



**Town of Surfside**  
**Special Town Commission Meeting**  
**AGENDA**  
**Tuesday, July 25, 2023**  
**5:00 PM**  
Commission Chambers

***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 6.06 (a)3 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 community-based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and any person who only appears as a representative of a neighborhood, homeowners or condominium association without compensation for the appearance, whether direct or indirect or contingent, to express support of or opposition to any item.***

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

## 1. Opening

### 1.A Call to Order

### 1.B Roll Call of Members

### 1.C Pledge of Allegiance

## 2. Mayor, Commission and Staff Communication

### 2.A Incorporation of the Champlain Towers South Memorial onto the 8777 Collins Avenue Site Requiring Modification and Creation of a Special Exception. - Hector Gomez, Town Manager

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-37. -- "SPECIAL EXCEPTIONS" AND SECTION 90-48.5(2) OF SECTION 90-48. -- "MODIFICATION OF SIDE AND REAR YARD REGULATIONS" TO MODIFY REGULATIONS PERTAINING TO SETBACKS FROM SECONDARY FRONTAGES IN H120; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Ordinance Amending Sec. 90-37 and 90-48 -Modifying H120 Setbacks and Secondary Frontage - First Reading 7-17-23.docx](#)

## 3. Adjournment

Respectfully submitted,

Hector R. Gomez  
Town Manager

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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 THE TOWN COMMISSION AND/OR 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.



## MEMORANDUM

ITEM NO. 2.A

**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission

**From:** Hector Gomez, Town Manager

**Date:** July 25, 2023

**Subject:** **Incorporation of the Champlain Towers South Memorial onto the 8777 Collins Avenue Site Requiring Modification and Creation of a Special Exception.**

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Town administration suggests consideration of this ordinance in order to facilitate the incorporation of the Champlain Towers South Memorial onto a portion of the 8777 Collins Avenue site. By doing so, a significant portion of the memorial would find its place on the very site where the Champlain Towers South once stood. This incorporation can be accomplished through the creation of a special exception that allows an adjustment to the setbacks.

Sufficient setbacks are provided on the south side of the site due to an existing public easement. Public pedestrian access easements provide the same light and air space between buildings as a vehicular street and achieve the same desired outcome. It is appropriate to treat them the same in terms of the abutting building setbacks. Staff finds that a public access easement of 10 feet or greater in width should be treated as a secondary frontage per the Town Code. Public access easements serve the same as a vehicular street in the sense that they allow for public space for transportation use.

In the rare case where a property has more than one secondary frontage and sufficient "light and air" is provided, Town administration finds it to be appropriate to provide a mechanism for greater flexibility to setbacks so that the Town Commission can determine the greatest benefit to the Town.

The result of this ordinance approval would be the ability for the Town Commission to adjust the setback requirements in cases where there is a significant benefit to the Town.

**Background:** Since the initial discussion about the Champlain Towers South Memorial in 2022, the Town Commission has been diligently negotiation to secure an agreement that would permit a meaningful portion of the memorial to be incorporated on the former site of the Champlain Towers South, located at 8777 Collins Avenue. At the March 14th, 2023, Town Commission meeting, Town administration was directed to bring forward an ordinance to address the setback requirements for H120 properties with multiple frontages on public rights-

of-way and public access easements in an effort to create a mechanism to facilitate this goal. The Town Commission deferred the ordinance at the April 2023 meeting to allow for additional research into the subject. Town administration has further researched the topic and modified the ordinance as a result.

**Description & Analysis:** In the case where a property abuts more than one public street, the Zoning Code requires certain setbacks for "secondary frontages," which are different from interior side setbacks because of the light and air that is afforded by the right-of-way or street. Properties that abut a public access easement benefit from the light and air afforded by the right-of-way or public access easement but the definition of "secondary frontages" only includes rights-of-way not public access easements.

