



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

October 14, 2021 - 6 p.m.

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

1. Call to Order/Roll Call

Chair Frankel called the meeting to order at 6:04 p.m.

Present: Chair Judith Frankel, Board Member Fred Landsman, Member James Mackenzie, Alternate Board Member Horace Henderson, Board Member Ruben Bravo and Alternate Board Member Caroline Baumel.

Absent: Mayor Charles W. Burkett

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

Chair Frankel introduced new Board Member Baumel to the Planning and Zoning Board.

Chair Frankel stated that what she would like to do during the discussion is to get a presentation of the item, open it up to the public and bring back to the board on each item and try to get through as much of the agenda as possible as well as providing the Board's recommendations to the Commission.

Town Attorney Recio stated that the Board's recommendations would be provided to the Commission at their upcoming workshop.

Chair Frankel stated that if needed they will schedule another workshop.

2. Town Commission Liaison Remarks

No Liaison remarks were given since Mayor Burkett was absent.

3. Proposed Draft Zoning Code Overview

Town Attorney Recio gave an overview of the zoning code and the process of the code rewrite as it pertains to the 2006 zoning code and the current code. He stated that he is working with the Town Planner as well as Assistant Town Attorney Martos. He provided the process of the zoning code rewrite. He gave a summary of the current code to the Board.

Town Attorney Recio advised the Board on the chart as it is broken up by districts and their requirements.

4. Single Family Discussion

A. Setbacks and Encroachments

Town Attorney Recio went through the chart and comments on the proposed draft and explained how the chart works as it pertains to this section of the code. He also advised the Board about an alternative proposal for evaluating setbacks, lot coverage, and building volume (page 6 of agenda package). He also provided setbacks and encroachment proposals.

Town Attorney Recio provided the lot coverage percentage and proposal for this alternative. Specifically, it proposes a lot coverage of 50%, with floor area increasing as setbacks increase.

Vice Chair Landsman asked regarding the height of homes and stated that one thing Mr. Rose has spoken about in the past is the height and if it was ever considered by the Commission.

Town Attorney Recio stated that they are bound by the Charter as it pertains to the height and they are restricted to 30 feet from the crown of the road.

The following individuals from the public spoke:

George Kousoulas spoke regarding the lot coverage and setbacks.

Jeff Rose

Chair Frankel asked what if someone can still build at the 72% and get the interior square footage.

Town Attorney Recio stated yes, but they must stay within their setback.

Chair Frankel spoke regarding the proposal and the table provided. She stated that they should table the discussion of the charter change but keep it in the back of their mind. She stated that one thing to think about is the volume of those houses and if the setbacks are meaningful.

Vice Chair Landsman stated that he saw the home that Mr. Rose is building, and his first impression is that the home is so overwhelming that it would not meet code, but it does. He stated that is the code they have to work with and does not think the alternative language would substantially change what is happening in the Town.

Chair Frankel commented on the environmental aspect and maintaining the existing home instead of tearing down to build a new home and incentivize the homeowners to maintain the existing structure.

Board Member Henderson spoke regarding the layout and likes the layout administratively better on page 6.

Building Official McGuinness spoke regarding the elevation and allowing item 4G which changes the definition of story to exclude areas that are uninhabitable.

Board Member MacKenzie asked if the Town has focused on retaining stormwater on one's property and their retaining wall.

Chair Frankel stated that what they came up against was the charter height restriction and possibly changing the wording on 4G to allow what was done at Ms. Lecour's house. She spoke regarding the useable space.

Vice Chair Landsman asked from a cost perspective, if you are doing an infill as required, and if it is more expensive elevating the home.

Mr. Rose stated that elevating the home would be more expensive.

Board Member MacKenzie stated that there are comments made to the Board that there is a lack of yard for the children to play. He spoke regarding utilizing the footprint and it adds a bonus to creativity.

Chair Frankel asked in terms of the setback, and encourage open underneath area, they need to have carefully thought-out rules. She stated possibly allowing a larger floor area or mandating an open space.

Further discussion took place among the Board regarding understory space and open space as it pertains to the mass and elevation of the homes.

Chair Frankel discussed articulation and encroachment.

Town Attorney Recio explained what the encroachment pertains to in the code.

Vice Chair Landsman spoke regarding utilization of every square inch that removes open space and ability for the children to play. He asked if the Commission is supportive of this definition change with the understory.

Town Attorney Recio stated that yes, everyone seems to support the understory concept, it is just how to get it done.

