



**Town of Surfside  
Planning and Zoning Board Meeting  
MINUTES  
May 30, 2024  
6:00 PM  
Town Commission Chambers**

**1. Call to Order/Roll Call**

Chair Lecour called the meeting to order at 6:01 p.m.

Deputy Town Clerk Guevara called the roll with the following members present:

Present: Chair Lindsay Lecour, Vice Chair Andrea Travani, Board Member Carlos Aparicio, Board Member Adrian Chavez, Board Member James Mackenzie, Alternate Board Member Horace Henderson, and Alternate Board Member Regino Sanchez.

Also Present: Interim Town Attorney Mark Blumstein and Town Planner Scarlet Hammons.

**2. Town Commission Liaison Report**

Commission Liaison Commissioner Vildostegui was not in attendance.

**3. Approval of Minutes**

**3.A Approval of April 25, 2024 Planning and Zoning Board Meeting Minutes - Sandra McCready, MMC, Town Clerk**

A motion was made by Board Member Chavez to approve the April 25, 2024 Planning and Zoning Board Meeting Minutes, seconded by Vice Chair Travani. The motion carried with a 5-0 vote.

[April 25, 2024 Planning and Zoning Board Meeting Minutes](#)

**4. Applications**

**4.A 9472 Byron Avenue - New Single-Family Home - Scarlet Hammons, AICP CTP, Town Planner**

Staff finds this application for a new single-family home meets the zoning code. The proposed home as represented in the submitted plans package, has an F.A.R. of 0.71, which is less than the maximum permitted.

At this time the Planning and Zoning Board should determine whether the new home is “consistent with and in conformance with the design guidelines set forth in the Town Code”. If the Board determines the proposal is in compliance, staff recommends approval with the following conditions:

An outdoor lighting plan compliant with Ordinance No.24-1767 must be provided at the time of Building permit application.

A grading and drainage plan (with appropriate retaining wall) must be provided to comply with Ordinance No.24-1769 at the time of Building permit application.

Landscape, pool, driveway and fences must apply for separate permitting.

Town Planner Hammons introduced the item and provided an overview of the application.

Interim Town Attorney Blumstein shared the following comments from the Town Building Official:

1. Plans should be digitally signed and sealed by the design professional.
2. Verify and show compliance with flood criteria. Finish flood elevation.
3. Exterior elevations show site being raised and/or partially raised towards the rear. Show how rainwater run off to neighboring properties shall be controlled.

Chair Lecour asked if the applicant wished to speak.

Chair Lecour opened the floor to public comments.

No members of the public wished to speak.

Chair Lecour closed the floor to public comments.

Board Member Chavez stated how the setback with the pool, since the property is not in line, it needs to have at least five feet from the property line and how where it says the five feet, does not look like the end of the pool. He shared how there is a terrace that enables a third floor and make sure it complies with privacy with the neighboring properties. He spoke how the pool drawings show it will have grass and how by having grass, it sucks in the water and avoids flooding. He asked the Town Planner to make sure the grass specified in the plans is kept.

Town Planner Hammons stated how when they do the building permit review, they will also review the site plans and make sure they are consistent.

Board Member Mackenzie stated how the plans provided were not signed and sealed by an engineer or architect. He stated, since the applicant is not present to hear the comments, he would like to do a motion to postpone the review of the application until the plans are signed and sealed. He stated how some pages are signed and others are not. He stated how the hearing of the Board is part of a legal process and

expressed the importance of having signed and sealed plans.

Chair Lecour expressed how she understands this issue and how this Board is trying to establish a rigorous process for the applications.

A conversation was held regarding the signed and sealed pages of the application.

Board Member Aparicio stated how, since the applicant is not present, the application should be deferred. He shared how he is not in agreement with the design of the home.

Chair Lecour asked Board Member Aparicio if he would like to second Board Member Mackenzie's motion to defer this application.

Board Member Aparicio agreed.

Vice Chair Travani had a question to the Town staff regarding how the design guidelines call for a lateral setback on the second floor and how he does not see it on the current applicant's home and other homes in the Town. He said how the second story should have a minimum of five feet from sides and rear facades.

