



**Town of Surfside
Zoning Code Workshop
MINUTES
May 26, 2021
6 p.m.**

1. Opening

A. Call to Order

Mayor Burkett called the meeting to order at 6:46 p.m.

B. Roll Call of Members

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

Present: Mayor Charles Burkett, Vice Mayor Tina Paul, Commissioner Charles Kesl, and Commissioner Nelly Velasquez.

Absent: Commissioner Eliana Salzhauer

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

2. Community Digital Sign

3. Working List of Open Issues for Discussion

4. Proposals from Individual Commissioners

Mayor Burkett spoke regarding the commercial projects on properties on the water and the setbacks of the buildings to get away from the wedding cake.

George Kousoulas provided a presentation on a formula that can provide smaller, more interesting buildings and not end up with wedding cake style of buildings.

Mayor Burkett spoke regarding the outline of the blue area in the presentation and the red would go away.

Commissioner Kesl asked regarding holes in the middle of the design and possible impact and the setbacks on the ground levels.

Commissioner Velasquez likes the different design options provided.

Consensus was reached to bring back on the code average setback concept for H120 to provide for narrower buildings with more variable architecture.

The following individual from the public spoke:

Jeff Rose
Joshua Epstein

Mayor Burkett discussed the single-Family lots (H30A and H30B), raising the interior, raise the floor, and raise the top. Increase height allowance for accommodation increased elevation of lowest habitable floor.

Commissioner Velasquez asked if this is take a foot – give a foot.

Discussion took place regarding the item as it pertains to increasing height and elevation.

Mayor Burkett stated he is speaking about existing homes, lifting it up and filling it with dirt of pilings.

Commissioner Velasquez stated that her fear is that they build enormous houses that will tower over the single floor homes.

Building Official McGuinness stated that most of the Town except the ones east of Collins are at a flood elevation of 8 feet and to be FEMA compliant you have to be at a 10-foot elevation.

George Kousoulas addressed comments made regarding the raising of the homes and crown of road. He stated that the code should be clarified.

Mayor Burkett spoke regarding the raising of the homes and different opportunities offered.

Further discussion took place explaining the elevation of the properties and base flood.

Commissioner Kesl asked what the average crown of road is in Town.

Building Official McGuinness stated the very lowest is 3.75 and the highest 5.75 and average 4.5 to 5 feet.

Further discussion took place regarding the crown of road and what the current code reads for second floor setbacks.

Discussion among the Commission took place regarding the item and existing homes.

Commissioner Velasquez spoke regarding homes that have been passed down and in terms of old construction it is a good idea to raise those homes and not go over 30 feet.

Mr. Epstein spoke regarding the cost involved and how hard it would be to raise the older homes. He spoke regarding storage on the bottom of the house and with sea level rise the storage and items would be flooded.

Mr. Rose spoke regarding how raising the homes and the difference from a two story and one-story home and how much they can raise it.

Commissioner Velasquez asked if this will be mandatory or if when they update the home, they would then have to raise the house without going 50% of the FEMA building value of your home.

Discussion took place regarding the FEMA building value and the percentage of the mandatory update; base flood requirement.

Town Attorney Recio stated that the code speaks about the crown of the road.

Mayor Burkett stated that to change the crown of the road would have to be changed by a referendum. He asked the Commission to work with Town Attorney Recio to work on that part of the code to go to a maximum number of 32 feet based on a pitched roof to be measured from crown of the road.

Yoann Andreu clarified it is from the crown of the road and it makes a huge difference if the roof is flat or pitched.

Discussion took place on the difference in measurement based on the style of the roof.

Mr. Epstein spoke regarding the measuring from the crown of the road and raising it will change the characteristics of the Town.

Vice Mayor Paul recommends looking at this part of the code carefully.

Mayor Burkett stated that they are not talking about rebuilding due to a catastrophic event, but individuals trying to rebuild and raising the homes.

Further discussion took place regarding raising the home and the measurement of how high one can go up and measuring from the crown of the road.

