

ORDINANCE NO. 23 - 1750

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 ALLOW A RESTAURANT ACCESSORY TO A MULTIFAMILY USE IN THE H120 DISTRICT AS A CONDITIONAL USE SUBJECT TO REQUIREMENTS; 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 with the authority to exercise any power for municipal
3 purposes, except where prohibited by law, and to adopt ordinances in furtherance of such
4 authority; and

5 **WHEREAS**, the Town Commission of the Town of Surfside ("Town Commission")
6 finds it periodically necessary to amend its Code of Ordinances ("Code") in order to update
7 regulations and procedures to maintain consistency with state law, to implement municipal
8 goals and objectives, to clarify regulations and address specific issues and needs that may
9 arise; and

10 **WHEREAS**, Section 90-41 of the Code regulates uses in each zoning district; and

11 **WHEREAS**, the H120 district permits multifamily uses and hotels, but only permits
12 restaurants as accessory to a hotel; and

13 **WHEREAS**, the current use structure results in the inclusion of hotel uses as part a
14 development project in order to include a restaurant option for the project's residents and
15 members of the public; and

16 **WHEREAS**, the Town Commission finds that an accessory restaurant is as
17 compatible with multifamily residential as it is with a hotel, and may be beneficial to the
18 Town's residents and visitors by providing alternative dining options provided certain
19 safeguards are generally applicable and can be further tailored to particular buildings on
20 a case by case basis; and

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.

21 **WHEREAS**, at a regular meeting of the Town Commission held on April 18, 2023, the
22 Commission instructed the Town staff to prepare an ordinance to allow restaurant uses as
23 accessory to multifamily residential uses in the H120 district subject to conditional use
24 approval; and

25 **WHEREAS**, the Town Commission finds it in the best interest and welfare of the Town
26 to allow restaurant uses as accessory to multifamily residential uses in the H120 district
27 subject to conditional use approval; and

28 **WHEREAS**, the Town Commission held its first public hearing on June 13, 2023 and,
29 having complied with the notice requirements in the Florida Statutes, approved the
30 proposed amendment to the Code; and

31 **WHEREAS**, the Planning and Zoning Board, as the local planning agency for the
32 Town, held a public hearing on the proposed amendment to the Code on June 29, 2023
33 with due public notice and input, and recommended adoption of the proposed amendment
34 to the Code subject to adding a new sub-paragraph in Use Table Note (36) (approximately
35 at line 94) stating: "The accessory use/restaurant must comply with all provisions of the
36 Florida Building Code(s) in effect at time of application" as proposed by the Town Building
37 Official; and

38 **WHEREAS**, the Town Commission has conducted a second duly noticed public
39 hearing on these Code amendments as required by law on _____, 2023 and
40 further finds the proposed changes to the Code are necessary and in the best interest of
41 the Town.

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43 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
44 **TOWN OF SURFSIDE, FLORIDA¹:**

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46 **Section 1. Recitals.** The above Recitals are true and correct and are incorporated
47 herein by this reference:

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49 **Section 2. Town Code Amended.** Section 90-41 "Regulated uses" of the Code,
50 is hereby amended as follows¹:

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.

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

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

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

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

63 (c) *Table—Regulated uses.*

	H30A	H30B	H30C	H40	H120	SD-B40
Residential Uses						
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	-
Lodging uses						
Hotel	-	-		P(7, 31, 32, 33, 34)	P(7)	-
Suite-Hotel	-	-		P(7, 31, 32, 33, 34)	P(7)	-

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Food Services						
Bakeries	-	-	-	-	-	P(8)
Candy and nut shops			-	-	-	P(13)
Caterers	-	-	-	-	-	P
Confectionary and ice cream stores	-	-	-	-	-	P(13)
Delicatessens	-	-	-	-	-	P(13)
Fruit shops			-	-		P(13)
Grocery and meat stores or supermarkets	-	-	-	-	-	P(13)
Liquor stores	-	-	-	-	-	P(13)
Restaurants	-	-	-	-	CU(36)	P(13)
Outdoor dining facilities					CU(36)	P(24)

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* * *

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

69 * * *

70 (d) *Uses table notes.*

71 * * *

72 (36)A restaurant with or without outdoor dining may be permitted as a
73 conditional use accessory to multifamily residential uses in the H120 district
74 provided:

75 a. The restaurant is a full-service restaurant providing table service
76 employing server staff to take orders and deliver food;