Chair Lecour added how some applicants brought sample material boards and how this applicant would benefit from doing the same.

Town Planner Hammons stated how she contacted the applicant to bring a sample material board.

A motion was made by Board Member Mackenzie to defer the application to a future meeting date presenting sealed and signed plans, seconded by Board Member Aparicio. The motion carried with a 5-0 vote.

[Attachment A: Images and Zoning Tables](#)  
[9472 Byron Avenue Plans](#)

**4.B 9517 Byron Avenue - Home Addition, Porch Enclosure and Garage Conversion** - Scarlet Hammons, AICP, CTP, Town Planner

Staff finds this application for a remodeled single-family home meets the zoning code. The remodeled home as represented in the submitted plans package, has an F.A.R. of 0.38, which is less than the maximum permitted.

At this time the Planning and Zoning Board should determine whether the remodeled home is "consistent with and in conformance with the design guidelines set forth in the Town Code". If the Board determines the proposal is in compliance, staff recommends approval with the following conditions:

An outdoor lighting plan compliant with Ordinance No.24-1767 must be provided at the time of building permit application.

A landscape plan compliant with Sec. 90-86 must be provided at the time of building permit application.

Landscape, driveway and fences must apply for separate permitting.

Town Planner Hammons introduced the item and provided an overview of the application.

Interim Town Attorney Blumstein shared the following comments from the Town Building Official:

1. Plans should be digitally signed and sealed by the design professional.
2. Rear and site elevations not provided.
3. Clarify if existing flood vents are being blocked in, as they are not being shown in the drawings.
4. Clarify on drawings if existing brick design is being removed from the front facade.

Chair Lecour opened the floor to public comments.

No members from the public wished to speak.

Chair Lecour closed the floor to public comments.

Jeffrey Diamond asked if the Board had the renderings.

Chair Lecour stated the Board had their plans and how there was a set of rendering in their application.

Anthony Lasoursa explained that the reason why the Building Official had mentioned the flood vents is because they are not in the renderings. He stated how they are not raising the ground and everything is going to stay the same.

Board Member Mackenzie stated how it is important for this particular applicant to know that in existing homes, there is something called the replacing value of the existing structure. If this is exceeded by more than 50%, the application is not going to be able to move forward.

Homeowner Elana Sturm stated how she is aware of the FEMA rule and how they are under the 50%.

Chair Lecour stated how this issue was raised during the last meeting and the Board spoke about potentially having some sort of math done upfront instead of waiting for submitting building plans.

Board Member Mackenzie shared how the rendering are showing the roof lines are straight on the sides and the front, however in the first picture of the existing house, the front has three levels of roof, the garage level, the bedroom in the north side of the home, and the lowest roof is in the back of the home. He said the renderings show that the rooflines are all going to share a common gutter as they move forward. He asked how will this be done without removing a big portion of the roof.

Mr. Lasoursa stated how the wall is going to be brought forward and the roof will be

raised.

Board Member Mackenzie stated how those will be expenses that have to be calculated.

Ms. Sturm spoke how the complete tear down of the wall is an expense that will be covered by her insurance.

Board Member Aparicio stated how when someone presents a project to a Board, the Board Members must know the applicant is replacing the roof and the wall means many materials are being changed. He stated how the applicant should have brought the materials they are going to put in the home.

Mr. Lasoursa explained how they brought a sample of the window and how the rest were basic construction materials.

Board Member Aparicio stated how that is not how someone presents a project to a Planning and Zoning Board and how many more factors have to be discussed, but the Board does not have any information on the project.

A conversation was held between Board Member Aparicio and Mr. Lasoursa regarding the changes that are being done to the home and how to present these changes to the Board.

Ms. Sturm stated how she is not sure what the Board wants in regards to a material board.

Chair Lecour stated how this new Board feels strongly about material boards. She shared how this application is a relatively small renovation. She said how the Board needs to set their expectations for applicants in advanced.

