

ORDINANCE NO. 11-25

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES; CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.9, "GENERAL COMMERCIAL (GC) DISTRICT," SUBSECTION (B), "PRINCIPAL USES AND STRUCTURES PERMITTED," TO ADD VETERINARY CLINICS; AND AMENDING SUBSECTION (D), "CONDITIONAL USES AND STRUCTURES ALLOWED" TO REMOVE VETERINARY CLINICS; AMENDING SECTION 4.4.11, "NEIGHBORHOOD COMMERCIAL (NC) DISTRICT," SUBSECTION (B), "PRINCIPAL USES AND STRUCTURES PERMITTED," TO ADD VETERINARY CLINICS; AMENDING SUBSECTION (D), "CONDITIONAL USES AND STRUCTURES ALLOWED," TO REMOVE VETERINARY CLINICS; AMENDING SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," SUBSECTION (C), "ALLOWABLE USES," TABLE 4.4.13(A), "ALLOWABLE USES AND STRUCTURES IN THE CBD SUB-DISTRICTS" TO CLASSIFY VETERINARY CLINICS AS A CONDITIONAL USE INSTEAD OF A PERMITTED USE; AMENDING SECTION 4.4.16, "PROFESSIONAL AND OFFICE (POD) DISTRICT," SUBSECTION (B), "PRINCIPAL USES AND STRUCTURES PERMITTED," TO ADD VETERINARY CLINICS; AMENDING SUBSECTION (D), "CONDITIONAL USES AND STRUCTURES ALLOWED" TO REMOVE VETERINARY CLINICS; AND BY AMENDING SECTION 4.4.29, "MIXED RESIDENTIAL, OFFICE AND COMMERCIAL (MROC) DISTRICT," SUBSECTION (B), "PRINCIPAL USES AND STRUCTURES PERMITTED," TO ADD VETERINARY CLINICS; AMENDING SUBSECTION (E), "CONDITIONAL USES AND STRUCTURES ALLOWED" TO REMOVE VETERINARY CLINICS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the Land Development Regulations ("LDR") of the City of Delray Beach ("City") Code of Ordinances provide authority for the City Commission to amend, change, supplement, or repeal the LDR from time to time; and

WHEREAS, veterinary clinics require conditional use approval in multiple zoning districts in the city; and

WHEREAS, veterinary clinics do not generally possess characteristics that are inherently incompatible with existing uses, contiguous zoning, permitted uses, or future uses, necessitating the conditional use process; and

WHEREAS, the City Commission recognizes that allowing veterinary clinics as a permitted use in the General Commercial (GC), Neighborhood Commercial (NC), Central Business (CBD) District, Professional and Office District (POD), Mixed Residential, Office, and Commercial District (MROC) zoning districts removes an unnecessary step in the use approval process; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, reviewed the proposed text amendment to the Land Development Regulations at a public hearing on February 24, 2025, and voted x to x to recommend that the proposed text amendment be approved, finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; and

WHEREAS, the City Commission has considered Ordinance No. 11-25 and the respective findings as set forth in the Comprehensive Plan and Land Development Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The recitations set forth above are incorporated herein.

Section 2. The City Commission of the City of Delray Beach finds that Ordinance No. 11-25 is consistent with the Comprehensive Plan, meets the criteria set forth in the Land Development Regulations, and is in the best interests of the City; and

Section 3. Chapter 4, "Zoning Regulations," Article 4.4, "Base Zoning District," Section 4.4.9, "General Commercial (GC) District," Subsection (B), "Principal uses and structures permitted," of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

(B) ***Principal uses and structures permitted.*** The following are allowed within the GC District as permitted uses, except as modified in the Four Corners Overlay District by Section 4.4.9(G)(3)(a).

