



**Town of Surfside**  
**Special Town Commission Meeting**  
**MINUTES**  
**May 10, 2023**  
**9:00 AM**  
Commission Chambers

**1. Opening**

**1.A Call to Order**

Mayor Danzinger called the meeting to order at 9:00 a.m.

**1.B Roll Call of Members**

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

Present: Mayor Shlomo Danzinger, Vice Mayor Jeff Rose, Commissioner Fred Landsman, Commissioner Marianne Meischheid (arrived at 9:04 a.m.) and Commissioner Nelly Velasquez (arrived at 9:05 a.m.)

Also Present: Town Manager Hector Gomez, Town Attorney Lillian Arango and Town Attorney Tony Recio.

**1.C Pledge of Allegiance**

Chief Healy provided the pledge of allegiance.

**2. Mayor, Commission and Staff Communication**

**2.A Discussion on recently adopted Senate Bill 102 "Live Local Act" Codified at Chapter 2023-17, Law of Florida (the "Act") - Lillian Arango & Tony Recio, Town Attorneys**

Town Commission to discuss and analyze the impacts of the Senate Bill 102 "Live Local Act".

Town Attorney Recio provided an overview of the recently adopted Senate Bill 102. He walked the Commission through the Act and some areas that they might want to address and narrow the discussion. This Bill talks about affordable housing that are affordable to households that are at 120% AMI and explained how it applies as well as the AMI that will be used is the numbers of Miami Dade County. He stated that H40 is not considered mixed use. He spoke regarding the comprehensive plan and other uses that are allowed based on certain provisions in our code and explained

those. He spoke regarding the different categories that are mentioned in our code. He stated that the act preempts density and height, but they have to abide by the other requirements that are generally applicable for the districts that residential uses are allowed. He stated those are things that need to be looked at and determine if there is sufficient parking and setbacks.

Commissioner Velasquez asked regarding density and does that mean that they can build how many they want.

Town Attorney Recio addressed the comments made and they must adhere to regulations and stated those regulations. It is the highest that is allowed in your code and comprehensive plan in your commercial area.

Mayor Danzinger clarified that there is only one that would be affected which is the SB40 on Collins. He stated that they should assume if someone would knock down a building and build, should they address the setbacks. He spoke regarding needing more walking space and breathing space and there are certain things that can be put in place to make it more and less palpable.

Commissioner Velasquez asked if there is a minimum lot size in the commercial district that they are then allowed to build.

Town Attorney Recio stated there is no minimum lot width or size nor a maximum.

Mayor Danzinger asked regarding a specific lot and parcel.

Town Attorney Recio stated there is no maximum lot size either.

Mayor Danzinger opened the floor to public comments.

The following individual from the public spoke:

George Kousoulas stated the Town Attorney is giving a great explanation and stated what they could be facing.

Mayor Danzinger closed the floor to public comments.

Commissioner Landsman stated this is a good idea to have this discussion. He spoke regarding possible changes that would be made and how it impacts the development of a project to be viable. He stated that he would not want to discourage people from working or living here. He asked if they could limit the assembly of lots.

Town Attorney Recio addressed the comments made and stated one way is to impose a maximum lot size for that district.

Vice Mayor Rose asked if they are opening themselves up for error and possibly having an issue if your neighbor wants to join two lots.

Town Attorney Recio addressed the comments made and he would be concerned with lots already assembled but for all the other lots that are smaller parcels and

separate parcels, you cannot guarantee you can put it next to your neighbor.

Vice Mayor Rose addressed the comments made by Mr. Kousoulas and stated there are some holes in this bill.

Mayor Danzinger spoke regarding the parking issue at hand and they will have to satisfy parking. He spoke about different areas that need to be expanded including parking and sidewalks. He spoke regarding other cities that are taking this Bill on and the impact as well as the cost. He stated that parking is very important and provided some solutions.

Town Attorney Recio stated he thinks it is a great first step in reevaluating the parking requirements and spoke regarding the parking trust fund. He explained how many spaces are per unit and applies town-wide.

Mayor Danzinger suggested that they cannot buy into the Parking Trust Fund and that they cannot combine lots and if they do want to combine the lots, they must obtain commission approval.

Commissioner Velasquez believes that the Parking Trust Fund should be eliminated and if they want to build, they should provide sufficient parking. She asked if the lots could be aggregated.

Town Attorney Recio addressed the comments made by Commissioner Velasquez as to the aggregation of lots.

Further discussion among the Commission and the Town Attorney took place regarding possible solutions and suggestions on changes to be made.

Mayor Danzinger spoke regarding setbacks and height limitations and setting a lot size as a maximum subject to commission approval and space restrictions. He asked regarding if there are double or parting walls.

Town Attorney Recio provided a summary and addressed the comments made.

Mayor Danzinger suggested setting a maximum for a single lot size. He stated that any structure that is built over 40 feet is subject to the H120 regulations or must obtain commission approval.

Commissioner Velasquez spoke regarding the lot requirements.

Mayor Danzinger spoke regarding mixed use and impact fees and suggested piggybacking off of another city.

Commissioner Landsman asked regarding FDOT having an issue with buildings coming to Harding Avenue and do they have any say on the restrictions.

Town Attorney Recio stated that FDOT will have an impact and they will get to review it.

Commissioner Velasquez spoke regarding the impact of large stores to the Town and what does "subject to commission approval" mean.

Town Attorney Recio explained to Commissioner Velasquez what that meant.

Town Attorney Recio gave the commission the following recap. To impose a maximum lot width and lot size and work with the Town Planner to do an inventory of what is out there and come up with a size for only SB40 unless you go through a special exemption/ special site plan approval by commission; can't exceed a maximum size (to be determined) for mixed use without a special exception/site plan approval from the commission and no longer to pay into the parking trust fund for new construction of mixed use projects without a Special Exception/Site Plan approval from the commission; if building is over 40 feet in height impose H120 setbacks to the entire building (Average or Wedding Cake), subject to Special Exception/Site Plan approval from the commission; and define mixed-use, H40 description of residential and hotel definition.

A motion was made by Vice Mayor Rose to approve the recommended changes stated by Town Attorney Recio, seconded by Commissioner Landsman. The motion carried with a 4-1 vote with Commissioner Meischeid voting in opposition.

[Memo to Municipalites Re Senate Bill 102 - Live Local Act- \(April 12, 2023\).pdf](#)

[SB 102.pdf](#)

[SB 102 Affordable Housing \(Summary\).pdf](#)

[90-40 Zoning Map.png](#)

[Comprehensive Plan - excerpts.pdf](#)

### 3. Adjournment

There being no further business to discuss before the Commission, a motion was made by Vice Mayor Rose to adjourn the meeting at 10:22 a.m., seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

---

Shlomo Danzinger, Mayor

Attest:

---

Sandra N. McCready, MPA, MMC  
Town Clerk