Board Member Chavez shared how he supports the remodeling of houses. He shared how the materials are important and that they are under the guidelines. He expressed how the architects and the engineers can have the roof look like the renderings, then they are in compliance.

Board Member Mackenzie stated he is supportive of the applicant's effort. He spoke how in his experience, the home has its original windows and how by putting the hurricane resistance windows will become a more complicated project that will add more cost to the home. He stated he is in support of the applicant, but he will not vote yes on this item as it is presented today. He suggested the applicant to study this project further. He asked the applicant to be realistic about the project and consider completing part of it now and other parts two years from now, or whenever the FEMA regulations expire, and another addition can be done.

Ms. Sturm stated how this is her fourth set of plans to comply with FEMA and the Town. She stated how there is no way to do this project any less in order to comply with the Town's standards.

Chair Lecour asked Board Member Mackenzie if his lack of approval is related to the

50% FEMA standard, she asked Board Member Mackenzie to at least give the applicant a chance.

Board Member Mackenzie stated he supports the idea, but the plans being presented are not signed and sealed and do not show the depth of the investment to the home. He stated how this remodeling will affect the whole facade.

Board Member Chavez stated how the first look at the house looks plain due to the shade of the tree and should be taken out.

Ms. Sturm stated how the tree to the left of the home was deemed by the Town to be impeding to the water pipes and might be taken out.

A motion was made by Vice Chair Travani to approve the application with Town staff and Building Official comments, seconded by Board Member Chavez. The motion carried with a 4-1 vote, with Board Member Mackenzie voting in opposition.

[Attachment A: Images and Zoning Tables](#)  
[9517 Byron Avenue Agenda Packet](#)

**4.C 9280 Byron Avenue - Front Facade Alterations** - Scarlet Hammons, AICP, CTP, Town Planner

Staff finds the application meets the zoning code requirements and recommends approval, if the Board determines that the proposed front facade complies with the Design Guidelines.

Town Planner Hammons introduced the item and provided an overview of the application.

Interim Town Attorney Blumstein shared the following comments from the Town Building Official:

1. Plans should be digitally signed and sealed by the design professional.
2. Any changes to the previous approved plans will require a revision to be submitted to the building department.

Chair Lecour asked the applicant to speak.

Jeff Rose introduced himself and continued to distribute the updated rendering to the present Board Members and Town staff. Mr. Rose stated how there was a change in the driveway due to the neighbors of the home having a concrete driveway and the homeowners not wanting theirs to look the same. He continued to show the Board the material board they were required to bring with the desired materials from the homeowners.

Valeria Lorenzo introduced herself for the record.

Board Member Aparicio asked regarding where the porcelain shown will go.

Mr. Rose stated the porcelain will go around the garage area and how the garage will

have double doors since it is being used as a storage.

Chair Lecour open the floor to public comments.

No members of the public wished to speak.

Chair Lecour closed the floor to public comments.

Board Member Aparicio stated how the house was approved by the previous Board with the previous drawing, however, he stated the facade at the bottom of the drawing that is being proposed is already built.

Mr. Rose stated how the home was brought up to the previous Town Planner, but the meeting was cancelled and they had the setbacks approved for the structure.

Board Member Aparicio asked Mr. Rose if what he is asking is for the Board to approve a home that has been already built.

Mr. Rose stated the home has been built and approved since February.

Board Member Aparicio asked regarding what the process is for this. He said how he liked the second version of the home better.

Chair Lecour stated how sometimes the Board gets after the fact applications.

Board Member Aparicio asked how could that be possible. He said how what is being proposed is a different change from what it was previously approved.

A conversation was held regarding the changes of the home compared to the original approved plans.

Board Member Aparicio asked how can the Board accommodate for something that has been done without a permit. He stated how he wants to make sure that this does not happen again.

Chair Lecour asked Mr. Rose how can he make sure that these type of changes are presented to the Board before they are built.

Mr. Rose stated how he spoke with the previous Town Planner regarding the application and how they met all the setbacks. He said it was questionable whether the changes were administrative or if it had to be presented to the Board.

Chair Lecour asked why this change was not brought up six months ago.