77 b. Restaurant use(s) (including outdoor dining area) may comprise no
78 more than 5% of the multifamily project's total floor area;

79 c. The building includes sufficient parking to provide one parking space
80 for every four seats in the restaurant (including outdoor dining area)
81 without diminishing the parking provided for the multifamily dwellings
82 below current requirements, as amended from time to time;

83 d. The building provides access to such parking through a valet service
84 that provides sufficient queuing to avoid impacting Collins Avenue;

85 e. Outdoor dining areas shall not operate outdoor speakers and all
86 restaurant operations and activities shall close ~~all activities~~ no later
87 than 11 PM;

88 f. Lighting for outdoor dining areas shall be internally oriented so as to
89 avoid any spillover or impact onto adjacent residential areas.

90 g. One wall sign of up to 20 square feet may be permitted for the
91 restaurant use(s) with Planning and Zoning Board approval provided it
92 is smaller and less prominent than the primary sign for the residential
93 building; and

94 h. Other conditions and requirements as may be imposed by the Town
95 Commission.

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

102 **Section 4. Inclusion in the Code.** It is the intention of the Town Commission, and
103 it is hereby ordained that the provisions of this Ordinance shall become and made a part of
104 the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be
105 renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be
106 changed to "Section" or other appropriate word.

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108 **Section 5. Conflicts.** Any and all ordinances and resolutions or parts of
109 ordinances or resolutions in conflict herewith are hereby repealed.

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111 **Section 6. Effective Date.** This ordinance shall become effective upon adoption
112 on second reading.

114 **PASSED** and **ADOPTED** on first reading this 13th day of June, 2023.

116 **PASSED** and **ADOPTED** on second reading this 11th day of July 2023.

119 On Final Reading Moved by: Vice Mayor Rose

121 On Final Reading Second by: Commissioner Landsman

123 **First Reading:**

124 Motion by: Vice Mayor Rose

125 Second by: Commissioner Landsman

128 **Second Reading:**

129 Motion by: Vice Mayor Rose

130 Second by: Commissioner Landsman

133 **FINAL VOTE ON ADOPTION:**

135	Commissioner Fred Landsman	<u>Yes</u>
136	Commissioner Marianne Meisheid	<u>Yes</u>
137	Commissioner Nelly Velasquez	<u>Absent</u>
138	Vice Mayor Jeff Rose	<u>Yes</u>
139	Mayor Shlomo Danzinger	<u>Yes</u>

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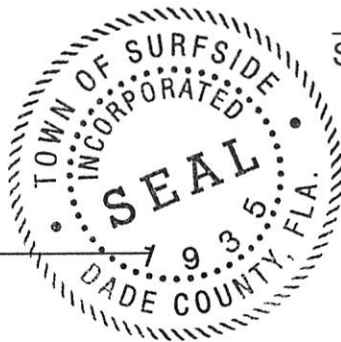
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ATTEST:

Sandra N. McCready, MMC
Town Clerk



Shlomo Danzinger, Mayor

156 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**
157 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

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161 **Weiss Serota Helfman Cole & Bierman, P.L.**
162 **Town Attorney**
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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
Residential Uses						
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	-
Lodging uses						
Hotel	-	-		P(7, 31, 32, 33, 34)	P(7)	-
Suite-Hotel	-	-		P(7, 31, 32, 33, 34)	P(7)	-
Office Uses and Professional Services						
Banks	-	-	-	-	-	P
Business and professional 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)
Medical marijuana dispensary	-	-	-	-	-	P(30)
Psychic reading, advising, and consulting, palmistry, clairvoyance, astrological interpretation, tarot card reading, spiritual consultation, or fortune telling	-	-	-	-	-	P(9)
Radio or television station or studio	-	-	-	-	-	P(9)
Savings and loan associates	-	-	-	-	-	P
Secretarial service, mailing, bookkeeping, court reporter	-	-	-	-	-	P(9)

