



Legislation Text

File #: ORD 2015-013, Version: 1

AGENDA ITEM REPORT

TITLE:

AN ORDINANCE AMENDING CHAPTER 13, CODE OF ORDINANCES, ENTITLED "MASTER BUSINESS LIST - B-2, B-3, AND B-4-" BY AMENDING SECTION 13-621 RELATED TO THE PERMITTED USES IN SAID ZONING DISTRICTS. (FIRST PUBLIC HEARING)

BACKGROUND:

The City desires to amend Chapter 13 of the Code of Ordinances, Article III, Division 8, entitled "Master Business List" by amending Section 13-621, entitled "Master Business List - B-2, B-3, and B-4." This Section regulates permitted uses for B-2, B-3, and B-4 zoning districts. Specifically, this amendment addresses a growing demand for pet services within commercial spaces.

In 2012, the City amended Chapter 13 to provide for indoor animal boarding as a special land use, which also served to clarify the difference between indoor boarding and outdoor kennels. This proposed amendment expands the use of indoor animal boarding to include designated outdoor play areas. Currently, the code restricts outdoor activity for these uses by allowing limited dog walking only. The City's previous code amendment related to indoor animal boarding failed to address a growing trend in the industry where outdoor play areas associated with overnight dog boarding and/or dog daycare is commonplace. While staff recognizes that such uses may not be appropriate in all commercial areas, it is a business concept that should be provided for in our code provided there are adequate review procedures and requirements in place.

DISCUSSION:

Any business which includes an outdoor play area, shall be required to file a Special Land Use application with the City and include at a minimum, a detailed site plan depicting the location, size, screening mechanisms and hours of operation for such outdoor areas.

RECOMMENDATION:

The Planning and Zoning Board, at its March 11, 2015 meeting, recommended approval.

FISCAL IMPACT: NA

ORDINANCE NO. 2015-013

AN ORDINANCE OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING CHAPTER 13, CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT CODE," BY AMENDING ARTICLE III THEREOF, ENTITLED "ZONING REGULATIONS," BY AMENDING DIVISION 8 THEREOF, ENTITLED "MASTER BUSINESS LIST," BY AMENDING SECTION 13-621 THEREOF, ENTITLED "MASTER BUSINESS LIST – B-2, B-3, AND B-4" BY ADDING THE USE OF OUTDOOR PLAY AREAS IN CONJUNCTION WITH ANIMAL BOARDING AND ANIMAL GROOMING SERVICES AS A SPECIAL LAND USE IN SAID ZONING DISTRICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City desires to amend Chapter 13 of the Code of Ordinances, Article III, Division 8 entitled "Master Business List," by amending Section 13-621, entitled "Master Business List – B-2, B-3, and B-4;" and

WHEREAS, this amendment addresses a growing demand for pet services within commercial spaces; and

WHEREAS, the Planning and Zoning Board has reviewed this amendment at a duly noticed hearing on March 11, 2015, and recommended its adoption; and

WHEREAS, the City Commission finds it to be in the best interest of the citizens of this community to amend the Code of Ordinances to add any business with an outdoor play area with special land use approval.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the foregoing recitals, findings of fact, and staff reports and documents are true and correct, and are hereby incorporated by reference.

Section 2: That Chapter 13, Code of Ordinances entitled "Land Development Code" is hereby amended by amending Article III thereof, entitled "Zoning Regulations," by amending Division 8 thereof, entitled "Master Business List," by amending Section 13-621 thereof, entitled "Master business list – B-2, B-3, and B-4" to read and provide as follows:

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ARTICLE III. ZONING REGULATIONS

DIVISION 8. MASTER BUSINESS LIST

Sec. 13-621. Master business list--B-2, B-3, and B-4.

Master Business List	B-2	B-3	B-4
Amusement centers (indoor only)			S
Animal boarding services		S ⁽³⁾	S ⁽³⁾
Animal grooming (no overnight boarding)		P ⁽³⁾	P ⁽³⁾
Apparel and accessory stores	P	P	P
Arts, crafts and drafting supplies	P	P	P
Auctioneers			P
Automobile dealerships		S	S
Automobile parts (no service or installation)		P ⁽²⁾	P ⁽²⁾
Automobile and truck rental agency (office only)		P	P
Automobile and truck rental agency		S ⁽⁶⁾	S ⁽⁶⁾
Automobile service (no fuel sales)		S	S
Automobile tag agency		P	P
Bake shop and delicatessen	P	P	P
Ballrooms and dance halls			S
Barbershops, beauty/nail salons and tanning salons	P	P	P
"Big box" retail over 75,000 sq. ft.			S