Mr. Rose stated the change was made around January-February and it was discussed with the Town Planner regarding the setbacks. Mr. Rose stated the facade of the home is different which is why it was brought to the Board due to everything being the same except for the roofline.

Board Member Mackenzie addressed Mr. Rose and stated how the roof of the home

is completely different in the new proposed plans. He said that the application does not specify if these changes had already been done. He shared how the roof in the previous plan ended where the second story ended and just had an eyebrow on top of the windows, however, the new design has the roofline out to the outside face and five feet of the property line.

Mr. Rose stated the roofline does not go that far out.

Board Member Mackenzie asked Mr. Rose if he wanted to see the pictures he had taken on his phone of the home. He shared how in the north facade the original building drawings had the first floor within the five feet of the property line and the second floor was pushed back with a continuous balcony. He stated how the home today has a column in the northeast and another column in the northwest and a beam all the way across with the roofline ending on top of the beam. He stated how he will not approve this application.

Vice Chair Travani asked if this is the right place to have this type of legal discussion. He asked the Interim Town Attorney if they should address this application like they had addressed other projects or will this follow a separate procedure.

Interim Town Attorney Blumstein stated how the Board would have to go through the same process, however the issue is if this is something the Board would approve or not and the consequences of building without approval needs to be dealt separately by the Town.

Chair Lecour stated the Board's role is to approve or not and provide conditions to those approvals.

Alternate Board Member Henderson stated he is not in favor of this application and how it happened.

Mr. Rose stated there were questions whether there should be administrative approval or the Board's approval. Due to the Town code mentioning garage conversions. He stated how he respects the Town and the Board's decisions.

Alternate Board Member Henderson asked Mr. Rose who brought those questions to him.

Mr. Rose stated it was the former Town Planner.

Alternate Board Member Henderson said that if there were questions from the Town, the construction should have waited.

Chair Lecour clarified that the Town Planner supposedly indicated that there was questions as to whether this application should have been brought to the Board.

Interim Town Attorney Blumstein stated how the code is specific with what needs administrative review and what needs the Board's review. He stated how this application would not fit into the code of administrative review.



Board Member Aparicio expressed how this is a serious matter and how this might be a serious legal problem. He stated how he does not want an issue like this to happen again.

Board Member Henderson said if he could, he would make a motion to disapprove this application.

Board Member Aparicio stated how he is all for approving the application but does not want to make a horrible affair of this issue. He stated how next time this happens in the Town, construction needs to be stopped.

Chair Lecour shared how this is a serious matter but recommended for the Board to talk about avoiding this issue in the future.

Interim Town Attorney Blumstein stated that if the project is not approved, it cannot be permitted and built.

Board Member Chavez said he is in agreement with Board Member Aparicio, he stated how he sits on the Board to make sure people follow rules. He stated how the Town has an issue with the process for inspections.

Board Member Aparicio made a motion to approve the application with staff conditions.

Board Member Mackenzie shared that he thinks it is difficult to approve an application you are not 100% committed to.

The motion made by Board Member Aparicio died due to lack of a second.

Board Member Mackenzie stated how he is not in agreement with how this application is being done. He spoke regarding the softening of the look of the home.

A discussion was held regarding different components of the home.

Valeria Lorenzo stated how the balcony of the home was always covered with a difference in height with the two roofs, now with the roof extended at the same heights with a beam being dropped from the roof, which looks like it is one wall.

Mr. Mackenzie asked Ms. Lorenzo to bring the component back to what it used to be.

Mr. Rose asked regarding clarification on the application for when he applies again.

Board Member Aparicio stated how the house is paired to the one that is next to it and how he would not like to see a house like this one in Surfside. He stated how he thinks the new proposed home is cleaner. He expressed how the massing of the home was pre-approved before the current Board. He stated he is in favor of approving the home due to it being a change in the facade.

Vice Chair Travani stated how he has a hard time with the home being a straight line and how the second floor should always have a setback.

Board Member Chavez stated he wanted to put a condition on the motion to run an audit of what happened in the process of the building of the home.

Board Member Aparicio stated how there are two separate processes, one legal and one of the continuation of the project.

