RESOLUTION NO. 13-Z-08

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A CONDITIONAL USE APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE TO PERMIT A VETERINARY OFFICE TO BE OPERATED ON THE PROPERTY LOCATED AT 9530 HARDING AVENUE SUBMITTED BY CARMONA VETERINARY CORPORATION, SUBJECT TO CERTAIN CONDITIONS, AND AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 1, 2013 the Carmona Veterinary Corporation submitted a conditional use application to permit a veterinary office to be operated on the property located at 9530 Harding Avenue; and

WHEREAS, the proposed veterinary office will be located on Harding Avenue in the SBD-40 Business Zoning District, as legally described in Exhibit "A", and

WHEREAS, Section 90-41(d)(24) *Regulated Uses*, of the Town of Surfside Zoning Code requires conditional use approval for veterinary offices; and

WHEREAS, on November 21, 2013, the Planning & Zoning Board, at a duly noticed and televised quasi-judicial public hearing, after reviewing the Application and hearing from its professional staff, the Applicant, and members of the public, considered the requirements of Section 90-41 et seq. of the Town Zoning Code and Section 90- 23 for Conditional Use Approval and the Application's consistency with the Town of Surfside's Comprehensive Plan and recommended the Application for approval by the Town Commission in Resolution No. 13-Z-04 (attached hereto as Exhibit "B"), subject to all of the conditions recommended and incorporated herein under Section 4; and

WHEREAS, on December 10, 2013, the Town Commission, at a duly noticed and televised quasi-judicial public hearing, after reviewing the Application, the recommended conditions, and all accompanying documentation, including written reports from its Town Planner and other consultants, and hearing from its professional staff, the Applicant, and members of the public, found substantial competent evidence that the Applicant's requests for approval of the conditional use are in compliance with the Zoning Code and the Comprehensive Plan of the Town and maintain the basic intent and purpose of the zoning, subdivision or other land use regulations, which are to protect the general welfare of the public, particularly as it affects the stability and appearance of the community; and, further, found that said requests should be granted, per plans on file, and subject to all of the conditions set forth in this Resolution, which shall be binding upon the Applicant, its heirs, successors and/or assigns, and the execution of any attendant agreements.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPLICABLE TO APPLICANT, ITS SUCCESSORS OR ASSIGNS, AS FOLLOWS:

Section 1. **Recitals.** The above stated recitals are hereby adopted and confirmed.

Section 2. **Approval.** The Application for conditional use approval to permit a veterinary office to be operated on the property located at 9530 Harding Avenue is hereby recommended for approval, subject to the conditions in Section 4.

Section 3. **Finding of Fact.** The Town Commission, after review of competent substantial evidence in the record and a duly noticed public hearing, hereby recommends for approval the Conditional Use Application and finds that the Application meets the conditional use requirements set forth in Sections 90.41 "Regulated Uses" and 90.23 "Conditional Uses" of the Zoning Code of the Town of Surfside.

Section 4. **Conditions.** The recommended approval granted in Section 2 above is subject to the following conditions:

1. Animals shall be walked on the premises in an enclosed area and all waste shall be disposed of immediately.
2. No overnight boarding shall be permitted.
3. Soundproofing shall be required and the noise outside the building shall not exceed that of average daily traffic measured at the lot line.
4. No malodor shall be perceptible at the boundary of the premises.
5. All waiting rooms and patient areas shall not be visible from the public right of way.
6. A minimum of 10% of the floor area of the establishment shall provide retail sales located at the front of the establishment.
7. Grooming shall be permitted as an ancillary use to a veterinary service.
8. There shall be a minimum distance separation of 400 feet between veterinary offices.
9. 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.
10. There shall be an irrigation system in the dog walk area located at the rear of the property.
11. All animals shall be leashed to an owner or attendant at all times while on the premises (waiting area, courtyard) to ensure the animal does not escape the courtyard or interact with other animals in a threatening manner.

Section 5. **Violation.** Failure to adhere to the terms of this approval shall be considered a violation of the Town Code of Ordinances. Penalties for such violation shall be as prescribed by the Town Code of Ordinances, which include, but are not limited to, the revocation of the approval granted by this Resolution.

Section 6. **Authorization.** The Town Manager is authorized to cause the issuance of permits in accordance with the approvals and conditions herein and to indicate such approvals and condition upon the records of the Town.

Section 7. **Severability Clause.** In the event any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no way affect the remaining portions of this Resolution, which shall remain full force and effect.

Section 8. **Effective Date.** This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 10th day of Dec., 2013

Motion by Commissioner Kligman,

Second by Commissioner Olchyk.

FINAL VOTE ON ADOPTION

Commissioner Joseph Graubart	NO
Commissioner Michelle Kligman	yes
Commissioner Marta Olchyk	Yes
Vice Mayor Michael Karukin	Absent
Mayor Daniel Dietch	Yes

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:

Linda Miller, Town Attorney

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I, Sandra Novoa, CMC, Town Clerk of the Town of Surfside, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No.13-Z-08 adopted by the Town Commission at its meeting held on the 10th day of December, 2013.

