



Town of Surfside
Joint Special Town Commission and Planning and Zoning Board Meeting
MINUTES
January 31, 2023
5:30 PM
Commission Chambers

1. Call to Order

Mayor Danzinger called the meeting to order at 5:40 p.m.

1.A Roll Call of Members

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

Present: Mayor Shlomo Danzinger, Vice Mayor Jeff Rose, Commissioner Marianne Meisheid, Commissioner Fred Landsman and Commissioner Nelly Velasquez.

Deputy Town Clerk Herbello called the roll of the Planning and Zoning Board members with the following members present:

Present: Chair Carolyn Baumel, Vice Chair David Forbes, Board Member Lindsey Lecour and Board Member Jonathan Edderai (arrived at 6:09 p.m.)

Absent: Board Member Ruben Bravo, Alternate Board Member Michael Szafranski and Alternate Board Member Grace Rais.

Also Present: Acting Town Manager Hector Gomez, Town Attorney Lillian Arango, Town Attorney Tony Recio, Town Planner Judith Frankel and Building Official James McGuinness.

1.B Pledge of Allegiance

Sgt. Cruz provided the pledge of allegiance.

2. Public Comments

Mayor Danzinger provided the process for tonight's meeting and public comment. He stated the goal is to have a productive meeting. He stated that he will give the public 5 minutes to speak on all of the items on the agenda.

Mayor Danzinger opened the floor to public comment.

The following individual from the public spoke:

George Kousoulas stated that he agrees with all the items on the agenda. He wants to highlight item 3C (Administrative Code Correction: Roof Deck Stairway Height) which entails roof deck and spoke regarding what does not work. The other item is 3G (Accessory Structures in the H30A Zoning District) as it pertains to accessory structures on waterfront lots. The final one is item 3H (Application of Setback Restrictions) which is a new way of looking at the setbacks.

Mayor Danzinger closed the floor to public comment.

3. Discussion Items

3.A Administrative Code Correction: Use of the term "Gross" - Hector Gomez, Acting Town Manager

Staff suggests deleting the term "gross" from two locations in the Zoning Code. (See Attachment A) The Town Code no longer uses "Gross Acre" or "Gross Density" for density calculations and references to the term are confusing and misleading.

Acting Town Manager Gomez introduced the first item and stated that the gross acreage was left behind in a few areas and they want to remove the term "gross".

Town Planner Frankel provided an overview and explanation of the item and stated they usually use the term "lot acreage", and they no longer use the word "gross" and it becomes confusing. She stated the code only counts the actual property and it is a code cleanup and a simple solution.

Mayor Danzinger stated he understood that the Planning and Zoning Board had discussions last week.

Chair Baumel and the rest of the Planning and Zoning Board reached consensus to remove the word "gross".

Commissioner Meischeid agrees with removing the word in the code.

Vice Mayor Rose disclosed that he is a contractor in Town and does work in Town and is also a Commissioner.

Board Member Lecour suggested having a consent agenda sort of format for these type of items.

Mayor Danzinger asked if each item has to come back as a separate item as an ordinance change?

Town Attorney Recio stated that the two stating "gross" could come back as an ordinance and any others could be joined together and come back as one and they will group them together.

A motion was made by Commissioner Meisheid to move forward with correcting the use of the term "gross" in the code, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

[Attachment A: Gross Acre Sections in the Zoning Code](#)

3.B Administrative Code Correction: Planning and Zoning Board application requirements - Hector Gomez, Acting Town Manager

Staff recommends adding the following materials to the requirements for Planning and Zoning Board applications:

- Signed and sealed survey showing current property conditions including elevations of site and right-of-way
- Site Plan (existing and proposed) with all dimensions and locations of mechanical equipment
- Architectural Elevations (existing and proposed)
- Floor Plans
- Materials Sheet
- Neighboring properties and site conditions
- Special purpose sheets as necessary
- Landscape Plans and species table

Acting Town Manager Gomez introduced the item.

Town Planner Frankel provided an overview and explanation of the item.

Town Attorney Recio went over the section of the code pertaining to this item and stated that the Planning and Zoning Board reached consensus on this one. He stated that on new construction they would have renderings and photographs and a landscape architect would be required for new projects and a landscape plan would not be required for additions.

Chair Baumel explained that this pertains to new construction from the ground up.

Town Planner Frankel stated that landscape plans are required for new constructions but does not have to be done by a separate architectural firm.

Vice Mayor Rose gave examples of the requirements.

Mayor Danzinger asked if they move a tree does this matter or does he have to come with a landscape plan.

Town Planner Frankel addressed the comments made by the Mayor.

