

ORDINANCE NO. 11-1566

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 AND SPECIFICALLY SECTION 90-41 "REGULATED USES" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ADD PSYCHIC READING AND CONSULTATION AS PERMITTED USE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to address psychic reading, advising, consultation, palmistry, clairvoyance, astrological interpretation, tarot card reading, spiritual consultation, and fortune telling in the business district and permit psychic reading and consultation in areas allowing professional services and service agencies above the first floor.

**WHEREAS**, The Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on December 16, 2010 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 held its first public reading on December 14, 2010 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

**WHEREAS**, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on January 11, 2011 and further finds the proposed change to the Code necessary and in the best interest of the community.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA as follows:**

**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:

**ARTICLE IV. DISTRICT REGULATIONS**

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

(c) *Table--Regulated uses.*

TABLE INSET:

	H30A	H30B	H30C	H40	H120	SD-B40
<b>Residential Uses</b>						
Detached single-family	P(1)	P(1)	P(1)	P(1)	P(1)	-
Duplex	-	-	P	P	P	-
Multi-dwelling structure	-	-	P	P	P	-
Townhouse	-	-	P	P	P	-
<b>Lodging uses</b>						
Hotel	-	-		P(7)	P(7)	-
Suite-Hotel	-	-		P(7)	P(7)	-
<b>Office Uses and Professional Services</b>						
Banks	-	-	-	-	-	P
Business and professional offices, except veterinary offices	-	-	-	-	-	P
Currency exchange	-	-	-	-	-	P
Delivery service	-	-	-	-	-	P(9)

Employment agencies	-	-	-	-	-	P(9, 17)
General ticket agencies			-	-		P
Interior decorator	-	-	-	-	-	P
Loan or mortgage office	-	-	-	-	-	P(9)
Medical or dental clinic	-	-	-	-	-	P(9)
<u>Psychic reading, advising, and consulting, palmistry, clairvoyance, astrological interpretation, tarot card reading, spiritual consultation, or fortune telling</u>	-	-	-	-	-	<u>P(9)</u> -

...

Key: P: Permitted (#): Refer to Notes Blank: Not Permitted

(d) *Uses table notes.*

...

(9) Shall only be allowed above the first floor. This shall apply to all service agency categories.

**Section 3. No Zoning in Progress.** Section 90-6 and the zoning in progress doctrine shall not be applicable to the first reading of this ordinance as the settlement of the relevant litigation has not yet been completed but shall have been completed by adoption on second reading.

**Section 4. 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.

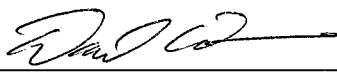
**Section 5. Conflict.** All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

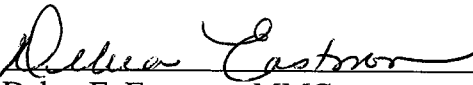
**Section 6. Inclusion in the Code of Ordinances.** It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word “ordinance” may be changed to “Section” or other appropriate word.

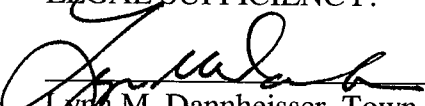
**Section 6. Effective Date.** This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this 14 day of December, 2010.

PASSED and ADOPTED on second reading this 18 day of January, 2011.

  
\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:  
  
\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:  
  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney

On ~~First~~ <sup>Second</sup> Reading Moved by: Olchyk

On Second Reading Seconded by: Graubart

**Vote:**

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