(1) General retail uses and/or facilities, including, but not limited to:

(a) Antiques, arts and crafts, automotive parts, baked goods, books, carpet and floor covering, cheeses, beer, wine, liquor, confectioneries, cosmetics, meats, draperies and slipcovers, pharmacies, electrical fixtures and supplies, fabrics, fish, flowers and plants, fruits and vegetables, food, garden supplies, gifts, glassware, hardware and paints, home furnishings, ice cream, lawn care equipment, leather goods, luggage, medical and surgical equipment, music and musical instruments, nautical supplies, office furniture equipment and supplies, pets and pet supplies, photographic equipment and supplies, sewing supplies, sporting goods, toys, wearing apparel and accessories, appliances, bicycles, business machines, jewelry.

(2) Business, Professional, and Medical uses including, but not limited to:

- (a) Interior decorating, medical and dental clinics, medical and dental laboratories, photographic studios, printing and publishing, business offices, professional offices, and medical offices.
- (3) Contractor's Offices, including but not limited to:
  - (a) Air conditioning, general contractor, electrical, painting, and plumbing; however, any outside storage of materials is prohibited.
- (4) Services and Facilities including, but not limited to:
  - (a) Auctions, barber and beauty shops and salons, caterers, dry cleaning limited to on-site processing for customer pickup only, dry cleaning and laundry pickup stations, financing e.g. banks and similar institutions including drive-through facilities, laundromats limited to self-service facilities, restaurants including drive-in and drive-through, tailoring, tobacconist, vocational schools limited to arts and crafts, business, beauty, dancing, driving, gymnastics, photography, modeling, and karate-judo, small item repair, Neighborhood Electric Vehicle (NEV) sales, lease or rental transactions only (no inventory on-site for any purpose), and rental of sporting goods and equipment (such as but not limited to bicycles, skates, boogie boards). With the exception of bicycles with an electric-helper motor as defined in Section 72.02, Delray Beach Code of Ordinances, all rented sporting goods must be non-motorized.
  - (b) Abused spouse residence with 40 or fewer residents, galleries, broadcast studios, butcher shops, cocktail lounges, exercise facilities e.g. gyms and clubs, indoor shooting ranges, museums, libraries, newsstands, commercial or public parking lots and parking garages, theaters excluding drive-ins.
- (5) Dwelling units in the same structure as commercial uses provided that: commercial uses must be provided on the ground floor; commercial uses on the ground floor must occupy no less than 25 percent of the total structure excluding square footage devoted to vehicular use; residential uses are not located on the ground level; residential uses and non-residential uses are physically separated and have separate accessways; and the residential density does not exceed 12 units per acre, except the Four Corners District which may have a free standing residential building as part of a multi-building unified master plan or the residential component may be a part of a single mixed use building. The density of the Four Corners Master Plan shall not exceed 30 dwelling units per acre and is subject to the provisions under Section 4.4.9(G)(3)(d)(4).
- (6) Astrologists, clairvoyants, fortune tellers, palmists, phrenologists, psychic readers, spiritualists, numerologists and mental healers, subject to the locational restrictions of Section 4.4.9(H)(3).
- (7) Community Residence housing four to ten individuals, except as required by state law, that
  - (1) is at least 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community

residence to the nearest property line of the existing community residence, and (2) the operator or applicant is licensed or certified by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence.

(8) Tattoo Establishments, pursuant to restrictions set forth in Section 4.3.3(ZB).

(9) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D).

(10) CBD oil establishments, pursuant to restrictions set forth in Section 4.3.3(CC).

(11) Veterinary clinics, subject to Section 4.3.3(W)

Section 4. Chapter 4, "Zoning Regulations," Article 4.4, "Base Zoning District," Section 4.4.9, "General Commercial (GC) District," Subsection (D), "Conditional uses and structures allowed," of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

(D) ***Conditional uses and structures allowed.*** The following are allowed as conditional uses within the GC District, except as modified in the North Federal Highway Overlay District by Section 4.4.9(G)(2) and in the Four Corners Overlay District by Section 4.4.9(G)(3)(c).

(1) Amusement game facilities.

(2) Wash establishments or facilities for vehicles.

(3) Child Care and Adult Day Care.

(4) Clubs and Lodges; social, fraternal, and recreational not exceeding 3,500 square feet of gross floor area.

(5) Drive-in Theaters.

(6) Flea Markets, bazaars, merchandise marts, and similar retail uses.

(7) Funeral Homes.