Commissioner Kesl suggested doing a working group to discuss this further and possible revising the charter.

Mayor Burkett spoke regarding not addressing height allowance in the new zoning code.

Commissioner Velasquez spoke regarding allowing roof decks where appropriate and she is not in agreement with roof top deck.

Mayor Burkett stated that for someone to put a roof top deck they would need to get permission from the neighbors.

Vice Mayor Paul stated that there is a resident that contacts her regarding a roof deck and if she believes if one has a property that is not on the water would like a roof deck, they should be able to have one. She also stated it should be limited on size and be allowed Town wide.

Commissioner Salzhauer arrived at 8:00 p.m.

Commissioner Velasquez spoke regarding the difference between a roof top deck and balcony.

Commissioner Kesl stated that he would not support them in a residential district.

Commissioner Salzhauer stated that she does not support roof top decks and the waterfront properties should not get special treatment.

Mr. Kousoulas spoke regarding the sizes of the possible roof top decks and how to get up to the deck is also an issue and some might not find it viable to build.

Mayor Burkett spoke regarding encouraging or requirement rooftop mechanical with conditions. He stated that this is primarily for new construction but would like to hear suggestions that would work with all homes.

Commissioner Velasquez stated that she agrees with this item.

Commissioner Kesl stated that he leans towards providing an envelope where the mechanicals that the people can do whatever they want with that envelope.

Vice Mayor Paul agrees with Commissioner Kesl and how much extra height is allowed if you allow this.

Mayor Burkett stated that they are trying to give their neighbors the best quality of life as possible without having the noise from that mechanical equipment with new construction.

Commissioner Salzhauer agrees with Commissioner Kesl and would like to know about the wind and the mechanicals on a roof. She spoke regarding screening it in to reduce the noise and the ambient noise on the roof. She believes they should keep it on the property and screen it in.

Mayor Burkett stated he would agree with solar panels if they are clear and close to the roof.

Commissioner Velasquez stated that she supports mechanicals on the roof and believes they would be less noisy on the roof. She stated that they need to determine the size of the mechanicals.

Mr. Rose stated that per code they need to have certain efficiency levels of the air conditioning. He spoke regarding the building and placing of mechanical equipment and they must go above 30 feet.

Mr. Kousoulas spoke regarding the noise level of the air conditioning units and you do not want to put them on the side of the homes. He stated that the roof top is the best place to put it.

Mayor Burkett stated on the roof top mechanicals on new construction and on old constructions there are different constraints.

Vice Mayor Paul stated that there needs to be a cap on the height.

Commissioner Salzhauer asked how many air conditioning units would be on a house that is 4,000 square feet.

Building Official McGuinness stated that all building envelopes based on the 2020 building code requires maximum wind, and sound proofing of mechanical equipment on the roof.

Mayor Burkett asked how height it would project.

Mr. Rose stated 5 feet and screened properly.

Mayor Burkett asked Town Attorney Recio to place that language in the code as it pertains to mechanical equipment on the roof.

Mr. Epstein stated that they should have an option to have it on the roof or on the ground.

Mayor Burkett is asking if they would like to give them options. Where else can they put the noisy equipment on new construction.

Mr. Rose stated that you have to give them options if not everyone will build a flat roof. The screening should be the mandatory part regardless where it is going.

Mayor Burkett stated that they will have the option to put on the roof but it must be screened and disappear both visually and audibly.

Vice Mayor Paul stated that they should not make it mandatory to put on the roof.

Mr. Andreu stated that they should consider a more sustainable air conditioning unit that would give incentives.

Mayor Burkett asked for some language in giving an incentive to build it into their hip roof and if they want to put it anywhere in the property it cannot impact the neighbors with a seer of minimum 13 for the air conditioning units.

Commissioner Salzhauer left the dais at 8:32 p.m.

Commissioner Salzhauer returned to the dais at 8:33 p.m.