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Boat sales and service		S	S
Bowling alleys		S	S
Building materials		<u>P</u> ⁽²⁾⁽⁵⁾	<u>P</u> ⁽²⁾⁽⁵⁾
Business services	P	P	P
Catering and meeting halls		S	S
Child daycare and nursery schools		S	S
Coin operated laundromats		S	S
Convenience stores with or without fuel sales		S	S
Dance, musical instruction and martial art studios	P	P	P
Detective and security agencies	<u>P</u> ⁽⁶⁾	<u>P</u> ⁽⁶⁾	<u>P</u> ⁽⁶⁾
Drug stores and pharmacies	<u>P</u> ^(1,2)	<u>P</u> ^(1,2)	<u>P</u> ^(1,2)
Dry cleaners	<u>P</u> ^(1,2)	<u>P</u> ^(1,2)	<u>P</u> ^(1,2)
Employment agencies	P	P	P
Financial institutions, mortgage and stockbrokers	<u>P</u> ^(1,2)	<u>P</u> ^(1,2)	<u>P</u> ^(1,2)
Florists	P	P	P
Funeral homes		S	S
General retail not otherwise specified	P	P	P
Government offices	P	P	P
Gyms and exercise clubs	P	P	P
Hardware stores		<u>P</u> ⁽⁵⁾	<u>P</u> ⁽⁵⁾
Hotels/motels		S	S

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Household equipment rental		<u>P</u> ⁽⁵⁾	<u>P</u> ⁽⁵⁾
Indoor tennis, racket ball, handball and similar court sports		S	S
Indoor theaters		S	S
Jewelry shops with repair (no smelting)		P	P
Lawn and garden supplies and equipment		<u>P</u> ^(2,5)	<u>P</u> ^(2,5)
Liquor stores		S	S
Maid, valet and janitorial services		P	P
Massage therapist		<u>S</u> ⁽⁷⁾	<u>S</u> ⁽⁷⁾
Medical laboratories		P	P
Medical offices and clinics		P	P
Motor fuel sales (no service bays)	S		
Motorcycle and recreation vehicles sales and service		S	S
News stands	<u>P</u> ⁽²⁾	<u>P</u> ⁽²⁾	<u>P</u> ⁽²⁾
Pain clinics		<u>S</u> ⁽⁸⁾	<u>S</u> ⁽⁸⁾
Pet stores		<u>P</u> ⁽³⁾	<u>P</u> ⁽³⁾
Photographic and artist studios		P	P
Printing, lithograph and reproduction	P	P	P
Private clubs and lodges		S	S
Professional offices not otherwise specified	P	P	P
Real estate office	P	P	P
Repair shops for small household appliances and locksmiths	<u>P</u> ⁽²⁾⁽⁵⁾	<u>P</u> ⁽²⁾⁽⁵⁾	<u>P</u> ⁽²⁾⁽⁵⁾

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Restaurants, carry-out snack shops, etc.	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾
Secretarial, data processing and temporary staffing services	P	P	P
Shoe repair	P	P	P
Skating rinks			S
Special facilities (see sections 13-300 to 13-303)			
Trade, technical and business schools		P ⁽⁴⁾	P ⁽⁴⁾
Travel agencies	P	P	P
Veterinary clinics (no boarding services)		P ⁽³⁾	P ⁽³⁾
Video stores		P	P

P - Indicates permitted use

S - Indicates special land use (see [section 13-35](#))

⁽¹⁾Facilities with drive-thrus are special land uses.

⁽²⁾Permitted use when occupying an in-line bay. Free-standing units are special land uses.

⁽³⁾Must conduct business wholly within a building, but limited outside dog walking is permitted. Any business which includes an outdoor play area, shall be required to file a Special Land Use application and include a detailed site plan depicting, at a minimum, location, size, screening mechanisms and hours of operation for such areas.

Section 3: That in the event any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

Section 4: That the provisions of this Ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 5: That all ordinances or parts of ordinances in conflict herewith are

to the extent of said conflict, hereby repealed.

Section 6: That this Ordinance shall take effect immediately upon its passage and adoption.

PASSED FIRST READING THIS _____ DAY OF APRIL, 2015.

PASSED SECOND READING THIS _____ DAY OF _____, 2015.

Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May, MMC
City Clerk

Tooley	_____	_____
Belvedere	_____	_____
Sarbone	_____	_____
Welch	_____	_____
Rydell	_____	_____

WSS:jw

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animal boarding master business list.docx
3-24-15

ORDINANCE NO. 2012- 026

AN ORDINANCE OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING CHAPTER 13, CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT CODE," BY AMENDING ARTICLE III THEREOF, ENTITLED "ZONING REGULATIONS," BY AMENDING DIVISION 8 THEREOF, ENTITLED "MASTER BUSINESS LIST," BY AMENDING SECTION 13-621 THEREOF, ENTITLED "MASTER BUSINESS LIST – B-2, B-3, AND B-4" BY ADDING THE USE OF ANIMAL BOARDING SERVICES WITH SPECIAL LAND USE APPROVAL IN SAID ZONING DISTRICTS, AND BY ADDING VETERINARY CLINICS (NO BOARDING SERVICES) AS A PERMITTED USE IN SAID ZONING DISTRICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City desires to amend Chapter 13 of the Code of Ordinances, Article III, Division 8 entitled "Master Business List," by amending Section 13-621, entitled "Master Business List – B-2, B-3, and B-4;" and

WHEREAS, this amendment addresses a growing demand for pet services within commercial spaces; and

WHEREAS, the Planning and Zoning Board has reviewed this amendment at a duly noticed hearing on September 12, 2012, and recommended its adoption; and

WHEREAS, the City Commission finds it to be in the best interest of the citizens of this community to amend the Code of Ordinances to add the use of veterinary clinics (no boarding services) as a permitted use and by adding the use of animal boarding services with special land use approval;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the foregoing recitals, findings of fact, and staff reports and documents are true and correct, and are hereby incorporated by reference.

Section 2: That Chapter 13, Code of Ordinances entitled "Land Development Code" is hereby amended by amending Article III thereof, entitled "Zoning Regulations," by amending Division 8 thereof, entitled "Master Business List," by amending Section

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13-621 thereof, entitled "Master business list – B-2, B-3, and B-4" to read and provide as follows:

ARTICLE III. ZONING REGULATIONS

DIVISION 8. MASTER BUSINESS LIST

Sec. 13-621. Master business list--B-2, B-3, and B-4.

<i>Master Business List</i>	B-2	B-3	B-4
Amusement centers (indoor only)			S
<u>Animal boarding services</u>		<u>S (3)</u>	<u>S (3)</u>
Animal grooming (no overnight boarding)		P (3)	P (3)
Apparel and accessory stores	P	P	P
Arts, crafts and drafting supplies	P	P	P
Auctioneers			P
Automobile dealerships		S	S
Automobile parts (no service or installation)		P (2)	P (2)
Automobile and truck rental agency (office only)		P	P
Automobile and truck rental agency		S (6)	S (6)
Automobile service (no fuel sales)		S	S
Automobile tag agency		P	P
Bake shop and delicatessen	P	P	P
Ballrooms and dance halls			S
Barbershops, beauty/nail salons and tanning salons	P	P	P
"Big box" retail over 75,000 sq. ft.			S
Boat sales and service		S	S
Bowling alleys		S	S
Building materials		P (2)(5)	P (2)(5)

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Business services	P	P	P
Catering and meeting halls		S	S
Child daycare and nursery schools		S	S
Coin operated laundromats		S	S
Convenience stores with or without fuel sales		S	S
Dance, musical instruction and martial art studios	P	P	P
Detective and security agencies	P (6)	P (6)	P (6)
Drug stores and pharmacies	P (1,2)	P (1,2)	P (1,2)
Dry cleaners	P (1,2)	P (1,2)	P (1,2)
Employment agencies	P	P	P
Financial institutions, mortgage and stockbrokers	P (1,2)	P (1,2)	P (1,2)
Florists	P	P	P
Funeral homes		S	S
General retail not otherwise specified	P	P	P
Government offices	P	P	P
Gyms and exercise clubs	P	P	P
Hardware stores		P (5)	P (5)
Hotels/motels		S	S
Household equipment rental		P (5)	P (5)
Indoor tennis, racket ball, handball and similar court sports		S	S
Indoor theaters		S	S
Jewelry shops with repair (no smelting)		P	P
Lawn and garden supplies and equipment		P (2,5)	P (2,5)
Liquor stores		S	S
Maid, valet and janitorial services		P	P
Massage therapist		S (7)	S (7)

