

**RESOLUTION NO. 13-05-14**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING RESOLUTION 21-08-13 TO MODIFY CONDITION #6 PERTAINING TO THE BARKLAY'S CANINE CLUB ANIMAL SERVICE ESTABLISHMENT LOCATED AT 524 NORTHLAKE BOULEVARD; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the property having the address of 524 Northlake Boulevard, Lake Park, Florida (the Subject Property) and owned by Tra and Truc Phan Nguyen (Owners) was approved for the Special Exception Use of "Animal Service Establishment" pursuant to Resolution 21-08-13 on August 21, 2013; and

**WHEREAS**, the Subject Property is operated as Barkley's Canine Club; and

**WHEREAS**, the Subject Property is located within the Town's C-1 Business District, and

**WHEREAS**, Condition #6 of Resolution 21-08-13 requires the operator of Barkley's Canine Club to submit a noise study to ensure that noises from the business would not exceed the noise levels established in the Zoning District of the Town Code; and

**WHEREAS**, Barkley's Canine Club has been operating since the approval of Resolution 21-08-13, and the Town has not received any documented complaints regarding noise emanating from Barklay's Canine Club; and

**WHEREAS**, the Town's Community Development Department has recommended to the Town Commission that Condition #6 be eliminated, however the Town Commission has directed staff to modify this condition; and

**WHEREAS**, the Town Commission considered the recommendations made by Town Staff and decided to modify Condition #6 rather than eliminate Condition #6.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:**

**Section 1:** The whereas clauses are incorporated herein as the findings of fact and conclusions of law of the Town Commission.

**Section 2:** The Town Commission hereby amends Resolution 21-08-13 to modify Condition #6 as follows:

*If the Town's Community Development Department receives four or more noise-related complaints regarding noise emanating from Barklay's Canine Club within a calendar year, as measured from the effective date of this Resolution, the Applicant shall install sound barrier material such as "bark-block" or such other insulation or materials as may be approved by the Community Development Department to mitigate the noise to the decibel level set forth in the Town Code for this zoning district.*

**Section 3:** This Resolution together with Resolution 21-08-13 constitutes the Development Orders governing the use of the subject property. The Owner and Operator of Barkley's Canine Club and their successors and assigns shall remain subject to all other conditions of the Development Orders.

**Section 4:** This Resolution shall become effective upon adoption.

The foregoing Resolution was offered by Commissioner Flaherty who moved its adoption. The motion was seconded by Commissioner O'Rourke and upon being put to a roll call vote, the vote was as follows:

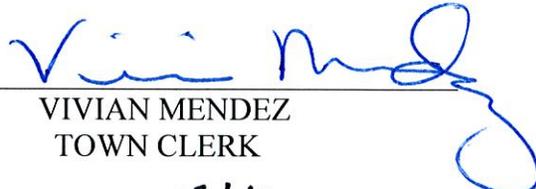
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MAYOR JAMES DUBOIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VICE-MAYOR KIMBERLY GLAS-CASTRO	<input type="checkbox"/>	<input checked="" type="checkbox"/>
COMMISSIONER ERIN FLAHERTY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER MICHAEL O'ROURKE	<input type="checkbox"/>	<input checked="" type="checkbox"/>
COMMISSIONER KATHLEEN RAPOZA	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Town Commission thereupon declared the foregoing Resolution NO. 13-05-14 duly passed and adopted this 21 day of May, 2014.

TOWN OF LAKE PARK, FLORIDA

BY:   
JAMES DUBOIS  
MAYOR

ATTEST:

  
VIVIAN MENDEZ  
TOWN CLERK



Approved as to form and legal sufficiency:

BY:   
THOMAS J. BAIRD  
TOWN ATTORNEY

**RESOLUTION NO. 21-08-2013**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SPECIAL EXCEPTION USE FOR AN ANIMAL SERVICE ESTABLISHMENT INCLUSIVE OF AN OUTDOOR AREA FOR DAYTIME USE TO BE LOCATED AT 524 NORTHLAKE BOULEVARD; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE USE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Barkley's Canine Club, ("Applicant") is proposing to operate an Animal Service Establishment at 524 Northlake Boulevard (the "Subject Property") in the Town of Lake Park, Florida (Town); and