(8) Gasoline Stations or the dispensing of gasoline directly into vehicles.

(9) Hotels and Motels.

(10) Free-standing multiple-family housing subject to the requirements of the RM District except for setback and height requirements which shall be pursuant to this Section.

(11) Recreational establishments such as bowling alleys, gymnasiums, health spas, miniature golf courses, skating rinks.

- (12) Sales and service of All Terrain Vehicles and personal watercraft (waverunners, jet skis), with no outside display, outside storage or outside service.
- (13) Vehicle care limited to the changing of oil and filters, and lubrication with no mechanical work or outside storage of vehicles except as a part of a gasoline station.
- (14) Pet services; ~~and pet hotels, and veterinary clinics~~, subject to Section 4.3.3(W).
- (15) Group Home, Type 2 and Community Residential Homes, pursuant to restrictions set forth in Section 4.3.3(I).
- (16) Adult Gaming Centers.
- (17) Churches or places of worship, and their attendant Sunday school, recreational and columbarium facilities not exceeding 3,500 square feet of gross floor area. The foregoing does not allow establishment of educational and care uses such as elementary school and general day care.
- (18) Assisted Living Facilities that do not comport with the definition of "community residence", Nursing Homes, and Continuing Care Facilities subject to the requirements of the RM District except for setback and height requirements which shall be pursuant to this Section.
- (19) Large Family Child Care Home, subject to Section 4.3.3(TT).
- (20) Community Residence housing four to ten individuals, except as required by state law, that
  - (1) is less than 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, or (2) the State of Florida does not require the operator or applicant to be licensed or certified to operate the proposed community residence, has no certification from an appropriate national accrediting agency, or has not been recognized or sanctioned by Congress to operate the proposed community residence.

Section 5. Section 4.4.11, "Neighborhood Commercial (NC) District," Subsection (B), "Principal uses and structures permitted," of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

(B) ***Principal uses and structures permitted.*** The following uses are allowed as a permitted use within the NC District subject to the limitations in Subsection (H):

- (1) Retail uses and/or facilities such as: convenience foods; household supplies; garden and lawn supplies; pharmacies; small appliance sales and repairs; baked goods; delicatessen goods.
- (2) Provision of services such as: barber and beauty shops; dry cleaning limited to on-site processing for customer pickup only; dry cleaning and laundry pickup stations; vocational

schools limited to arts and crafts, business, beauty, dancing, driving, gymnastics, photography, modeling, and karate-judo; financing e.g. banks and similar institutions excluding drive-through facilities; laundromats limited to self-service facilities; Neighborhood Electric Vehicle (NEV) sales, lease or rental transactions only (no inventory on site for any purpose), dining at sit down restaurants including takeout and ice cream parlors but excluding drive-in, drive-through facilities; newsstands.

- (3) Business and professional offices.
- (4) Urban Agriculture pursuant to Section 4.3.3(D).
- (5) Pet services and veterinary clinics, subject to Section 4.3.3(W).

Section 6. Section 4.4.11, “Neighborhood Commercial (NC) District,” Subsection (D), “Conditional uses and structures allowed,” of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

(D) ***Conditional uses and structures allowed.*** The following uses are allowed as conditional uses within the NC District subject to the limitations per Subsection (H).

- (1) Child care and adult day care.
- (2) Display and sale of lawn furniture, playground equipment, sheds and accessories.
- ~~(3) Pet services and veterinary clinics, subject to Section 4.3.3(W).~~
- (4) Equipment rental and display.

