

ORDINANCE NO. 21 - 1715

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-41, "REGULATED USES", TO CHANGE THE LIST OF PERMITTED ACCESSORY USES TO ALLOW PET GROOMING AS ACCESSORY TO RETAIL PET SUPPLIES IN THE SD-B40 ZONING DISTRICT AND PROVIDING FOR RELATED REGULATIONS; PROVIDING FOR SEVERABILITY; 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 the authority to exercise any power for municipal purposes, except
3 where prohibited by law, and to adopt ordinances in furtherance of such authority; and

4 **WHEREAS**, the Town Commission of the Town of Surfside ("Town Commission") finds it
5 periodically necessary to amend its Code of Ordinances and Land Development Code ("Code") in
6 order to update regulations and procedures for maintain consistency with state law and to implement
7 municipal goals and objectives; and

8 **WHEREAS**, Section 90-41(c) of the Town Code allows pet supplies in the SD-B40 Zoning
9 District under the Retail and General Commercial Uses category; and

10 **WHEREAS**, modern pet supplies stores often offer pet grooming services, but the Town Code
11 does not allow pet grooming as a permitted accessory use to pet supplies; and

12 **WHEREAS**, pet grooming is currently only allowed as accessory to veterinary office uses,
13 subject to certain limiting conditions; and

14 **WHEREAS**, the concentration of animals on any particular premises or within a certain area
15 has the potential to result in adverse impacts to residents and businesses through offensive odors,
16 animal waste, and noise; and

17 **WHEREAS**, to minimize such adverse impacts, businesses offering services to animals,
18 including pet grooming services, require special limitations and minimum separation from other
19 businesses offering similar services; and

¹ 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.

20 **WHEREAS**, on December 8, 2020, the Town Commission directed staff to evaluate and
21 prepare an ordinance allowing pet grooming services as accessory to retail pet supplies; and

22 **WHEREAS**, the Town Commission held its first public hearing on January 14, 2021 and
23 recommended approval of the proposed amendments to the Code of Ordinances having complied
24 with the notice requirements set forth in the Florida Statutes; and

25 **WHEREAS**, the Planning and Zoning Board, as the local planning agency for the Town, held
26 its hearing on the proposed amendment on January 28, 2021 with due public notice and input; and

27 **WHEREAS**, the Town Commission has conducted a second duly noticed public hearing on
28 these regulations as required by law on February 9, 2021 and further finds the proposed change to
29 the Code necessary and in the best interest of the community.

30
31 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
32 **TOWN OF SURFSIDE, FLORIDA¹:**

33
34 **Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein by
35 this reference:

36
37 **Section 2. Town Code Amended.** Section 90-41. – “Regulated Uses” of the Surfside Town
38 Code of Ordinances is hereby amended and shall read as follows¹:

39 **Sec. 90-41. Regulated uses.**

40 * * *

41 (c) Table—Regulated uses.

42 * * *

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Accessory uses	H30A	H30B	H30C	H40	H120	SD-B40
Boat docks + moorings	P(2)	-		-	-	-
Game courts	P(2)	P(2)	P(2)	P(2)	P(2)	-
Home Bar-B-Q grills	P(2)	P(2)	P(2)	P(2)	P(2)	-
Laundry/service rooms	-	-	P(5)	P(5)	P(5)	-

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Office spaces	-	-		P(3)	P(3)	-
Recreational rooms	-	-	P(4)	P(4)	P(4)	-
Swimming pools	P(2)	P(2)	P(2)	P(2)	P(2)	-
Hotel Swimming pools	-	-	CU(2)	CU(2)	CU(2)	-
Vending machines	-	-	P(6)	P(6)	P(6)	-
Bar	-	-	-	-	CU(2)	P
Outdoor dining facilities	-	-	-	CU	CU	-
Electric Vehicle Charging Station	P(27)	P(27)	P(28)	P(28)	P(28)	P(29)
Pet Grooming						P(35)

44 Key: P: Permitted Blank: Not Permitted (#): Refer to Notes CU: Conditional Use

45 (d) *Uses table notes.*

46 * * *

47 (35) Pet grooming may be permitted as accessory to pet supplies provided:

- 48 a. Animals shall be walked on the premises in an enclosed area and all waste shall
49 be disposed of immediately.
- 50 b. No overnight boarding shall be permitted.
- 51 c. Soundproofing shall be required and the noise outside the building shall not
52 exceed that of average daily traffic measured at the lot line.
- 53 d. No malodor shall be perceptible at the boundary of the premises.
- 54 e. Pet sales or pet adoption services are prohibited.
- 55 f. There shall be a minimum distance separation of ~~850~~ 1,200 feet between pet
56 supplies stores offering pet grooming and 400 feet between a pet supplies store
57 offering pet grooming services and a veterinary office offering pet grooming
58 services.

59 **Section 3. Severability.** If any section, sentence, clause or phrase of this ordinance is held
60 to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in
61 no way affect the validity of the remaining portions of this Ordinance.

62 **Section 4. Inclusion in the Code.** It is the intention of the Town Commission, and it is hereby
63 ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside

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64 Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to
65 accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other
66 appropriate word.

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68 **Section 5. Conflicts.** Any and all Ordinances and Resolutions or parts of Ordinances or
69 Resolutions in conflict herewith are hereby repealed.

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71 **Section 6. Effective Date.** This ordinance shall become effective upon adoption.

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73 **PASSED and ADOPTED** on first reading this 14th day of January, 2021.

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75 **PASSED and ADOPTED** on second reading this 9th day of February, 2021.

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78 On Final Reading Moved by: Vice Mayor Paul

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80 On Final Reading Second by: Commissioner Salzhauer

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82 **First Reading:**
83 Motion by: Vice Mayor Paul
84 Second by: Commissioner Salzhauer

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87 **Second Reading:**
88 Motion by: Vice Mayor Paul
89 Second by: Commissioner Salzhauer

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92 **FINAL VOTE ON ADOPTION**
93 Commissioner Charles Kesl Yes
94 Commissioner Eliana R. Salzhauer Yes
95 Commissioner Nelly Velasquez Yes
96 Vice Mayor Tina Paul Yes
97 Mayor Charles W. Burkett Yes

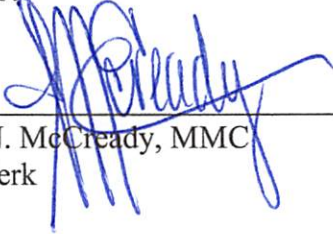
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Charles W. Burkett
Mayor

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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 Scrota Helfman Cole & Bierman, P.L.
Town Attorney

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