

ORDINANCE NO. 10- 1557

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 AND SPECIFICALLY SECTION 90-2 "DEFINITIONS" AND ARTICLE IV SECTION 90-41 "REGULATED USES" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ALLOW LICENSED THERAPEUTIC MASSAGE AS AN ACCESSORY USE TO A BEAUTY/PERSONAL SERVICE/FITNESS SALON; 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 and define beauty/personal services in the business district and permit licensed massage therapy in areas permitting beauty/personal services and health clubs.

WHEREAS, The Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on March 25, 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 March 9, 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 April 13, 2010 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:

Sec. 90-2 Definitions.

For the purpose of this chapter, certain terms and words are hereby defined. For convenience, all defined words and terms are set out in different type.

Beauty / Personal Services/ Fitness Salon: An establishment engaged in the provision of frequently or recurrently services of a personal nature; or the provision of informational, instructional, personal improvement or similar professional services which may involve limited accessory retail sale of products. Services are limited to salons that offer hair care, nail care, skin care (not including tattoo or piercing), tanning, hair removal and licensed therapeutic massage. Licensed therapeutic massage shall only be permitted as an accessory use to a Beauty/Personal Service/Fitness salon.

Article IV District Regulations

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.

- i. *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.

- ii. Permits required. Except as explicitly provided otherwise, 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.
- iii. Uses other than those specifically permitted in subsection 90.41.3 hereunder are prohibited.

 (c) Table – Regulated Uses

	H30A	H30B	H30C	H40	H120	SD-B40
Retail and General Commercial Uses						
<u>Barbershops</u>			-	-		P
<u>Beauty Parlors</u>	-	-	-	-	-	P(20)
<u>Beauty / Personal Services</u>	-	-	-	-	-	P(20)
<u>Health Club or Studio</u>						P(16,20)
	-	-	-	-	-)

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

(d) Uses Table Notes

 7. May provide ~~a barbershop, beauty parlor,~~ 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.

 20. ~~Exterior windows on the ground floor shall be screened, curtained or otherwise made opaque four feet six inches from the grade of the adjacent sidewalk so as to block the view of the interior premises from the public right-of-way. However, such screening shall not be required where only hair styling and manieures are performed within twenty (20) feet of the public right-of-way. 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.~~

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.

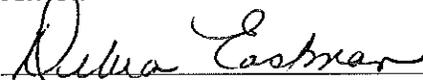
PASSED and ADOPTED on first reading this 9 day of March, 2010.

PASSED and ADOPTED on second reading this 13 day of April, 2010.



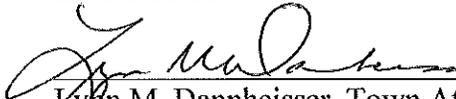
Daniel Dietch, Mayor

Attest:



Debra E. Eastman, MMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Lynn M. Dannheisser, Town Attorney

On 2nd Reading Moved by: Vice Mayor Graubart

On Second Reading Seconded by: Commissioner Karukin

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"/>