Section 7. Section 4.4.13, “Central Business (CBD) District,” Subsection (C), “Allowable uses,” Table 4.4.13(A), “Allowable Uses and Structures in the CBD Sub-districts,” of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

#### **Sec. 4.4.13. Central Business (CBD) District.<sup>1</sup>**

##### **(C) *Allowable uses.***

- (1) - (2) (These subsections shall remain in full force and effect as adopted.)
- (3) ***Required Retail Frontage Use Limitations.*** Streets designated on the Regulating Plan with Required Retail Frontage are intended to be lively, highly active pedestrian environments that

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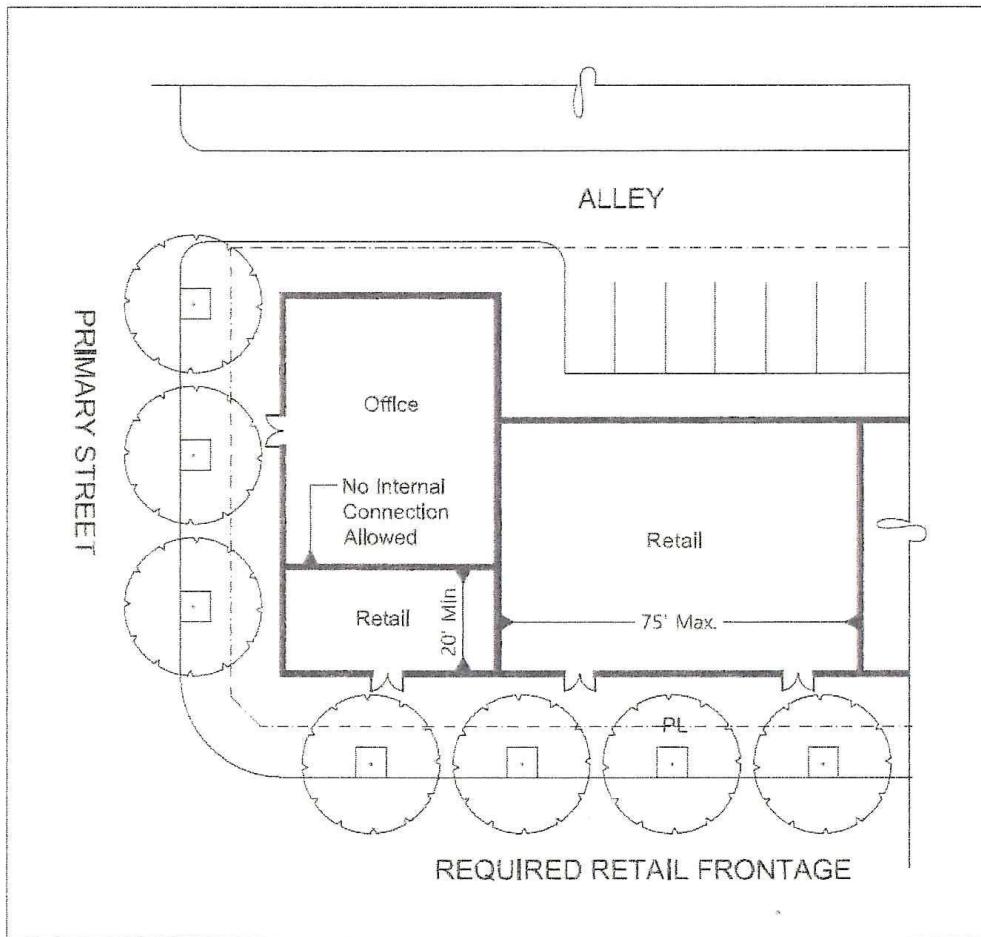
<sup>1</sup>Editor's note(s)—Ord. No. 26-21, §§ 2—8 and 10, adopted August 10, 2021, repealed Figures 4.4.13-1—4.4.13-4 and redesignated the existing Figures 4.4.13-5—4.4.13-7, 4.4.13-8, 4.4.13-8A, 4.4.13-9—4.4.13-12, 4.4.13-13—4.4.13-28, 4.4.13-29—4.4.13-31, 4.4.13-32—4.4.13-35, and 4.4.13-36 as Figures 4.4.13-B-1—B-3, 4.4.13-C-1, 4.4.13-C-2, 4.4.13-D-1—4.4.13-D-4, 4.4.13-E-1—4.4.13-E-16, 4.4.13-F-1—4.4.13-F-3, 4.4.13-G-1—4.4.13-G-4, and 4.4.13-K-1, respectively.

support businesses and reinforce local character. Properties on streets designated with Required Retail Frontage have use and frontage type standards that apply to the sidewalk level story.