Issued: 12/10/2013

Sandra Nova, CMC
Town Clerk

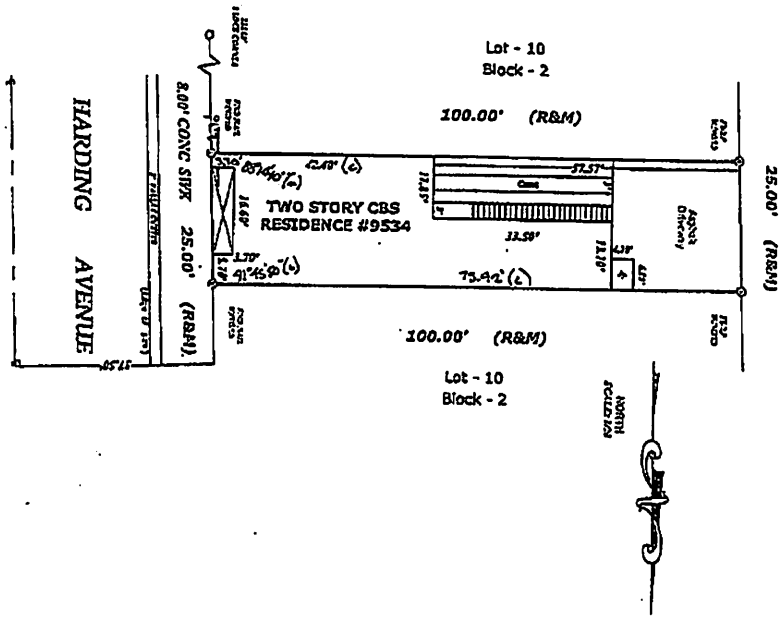
80

15/10/2013

Legal Description:

Lot 9, Block 6, of ALTOS DEL MAR NO. 6, according to the plat thereof as recorded in Plat Book 8, at Page 106, of the Public Records of Miami-Dade County, Florida.

Certified To:
KEY REALTY, LLC, A FLORIDA LIMITED LIABILITY COMPANY, GREEN, KAHN & PIOTRKOWSKI, P.A., ATTORNEYS' TITLE INSURANCE FUND, INC., OCEAN BANK, ITS SUCCESSORS AND/OR ASSIGNS.

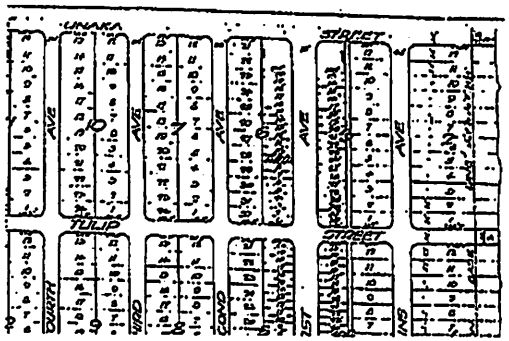


Community Number: 120659
Panel Number: 0094
Suffix: J
Date of Firm Index: 3/2/1994
Flood Zone: AE
Base Flood Elevation: 8.0
Date of Completion: 06/25/2004

Property Address:
9534 HARDING AVENUE
SURFSIDE, FL 33154

Survey: M24217

Accepted By: _____



GENERAL NOTES:

1) LEGAL DESCRIPTION PROVIDED BY OTHERS.
2) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENT OR OTHER RECORDED ENCUMBERANCES NOT SHOWN ON THE PLAT.
3) UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
4) ONLY VISIBLE ENCROACHMENTS LOCATED.
5) WALL TIES ARE TO THE FACE OF THE WALL.
6) BEARINGS REFERENCED TO LINE NOTED AS B.R.
7) NO IDENTIFICATION FOUND ON PROPERTY CORNERS UNLESS NOTED.
8) NOT VALID UNLESS SEALED WITH THE SIGNING SURVEYORS EMBOSSED SEAL.
9) DIMENSIONS SHOW ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
10) ELEVATIONS IF SHOWN ARE BASED UPON N.G.V.D. 1929 UNLESS OTHERWISE NOTED.
11) THIS IS A *BOUNDARY SURVEY* UNLESS OTHERWISE NOTED.

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.

SIGNED _____ FOR THE FIRM

MIGUEL ESPINOSA
P.S.M. NO. 5101
STATE OF FLORIDA

THIS SURVEY IS INTENDED FOR MORTGAGE OR REFINANCE PURPOSE ONLY, EXCLUSIVELY FOR THIS USE BY THOSE TO WHOM IT IS CERTIFIED. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION, PERMITTING, DESIGN OR ANY OTHER USE WITHOUT WRITTEN CONSENT OF MIGUEL ESPINOSA.