Further discussion took place among the Board regarding the understory as well as what recommendations should be made to the Town Commission and what message should be sent while looking at the form and massing concepts.

Chair Frankel asked to try a different tact. She would like to give direction to the Commission.

Town Attorney Recio provided explanation of the agenda and process.

Chair Frankel spoke regarding waterfront setbacks. She stated that this is fixing the code in order to clarify it.

Town Attorney Recio stated that this particularly applies to all buildings, including accessory buildings.

Chair Frankel is fine adjusting it to mean main buildings that are part of the main house.

Board Member MacKenzie would like accessory structure to be allowed within the waterfront setback if it fits within the property.

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

Further discussion took place among the Board members regarding combination of two lots and the percentage of rear setbacks. The Board decided to stay with the language in the draft code.

B. Lot Coverage and Floor Area

Chair Frankel wanted to consider items 16 (lot coverage) and item 19 (single family home volumes) from the list of Commission changes in the agenda.

Discussion among the Board Members took place regarding items 16 (lot coverage) and item 19 (single family home volumes).

Town Attorney Recio spoke regarding lot coverage and projections as it pertains to setbacks. He addressed the item on page 21, number 46 and explained the definition of lot coverage, and the lot coverage allowed for non-habitable areas is 6% of the total lot area.

Board Member MacKenzie asked what the required pervious area would be and does the pool count against that.

Town Planner Keller stated it is 35% and the pool does not count as long as you have 35% of grass.

Chair Frankel stated that should be addressed in the meat of the setback issue.

Town Attorney Recio asked to get some consensus of what the vision is so he can work with that as well as the Town Planner Keller.

Chair Frankel stated that the design guideline is where they need to address all these things and work from there. She stated that they do not match what is on the zoning code and nobody uses it. She stated that the end goal is what they can work with. She stated that the goal of the Board is to have a vision for Surfside as a whole.

Vice Chair Landsman stated that maybe next meeting they should do the design guidelines which has never been discussed and is under their purview.

Chair Frankel stated that her concern is that the Commission will put something in the code that they will have to deal with and not be happy with the changes. She spoke regarding the last meeting with the Commission, which did not allow any form of discussion.

Board Member MacKenzie stated it is hard to focus on this if they do not have the entire picture. He suggested to express their direction to the Commission regardless if they accept it or not.

Chair Frankel stated that the review of all this should be done by a professional. She stated that the process is backwards and the Commission should have stated what their goal is and turn it over to a team of planning and zoning individuals to put it together.

Board Member Baumel agreed with Board Member MacKenzie and that this has been done all backwards. The Commission should have asked the Planning and Zoning Board for their input.

Vice Chair Landsman was thankful for this exercise and spoke regarding the process the Commission did without including the Planning and Board. He stated that as an overall document this does not make sense.

Chair Frankel stated that the proposed zoning code is not clear.

Town Planner Keller stated that they can always focus on sections to make them better. He stated that it is harder to make a whole new document. He stated that they can always by ordinance modify and make the code better.

Board Member Henderson stated that his concern is if they throw their hands up where will they end up?

The following individuals from the public spoke:

George Kousoulas stated that they just need to look at article 4 and there is no real risk with passing what is fundamentally in front of them currently.

Jeff Rose

Chair Frankel asked if the Board wants to go item by item.

Item Number 16. Lot coverage

Board Member MacKenzie would like more information on this item before making a decision.

Mr. Kousoulas stated that the maximum amount of exempted area should actually be 7.2% not 6% and explained how it gets to 7.2%.

Town Planner Keller is comfortable with the 6%.

Board Member MacKenzie would like to see more comparables to determine what the correct percentage should be.

Chair Frankel stated they are fine with moving forward with what the Commission stated but would like to gather more information and options to see.

Town Attorney Recio stated that what is being counted as lot coverage is when the second floor slides out from directly atop the first floor, as opposed to a terrace that is not covered by an occupied space.

Board Member MacKenzie discussed areas to be counted as it pertains to covered and uncovered areas.

Consensus was reached by the Board to move forward with what the Commission stated but would like to gather more information and options.

Item No. 17 - Demolition

Discussion took place among the Board regarding this item and the Board requested more information.

Item No. 18 – Roof deck

Chair Frankel stated that she does not like roof decks on the second floor. She stated that in the single-family interior lots, having a roof deck on top is excessive.

Town Attorney Recio stated that in one of the workshops, the majority of the people at the workshop, directed a two-tier option.