Stocks and bond brokers	-	-	-	-	-	P
Taxi agency	-	-	-	-	-	P(9)
Telegraph station	-	-	-	-	-	P
Telephone exchange	-	-	-	-	-	P
Title company	-	-	-	-	-	P(9)
Travel agency	-	-	-	-	-	P
Veterinary office	-	-	-	-	-	CU(25)
Retail and General Commercial Uses						
Antique shops	-	-	-	-	-	P
Appliances	-	-	-	-	-	P
Art and photograph galleries	-	-	-	-	-	P
Art dealers	-	-	-	-	-	P
Art supplies	-	-	-	-	-	P
Beauty/personal services	-	-	-	-	-	P(19)
Health club or studio	-	-	-	-	-	P(16,19)
Books and newspaper	-	-	-	-	-	P
Cigars and tobacco	-	-	-	-	-	P
Coin-operated machines			-	-		P(15)
Department stores	-	-	-	-	-	P
Drug stores	-	-	-	-	-	P(30)
Dry cleaning and laundry agency	-	-	-	-	-	P(10)
Dry goods			-	-		P
Flowers and plants	-	-	-	-	-	P
Furniture	-	-	-	-	-	P(14)
Furrier	-	-	-	-	-	P
Gift shops			-	-		P
Hardware, paint and wallpaper	-	-	-	-	-	P
Jewelry	-	-	-	-	-	P
Locksmith	-	-	-	-	-	P(11)
Luggage			-	-		P
Men's, women's, children's clothing	-	-	-	-	-	P
Millinery	-	-	-	-	-	P
Office machines and supplies	-	-	-	-	-	P
Pet supplies			-	-		P
Photographers and camera stores	-	-	-	-	-	P
Pottery	-	-	-	-	-	P
Sale of televisions, radios, phonograph and recording equipment	-	-	-	-	-	P
Sheet music and musical instruments			-	-		P
Shoe repair	-	-	-	-	-	P(20)
Shoes	-	-	-	-	-	P
Sporting goods			-	-		P
Stationery and greeting cards	-	-	-	-	-	P
Structured parking facility	-	-	CU(23)	-	CU(23)	-

Sundries	-	-	-	-	-	P
Tailor	-	-	-	-	-	P
Toys	-	-	-	-	-	P
Video tapes sales and rentals	-	-	-	-	-	P(12)
Food Services						
Bakeries	-	-	-	-	-	P(8)
Candy and nut shops			-	-		P(13)
Caterers	-	-	-	-	-	P
Confectionary and ice cream stores	-	-	-	-	-	P(13)
Delicatessens	-	-	-	-	-	P(13)
Fruit shops			-	-		P(13)
Grocery and meat stores or supermarkets	-	-	-	-	-	P(13)
Liquor stores	-	-	-	-	-	P(13)
Restaurants	-	-	-	-	-	P(13)
Outdoor dining facilities						P(24)
Educational Services						
Dance or music instruction studios	-	-	-	-	-	P(9, 16)
Institutions, educational or philanthropic, including museums						CU
Driving school offices			-	-		P(9, 21)
Modeling school, language school, or athletic instruction	-	-	-	-	-	P(9)
Public schools	-	-	P	P	-	-
Places of Assembly						
See RLUIPA Map and Ordinance 07-1479	-	-	P	-	-	P
Civic Uses						
Parks and open space	P	P	P	P	P	-
Playgrounds	P	P	P	P	P	-

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

Uses	Municipal	Community Facilities
Library	P	P
Parks & Open Space	P	P
Playgrounds	P	P
Community Center	P	P
Gymnasiums	P	P
Town Offices	P	P
Police Facilities	P	P
Pump Stations	CU(23)	CU(23)
Parking	P	-
Electric Vehicle Charging Station	P(29)	P(29)

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

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)	-
Office spaces	-	-		P(3)	P(3)	-
Recreational rooms	-	-	P(4)	P(4)	P(4)	-
Subordinate buildings	-	-		-	-	P(18)
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)
Structured parking facility	-	-	-	P(35)	-	-

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

(d) *Uses table notes.*

- (1) Detached single-family dwellings, subject to the following restrictions and limitations, as follows:
 - a. No structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed, structurally altered or maintained for any purpose which is designed, arranged or intended to be used or occupied for any purpose other than as a one-family residence, including every customary use not inconsistent therewith.
 - b. Every use not specifically authorized and permitted is prohibited and nothing herein shall authorize or be construed to permit the renting of a room or a portion of the property or improvement; or, to permit the use of any part of the premises as a business, office or establishment for the purpose of carrying on any business or the practice of rendering personal, trade or professional services, except as provided under the "Home Office" provision of this Code.
 - c. An accessory or subordinate building, attached or detached from the main premises in a single-family district, shall be construed to permit the use of such building for the purposes of garages, cabanas, storage and home workshops (non-commercial). However, nothing herein shall authorize or be construed to permit the occupancy or the use of any accessory building or structure, as a place of abode or dwelling, and no cooking or kitchen facilities shall be permitted.
- (2) Shall be for private-use only limited to residents and guests only and not public access.
- (3) Shall be limited to an area of not more than two percent of the gross floor area of the building for administration of rental units in a building containing ten or more living units.
- (4) Shall be limited to lounges, card rooms and auxiliary kitchens which are solely for the use of residents and guests.