MIGUEL ESPINOSA
LAND SURVEYING, INC.
6494 S.W. 24TH STREET
MIAMI, FLORIDA 33155

PHONE: (305) 740-3319
LB # 6463

Exhibit "A"

Exhibit "B"

RESOLUTION NO. 13-Z-04

A RESOLUTION OF THE PLANNING AND ZONING BOARD OF THE TOWN OF SURFSIDE, FLORIDA, RECOMMENDING FOR APPROVAL A CONDITIONAL USE APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE TO PERMIT A VETERINARY OFFICE TO BE OPERATED ON THE PROPERTY LOCATED AT 9530 HARDING AVENUE SUBMITTED BY CARMONA VETERINARY CORPORATION, SUBJECT TO CERTAIN CONDITIONS, AND AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the proposed veterinary office will be located on Harding Avenue in the SBD-40 Business Zoning District, as legally described in Exhibit "A", and

WHEREAS, Section 90-41(d)(24) *Regulated Uses*, of the Town of Surfside Zoning Code requires conditional use approval for veterinary offices; and

WHEREAS, public notice was provided in accordance with the law; and

WHEREAS, this Application came before the Planning and Zoning Board at a duly noticed public hearing on November 21, 2013; and

WHEREAS, the Planning and Zoning Board reviewed the Application, the written and oral recommendations of the Town Planners and other consultants who render reports with respect to the Application, including the recommended conditions, and found substantial competent evidence to support a showing by the Applicant that the requests for the approval of the conditional use application approval are in compliance with the zoning code and the Comprehensive Plan of the Town and maintain the basic intent and purpose of the zoning, subdivision or other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community; and, further, recommend to the Town Commission that said requests should be granted, subject to all of the conditions set forth in this Resolution and the execution of any attendant agreements.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING BOARD OF THE TOWN OF SURFSIDE, FLORIDA, APPLICABLE TO APPLICANT, ITS SUCCESSORS OR ASSIGNS, AS FOLLOWS:

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Section 5. **Effective Date.** This Resolution shall take effect immediately upon adoption hereof.

PASSED and **ADOPTED** on this 21 day of NOV 2013.

Motion by Planning and Zoning Board Member Dray,
Second by Planning and Zoning Board Member Glynn

FINAL VOTE ADOPTION

Member, Armando Castellanos	yes
Member, Jennifer Dray	yes
Member, Carli Koshal	yes
Vice Chair, Peter Glynn	yes
Chair, Lindsay Lecour	yes

Lindsay Lecour, Chair

ATTEST:

Sandra Novoa, CMC
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Linda Miller, Town Attorney

Legal Description:

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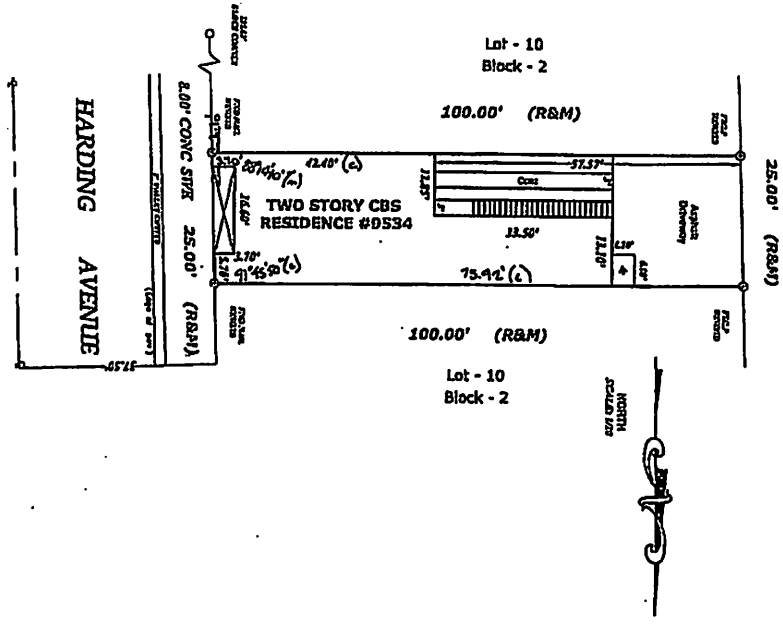

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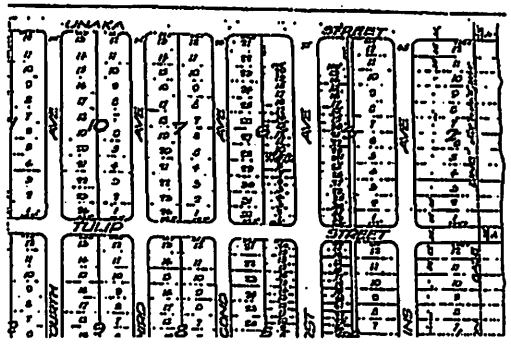

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