Commissioner Velasquez requested clarification on existing homes having to screen in the air conditioning units and does not agree with that. She does not want the "don't hear it don't see it" on existing homes.

Vice Mayor Paul states that should include with the ones that have them in the backyard as well.

Commissioner Salzhauer asked when someone places an air conditioning unit who would have to be doing the fencing around the unit and how you sound proof it.

Building Official McGuinness stated that there is a minimum clearance on each conditioning unit.

Mayor Burkett stated that they want language for roof top units on new construction, incentives for gable and hip roofs, existing homes should be not heard not seen, require them to deal with existing roof top units and not be heard, with respect to units on the back or side of the property do nothing with them, but in front if they are visible, they have to screen them.

Mayor Burkett discussed allowing large privacy hedges around and in front of their homes and placing them in the right of way with the written understanding that if the Town needs to do work, the cost of removal and replacement is up to the owner of the property.

Commissioner Salzhauer stated that if you put anything in the right of way is a deal breaker with the undergrounding because it will be difficult to obtain the easement. She is not in support of this item.

Commissioner Velasquez stated that she is fine with hedges between neighbors but not in the front of the house, or corner lots and backyards.

Commissioner Kesl stated that hedges close to the curb prevent people from parking and agrees with the hedges.

Vice Mayor Paul stated that the privacy concern is with the corner lots and believes that the code is fine the way it is. She spoke regarding not encouraging hedges on the corner lots and what happens when there is a new owner and you can't rely putting something in place and expect the new owner to know the previous agreement.

Mayor Burkett stated this is a mute issue due to lack of Commission support.

Mayor Burkett spoke regarding allowing attractive fencing and gating around and in front of the homes.

Commissioner Salzhauer stated that she is not in agreement with this and they should stay away from it and is the same as the hedges.

Commissioner Velasquez agrees with fencing on the back of the house but not in the front.

Commissioner Kesl agrees with limiting the hedges to outside the right of way.

Vice Mayor Paul is also in agreement with the current code.

Mayor Burkett spoke regarding eliminating the option to buy out of parking requirements by contributing to parking trust fund. He stated everyone that builds must provide their own parking.

Commissioner Velasquez supports this change.

Commissioner Kesl supports this change.

Vice Mayor Paul supports this change.

Commissioner Salzhauer support this change.

Mayor Burkett spoke regarding prohibiting hotels on the west side of Collins and gave examples of boutique hotels and stated that the Marriott Hotel has not done well and what is good for the Town is oceanfront hotels. He stated that what they need in the corridor are high end residential use and that is why he does not support those hotels. He supports gutting the old buildings and turn them into one or two residential units.

Vice Mayor Paul supports no hotels west of Collins but is not as easy to achieve.

Commissioner Kesl differs from the group and believes boutique hotels serve a very lively and dynamic feel to the Town.

The following individuals from the public spoke:

George Kousoulas stated boutique hotels are difficult and do not work.

Joshua Epstein spoke regarding no more hotels in Surfside.

Mr. Superstein spoke to allow hotels in Surfside.

Further discussion took place regarding maintaining the current commercial buildings and hotels.

Commissioner Velasquez asked how long has they advertised the meeting and lawyers that wanted to come and show their displeasure, they had the opportunity and the residents do not want any more hotels.

Commissioner Salzhauer stated that hotels are allowed south of 93rd but agrees that residents don't want any more hotels in Town.

Vice Mayor Paul stated that she supports the no hotels but the historic district should be exempt for anything. She only supports hotels for the historic district portion.

Consensus was reached to not allow hotels on the west side and asked Town Attorney Recio to put in the code.

Mayor Burkett spoke regarding adding design incentives for property owners on the west side of Collins to preserve historic facades, aggregate lots in order to building high end condominiums that incorporate those facades and design those new projects so they have parking, security, views, open spaces and overall low-density, high-quality units.

The following individual spoke:

George Kousoulas

Mayor Burkett stated that they are restricted to the size and they have to preserve the façade in the front.