Further discussion took place regarding the different options, restrictions as it pertains to railings as well.

Chair Frankel stated that the proposed language is functionally not allowing roof decks on a second story home. She was not against such a restriction, but thought the code should more clearly state it.

Further discussion took place regarding the roof decks and what will be acceptable.

Consensus was reached for there to be a setback to the middle of the property, that you cannot see it from the street, and the staircase cannot go into the setback. It must also meet all noise requirements and 15% of the roof can be used.

C. Fences, Walls, Gates, and Hedges

D. Landscaping and Pervious Area

Chair Frankel discussed the Florida friendly landscaping. She is pro the Florida friendly and the definition was updated.

Discussion took place regarding the required percentage of the total lot and setbacks for Florida friendly landscaping.

Consensus was reached to accept the changes for Florida friendly landscaping.

Chair Frankel spoke regarding synthetic grass and where it would be allowable.

Town Planner Keller suggested making it difficult for individuals to place synthetic turf until they meet that landscape requirement. He also stated this does not include synthetic turf for driveway.

Town Attorney Recio stated that this prohibition applies to the entire property and the reason for the prohibition is because it is plastic, it degrades after a while and goes into the water. He stated it is more of a sustainability issue.

Chair Frankel commented on an item at the previous board that involved synthetic grass. She stated that this portion of the code states that those that currently have it, they will be able to keep it but once it deteriorates, they cannot replace it and cannot count towards your landscaping.

Town Attorney Recio explained the grace period and the changes regarding synthetic turf.

E. Rooftop Uses – Decks and Mechanical

Chair Frankel is fine with allowing rooftop mechanicals with what the code states as it pertains to single family homes.

Town Attorney Recio read the enhancements to the code as it pertains to this item.

Consensus was reached on the proposed changes to the code.

F. Accessory Structures; Pool Location

Consensus was reached for waterfront setbacks to be within 50 feet from the main structure and 500 square feet maximum.

Chair Frankel discussed notice requirement for applications. Consensus was reached on the notice requirement proposed changes.

Town Attorney Recio explained the practical difficulty portion of the code as it pertains to expansion of the first floor and the restrictions. This section is an attempt to streamline this section which is for a ground floor addition. He stated the proposal gets you to 45%.

Board Member Baumel stated that she likes finding a house and making it nice and increase the footprint on the one story if the house is permissible on how it stands and sits.

Further discussion took place among the Board regarding massing and pages 6 and 7 of the proposal and practical variance.

Board Member Henderson suggested moving forward with number 6 with the suggestion of new construction.

Consensus was reached to move forward with number 6 as it applies to one story homes.

G. Understory Parking

H. Additional Concerns

Lot Aggregation:

Chair Frankel discussed lot aggregation.

The following individuals from the public spoke:

Jeff Rose

George Kousoulas

Board Member MacKenzie asked regarding the percentage as it pertains to the lot width.

Chair Frankel asked if they cannot aggregate the lots until demolition takes place.

Town Attorney Recio stated if you are aggregating the lot, you do a unity of title. He stated where it becomes a problem when you have two separate mortgages on the properties. He explained how lot aggregation, permitting and demolition is mentioned in the proposed zoning code.

- 5. Additional Public Comment**
- 6. Additional Question and Answer**
- 7. Scheduling Additional Workshop (if necessary)**

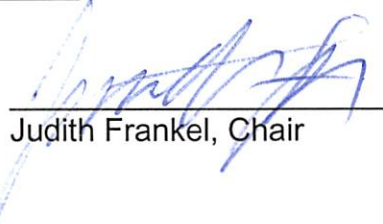
Chair Frankel discussed adding the proposed draft zoning code to the October 28, 2021 agenda and for Deputy Town Clerk Herbello to forward some dates in November to the Board member for the scheduling of an additional zoning code workshop.

8. Adjournment

The workshop adjourned at 9:30 p.m.

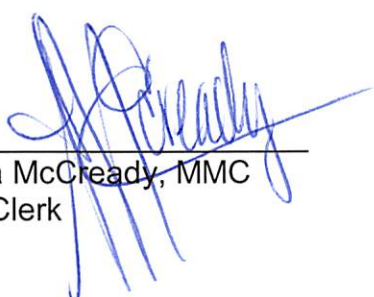
Respectfully submitted,

Accepted this 28 day of October, 2021.



Judith Frankel, Chair

Attest:



Sandra McCready, MMC
Town Clerk