Commissioner Landsman provided an explanation of the item. He asked if it is a recommendation for staff to add the language and is that correct.

Town Attorney Recio stated it is a bit confusing because during the codification process something happened because they have to add it because it is currently not in the code and they have to add the entire list.

A motion was made by Commissioner Landsman to add the following list of suggested requirements to include the two additional requirements by the Planning and Zoning Board, seconded by Vice Mayor Rose. The motion carried with a 5-0 vote.

Town Attorney Recio explained what that list was including the requirements added by the Planning and Zoning Board.

[Attachment A: Planning and Zoning Board Application](#)

[Attachment B: Zoning Code Section in Application Requirements](#)

3.C Administrative Code Correction: Roof Deck Stairway Height - Hector Gomez, Acting Town Manager

Staff recommends that roof deck stairways and railings be permitted to extend above the permitted roof height for the zoning district as already provided in Sec. 90-44. (See Attachment A) Specifically, Sec. 90-50.2 should be amended to allow roof deck stairs to extend above the roofline in accordance with the restrictions in Sec. 90-44

Acting Town Manager Gomez introduced the item and provided an overview.

Town Planner Frankel provided an overview and explanation of the item. She stated that the Planning and Zoning Board had consensus on this item.

Board Member Lecour stated that if you want a roof deck your house has to be 12 inches shorter.

Vice Mayor Rose spoke regarding what can be done with the enclosure of the equipment.

Town Attorney Recio stated this is about the rail not actually the enclosure.

Vice Mayor Rose addressed the comment made by Mr. Kousoulas about the parapet and that also has to be corrected. He stated that the code should match what you are building.

Town Attorney Recio stated it makes sense it is up to them to determine if it is a policy.

Commissioner Velasquez asked regarding the height requirement and the mechanical equipment.

Town Attorney Recio addressed the comment made by Commissioner Velasquez.

Vice Mayor Rose asked Building Official McGuinness what he will do regarding the rail going around the stairway.

Building Official McGuinness stated that he will comply with the code.

A motion was made by Vice Mayor Rose to recommend the modification moving the railing to 42 inches along with the 6% for the parapet, seconded by Commissioner

Minutes

Joint Special Town Commission and Planning and Zoning Board Meeting

Tuesday, January 31, 2023

Meisheid. The motion carried with a 5-0 vote.

[Attachment A: Sections of the Zoning Code on Roof Deck Stair Height](#)

3.D Administrative Code Correction: Extension of Architectural Features into Setbacks - Hector Gomez, Acting Town Manager

Staff recommends that the definition of "yard" in Section 90-2 be amended to refer to "setback" to clarify that the two terms are considered interchangeable, in order to avoid confusion and misinterpretation.

Acting Town Manager Gomez introduced the item and provided an overview.

Town Attorney Recio went over the section of the code pertaining to this item and spoke regarding the two words being used interchangeably but there are certain parts of the code that they mean different things. He continued explaining to the Commission and Planning and Zoning Board this item.

Mayor Danzinger asked for clarification on the requested changes.

Town Attorney Recio provided the clarification to the Mayor's questions.

Commissioner Velasquez stated you still cannot go over the 40% allowed on the first floor. She asked if they have come up with issues that has had this problem and how it was resolved.

Town Planner Frankel stated correct. She provided explanations and examples.

Vice Mayor Rose spoke regarding the setbacks and stated you will always have an area that you cannot touch around. He stated this is just an administrative cleanup on the language.

A motion was made by Vice Mayor Rose to move forward with staff recommendations for Section 90-2, seconded by Commissioner Landsman. The motion carried with a 4-1 vote with Commissioner Velasquez in opposition.

Town Attorney Recio provided an overview of section 90-46 and the recommendation is to get rid of this section.

A motion was made by Vice Mayor Rose to cleanup the language on Section 90-46, seconded by Commissioner Landsman. The motion carried with a 4-1 vote with Commissioner Velasquez voting in opposition.

Town Attorney Recio provided an overview of Section 90-2 (definitions) the frontage and is limited to the street and would they want to consider defining frontage.

Mayor Danzinger asked if Planning and Zoning Board considered this item.

Chair Baumel stated that they had a consensus that anything with side setbacks on certain areas like Harding going west and those properties could not be treated the same as those on a residential street.

Vice Chair Forbes stated that they also discussed another example of properties that if not treated differently they would not be sellable.

Commissioner Velasquez stated that it seems they are putting all these areas together and if there are only a few under that circumstance then give it to them but the Champlain Tower South section does not fall under this.

Chair Baumel explained again the reasoning for this change.

Vice Mayor Rose explained the change and provided examples.