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Medical laboratories		P	P
Medical offices and clinics		P	P
Motor fuel sales (no service bays)	S		
Motorcycle and recreation vehicles sales and service		S	S
News stands	P (2)	P (2)	P (2)
Pain Clinics		S (8)	S (8)
Pet stores		P (3)	P (3)
Photographic and artist studios		P	P
Printing, lithograph and reproduction	P	P	P
Private clubs and lodges		S	S
Professional offices not otherwise specified	P	P	P
Real estate office	P	P	P
Repair shops for small household appliances and locksmiths	P (2)(5)	P (2)(5)	P (2)(5)
Restaurants, carry-out snack shops, etc.	P (1)	P (1)	P (1)
Secretarial, data processing and temporary staffing services	P	P	P
Shoe repair	P	P	P
Skating rinks			S
Special facilities (see sections 13-300 to 13-303)			
Trade, technical and business schools		P (4)	P (4)
Travel agencies	P	P	P
<u>Veterinary clinics (no boarding services)</u>		<u>P (3)</u>	<u>P (3)</u>
Video stores		P	P

 (3)Must conduct business wholly within a building-, but limited outside dog walking is permitted.

Section 3: That in the event any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and

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applications hereof shall not be thereby affected.

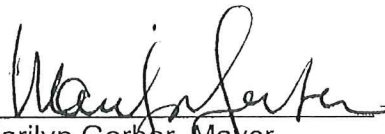
Section 4: That the provisions of this Ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 5: That all ordinances or parts of ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

Section 6: That this Ordinance shall take effect immediately upon its passage and adoption.

PASSED FIRST READING THIS 11th DAY OF October, 2012.

PASSED SECOND READING THIS 25th DAY OF October, 2012.


Marilyn Gerber, Mayor

Attest:


Barbara S. Price, MMC
City Clerk

	<u>1st</u>	<u>2nd</u>
Gerber	<u>Aye</u>	<u>Aye</u>
Belvedere	<u>Absent</u>	<u>Absent</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Aronson	<u>Aye</u>	<u>Aye</u>

WSS:nj

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10-1-12

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CITY OF COCONUT CREEK
PLANNING AND ZONING BOARD MINUTES

**Government Center
4800 W. Copans Road
Coconut Creek, Florida**

**Date: March 11, 2015
Time: 7:00 p.m.
Regular Meeting No. 2015-03**

1. The meeting was called to order by Debra Voorhees at 7:05 p.m.

2. Present upon roll call:

Debra Voorhees
Colleen LaPlant
Morris Chase
Jerry Poole

Absent: Chair Doug Young and Vice Chair Steve Harrison

Also present: Deputy Director of Sustainable Development Scott Stoudenmire, City Attorney Terrill Pyburn, Assistant City Attorney Eve Lewis, Senior Planner Liz Aguiar, Senior Planner Linda Whitman and Deputy City Clerk Jacquelyn Cook.

3. Approval of Minutes: Meeting No. 2015-02 – February 11, 2015

MOTION: Chase/LaPlant – To approve Minutes of Meeting No. 2015-02.

Upon roll call, the motion was passed on a 3-0 vote.

4. *Land Development Code: an amendment to Chapter 13, "Land Development Code," amending Section 13-241 as it relates to sidewalks (QUASI-JUDICIAL) (PUBLIC HEARING)

City Attorney Terrill Pyburn noted that Agenda Item Nos. 4, 5, and 6 are not Quasi-Judicial but will be open for public comment.

Deputy Director of Sustainable Development Scott Stoudenmire introduced Senior Planner Linda Whitman, who will assist on one of the agenda items. He noted this agenda item serves to clarify maintenance responsibility of public sidewalks in front of properties. This amendment will require that the property owner adjacent to the sidewalk will be responsible for maintenance. He reviewed the amendment and said language will be added to clarify that the City will be responsible for structural damage to public sidewalks (Item I).

At Mr. Poole's inquiry, Mr. Stoudenmire noted that Broward County is responsible for sidewalks on County roads, the Florida Department of Transportation (FDOT) for State roads, and within subdivisions it is either private and maintained by the Homeowner's Association or a sidewalk along a public street receives City maintenance.

Ms. Voorhees opened the public hearing. There were no questions or comments, and the public hearing was closed.

MOTION: LaPlant/Chase – To approve Agenda Item No. 4, Amendment to Chapter 13, as it relates to sidewalks, including language in Item I regarding City's maintenance of structurally damaged public sidewalks.