**WHEREAS**, the Subject Property is owned by Tra and Truc Phan Nguyen ("Owners");  
and

**WHEREAS**, the Subject Property is located within the Town's C-1 Business District,  
and

**WHEREAS**, the Applicant has submitted an application seeking authorization to operate the Special Exception use of Animal Service Establishment ( the "Application") including the components of a boarding-kennel and an outdoor area for daytime use only at 524 Northlake Boulevard; and

**WHEREAS**, the Town's Planning and Zoning Board has reviewed the Application and has recommended to the Town Commission that it approve the Application; and

**WHEREAS**, the Town Commission has conducted a quasi-judicial public hearing to consider the Application; and

**WHEREAS**, at this hearing, the Town Commission considered the evidence presented by the Town staff, the Applicant, and other interested parties and members of the public, regarding the Application's consistency with the Town's Comprehensive Plan, the special exception criteria set forth in Section 78-184, and other provisions of the Town's Land Development Regulations which are applicable; and

**WHEREAS**, at this hearing the Town Commission determined that certain conditions are necessary in order for the Application to be consistent with the Town's Comprehensive Plan, and to meet the special exception criteria of Section 78-184 and the Town's Land Development Regulations.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:**

**Section 1:** The whereas clauses are incorporated herein as the findings of fact and conclusions of law of the Town Commission.

**Section 2.** The Town Commission hereby approves the request for an Animal Service Establishment Special Exception use, which includes the components of a boarding kennel and an outdoor area for daytime use subject to the following conditions:

1. The Animal Service Establishment shall be limited to the boarding of dogs. Farm animals such as pigs and chickens or exotic animals such as snakes are expressly prohibited.
2. No animal having a disease harmful to humans shall be boarded or maintained in the facility
3. The outdoor area shall be limited to 1,150 square feet and no part of the outdoor area may be located within 55 feet of any adjacent residential property line.
4. If the outdoor area is constructed using a chainlink fence, the fabric shall include a green mesh to screen the area from public view.
5. The outdoor area in or adjacent to a residential use shall not be used between the hours of 10:00 p.m. and 7:00 a.m for outdoor activity/recreation purposes, with the exception of dog toilet necessities.
6. Within six months of the effective date of the Resolution approving the Animal Service Establishment, the Applicant shall submit to the Community Development Department a letter from a sound professional indicating the results of a four-week noise study as it relates to the Applicant's business. The study shall compare the noise levels from the business with the decibel levels established in the Town code. In the event the study reveals that the uses are creating noise which exceeds the decibel levels established in the Code, the Applicant shall employ methods such as the use of sound barrier material such as "bark-block" and/or other approved insulation to mitigate the noise such that the establishment is operating within the decibel levels permitted by Code.

7. The Animal Service Establishment shall have flushing drains which shall be connected to an approved sanitary facility and other physical elements to properly dispose of the waste products generated by the business.
8. The facility shall be operated with air conditioning and heat so that the windows and doors can remain closed at all times, except when employees, patrons, and guests are entering and leaving the facility.

**Section 3:** The Owners, Applicant and their successors and assigns shall be subject to the conditions of approval included in Section 2.

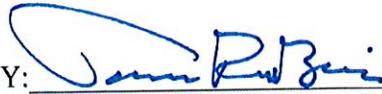
**Section 4.** This Resolution shall become effective upon adoption.

The foregoing Resolution was offered by Commissioner Flaherty who moved its adoption. The motion was seconded by Vice-Mayor Glas-Castro and upon being put to a roll call vote, the vote was as follows:

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MAYOR JAMES DUBOIS	<u>/</u>	—
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	—
COMMISSIONER ERIN FLAHERTY	<u>/</u>	—
COMMISSIONER MICHAEL O'ROURKE	<u>Absent</u>	—
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	—

The Town Commission thereupon declared the foregoing Resolution NO. 21-08-13 duly passed and adopted this 21 day of August, 2013.

TOWN OF LAKE PARK, FLORIDA

BY:   
 JAMES DUBOIS  
 MAYOR

ATTEST:

  
 VIVIAN MENDEZ  
 TOWN CLERK



Approved as to form and legal sufficiency:

BY:   
 THOMAS J. BAIRD  
 TOWN ATTORNEY