Commissioner Salzhauer stated if they would be able to build a large building.

Mayor Burkett stated that they would have requirements on the building size. What he is proposing is the best of everything and put language together for that vision and see how it looks when it comes back.

Commissioner Kesl said if someone has a viable business plan and has a rental lodging operation, they can have a business plan that will be efficient.

Vice Mayor Paul stated she is not in favor of aggregating properties. She spoke regarding giving historic buildings flexibility and does not work for existing condominiums.

Commissioner Kesl left the dais at 9:19 p.m.

Vice Mayor Paul believes that the historic area should have a different criteria.

Mayor Burkett addressed the comments made by Vice Mayor Paul.

George Kousoulas stated that he will create a 3D visualization so they can have an idea.

Commissioner Salzhauer commented on setbacks of the building.

Commissioner Kesl returned to the dais at 9:21 p.m.

Mayor Burkett stated that it's a package to preserve the building.

Commissioner Salzhauer stated that open spaces do not make money and no one will be doing that and spoke regarding aggregation of lots/buildings.

Vice Mayor Paul left the dais at 9:22 p.m.

Mayor Burkett stated that before the next election they will put some charter questions for the residents.

Jeff Rose spoke regarding trying to make the best viable option.

Mayor Burkett stated what he would like is having viable buildings that are fixed and having individuals living in those buildings.

Vice Mayor Paul returned to the dais at 9:35 p.m.

Commissioner Salzhauer spoke regarding affordable housing.

Mayor Burkett spoke regarding affordable housing that are not high-end apartments. He explained how affordable housing works and it helps more people. He would not like to see that in Surfside.

Further discussion took place regarding affordable housing in Surfside.

Commissioner Salzhauer spoke regarding the social and real implications that will impact those individuals living currently in Surfside.

Mr. Andreu spoke regarding the cost of renovation and if you want to maintain it is giving incentives and supports this and where is the master plan.

Mayor Burkett stated this is to put together a set of incentives to revitalize the historic district and make it shine.

Vice Mayor Paul stated that staff does not have a clear idea of what incentives to provide.

Mayor Burkett stated that they will eliminate everything except the façade of the building and recreate new building that will be functional.

Commissioner Kesl states that he believes this might be a bit frightening to the owners of those building and does believe they should have a comprehensive plan.

Mayor Burkett stated what they are talking about is fixing five ugly buildings.

Mayor Burkett stated that the buildings will stay the way they are since the Commission did not support this item.

Mayor Burkett stated that their function is to maintain the Town.

Vice Mayor Paul stated that they are talking about designing incentives.

Mr. Superstein stated that to give them incentive to raise their economics.

Commissioner Salzhauer asked if Mr. Superstein would he prefer aggregation of lots or boutique hotel.

Mayor Burkett stated that what Mr. Superstein wants is to maximize their revenues.

Commissioner Kesl is voting against this item.

Vice Mayor Paul asked if there is anything in the new code that prohibits what is in the code right now.

Town Attorney Recio responded to Vice Mayor Paul's question as to what is allowed in the Code.

Commissioner Salzhauer wanted clarification with this item and the façade preservation. She would like for the Town Planner to come up with a plan.

Mayor Burkett stated that they can come back with a final draft. He stated that the Planner and the Town Attorney work together.

Vice Mayor Paul stated that they will come up with words, but the Planner will come up with information that they can see and understand. She spoke regarding a corridor study that was done in the past.

Mayor Burkett stated that if they have a proposal when they present their items then he can see their ideas.

Further discussion took place regarding incentives

Commissioner Velasquez left the dais at 9:43 p.m.

Mayor Burkett stated that they left the projects the way they are.

Commissioner Salzhauer stated that she would like the Planner to bring back some ideas that can help the historic area in order to have it discussed.

Vice Mayor Paul stated that she suggests the Planner to look at the documents to see what has been done.

Commissioner Kesl supports that idea as well.