Upon roll call, the motion was passed on a 4-0 vote.

5. ***Land Development Code:** an amendment to Chapter 13, "Land Development Code," amending Section 13-621 as it relates to the animal boarding services. (QUASI-JUDICIAL) (PUBLIC HEARING)

Mr. Stoudenmire noted that this amendment relates to the City's Master Business List, B2, 3, and 4, regarding animal boarding offering outdoor play areas. This will provide for the ability to go beyond limited outdoor walking and add the ability to request a Special Land Use application for use with outdoor play. (Footnote #3) The Special Land Use application will include a detailed site plan depicting, at a minimum, location, size, screening mechanisms, and hours of operation. He displayed a graphic showing a doggy day care play area. The Special Land Use can be approved with special conditions thereby safeguarding the process. These businesses are restricted to commercial districts. Discussion ensued.

Ms. Voorhees opened the public hearing and requested all speaking on this item be sworn by the clerk.

Jennifer Heider, 401 NE 29 Street, Wilton Manors, said this is a booming and competitive business. An outdoor play area is needed for the animals. She felt that the City was a great area for this type of business as there is no current service provided.

Mr. Chase inquired about the noise from the dogs in relation to home residences. How long are the dogs kept outside and how locations are selected. Ms. Heider said the dogs are outside a few hours at a time and locations are selected to satisfy residents as well as the establishment.

Lisa Schettino, 6210 NW 63 Way, Parkland, said she currently owns three doggy day cares and has been in the business for 14 years. She explained that after trial and error the best fencing to be used for this facility are shadowbox wood fences to help privacy and reduce noise. All the dogs must be neutered/spayed, which greatly reduces aggressive behavior. It is a very controlled/supervised environment and the dogs are not outside at night.

Mr. Poole asked if there was any supervision or inspection under City jurisdiction. Ms. Schettino explained that is handled by Animal Care and Control. Mr. Stoudenmire said any involvement by the City would be through Code Compliance if there were complaints regarding the facility.

Ms. Voorhees closed the public hearing.

Mr. Poole inquired about the minimum for a site plan. Mr. Stoudenmire explained it in the Special Land Use application it would include location, dimensions, screening mechanism, and hours of operation. Under staff review more information may be required.

MOTION: LaPlant/Chase – To approve Agenda Item No. 5, Amendment to Chapter 13, as it relates to animal boarding services.

Upon roll call, the motion was passed on a 4-0 vote.

6. *Land Development Code: an amendment to Chapter 13, "Land Development Code," amending Section 13-374 as it relates to lighting standards and requirements. (QUASI-JUDICIAL) (PUBLIC HEARING)

Mr. Stoudenmire noted this item is for discussion only and will be presented to the Board again after review. This amendment to Chapter 13 relates to the City's lighting standards and requirements. The City has drafted a more environmentally friendly ordinance, which is included the materials distributed to the Board.

Senior Planner Linda Whitman provided a handout to the Board and presented a PowerPoint regarding the "Dark Sky" movement. The movement is to reduce the sky glow in all of the cities across the world. She has worked with the Environmental Advisory Board for suggestions. The Board requested a police liaison, which is Sergeant Kathy Markland, who has reviewed and agreed with the concept. There has been an article regarding Dark Sky in Coconut Creek Life magazine for community outreach.

She noted that in the material presented to the Board, there is information regarding the effect of light pollution on wildlife; which includes mating, finding food, and sleep. She said that she reviewed several locations with a light meter and measured in terms of foot candles, which she explained in further detail. McDonald's in the Township Plaza was very bright and El Dorado had excessive building wash. She added that other cities had been reviewed as well.

Ms. Whitman reviewed the lighting ordinance list of requirements. Solar power will be encouraged along with motion sensors for security. Current exclusions will be emergency vehicle lighting, hazard and holiday lights, and swimming pool lights. Public streets roadways and rights-of-way will be separate from this ordinance and will be reviewed in the future. There should be clear photometric plan enforcement and field inspection with a light sensor. She displayed a graphic showing different usage of light; i.e. shields and baffles and examples of safety lighting.

There was brief discussion regarding lighting, protection and safety, particularly with impending MainStreet development and taller buildings. The lights should be down in direction and in the right location.

Adjournment

The meeting was adjourned at 8:15 p.m.


Leslie Wallace May, MMC
City Clerk