Alternate Board Henderson stated how the work of the home has been done. He asked if the Board could try and get the applicant in the next 30 days to get rid of the big, long wall that was not approved.

Mr. Rose stated that the wall he is mentioning is part of the balcony and it is a concrete wall.

Board Member Sanchez stated how last month the Board had asked the applicant to bring the materials and how the Board needs to approve them. However, he believes that there should be portions of the application approved to move along with the process while others are being studied.

Board Member Mackenzie stated how the plans presented are not clear, not even the approved version since the details are not consistent. He told Mr. Rose he is willing to meet with him and discuss all the details of the home. He stated how the presentation is inconsistent.

A motion was made by Board Member Aparicio to approve the application with staff conditions as stated on the agenda.

Board Member Chavez asked if the motion can be conditioned with an audit to understand who allowed this construction and if constructions are being checked by the Town.

Interim Town Attorney Blumstein stated that the Board can decide amongst themselves what they want to do after the Interim Town Attorney gives them his input on how this matter happened. He stated that if the Board wants to stop this project, they could differ the item until more factual information is given. He suggested the Board to approve with or without conditions if desired.

A conversation was held regarding the approval of the materials for the facade.

The motion was seconded by Vice Chair Travani.

Chair Lecour stated that the audit on this application will be brought back as a discussion item for next month for the Board to understand what happened with this home.

The motion carried with a 4-1 vote, with Board Member Mackenzie voting in opposition.

Mr. Rose stated he will be available after the meeting to speak with Board Members regarding the application.

Alternate Board Member Henderson asked Chair Lecour regarding the motion just made and if Mr. Rose will be working with Board Member Mackenzie to do something regarding the wall.

Chair Lecour stated that was not part of the motion.

Alternate Board Member Henderson stated that the Board just did a huge disservice to the Town.

[Attachment A: Images and Zoning Tables](#)  
[9280 Byron Avenue Agenda Packet](#)

## 5. Ordinances

### 5.A Ordinance Amending Section 90-41 "Regulated Uses" by Providing Exemptions to Drug Stores - Scarlet Hammons, AICP, CTP, Town Planner

For the Planning and Zoning to provide recommendation to the Town Commission.

Deputy Town Clerk Guevara read the title of the ordinance into the record.

Interim Town Attorney Blumstein introduced the ordinance to the Board. He explained this ordinance is an allowance for a deviation for the distance requirement of 850 feet between drugstores. He shared this change is due to a business owner that wishes to relocate from Bay Harbor Islands to the Town's business district. He stated the store is mostly a retail store, but a small component of the store is a drugstore, however, under the available space they wish to lease, the owner would be prohibited to establish his business due to the existing code. He said the Town Commission saw fit to carve out an exception to this rule that would apply to this business and any other, however, up to 20% of the store space can be devoted to drugstore and the rest needs to be for retail.

Chair Lecour opened the floor to public comments.

No members of the public wished to speak.

Chair Lecour closed the floor to public comments.

Board Member Chavez asked regarding the specific store.

Board Member Aparicio asked what is a drug store.

Interim Town Attorney Blumstein explained the owner is a pharmacist and that they fill our prescriptions.

Board Member Aparicio stated that the store is a pharmacy even though it is only 20%.

Alternate Board Member Sanchez asked regarding the State's proposal to legalize recreational marijuana and if this ordinance fell into this.

Interim Town Attorney Blumstein stated it does not have to do with recreational or medical marijuana.

Chair Lecour stated that the code came to be in anticipation of the Town not wanting establishments that sell marijuana, but this particular business got caught up in that. She shared how the Board needs to look into this ordinance since it will affect other businesses as well.

Alternate Board Member Sanchez asked the Interim Town Attorney Blumstein regarding if the legal term in Tallahassee is not being changed and does comply with what they desire as the Town code.

Interim Town Attorney Blumstein stated that the provision he is mentioning is separate from the ordinance being presented. He shared that the only thing they are looking into changing is the 850 feet for drugstores only.

Board Member Sanchez expressed his concerns for loopholes on this provision.