This ordinance would allow for public access easements 10 feet or greater in width to be considered as a secondary frontage. Town administration finds that expanding the applicability of setbacks for corner properties to public access easements of at least 10 feet in width for H120 properties increases design flexibility as well as accommodates the light and air space intent of the Zoning Code.

This ordinance permits the Town Commission control over side setbacks in this non-typical situation through a special exception process. Town Administration recognizes that additional design flexibility may be warranted for the rare properties with more than one secondary frontage, where the neighboring property is at a sufficient distance. The review and approval of additional design flexibility is most efficiently accomplished through a special exception procedure which allows the Town Commission to allow for additional exception if the results are for the benefit of the community.

[Ordinance Amending Sec. 90-37 and 90-48 -Modifying H120 Setbacks and Secondary Frontage - First Reading 7-17-23.docx](#)

ORDINANCE NO. 2023 - \_\_\_\_\_

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-37. -- "SPECIAL EXCEPTIONS" AND SECTION 90-48.5(2) OF SECTION 90-48. -- "MODIFICATION OF SIDE AND REAR YARD REGULATIONS" TO MODIFY REGULATIONS PERTAINING TO SETBACKS FROM SECONDARY FRONTAGES IN H120; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

1       **WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida  
2 Statutes, provide municipalities with the authority to exercise any power for municipal  
3 purposes, except where prohibited by law, and to adopt ordinances in furtherance of such  
4 authority; and

5       **WHEREAS**, the Town Commission of the Town of Surfside ("Town Commission")  
6 finds it periodically necessary to amend its Code of Ordinances and Land Development  
7 Code ("Code") in order to update regulations and procedures to maintain consistency with  
8 state law, to implement municipal goals and objectives, to clarify regulations and address  
9 specific issues and needs that may arise; and

10       **WHEREAS**, Section 90-48.5(2) of the Code requires a street side setback of at least  
11 20 feet for corner properties in H120 but requires an inclined side setback for interior  
12 sides; and

13       **WHEREAS**, the purpose of the distinction is that rights-of-way provide additional  
14 spacing between buildings which provides the light and air that an inclined side setback  
15 would otherwise provide; and

16       **WHEREAS**, a public access easement of at least 10 feet provides 10 feet of additional  
17 spacing between properties that, when coupled with a 20-foot setback on either side would  
18 ensure a minimum 50 feet between buildings; and

19       **WHEREAS**, the Town Commission finds that expanding the applicability of setbacks  
20 for corner properties to public access easements of at least 10 feet in width for H120

21 properties, where reviewed and approved by the Town Commission, increases design  
22 flexibility in a manner that is in the best interest of the Town; and

23 **WHEREAS**, the Town Commission further finds that additional design flexibility may  
24 be warranted for properties with more than one secondary frontage, where existing  
25 conditions on neighboring property adjoining a secondary frontage provide sufficient  
26 distance between habitable buildings, and that the review and approval of additional  
27 design flexibility is most efficiently accomplished through a special exception procedure;  
28 and

29 **WHEREAS**, at a regular meeting of the Town Commission held on March 14, 2023,  
30 the Town Commission directed the Town Manager to present an ordinance addressing  
31 setbacks and frontages for corner properties in H120; and

32 **WHEREAS**, the Town Commission held its first public hearing on \_\_\_\_\_ and,  
33 having complied with the notice requirements in the Florida Statutes, \_\_\_\_\_ the  
34 proposed amendments to the Code; and

35 **WHEREAS**, the Planning and Zoning Board, as the local planning agency for the  
36 Town, held its hearing on the proposed amendment to the Code on \_\_\_\_\_,  
37 2023 with due public notice and input, and recommended \_\_\_\_\_ of the proposed  
38 amendments to the Code; and

39 **WHEREAS**, the Town Commission has conducted a second duly noticed public  
40 hearing on these Code amendments as required by law on \_\_\_\_\_, 2023 and  
41 further finds the proposed changes to the Code are necessary and in the best interest of  
42 the Town.

