and 2018 change to the sign code.

Mayor Burkett asked the changes on the construction sign between those two changes.

Town Attorney Recio stated he would have to look into that.

Item 20 (Off-street Parking Requirements – Section 90-226) from the Town Attorney Summary:

Town Attorney Recio gave the requirements that were changed. The largest change was the parking trust fund and it was deleted. The parking space requirement was increased. He gave other highlights of the parking requirements.

Mayor Burkett commented on the item and explained how some buildings were built without enough parking and tandem parking.

Commissioner Kesl asked if there are limits on the rental policy and occupancy. He also asked how low they can go with the parking garage due to flooding.

Town Attorney Recio answered Commissioner Kesl's question and dwelling unit is to be occupied by a family and both are defined in the code. He stated that the parking garage construction is regulated by the building code and not by the zoning code.

Mayor Burkett stated that they are talking about off street parking.

Vice Mayor Paul asked if the language typed in black is new.

Town Attorney Recio stated that the language typed in black is what is in the existing code.

Vice Mayor Paul stated that she has always asked for more parking and then ride sharing came along and the Marriott's parking garage is never full.

Item 21 (Sidewalk Expansion on East Side of Collins – Section 90-256.2(1)) from the Town Attorney Summary:

Town Attorney Recio introduced the item and explained the expansion size of the sidewalk with additional landscaping.

The following individual spoke on the item:
George Kousoulas

Commissioner Kesl likes the idea and larger sidewalks are needed because it is dangerous to walk on those narrow sidewalks.

Item 22 (Architecturally Significant Buildings - Section 90-272) from the Town Attorney Summary:

This item was already discussed in conjunction with item 1(c).

4. Working list of open issues for discussion

This item was not discussed by the Town Commission.

5. Zoning in Progress

Town Attorney Recio discussed the zoning in progress procedure.

Vice Mayor Paul spoke regarding the ZIP and residents that have hit a huge road block due to the ZIP and she is not in favor of ZIP.

Mayor Burkett stated that they had a meeting to discuss this and it is obvious it can become a huge problem and need to find a way to fix this immediately.

Town Planner Keller spoke regarding ZIP and fences are a big issue and he will be meeting with Town Attorney Recio to see which ones can be resolved.

Mayor Burkett asked Town Planner Keller how long those cases have been waiting.

Town Planner Keller stated approximately three weeks to a month and one was a condominium that he had to do research on. He stated that as long as they meet the requirements they can be moved forward.

Mayor Burkett asked if ZIP is a problem moving them forward.

Town Planner Keller stated that ZIP is a problem and as soon as the new zoning code is approved it will help.

The following individual from the public spoke:
Jeff Rose

Vice Mayor Paul stated that what would be helpful if it could be more tailored to what is really needed because they cannot rush through the zoning code and if they need to keep ZIP longer then they need to.

Mayor Burkett asked which projects she considered smaller projects.

Vice Mayor Paul stated that there was one individual that they had to remove a door from the addition, people not being able to have their driveway done. She stated that the objective is to help them not make it harder for them but they can't rush through the code.

Commissioner Kesl stated that a house addition is not a small project and even a driveway has a process to go through.

Mayor Burkett discussed that everyone should be pulling into the same direction to get this finished and would like to entertain their thoughts. He spoke regarding extending the zoning in progress.

Town Attorney Recio addressed the ZIP, stated it will expire on 2/26 and it will go back to the old code but it will not affect what they are trying to do now or they can do another zip and bullet points or point to this draft and that would be the new ZIP.

Vice Mayor Paul asked for Town Planner Keller to weigh regarding ZIP.

Mayor Burkett stated that it is important to have the protection of the ZIP and they need to let Walter come up with those items and revisit those at the next commission meeting.

Town Attorney Recio stated that since the ZIP expires prior to the next commission meeting they can by consensus direct staff to renew the ZIP prior to 2/26 deadline.

Mayor Burkett stated the will have to call an emergency meeting to address the extension of the ZIP.

Mayor Burkett asked Town Clerk McCready and Town Attorney Arango to determine when they are to have the meeting.

6. Discussion of Regulations Affecting Multifamily, Hotel and Commercial

A. Zoning Districts

This item was not discussed by the Town Commission.

B. Key District Regulations

This item was not discussed by the Town Commission.

a. H30C and H40 Districts

i. Uses

ii. Accessory Uses

- iii. **Setbacks, Lot Coverage, and Lot Area**
- iv. **Height**
- v. **Accessory Structures**

This item was not discussed by the Town Commission.

b. H120 Districts

- i. **Uses**
- ii. **Accessory Uses**
- iii. **Lot Area Calculation**
 - 1. **Density, Open Space, Setbacks**
- iv. **Setbacks, Lot Coverage, and Lot Area**
- v. **Height**
- vi. **Accessory Structures**
- vii. **Landscape Code Proposal to Expand Sidewalk**

This item was not discussed by the Town Commission.

c. SD-B40 Districts

- i. **Uses**
- ii. **Accessory Uses**
- iii. **Setbacks, Lot Coverage, and Lot Area**
- iv. **Height**
- v. **Accessory Structures**

This item was not discussed by the Town Commission.

C. Parking and Loading

- a. **Requirements**
- b. **Elimination of Parking Trust Fee**

This item was not discussed by the Town Commission.

D. Roof decks

This item was not discussed by the Town Commission.

E. Lot Aggregation

This item was not discussed by the Town Commission.

F. Nonconforming Structures

This item was not discussed by the Town Commission.

G. Nonconforming Uses

This item was not discussed by the Town Commission.

H. Zoning Approval Procedures

- a. Design Review
- b. Site Plan
- c. Conditional Use
- d. Special Exception
- e. Variances

This item was not discussed by the Town Commission.

I. Modifications to site plans

This item was not discussed by the Town Commission.

7. Public Comment

Public comment was taken throughout the meeting and after each specific item.

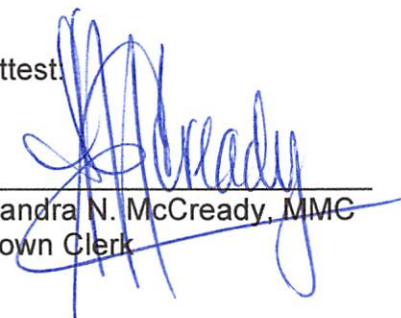
8. Question & Answer (based on public comment)

Questions and Answers were addressed by the Commission after each specific item.


9. Adjournment

The workshop adjourned at 11:18 p.m.

Accepted this 13th day of April, 2021.

Attest: 

Sandra N. McCready, MMC
Town Clerk



Charles W. Burkett, Mayor