



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Veterinary Clinics

Meeting	File No.	Application Type
February 24, 2025	2025-104-LDR	Amendment to the Land Development Regulations
Applicant	Agent	Owner
Not applicable; City-initiated request.	Not applicable; City-initiated request.	Not applicable; City-initiated request.

Request

Provide a recommendation to the City Commission on Ordinance No. 11-25, a City-initiated request to amend and update Section 4.4.9, "General Commercial (GC)," Section 4.4.11, "Neighborhood Commercial (NC)," Section 4.4.13, "Central Business (CBD) District," Section 4.4.16, "Professional and Office District (POD)," and Section 4.4.29, "Mixed Residential, Office, and Commercial District (MROC)" of the Land Development Regulations (LDR) to establish veterinary clinics as a principal use instead of a conditional use.

Background

On October 19, 2021, the City adopted Ordinance No. 17-21, extensively updating the regulations governing domestic animal services to modernize the regulations relative to the proliferation of the use with the rise in demand for day and night boarding and the co-location of services. The ordinance established extensive standards for domestic animal service uses in **LDR Section 4.3.3(W), "Domestic Animal Services"**, which are designed to prevent domestic animal services uses from becoming a nuisance to the surrounding property owners, including veterinary clinics. The regulations are as follows:

- (1) *Hours of operation are limited to 7:00 a.m. to 8:00 p.m., except for veterinary clinics providing emergency services.*
- (2) *Domestic animal service facilities shall be fully enclosed with solid core doors and walls sufficiently insulated to minimize noise and odor detection from outside the facility. If frequent, habitual, or long continued animal sounds are plainly audible from adjacent properties, the building is not considered sufficiently insulated.*
- (3) *Outside activities and services are limited to drop-off and necessary outdoor walks of animals in direct control of a person by means of a leash or cord. Pursuant to Section 4.6.6, any other outside use requires approval through the conditional use process specifically determining the outside aspects of the use are appropriate.*
- (4) *Pet services that are limited as an accessory use by the zoning district must be accessory to an approved domestic animal service.*
- (5) *On-site disposal of carcasses is prohibited.*
- (6) **Parking Requirements.** *The minimum number of parking spaces required shall be determined by the gross floor area. Facilities offering a mix of domestic animal services shall provide parking spaces based on the cumulative use designation of each area.*
 - (a) *Pet services and veterinary clinics shall provide 4.5 spaces per 1,000 square feet.*
 - (b) *Pet hotels and animal shelters shall provide one space per 300 square feet.*
 - (c) *Common areas within a facility offering a mix of domestic animal services shall calculate parking spaces based on the use requiring the least amount of parking spaces.*
- 7) **Overnight boarding.** *Only veterinary clinics, pet hotels, and animal shelters may offer overnight boarding services subject to the following:*
 - (a) *An on-site attendant shall be present at all times during boarding services.*
 - (b) *Pet hotels and animal shelters shall not be located within a mixed-use building with residential uses.*
 - (c) *Emergency Preparedness Plan. Facilities approved for and offering overnight boarding services shall provide an Emergency Preparedness Plan to ensure continued humane care conditions are provided for the animals and their*

attendants, in case of an emergency, power outage, natural disaster, or other similar event. The plan shall include items outlined in LDR Section 4.3.3(W)(7)(c)(1-5).

(8) Outside use areas. Domestic animal service facilities may be approved for outside use areas pursuant to Section 4.6.6, subject to the following:

- (a) Outdoor cages, crates, kennels, or other enclosures intended for animal habitation, and not for exercise or training purposes, are prohibited.
- (b) A solid finished masonry wall or privacy fence six feet in height shall be provided on all sides of outside use areas designated for domestic animal services.
- (c) Pervious outside use areas intended for domestic animal services may be counted towards open space requirements.
- (d) Outside activities are limited to 7:00 a.m. to 8:00 p.m., except for necessary outdoor walks of one animal at a time in direct control of a person by means of a leash or similar device.
- (e) Separation requirements:
 1. Properties with outside use areas intended for domestic animal services shall not be located within 300 feet of residentially zoned properties or other properties with outside use areas intended for domestic animal services as measured from lot line to lot line in a straight line.
 2. Outside use areas are subject to required minimum building setbacks, which may be increased as part of the conditional use approval.

Veterinary clinics were classified as a conditional use both before and after the amendment, but the amendment provided standards for veterinary clinics and other domestic animal services providers to adhere to.

Principal and conditional uses are described as follows in **LDR Section 4.3.2(B), Categories of Use**:

(1) Principal use. A principal use is allowed, by right, within a zoning district provided that all development regulations are met. A principal use must be conducted on a site in order to have accessory or ancillary uses on that site.

Principal uses are allowed to operate subsequent to issuance of a Zoning Certificate of Use (ZCU) and Business Tax Receipt process. Per LDR Section 2.4.6(C)(1), a ZCU is an administrative action by the Director required for any change of use to an allowed use, addition of use(s), or a change in business within an existing building where no exterior site improvements are required or proposed. Review and approval of a ZCU involves a review of all LDR requirements associated with a particular use, such as Section 4.6.9, "Off-street parking," Section 4.3.3, "Special requirements for specific uses," and base zoning district regulations in Article 4.4. Base district development standards.

(3) Conditional use. A use which may not be appropriate generally, or without restriction, within a zoning district. The purpose of identifying such conditional uses and regulating them in a special manner is that they possess certain characteristics which may make them incompatible with existing uses, contiguous zoning, permitted uses, or future uses. Through special conditions imposed through procedures set forth in Section 2.4.5(E), the adverse impacts of such a use may be mitigated. The allowing of a conditional use is discretionary.