Commissioner Salzhauer spoke regarding the house not taking up more than 40% of the lot.

Town Attorney Recio commented that is already on the code.

Commissioner Salzhauer stated that they need a strict standardized clearly laid out what documents that are required to go before the Planning and Zoning Board. Strict and consolidated standards.

Consensus all agreed.

Commissioner Salzhauer spoke regarding the setbacks on the huge lots should be more than the 10%.

Town Attorney Recio stated that they kept it at 10% for deep lots and provided possibilities.

Commissioner Velasquez returned to the dais at 9:48 p.m.

Commissioner Salzhauer would like more of a setback on larger lots.

Mr. Kousoulas spoke regarding the item and setbacks.

Further discussion took place on the setback of the lots.

Mr. Rose spoke regarding the 6% on covered terrace now conflicts and make sure they adopt the correct one.

Discussion continued regarding the setbacks and which one is more appropriate and maintains the character of the Town as well as lot coverage.

Commissioner Velasquez left the dais at 9:58 p.m.

Mr. Kousoulas spoke regarding lot coverage; lot line and the house can only be 40% of the 100% and upstairs you only are allowed 80% of the ground floor.

Discussion continued regarding the average set back and lot coverage.

Commissioner Salzhauer commented on the percentage of the size of houses and percentage.

Mr. Rose spoke regarding reducing the second floor and that will destroy the zoning code. He spoke regarding the math not working and they are purposely leaving two things on the code that conflict.

Commissioner Velasquez returned to the dais at 10:14 p.m.

Town Attorney Recio explained the current code and the maxing out of the 40% and how it pertains to the second floor and first floor.

Further discussion took place regarding the setbacks and square footage.

Mayor Burkett stated that they need to come up with a solution.

Commissioner Salzhauer would like to keep the houses in a way that is not a box.

Mayor Burkett asked to bring this back in a draft and look at the three options and have some pictures sent to the Commission.

Commissioner Velasquez spoke regarding 50-foot setbacks from the seawall and the house that has caused them to make this change to the code.

Mayor Burkett asked Town Attorney Recio to put the language discussed tonight and see how it will look like on the lot they had concerns about.

Commissioner Salzhauer discussed limited parking garage to two car garage.

Commissioner Kesl commented on this community being more walkable and pedestrian friendly.

Vice Mayor Paul asked if there was an issue. She stated that there are people that collect cars and need garages and the majority of the lots cannot hold multiple garages.

Commissioner Velasquez stated that it depends on the size of the lot. She stated she is fine with this one.

Mr. Kousoulas stated that on an interior lot they will not see more than 2 car garage and there are restrictions on how many car garages are allowed.

Commissioner Kesl supports this item.

Vice Mayor Paul supports this item.

Commissioner Velasquez asked if it pertains to existing homes that will do a second floor. She supports the item.

Town Attorney Recio stated if it does not change anything then it would not pertain to an existing home making an addition.

Commissioner Salzhauer would like to build on no more hotels in Town except in the historic district.

Vice Mayor Paul states that the historic district should be exempt.

Commissioner Velasquez agrees with no more hotels with the exemption of the historic district.

Commissioner Kesl stated that the market can change in the future.

Mayor Burkett stated that his item was no hotels on the west side and will vote against this item. The code would need to be changed to no more hotels.

Consensus was not to have more new hotels subject to the historic district and current hotels be grandfathered in an event of a catastrophic incident would retain their right to rebuild.

Town Attorney Arango advised the Commission on the zoning in progress expiring June 8, 2021 and requested consensus from the Commission to extend the zoning in progress.

Consensus was reached by the Commission to extend the zoning in progress for 90 days.

5. Public Comment

6. Question & Answer (based on public comment)

7. Adjournment

The workshop adjourned at 11:09 p.m.

Accepted this 8th day of March, 2021.



Charles W. Burkett, Mayor

Attest:



Sandra N. McCready, MMC
Town Clerk