(a) *All Sub-districts.*

1. Residential units, including multi-family and live-work, are not permitted in the sidewalk-level story on streets with Required Retail Frontage.
2. On streets with Required Retail Frontage, buildings and uses at the sidewalk level shall comply with the following:
  - a. The frontage type shall be either a Storefront or Arcade with a Storefront. See Section 4.4.13(E);
  - b. The width of an individual commercial space shall not exceed 75 feet (See Figure 4.4.13-C-2);
  - c. The depth of an individual commercial space shall be at least 20 feet and contain only uses permitted in 4.4.13(C)(3)(b) and (c); combinations of permitted uses with other uses not permitted at the sidewalk level are not allowed (See Figure 4.4.13-C-2); and
  - d. Uses not permitted in 4.4.13(C)(3)(b) and (c) shall not be accessed from the street designated with Required Retail Frontage and must be physically separated with no interior connections between common walls (See Figure 4.4.13-C-2).
3. Valet and passenger loading areas and access are not permitted.

**Figure 4.4.13-C-2 Required Retail Frontage**



(Ord. No. 26-21, § 4, 8-10-21)

(b) ***Central Core and Beach Sub-districts.*** One hundred percent of the building frontage at the sidewalk-level story shall be for the following uses (as described in Table 4.4.13(A)):

1. General retail uses and/or facilities.
2. Services and facilities.
3. Hotels, motels, or residence-type inns.
4. NEV sales, lease or rental offices.
5. Limitations and exceptions.
  - a. Tattoo establishments are not permitted.

- b. Financial institutions are limited to banks and savings and loan establishments; brokerage firms and private wealth management firms are not permitted. The following regulations also apply:
  - i. No more than 75 feet of financial institution frontage is allowed per block face; and
  - ii. No more than a total of 100 feet of financial institution frontage is allowed on facing street frontages. (For example, a new financial institution with 30 feet of street frontage may locate across the street from an existing financial institution with 70 feet of street frontage.)
- c. Sale of automotive parts, lawn care equipment, firearms, or secondhand material (other than verifiable antiques) are not permitted.
- d. Buildings constructed prior to 1980 located in the Beach Sub-district that have 80 percent or more of their frontage at a setback of 25 feet or greater shall be exempted from the 100 percent ground floor retail requirement.
- e. CBD oil establishments as a principal use, or the sale of CBD oil products as an accessory use.
- f. Eyeglass stores with accessory optometry services are limited to one store per block face and are not permitted on facing street frontages.

(c) *West Atlantic Neighborhood Sub-district.*

- 1. At least 50 percent of the building frontage of the sidewalk level story shall be for the following uses (as described in Table 4.4.13(A)):
  - a. General retail uses and/or facilities, except that sales of automotive parts, lawn care equipment, firearms, or second hand material (other than verifiable antiques) are not permitted.
  - b. Services and facilities
  - c. Hotels, motels, or residential-type inns as a Conditional Use
- 2. Up to 50 percent of the building frontage of the sidewalk level story may be for business, professional, and medical uses/offices; more than 50 percent may be approved as a Conditional Use.

**Table 4.4.13(A)—Allowable Uses and Structures in the CBD Sub-Districts**

Uses	Central Core	Railroad Corridor	Beach Area	West Atlantic Neigh. <sup>5</sup>	South Pairs Neigh