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- (5) Shall be for the use of residents and guests of a multiple-family dwelling and shall not be for public access. Coin-operated laundry machines may be utilized.
 - (6) Shall be allowable only inside buildings containing ten or more living units or guest rooms.
 - (7) May provide a beauty/personal services, dining room, and coffee shop, bar or cocktail lounge, telegraph office, tobacco, candy, and newsstand, automobile rentals where rental vehicles are not kept on premises, ready to wear shops, travel agencies, gift and sundry shops, coin operated machines, washing machines, and marble, coin or amusement machines (other than gambling devices), and diet and health spas providing services solely to guests; provided, however, that such facilities may be entered only from the inside of the structure and there shall be no window or evidence of such facilities from outside the hotel or motel.
 - (8) Shall conform to the following restrictions and conditions:
 - a. That no baking shall be done on the premises for other retail or wholesale outlets.
 - b. That ovens or oven capacity is limited in total usable baking space, not to exceed in volume 18 standard pans of 18 by 26 inches in width and length.
 - c. That adjoining properties shall be safeguarded and protected from exhaust fan or other obnoxious noises and odors at all times.
 - d. That all baking will be done by the use of electric or natural gas (not bottled gas) ovens only.
 - e. All machinery and equipment shall be entirely confined within the main building.
 - f. That the hours of baking operation shall be limited to those hours between 6:00 a.m. and 9:00 p.m.
 - g. That the entire store area shall be fully air-conditioned as required for comfort.
 - h. That baking shall not be permitted within 20 feet of the store front, and shall be separated from the sales area by a partition or counter.
 - (9) Shall only be allowed above the first floor. This shall apply to all service agency categories.
 - (10) Provided all machinery which provides cleaning or laundry services shall be separated from customer areas by a partition or counter and no customers shall be permitted to use such machinery. In addition, all dry cleaning machinery shall be non-ventilated, sealed system type machinery in which "Fluorocarbon R-113" type solvents are used.
 - (11) Shall not be visible from sidewalk or street and shall not be permitted fronting Harding Avenue.
 - (12) Provided all tapes sold are prerecorded, and all tapes are rated either G, PG, PG-13, or R.
 - (13) Provided that no sales shall be made through an open window to any street, alley, driveway or sidewalk.
 - (14) Provided no repairing or servicing of furniture is permitted on the premises.
 - (15) Coin-operated machines for dispensing goods or services are permitted, except that washing machines, dryers and other laundry-related equipment are prohibited. No coin-operated games of chance are permitted, but coin-operated games of skill are permitted within establishments solely dispensing liquor, for consumption on the premises only; provided, however, that not more than three such games of skill are permitted in any such establishment, and that such games shall not be used for wagering nor for the awarding of prizes of any value.

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- (16) Shall only be allowed above the first floor and such studios meet all of the following restrictions and conditions:
- a. That the premises be air conditioned and soundproofed.
 - b. That no dance instruction or dancing shall be visible from any sidewalk, street or alley.
 - c. That the opening and closing hours for such studios may be established by the town commission at its discretion at any time.
- (17) Shall only be allowed above the first floor and such use shall maintain at all times sufficient office space to accommodate all applicants for employment using their services and obviate the congregating or loitering of such applicants in any hallway or on any sidewalk.
- (18) Shall be any subordinate building or use which is clearly incidental to and customary in connection with the main building or use, provided there shall be no open storage of products and materials, including garbage and debris, on any lot.
- (19) Services including tanning, hair removal (except for shaving normally associated with barbershops) and licensed therapeutic massage shall not be visible from the public right-of-way.
- (20) Provided no machinery for providing repairs shall be visible from the sidewalk or street and no shoe repair shop shall be permitted on Harding Avenue.
- (21) Provided such use shall be limited to offices only, and shall not be interpreted in any manner as permitting the conduct of any such school's or schools' business, activities or functions upon the public streets of the town.
- (22) A bar accessible from the pool or pool deck for use solely by guests of hotels and their guests in the H120 district. In all cases, it shall be the exclusive responsibility of the owner, operator, tenant or user of the property to assure that neither the sale nor consumption of beverages shall occur or be allowed to occur off the property or on any portion of the property lying east of the bulkhead line.
- (23) The annual permit requirements in Section 90-23.6 are not applicable to this use. A unity of title and a covenant shall run with the land if a Structured Parking Facility is located on a different lot from the main facility. So long as the main lot remains developed, the parking lot shall remain.
- (24) Outdoor dining facilities on private property shall be permitted subject to all applicable zoning code requirements. Outdoor dining facilities that are on public right-of-way shall be solely subject to the open air cafe requirements provided in chapter 18 of this Code of Ordinances.
- (25) 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.