Interim Town Attorney Blumstein stated that the Town has a code prohibition for smoke shops.

Board Member Chavez stated how the owner of the store should bring a presentation to the Board. He states that if the Board approved this, some stores might take advantage of the 20%.

Chair Lecour asked if the store is not a drugstore, why the change in the code.

Interim Town Attorney Blumstein explained the store is not a drugstore as it is marketed to the street but the owner is a pharmacist that dispenses prescription drugs that are contained within the store.

Board Member Mackenzie asked the Interim Town Attorney Blumstein why they are changing the code if it has been a rule that has been standing for so long.

Interim Town Attorney Blumstein explained how this item came to be.

Chair Lecour stated how she is in favor of having different types of businesses in Surfside, however, she wants to make sure this store is not dressing up as something else.

Interim Town Attorney Blumstein stated that the business have been very open with the Town attorney when they brought up this situation. He shared they seek the exception due to the pharmacy being run inside of the store.

Vice Chair Travani asked why the 850 feet rule was placed.

Interim Town Attorney Blumstein stated that the Town did not want many drugstores being placed.

Vice Chair Travani asked why did the Town not want many drugstores.

Interim Town Attorney Blumstein stated that medical marijuana establishments and drugstores are the only types of establishments that have that type of limitation in the code.

Board Member Mackenzie asked why the Town needs another drugstore if Publix and CVS are already in place.

Alternate Board Member Sanchez stated that this store would be a local owned store. He asked how would this store benefit the Town. He expressed he does not want to see a slip up on the laws later on. He shared how she would like to see a presentation from the owner and what they will be bringing into the Town.

Chair Lecour stated that when this section of the code came out it was to avoid smoke shops and marijuana dispensaries. She asked if the code could be amended by saying medical marijuana dispensaries instead of drugstores. She stated that she is concerned about marijuana stores coming into Town due to the way the code is written.

The board further discussed this item, their different opinions and options.

A motion was made by Vice Chair Travani to approve the ordinance striking through Section 2 - (c) Drug Stores, seconded by Board Member Chavez. The motion carried with a 5-0 vote.

[90-41 Regulated Uses - Drug Stores - After First Reading](#)

## **6. Next Meeting Date: Discussion on possibly changing the July meeting to Wednesday, July 24, 2024.**

Consensus was reached to hold the next meeting on June 27, 2024 at 6:00 pm.

A motion was made by Board Member Chavez to change the Planning and Zoning Board Meeting in July from July 25, 2024 to July 24, 2024, seconded by Board Member Makenzie. The motion carried with a 5-0 vote.

## **7. Discussion Items**

### **7.A Design Guidelines Update - Scarlet Hammons, AICP, CTP, Town Planner**

The Planning and Zoning Board should review the proposed new Design Guidelines and provide comments if desired to the Town Commission.

Town Planner Hammons introduced the item. She asked the Planning and Zoning Board to defer this item to another meeting as she was not part of the design guidelines process.

Interim Town Attorney Blumstein stated that this item will be shown by the Town Planner and most of the board has not been involved in the process. He believes it is important to set up a framework to tackle and get everyone familiar with where we

are. The Design Guidelines Standards proposal was provided to the board members. He suggested scheduling a special meeting to focus on the presented guidelines so that they can provide input and how they would like to tackle the standards.

Chair Lecour spoke about the different documents that were included in their packet as part of this item. She mentioned the 2007 guidelines which she believes are provided as a reference point, the draft of the 2024 design guidelines, appendixes with architectural styles, pre-approved paint palette which are not included in the proposed 2024 design review guidelines and the board should discuss their desire to include a paint palette and what colors they would like to see. Finally she stated that a checklist was also included in the packet, which she believes is intended for the board to use when reviewing applications.

Board Member Chavez stated that he reviewed the 2007 and the proposed 2024 guidelines. He stated that he likes the format of the 2007 guidelines. He believes the 2007 is more clear, containing more pictures and bullet points. The 2024 guidelines refer mainly to the zoning map. He is not sure on how the process should be as the information between the two guidelines are a bit confusing.

