

ORDINANCE NO. 13- 1608

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES AND SPECIFICALLY AMENDING SECTION SEC. 90-41(d) "REGULATED USES" ADDING VETERINARY OFFICE AS A CONDITIONAL USE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 90-41 of the Code states that business offices, except veterinary offices, are permitted in the business district; and

WHEREAS, Section 90-41 specifically prohibits all veterinary offices in Town; and

WHEREAS, permitting veterinary offices will require a conditional use application, which will require the Town Commission to analyze the specific location requested for the use, and determine if any special conditions should be applied to the use; and

WHEREAS, the Town Commission recognizes the need to regulate veterinary offices for the health, safety and welfare of the Town; and

WHEREAS, the Town has attempted to create regulations to address the specific needs of the this unique community and continues to amend these regulations to address the placement of veterinary offices as they may best suit the needs of the community; and

WHEREAS, the Town Commission held its first public hearing on September 17, 2013, having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on October 2, 2013 and recommended approval of the proposed

amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on October 8, 2013.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:

Section 1. Recitals. The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Code Amendment. The code of the Town of Surfside, Florida is hereby amended as follows:

Sec. 90-41. Regulated uses.

Applicability and validity of tables. Nothing shall be used to misconstrue or reinterpret the provisions, limitations and allowances made here in.

(a) *Purpose.* Permitted uses are considered to be fundamentally appropriate within the district in which they are located and are deemed to be consistent with the comprehensive plan. These uses are permitted as of right, subject to the required permits and procedures described in this section. Permitted uses require final site plan review and approval for compliance with the standards applicable to a particular permitted use as provided in this zoning code.

(b) *Permits required.* Except as explicitly provided herein, no use designated as a permitted use in this chapter shall be established until after the person proposing such use has applied for and received all required development permits.

(c) *Table—Regulated uses.*

	H30A	H30B	H30C	H40	H120	SD-B40
Office Uses and Professional Services						
Business and professional offices, except veterinary offices	-	-	-	-	-	P

<u>Veterinary office</u>	-	-	-	-	-	<u>CU</u> <u>(24)</u>
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(24) Veterinary Office is a facility for the diagnosis and treatment of pet animals.

Pet Animals are defined as dogs, cats, rabbits, guinea pigs, hamsters, mice, ferrets, birds and fish retained for the purposes of being kept as a household pet.

Veterinary offices approved by Conditional Use are subject to the following:

a. Animals shall be walked on the premises in an enclosed area and all waste shall be disposed of immediately.

b. No overnight boarding shall be permitted.

c. Soundproofing shall be required and the noise outside the building shall not exceed that of average daily traffic measured at the lot line.

d. No malodor shall be perceptible at the boundary of the premises.

e. All waiting rooms and patient areas shall not be visible from the public right of way.

f. A minimum of 10% of the floor area of the establishment shall provide retail sales located at the front of the establishment.

g. Grooming shall be permitted as an ancillary use to a veterinary service.

h. There shall be a minimum distance separation of 400 feet between veterinary offices.


i. A violation of any of the conditions described in Section 90-41 (24) a – h, or a violation of the Standards of Review in Section 90-23.2 or a violation of additional conditions required by the Town Commission, shall result in the rescinding of the Conditional Use permit after the Conditional Use permit holder has been notified of these deficiencies. An administrative decision to revoke the Conditional Use permit may be appealed to the Town Manager within thirty (30) days of the date of the revocation. The Town Manager shall schedule an informal hearing with the applicant and the Town Manager’s decision shall be rendered in writing within ten days of the meeting. Any decision made by the Town Manager regarding Conditional Use permits may be appealed to the Town Commission.

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 5. Inclusion in the Code of Ordinances. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective ten (10) days after adoption on second reading.



Daniel Dietch, Mayor

Attest: 

Sandra Novoa, Town Clerk

PASSED and ADOPTED on first reading this 17 of September 2013.

PASSED and ADOPTED on second reading this 8th day of October 2013.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Linda Miller, Town Attorney

On Final Reading Moved by: Commissioner Kligman

On Final Reading Seconded by: Commissioner Olchyk

Vote:

Mayor Dietch	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Vice Mayor Karukin	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Commissioner Graubart	yes <input type="checkbox"/>	no <input checked="" type="checkbox"/>
Commissioner Kligman	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Commissioner Olchyk	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>

Commissioner Klipman
Commissioner O'Boyle

✓
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