Commissioner Meisheid stated that it is her understanding that there other cities that are doing this as well.

Town Attorney Recio stated yes that there are other cities that are doing this.

Commissioner Velasquez asked if there is currently an application that this would affect.

Town Attorney Recio stated that this has come up with several properties.

Mayor Danzinger stated it is a bit complicated and if they could bring this back with more details.

3.E Administrative Code Correction: Front Yard Standards in H30A, H30B, H30C and H40 districts - Hector Gomez, Acting Town Manager

Staff recommends that Sec. 90-61(1) be amended to provide that "Not less than 50 percent of the front yard shall be landscaped". This is what is occurring now due to the restriction that no more than 50% of the front yard can be paved.

Acting Town Manager Gomez provided an overview of the item and looking at the front yard area and what is and is not permeable.

Town Planner Frankel provided an overview and explanation of the item. She stated this was left over from the previous change and what they are recommending.

Town Attorney Recio went over the section of the code pertaining to this item.

After some discussion by the Commission, staff and the Planning and Zoning Board the following motion was made.

A motion was made by Vice Mayor Rose to move forward with staff recommendation and clean up the language, seconded by Commissioner Meisheid. The motion carried with a 5-0 vote.

[Attachment A: Front Yard Standards in the Zoning Code](#)

3.F Planning and Zoning Board Review Criteria - Hector Gomez, Acting Town Manager

Staff recommends that the Planning and Zoning Board and the Town Commission provide direction on the use of Design Guidelines in single-family development applications.

Town Planner Frankel provided an overview and explanation of the item. She spoke about the Design Review Guidelines and that the Planning and Zoning Board needs clearer criterias.

Town Attorney Recio explained the criteria and how it relates to this item.

Town Planner Frankel stated that Marlin Engineering is doing this and they are not here to provide input.

Mayor Danzinger asked what they will give them to look at or have they started this process.

Commissioner Landsman stated that this is to be able to give the Planning and Zoning Board more teeth and it is hard for them to approve a project if it does not meet code. He stated that the design criteria needs to be updated. He suggested tabling this until they can have more discussion on the item.

Mayor Danzinger agrees to bring this back once the new design review guidelines are done.

Vice Mayor Rose spoke regarding the technicality and what he does not want to see is the design guidelines being used as a weapon.

Mayor Danzinger commented on how some of the items can be up in the air.

Vice Mayor Rose gave an example from the previous Planning and Zoning Board.

Vice Chair Forbes provided his comments and opinion. He stated it needs to be cleaned up but at some point and time you have to approve it.

Town Planner Frankel showed an example of a home and it meets code.

Commissioner Velasquez stated that she does not agree with having someone build something like a spaceship and certain colors should not be allowed.

Board Member Lecour spoke regarding the design review guidelines and they need to discuss it and make sure they all agree it is what they want in Town.

Commissioner Landsman spoke regarding the need for the Planning and Zoning Board. He suggested this being a charter question and possibly having the Town Planner approving certain things and change the mandate of the Planning and Zoning Board.

Chair Baumel suggested to table the discussion until the new design review guidelines are ready and explained that the Town has changed and is changing and one needs to look outside of the box.

A motion was made by Commissioner Meisheid to table this item until the design review guidelines are ready, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

[Attachment A: Single Family Development Review](#)

3.G Accessory Structures in the H30A Zoning District - Hector Gomez, Acting Town Manager

Staff recommends that the Planning and Zoning Board consider the appropriate setback and size for accessory structures the H30A zoning district.

Acting Town Manager Gomez introduced the item.

Town Planner Frankel provided an overview and explanation of the item.

Town Attorney Recio went over the section of the code pertaining to this item.

Discussion took place among the Commission, Town Attorney and the Planning and Zoning Board regarding the size of the lot and setbacks including the setback on the seawall.

Mayor Danzinger suggested to separate the items.

Board Member Lecour stated this matter came up with the two Bay Drive houses and the stairwell built against the seawall and some visual would be helpful.

Chair Baumel addressed the comments made by Board Member Lecour.

Vice Mayor Rose stated that when the two were built it was to distinguish between Indian Creek and Biscayne Bay and that is why there needs to be cleanup in that language and have clearer language.

A motion was made by Vice Mayor Rose to allow the accessory structures within 15 feet of the seawall, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

A motion was made by Vice Mayor Rose to allow one accessory structure with a roof up to 200 square feet, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

Vice Chair Forbes agrees with Vice Mayor Rose.

Commissioner Velasquez asked for clarification.

Commissioner Landsman asked to limit it to one structure.