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- f. A minimum of ten percent 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 subsection 90-41(d)(25)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 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.
- (26) Provided that no animals including without limitation dogs, cats, ferrets, rabbits, turtles, gerbils, hamsters, cows, horses, sheep, and other domestic animals or livestock shall be sold on the premises.
 - (27) Electric vehicle charging stations shall be limited to personal use and shall not be used for purposes of wholesale or retail sales. All components of the electric vehicle charging station shall be wall mounted and completely concealed from view. The station shall be elevated or designed so that all electrical components are 12 inches above the 100-year floodplain.
 - (28) Electric vehicle charging stations shall contain a retraction device, coiled cord, or a place to hang cords and connectors above the ground surface. The station shall be elevated or designed so that all electrical components are 12 inches above the 100-year floodplain.
 - (29) Electric vehicle charging stations shall be limited to electric vehicle charging level 2 or level 3 electric vehicle charging stations only and contain a retraction device, coiled cord, or a place to hang cords and connectors above the ground surface. The station shall include the following: (a) voltage and amperage levels; (b) usage fees, if any; (c) safety information; and (d) contact information to report issues relating to the operation of the equipment. The station shall be elevated or designed so that all electrical components are 12 inches above the 100-year floodplain.
 - (30) The following uses shall be separated from similar existing uses, or similar approved but unbuilt uses, within the town limits, by the minimum distances specified below, measured from front door to front door:
 - a. For purposes of this calculation, front door shall mean the primary public access to the business which shall not include any alley, rear or secondary access point.
 - b. Medical marijuana dispensary: eight hundred fifty (850) feet.
 - c. Drug stores: eight hundred fifty (850) feet.
 - (31) H40 hotel properties south of 93rd Street. May provide a beauty/personal services, restaurant, coffee shop, bar or lounge, gift and sundry shops and health spas provided, however, that such facilities may be entered only from the inside of the structure and there shall be no window or evidence of such facilities from outside the hotel. Ballrooms and banquet facilities shall be prohibited.

(32) Meeting rooms in hotels on H40 properties south of 93rd Street. Event and/or meeting room space shall be based on no greater than 15 square feet per the total number of rooms of the hotel and shall have a capacity of no greater than 100 people.

(33) H40 hotel properties south of 93rd Street. Standalone structured parking facilities shall be prohibited. Accessory uses shall be integrated into the parking facility.

(34) H40 hotel properties south of 93rd Street. Exemptions:

All properties designated by the county historic preservation board and all properties that legally received development orders as of the date of adoption of the ordinance from which this subsection derived (November 12, 2019) are exempt from the requirements and restrictions in subsections (31) to (33) of this section.

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

- 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. Pet sales or pet adoption services are prohibited.
- f. There shall be a minimum distance separation of 1,200 feet between pet supplies stores offering pet grooming and 400 feet between a pet supplies store offering pet grooming services and a veterinary office offering pet grooming services.

(e) Surface parking lots owned, operated, and maintained by the town may be located in any zoning category except H30A and H30B.

(Ord. No. 1504, § 2(Exh. A), 5-13-08; Ord. No. 1514, § 2, 4-14-09; Ord. No. 1551, § 2, 3-13-10; Ord. No. 1558, § 2(Exh. A), 8-10-10; Ord. No. 1561, § 2, 10-12-10; Ord. No. 1563, § 2, 11-9-10; Ord. No. 1566, § 2, 1-18-11; Ord. No. 1572, § 2, 4-12-11; Ord. No. 1601, § 2, 4-9-13; Ord. No. 1608, § 2, 10-8-13; Ord. No. 1611, § 1, 2-11-14; Ord. No. 1617, § 2, 3-11-14; Ord. No. 17-1666, § 3, 12-12-17; Ord. No. 19-1705, § 2, 11-12-19; Ord. No. 21-1715, § 2, 2-9-21)