Chair Lecour expressed that maybe a good approach will be to focus on the 2024 design guidelines and review those. If someone likes something from the 2007 design guidelines, they are welcome to bring it forward for the board's consideration. She believes a special meeting will be very helpful and they can even section the guidelines and tackle it in more than one minute.

The board members took some time to discuss some possible dates for a special meeting.

The board agreed to discuss sections 1-5 during the special meeting.

Chair Lecour asked the board to review and submit or write their comments down.

Board member Aparicio believes that the board needs to standardize what they will require as a board. He believes that applicants should present in accordance to the standards they set forth. He would like to see samples of materials when applicants present in front of the board.

Chair Lecour asked the Town Planner to make sure that the signed and sealed plans requirement as well as the materials board are included in the checklist. She also added that they need to further discuss the after the fact concept.

Jeff Rose spoke about the setbacks and how they are calculated in Surfside. He believes that this is a conversation that the board should discuss in the early stages of this process.

Chair Lecour responded that in her opinion there is a lot of work that needs to be done.

A motion was made by Board member Chavez to schedule a Special Planning and

Zoning Board meeting for June 25, 2024 at 5:00pm, seconded by Board member Aparicio. The motion carried with a 5-0 vote.

[Attachment A: Design Guidelines 2007](#)

[Design Standards 2024 DRAFT](#)

[Appendix A1 - ARCHITECTURAL STYLE- art Deco.pdf](#)

[Appendix A2 - ARCHITECTURAL STYLE Coastal Contemporary.pdf](#)

[Appendix A3 - ARCHITECTURAL STYLE Mediterranean.pdf](#)

[Appendix A4 - ARCHITECTURAL STYLE Mid Century Modern.pdf](#)

[Appendix A5 - ARCHITECTURAL STYLE MiMo.pdf](#)

[Appendix A6 - ARCHITECTURAL STYLE Spanish.pdf](#)

[Appendix C: Pre-Approved-Paint-Pallet-for-SFH Surfside.pdf](#)

[Appendix D - Checklist](#)

## **7.B Comp Plan Amendments Update - Scarlet Hammons, AICP, CTP, Town Planner**

Town Planner Hammons introduced the item and gave a brief presentation to the Board.

Town Planner Hammons spoke about the process of the comp plan adoption. She spoke about the major items being amended which includes the addition of the property rights element as a new chapter since it became law in the State of Florida two years ago. She further mentioned that another requirement is to update the Town's water supply facility workplan. There was also an update done to the flood base elevation making it eight (8) plus two (2) feet. She further mentioned that minor changes were made to address some statutory requirements and updates to the comprehensive plan and socioeconomic characteristics of the town as they change overtime. She provided an overview of the status of the comp plan as it is a state requirement. She continued to mention that this is something that needs to occur on a seven (7) year cycle, that the schedule is set by the State of Florida Department of Commerce and the due date for the Town of Surfside was March 20, 2024. The Town of Surfside has received a letter from the State as the deadline was not met and the State did not receive any comprehensive plan amendments from the town.

Alternate Board Member Henderson asked if the item will comeback to the Planning and Zoning Board.

Town Planner Hammons stated that it will come back in front of the board between first and second reading of the ordinance.

Chair Lecour spoke about one of the items included in the comp plan amendment having to do with the density of the Tennis Center.

Board Member Henderson asked the Town Planner what happens if during the first reading, the Town Commission rejects the comp plan amendments.

Town Planner Hammons explained the process and stated that there may be different scenarios and recommendations.

Chair Lecour stated how the Interim Town Attorney Blumstein is looking into the audit of the after the fact concept for this particular applicant that they will have a discussion item next month. She requested that the Interim Town Attorney educate the board in regards to penalties currently existing in the Town Code.

Interim Town Attorney Blumstein stated that the penalties of doing work without a permit are double the fees for taking out that permit. He stated that by doing work without permit, you run the risk of doing things inconsistent with Town Code, or inconsistent with what the inspectors may require and you may end up having to tear something that was built which in turn has financial consequences. He further stated that the idea of the code is to ensure compliance and to make sure that you are building things in accordance with Florida Building Code and the Town's code.