Board Member Lecour suggested a percentage because 200 square feet on a 30,000 square foot would not make sense.

Town Attorney Arango asked if they are limiting it to waterfront lots.

Town Attorney Recio clarified they will come up with everything they said and explained the process and the Commission will see it before the Planning and Zoning Board sees it and then they will see it again after the Planning and Zoning Board has provided their input.

A motion was made by Commissioner Velasquez to take a 10 minute break at 7:33 p.m., seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

The meeting took a recess at 7:33 p.m.
The meeting reconvened at 7:52 p.m.

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

Present: Mayor Shlomo Danzinger, Vice Mayor Jeff Rose, Commissioner Marianne Meisheid, Commissioner Fred Landsman and Commissioner Nelly Velasquez.

Deputy Town Clerk Herbello called the roll of the Planning and Zoning Board members with the following members present:

Present: Chair Carolyn Baumel, Vice Chair David Forbes, Board Member Lindsey Lecour and Board Member Jonathan Edderai.

Absent: Board Member Ruben Bravo, Alternate Board Member Michael Szafranski and Alternate Board Member Grace Rais.

[H30A Rear Yard Flooding November 2022](#)

3.H Application of Setback Restrictions - Hector Gomez, Acting Town Manager

Staff recommends that the Planning and Zoning Board and Town Commission provide direction on whether an average setback should be applied against both the first and second floors in the H30A and H30B districts in a similar manner to its application in the H120 district.

Town Attorney Recio went over the section of the code pertaining to this item.

Mayor Danzinger asked regarding the 35% of lot and how it applies to the first and second floor.

Town Attorney Recio addressed the comment made and it currently only applies to the first floor and explained what this change would apply to. He also explained what is required currently.

Commissioner Velasquez asked regarding the 72% and if that is what currently is in the code.

Town Attorney Recio clarified the comment made by Commissioner Velasquez.

Commissioner Velasquez spoke and asked for some further clarifications on this

proposal.

Vice Mayor Rose spoke about how properties owners are in some way maximizing what is currently allowed per the Town code in the different houses that have been getting built during the last year.

Commissioner Landsman agrees with having choices and believes the Town should have more of those.

Chair Baumel spoke about the different roof options that you may also use when designing homes.

There was further discussion amongst the commission and the Planning and Zoning Board on this item.

A motion was made by Vice Mayor Rose to approve the language as presented and add language of potential versus actual and non continuous front façade or deviation in frontage, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

[Attachment A: Zoning Codes Setbacks](#)

[Proposal for H30A and H30B building volumes.pdf](#)

3.1 Synthetic/Artificial Turf - Hector Gomez, Acting Town Manager

Staff recommends that the Planning and Zoning Board and Town Commission provide direction on the 10 properties with artificial turf, and the overall use of artificial turf.

Acting Town Manager Gomez introduced the item and stated there are 10 properties that are in the amnesty period which they must also determine what to do with those homes. He continued introducing the item.

Mayor Danzinger suggested dividing it and see how the Commission feels about artificial turf first before dealing with those 10 homes.

Town Planner Frankel provided an overview and explanation of the item.

Mayor Danzinger asked how the understory facts into this.

Town Planner Frankel addressed the comment made by the Mayor.

Board Member Lecour provided her input on the item and stated that there are a lot of things nicer than artificla turf.

Vice Mayor Rose addressed the comment made by Board Member Lecour.

There was further discussion amongst the Commission and the Planning and Zoning Board on this item.

A motion was made by Vice Mayor Rose to allow artificial turf on the side and rear of

the home and for it to count towards the permeable area, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

Vice Mayor Rose spoke regarding hedges and turf.

Vice Chair Forbes addressed the picture on the screen regarding the item.

A motion was made by Vice Mayor Rose to allow artificial turf in the front yard, seconded by Mayor Danzinger. The motion carried with a 3-2 vote with Commissioner Landsman and Commissioner Meischeid voting in opposition.

Commissioner Velasquez left the meeting at 8:45 p.m.

Town Planner Frankel asked what to do with the 10 homes and the question is if we want them to come back for a permit since they did not install it correctly.

Consensus was reached to wait to determine what they will permanently do with the artificial turf item before addressing those 10 homes.

Acting Town Manager Gomez stated that administratively they will leave it status quo until they determine what is approved.

[Ordinance No. 2020-1709 Synthetic Turf](#)

3.J Front Yard Fences and Gates - Hector Gomez, Acting Town Manager

Staff recommends that the Planning and Zoning Board and Town Commission provide direction on the process of approval for front yard fences and gates. As part of this correction, the allowable height of hedges in the front yard should be amended for consistency with Section 149 of the Charter.