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44 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**  
45 **TOWN OF SURFSIDE, FLORIDA<sup>1</sup>:**

46 **Section 1. Recitals.** The above Recitals are true and correct and are  
47 incorporated herein by this reference:  
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<sup>1</sup> Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted double strikethrough and double underline.

50 **Section 2. Town Code Amended.** Section 90-37. -- "Special exceptions" of the  
51 Code, is hereby amended as follows:

52 **Sec. 90-37. Special exceptions.**

53 (1) The following are special exceptions which may be granted by resolution of  
54 the town commission receiving at least three affirmative votes:

55 \* \* \*

56 (2) Other special use exceptions as follows:

57 i. To determine, in cases of uncertainty, the classification of any use not  
58 specifically named in these regulations; provided, however, such use shall  
59 be in keeping with uses specifically listed in the district.

60 ii. To approve a public access easement to serve as a secondary frontage  
61 and to modify the setback applicable to one secondary frontage of a  
62 property with more than one secondary frontage, upon a finding that  
63 existing conditions on neighboring property adjoining such secondary  
64 frontage provide sufficient distance between habitable buildings.

65 \* \* \*

66 **Section 3. Town Code Amended.** Section 90-48.5 of Section 90-48. –  
67 "Modification of side and rear yard regulations" of the Code, is hereby amended as follows:

68 **Sec. 90-48. Modification of side and rear yard regulations.**

69 \* \* \*

70 90-48.5 In the H120 district, when a building exceeds a height of 30 feet, one of the  
71 following options for enhanced side setbacks must be met:

72 \* \* \*

73 (2) *Inclined side setback.* In lieu of providing the above average side setback in  
74 90-48.5(1) above, the property owner may, at its election, alternatively provide  
75 a minimum interior side setback of 10% or ten feet, whichever is greater for  
76 the first 30 feet in height, with the width of each required interior side yard  
77 increased by one foot for every three feet of building height above 30 feet. For  
78 corner properties, a building shall be set back a minimum of 20 feet from a  
79 side or secondary street, or from a public access easement at least 10 feet  
80 wide with Commission approval of a special exception, for its entire height.  
81 For corner properties with more than one secondary frontage, where existing  
82 conditions on the abutting property adjoining one secondary frontage provide  
83 sufficient distance between habitable buildings, the Town Commission may  
84 reduce the applicable setback for one secondary frontage by special  
85 exception.

86 \* \* \*

87 **Section 3. Severability.** If any section, sentence, clause or phrase of this  
88 Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,



89 then said holding shall in no way affect the validity of the remaining portions of this  
90 Ordinance.

91 **Section 4. Inclusion in the Code.** It is the intention of the Town Commission,  
92 and it is hereby ordained that the provisions of this Ordinance shall become and made a part  
93 of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be  
94 renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be  
95 changed to "Section" or other appropriate word.

96  
97 **Section 5. Conflicts.** Any and all ordinances and resolutions or parts of  
98 ordinances or resolutions in conflict herewith are hereby repealed.

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100 **Section 6. Effective Date.** This ordinance shall become effective upon adoption  
101 on second reading.

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104 **PASSED and ADOPTED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2023.

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106 **PASSED and ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2023.

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109 On Final Reading Moved by: \_\_\_\_\_

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111 On Final Reading Second by: \_\_\_\_\_

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114 **First Reading:**

115 Motion by: \_\_\_\_\_

116 Second by: \_\_\_\_\_

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119  
120 **FINAL VOTE ON ADOPTION**

121 Commissioner Fred Landsman \_\_\_\_\_

122 Commissioner Marianne Meisheid \_\_\_\_\_

123 Commissioner Nelly Velazquez \_\_\_\_\_

124 Vice Mayor Jeffrey Rose \_\_\_\_\_

125 Mayor Shlomo Danzinger \_\_\_\_\_

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131 Shlomo Danzinger, Mayor

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**ATTEST:**

\_\_\_\_\_  
Sandra N. McCready, MMC  
Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

\_\_\_\_\_  
Weiss Serota Helfman Cole & Bierman, P.L.  
Town Attorney