General retail uses and/or facilities, as in GC district (4.4.9) <sup>1</sup>	P	P	P	P	P
Business, professional, and medical uses, as in GC district (4.4.9)	P	P	P	P	P
Services and facilities, as in GC district (4.4.9) <sup>2</sup> , excluding drive-through facilities	P	P	P	P	P
Multiple-family dwellings <sup>3</sup>	P	P	P	P	P
Astrologist, clairvoyants, fortune tellers, palmists, phrenologists, psychic reads, spiritualists, numerologists and mental healers as in GC district (4.4.9)	-	-	-	-	P
Community residences	See 4.4.13(C)(4)(a)				
Nursing homes, abused spouse residences, continuing care facilities, and assisted living facilities that do not comport with the definition of "community residence"	P	P	P	P	C
Live/work units (see 4.3.3(KKK))	P	P	P	P	P
Hotels, motels, and residential-type inns <sup>3</sup> (see 4.3.3(M) and 4.3.3 (X))	P	P	P	C	C
Bed and breakfast inns (see 4.3.3 (Y))	P	P	P	C	C
Public Parking Garages, as mapped on a Regulating Plan	P,S	P,S	P,S	P,S	P,S
Fabrication and/or Assembly	-	P	-	-	-
Wholesaling, Storage, and Distribution <sup>4</sup>	-	P	-	-	-
Contractor and trade services	-	P	-	-	P
Automobile brokerage, including vehicle display within an enclosed structure	-	P	-	-	-
Tattoo Establishments (see 4.3.3(ZB))	P,A	P,A	P,A	P,A	P,A
CBD Oil Establishments (see 4.3.3 (CC))	P,A	P,A	-	-	-
Family day care homes (see 4.3.3(T))	A	A	A	A	A
Home-based businesses (see 4.3.3(K))	A	A	A	A	A
Mechanical parking lifts (see 4.6.9(D)(11) and 4.6.9(F)(4))	A,S	A	A,S	A,S	A,S
Parking areas, passenger drop-off, loading/unloading, refuse and service areas	A,S	A	A,S	A,S	A,S
Automated Parking Garages	-	S	-	-	-
Refuse and service areas					
Recreational facilities (for a multiple-family development)	A	A	A	A	A
Services and repair (incidental to the associated principal use)	A,S	A	A,S	A,S	A,S
Single-family dwelling (occupied by owner, proprietor, or employee of the principal use)	A	A	A	A	A
Storage of inventory (not shared or leased)	A,S	A	A,S	A,S	A,S

independent of the principal use)					
Automobile repair, service	-	C	-	-	-
Neighborhood Automotive Rental facility (See 4.3.3(C))	-	-	-	-	C
Child care Facilities (see 4.3.3(E)) and adult day care facilities (see 4.3.3(F))	C	C	C	C	C
Commercial recreational facilities, such as bowling alleys, skating rinks, and amusement game facilities	C	C	C	C	C
Drive-through facilities (serving banks, financial institutions, retail uses, etc.) <sup>2</sup> See 4.4.13(J)(7)(a)	C	C	C	C	C
Food Preparation and/or Processing including bakeries and catering	-	C	-	-	-
Funeral homes, including accessory uses such as a chapel or crematory	C	C	C	C	C
Gasoline stations (See 4.4.13(J)(7)(b) and/or car washes (See 4.4.13(J)(7)(c))	C	C	-	-	C
Large family child care homes (see 4.3.3(TT))	C	C	C	C	C
Dry-cleaning Processing Plants	-	C	-	-	-
Segway tours and Segway sales (see 4.3.3(ZZZZ))	C	C	C	C	C
Theaters, excluding drive-ins	C	C	C	C	C
Pet Services [See 4.3.3(W)]	C	C	C	C	C
Pet Hotels [see 4.3.3(W)]		C			C
Veterinary Clinics [see 4.3.3(W)]	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
24-hour or late-night businesses, within 300 feet of residential zoned property [see 4.3.3(VV)]	C	C	C	C	C
Urban Agriculture [4.3.3 (D)] excluding outdoor Urban Farms	P,A	P,A	-	P,A	P,A
Outdoor Urban Farms [4.4.3(D)]	C	C	C	C	C
Clubs and Lodges as in GC (4.4.9)	-	-	-	-	C
Flea Markets, Bazaars as in GC (4.4.9)	-	-	-	-	C
Sales and service of all terrain vehicles and personal watercraft as in GC (4.4.9)	-	-	-	-	C
Vehicle care (See 4.4.13(C)(4)(f)(5))	-	-	-	-	C
Churches or places of worship (See 4.4.13(C)(4)(c))	-	-	-	C	C
<b>LEGEND: P = Principal Use A = Accessory Use C = Conditional Use - = Prohibited Use S = Secondary Street Use</b>					

<sup>1</sup> Sales of automotive parts, lawn care equipment, firearms, or secondhand material (other than verifiable antiques) are not allowed on properties facing a designated Required Retail Street on the Regulating Plan or anywhere within the West Atlantic Neighborhood.