Acting Town Manager Gomez introduced item.

Town Planner Frankel provided an overview and explanation of the item.

Chair Baumel stated the issue the Planning and Zoning Board had was the material that will be used.

Commissioner Landsman agrees to take it away from the Planning and Zoning Board.

Vice Mayor Rose agrees with removing it from the Planning and Zoning Board.

Mayor Danzinger asked what takes place when individuals go before the Planning and Zoning Board for a fence.

Town Planner Frankel addressed the comment made by the Mayor and what the code states as well as the materials allowed.

Discussion among the Commission and Planning and Zoning Board took place regarding what type of material should be allowed and which ones should go before

the Planning and Zoning Board. Suggestion was made for Town Planner Frankel to come up with a pattern and materials as well as a design element that would have to come before the Planning and Zoning Board.

Mayor Danzinger suggested to approve the fences based on the height and design restrictions.

Board Member Lecour stated that whatever the Town Planner decides needs to go before the Planning and Zoning Board then it goes before the Commission.

Mayor Danzinger passed the gavel.

A motion was made by Mayor Danzinger to approve the gates and fences in the front yard in the setback by right based on the existing height restrictions and materials and designs to be defined by staff and be brought back as an ordinance, seconded by Vice Mayor Rose. The motion carried with a 4-0 vote with Commissioner Velasquez absent.

[Appendix A: Code section on Front Yard Fences.docx](#)

3.K Applicability of Planning and Zoning Board Review - Hector Gomez, Acting Town Manager

Staff recommends that the Planning and Zoning Board and the Town Commission consider amending the Zoning Code Section 90-19.7 to allow additional minor alterations to be reviewed by Town Staff only and not be required to be reviewed by the Planning and Zoning Board except in cases of controversy.

The following permits are suggested to be added to Zoning Code 90-19.7 list of exempt permits:

1. Rear-yard wall opening not visible from the public right-of-way
2. Change outs of building materials
3. Window Signs in the SD-B40 Zoning District
4. Awnings in the SD-B40 Zoning District
5. Rear yard pools
6. Rooftop mechanical and accompanying screens.
7. Roof decks on existing homes
8. Carports

Acting Town Manager Gomez introduced the item.

Town Planner Frankel provided an overview and explanation of the item.

Mayor Danzinger asked if there is material requirements and are there restrictions in place.

Town Planner Frankel addressed the comments made by the Mayor.

Vice Mayor Rose asked if they want to add garage conversions with the strip to the list.

Chair Baumel stated that they have not seen too many poor garage conversions.

Town Attorney Recio stated that the Planning and Zoning Board spoke regarding roof decks.

Board Member Lecour spoke regarding the strip and windows matching on the garage conversion.

Town Planner Frankel addressed the comments made.

A motion was made by Mayor Danzinger to have Town Planner and Town Administration to be able to approve the items stated on the memo with the exception of item 7 which is roof decks and addition of garage conversion, seconded by Commissioner Meisheid. The motion carried with a 4-0 vote with Commissioner Velasquez absent.

3.L Enforcement and Interpretation of the Zoning Code - Hector Gomez, Acting Town Manager

Staff recommends that the Town Commission consider tracking official interpretations of Section 90-3 of the Zoning Code to ensure consistency. The Commission may also consider defining the parameters for the Town Planner to include the ability to approve minor changes to approved plans.

Acting Town Manager Gomez introduced the item.

Town Attorney Recio went over the section of the code pertaining to this item and what the parameters would be.

Mayor Danzinger addressed the items stated in the memo.

Commissioner Landsman asked how the tracking would take place if it would be via a software.

Town Attorney Recio stated that in other municipalities the Town Planner would write a memorandum and put it online with their interpretation. He stated that they could create a separate appendix to add the Town Planner's interpretation and possibly pass it by resolution.

A motion was made by Mayor Danzinger to direct the Acting Town Manager to start recording the changes and set up a structure in the code and compile a list and bring back as ordinance with parameters for the Town Planner, seconded Commissioner Landsman. The motion carried with a 4-0 vote with Commissioner Velasquez absent.

Board Member Lecour asked if they could do the corrections in a consent agenda form.

[Attachment A: Enforcement of the Zoning Code](#)

4. Adjournment

A motion was made by Vice Mayor Rose to adjourn the meeting without objection at 9:34 p.m., seconded by Commissioner Landsman. The motion carried with a 4-0 vote with Commissioner Velasquez absent.

Respectfully submitted,

Accepted this _____ day of _____, 2023.

Shlomo Danzinger, Mayor

Attest:

Sandra N. McCready, MPA, MMC
Town Clerk