Conditional uses require review by the Planning and Zoning Board (with a mailer to all property owners within 500 feet and property postings), with final approval provided by the City Commission.

Description of Proposal

The proposal is initiated by the City to simplify the process for a veterinary clinic to begin operations. The following changes are proposed.

Zoning District	Use Category	Proposed Change
General Commercial (GC)	Conditional Use	Principal Use
Neighborhood Commercial (NC)		
Central Business (CBD) District		
Professional and Office District (POD)		
Mixed Residential, Office, and Commercial District (MROC)		
Old School Square Historic Arts District (OSSHAD)	Conditional Use	Remain as Conditional Use

The proposed amendment changes the veterinary clinic use in all zoning districts where the use is currently listed from conditional to principal, except in OSSHAD because the mixed residential and commercial nature of the district renders the conditional use approval process more appropriate. The proposed amendment is in full in the attached draft of Ordinance No. 11-25.

Review and Analysis

LDR Section 1.1.6, Amendments

The text of these Land Development Regulations may from time to time be amended, changed, supplemented, or repealed. No such action however, shall be taken until a recommendation is obtained from the Planning and Zoning Board and until a public hearing has been held by the City Commission.

LDR Section 2.4.7(A), Amendments to the Land Development Regulations

Amendments to the LDR may be initiated by the City Commission, Planning and Zoning Board, or City Administration, or by a member of the public.

The proposed amendment is initiated by City staff.

LDR Section 2.4.7(A)(5), Findings

For any approval, the City Commission must make a finding that the text amendment is consistent with the Comprehensive Plan, and that the amendment furthers the implementation of an adopted neighborhood plan, if applicable.

The following Objectives and Policies of the adopted Comprehensive Plan are applicable to the proposed amendment.

Neighborhoods, Districts, and Corridors Element

Objective NDC 3.5 Update Land Development Regulations *Regularly review and update the Land Development Regulations to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, address market changes and development trends, and other innovative development practices.*

Economic Prosperity Element

GOAL ECP 4 BUSINESS CLIMATE & COMPETITIVENESS *CULTIVATE A MORE BUSINESS-FRIENDLY ENVIRONMENT AND DYNAMIC ENTREPRENEURIAL ECOSYSTEM WHICH ALLOW LOCAL ESTABLISHMENTS TO GROW IN PLACE, ATTRACT NEW INDUSTRY CLUSTERS AND FIRMS AND PRODUCE NEW HOMEGROWN ENTERPRISES.*

Policy ECP 5.5.2 *Increase essential retail and consumer services and neighborhood based employment opportunities for residents.*

Policy ECP 3.3.2 *Identify opportunities for potential zones, cultural districts or innovation district to grow the clusters and encourage economic development in mixed-use centers and neighborhoods.*

Policy ECP 3.3.3 *Encourage concentrations of commercial services, amenities and employment centers and creation connections between the Delray Beach's vibrant hubs of activity.*

According to the American Planning Association 2025 Trend Report for Planners, *globally, the market is expected to reach nearly \$500 billion by 2030. The U.S. now has more households with pets than with children.* The proposed amendment allows a more rapid response to the high market demand for pet services. Ten veterinary clinics are currently in operation in the city; an eleventh is scheduled for review by Planning and Zoning Board on February 24, 2025. It could be argued that the conditional use process is not a significant barrier to entry given the number of veterinary clinics in operations. Alternatively, however, an administrative approval process is inherently less complicated than review before two boards and may be excessive, given the characteristics of a veterinary clinic.

The Board should consider if the extensive requirements in Section 4.3.3(W) are sufficient to allow the approval of the veterinary clinic use through the administrative ZCU process available to businesses categorized as a principal use, or if there is something inherent to the use that makes conditional use review a necessary part of the process.

Review By Others

The **City Commission** is anticipated to review the proposed LDR Amendment in March and April 2025.

Options for Board Action

- A. Recommend **approval** to the City Commission of Ordinance No. 11-25, on a City-initiated request to amend Land Development Regulations (LDR) Section 4.4.9, "General Commercial (GC)," Section 4.4.11, "Neighborhood Commercial (NC)," Section 4.4.13, "Central Business (CBD) District," Section 4.4.16, "Professional and Office District (POD)," and Section 4.4.29, "Mixed Residential, Office, and Commercial District (MROC)" to establish veterinary clinics as a principal use instead of a conditional use.
- B. Recommend approval to the City Commission of Ordinance No. 11-25, **as amended**, on a City-initiated request to amend Land Development Regulations (LDR) Section 4.4.9, "General Commercial (GC)," Section 4.4.11, "Neighborhood Commercial (NC)," Section 4.4.13, "Central Business (CBD) District," Section 4.4.16, "Professional and Office District (POD)," and Section 4.4.29, "Mixed Residential, Office, and Commercial District (MROC)" to establish veterinary clinics as a principal use instead of a conditional use.
- C. Recommend **denial** to the City Commission of Ordinance No. 11-25, on a City-initiated request to amend Land Development Regulations (LDR) Section 4.4.9, "General Commercial (GC)," Section 4.4.11, "Neighborhood Commercial (NC)," Section 4.4.13, "Central Business (CBD) District," Section 4.4.16, "Professional and Office District (POD)," and Section 4.4.29, "Mixed Residential, Office, and Commercial District (MROC)" to establish veterinary clinics as a principal use instead of a conditional use.

Public and Courtesy Notices

N/A Courtesy Notices are not applicable to this request

N/A Public Notices are not required for this request.