Chair Lecour also raised the conversation related to Code Compliance and asked if someone from code enforcement could maybe speak on this matter.

Interim Town Attorney Blumstein explained how code enforcement works several days a week at different times of the day. He further stated that currently the code compliance department currently has three employees and they are unable to be everywhere at all times.

Alternate Board Member Makenzie asked if there will be a stop work order.

Interim Town Attorney Blumstein stated that the town usually issues stop work orders on works without permit and that they will look into this case tomorrow.

Board Member Chavez asked questions related to inspections and how the Town does not have their own inspectors.

Interim Town Attorney Blumstein spoke about what he has learned about how to run Building Departments and when you have a full time Building Department, you are required to have full time inspectors for most of the trades. He mentioned how some municipalities do not have a building department, they outsource the entire operation. He explained that historically, the Town has had a hybrid with Building Clerks, Building Official, and part time inspectors.

Board Member Aparicio asked who is responsible to make sure a house is built in accordance with what was approved.

Interim Town Attorney Blumstein responded that the Town Manager is the Chief Officer for the Town and all Departments report to him/her.

Board Member Aparicio stated that staff should be able to review and familiarized themselves with whatever was approved so that when they are driving in the Town, they can tell if a construction looks different than what was approved.

Chair Lecour stated that at a minimum before a TCO is issued, you would have someone reviewing the plans verses what was built.

Chair Lecour would like to discuss this in the next meeting to see how the town can



prevent this from happening again.

Interim Town Attorney Blumstein stated how there has been many changes in personnel and how the current Town Commission has placed a personnel to lead the town effectively and follow the boards approvals.

Alternate Board Member Makenzie stated how this issue has been going on for a long time. He stated how there is not a system in place and in lots of jurisdictions they have systems in place.

Chair Lecour requested for the Town Manager to maybe explain next month on what the policy is within the building department and how it will work moving forward.

Interim Town Attorney Blumstein stated that one of the matters that the Town Commission will be discussing in their upcoming June 18th meeting, is their review of all the zoning ordinances that were adopted during the last two years.

Board Member Aparicio posted questions regarding the code compliance department and suggested they assist the building department and familiarize themselves with the drawings and stop any work that does not look like what was approved. He feels that code compliance is not doing what they are supposed to be doing.

Alternate Board Member Henderson stated there is always two sides and in his opinion the Town's code compliance department works very hard. He further stated how last month 9124 Harding Avenue was approved to work on a balcony due to a safety concern and no work has been done as he drove by the property. He suggested that they just begin work or do something regarding the safety concerns.

Board Member Chavez stated how property 9133 Carlyle Avenue has issues as well but was not included in this meeting.

Town Planner Hammons stated how the applicant was not ready to present during this meeting, but that it is up to them to see when they will be presenting.

Vice Chair Travani asked for advice if there is a discrepancy between the proposed design guidelines and the Code, which one prevails.

Interim Town Attorney Blumstein stated that what's in the code prevails.

Mr. Rose stated how when it comes down to it, the board has to approve based on the code and not the design guidelines.

Board Member Makenzie mentioned that it is frustrating when their advice doesn't matter. When they try to abide by design guidelines but if the proposed project meets code, there is nothing you can really do.

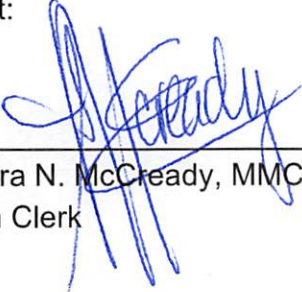
Board Member Aparicio stated how the Board wants the residents to understand their positions and the harmony they want for the Town.

**8. Adjournment**

There being no further business to discuss before the Board, a motion was made by Board Member Chavez to adjourn the meeting at 8:58 p.m., seconded by Vice Chair Travani. The motion carried with a 5-0 vote.

Accepted this 27<sup>th</sup> day of June, 2024.

  
\_\_\_\_\_  
Lindsay Lecour, Chair

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