- <sup>2</sup> Drive-thru and Drive-in restaurants are not permitted within the CBD.
- <sup>3</sup> For density limits, see Table 4.4.13(C).
- <sup>4</sup> Not self-storage facilities; products and materials shall not exceed 55 gallons of any substance which is listed on the Generic Substances List of the Palm Beach County Wellfield Protection Ordinance (Ref.: Palm Beach County LDC, Article 9, Section 9.3)
- <sup>5</sup> See Section 4.4.13(C)(4)(a) for limits on commercial use locations in the West Atlantic Neighborhood Sub-district.

(4) (This subsection shall remain in full force and effect as adopted.)

Section 8. Section 4.4.16, “Professional and Office (POD) District,” Subsection (B), “Principal uses and structures permitted,” of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

(B) ***Principal uses and structures permitted.*** The following types of use are allowed within the POD District as a permitted use:

- (1) Professional Offices such as accountants, architects, attorneys, chiropractors, dentists, engineers, independent trustees, landscape architects, opticians, optometrists, osteopaths, physicians, psychologists, surgeons, and interior designers.
- (2) General Business Offices for businesses without outside storage of inventory or equipment.
- (3) Banks and Financial Institutions including drive-through facilities.
- (4) Finance, insurance, travel, and real estate services.
- (5) Medical Offices.
- (6) Medical Clinics.
- (7) Neighborhood Electric Vehicle (NEV) sales, lease or rental transactions only (no inventory on site for any purpose).
- (8) Veterinary clinics, subject to Section 4.3.3(W).

Section 9. Section 4.4.16, “Professional and Office (POD) District,” Subsection (D), “Conditional uses and structures allowed,” of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

(D) ***Conditional uses and structures allowed.*** The following uses are allowed as conditional uses within the POD District:

- (1) Educational facilities, training centers, and vocational schools.
- (2) ~~Veterinary clinics, subject to Section 4.3.3(W).~~

(2)(3) Funeral Homes.

(3)(4) Licensed, professional providers of personal services, e.g. pedicurist, beauticians, and cosmetologists.

Section 10. Section 4.4.29, "Mixed Residential, Office and Commercial (MROC) District," Subsection (B), "Principal uses and structures permitted," of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

(B) ***Principal uses and structures permitted.*** The following types of uses are allowed within the MROC district as permitted uses:

- (1) Office center. The "Office Center" uses within an MROC development may comprise as much as one hundred percent (100%) of the total building square footage within the development. These uses can include:
  - (a) Financial Institutions, e.g., banks, savings and loan establishments, brokerage firms.
  - (b) Medical Offices, e.g., physicians, dentists, chiropractors, podiatrists, optometrists, etc.
  - (c) Professional Offices, e.g., attorneys, engineering firms, architectural.
  - (d) Governmental offices, e.g., including federal, state, county, and local offices, along with their related fleet and communications operations (which will be considered accessory uses to governmental offices and services), civic centers, courthouses, fire stations, public health facility, law enforcement offices and facilities, post office, public utility facilities, communication towers and community facilities such as civic centers, cultural facilities, libraries, auditoriums, museums, and public recreation facilities, and services such as day care centers, abuse, child care centers.
  - (e) Business Support Services, primarily engaged in rendering services to other building establishments, e.g., such as mailing, building maintenance, personnel and employment services, management, and consulting services, protective services, copy and printing, travel, office supply, and similar services.
  - (f) Veterinary clinics, subject to Section 4.3.3(W).
- (2) Research and development. Research and Development (R&D) uses involve either some degree of product creation, testing, evaluation, and development or the provision of testing and evaluation services for use by others. R&D uses may constitute 100 percent of the total building square footage within the development. Examples of such uses or resulting products include:
  - (a) Product creation, testing, evaluation, and development.

1. computer hardware.
2. computer software.
3. pharmaceuticals.

(b) Research and development services.

1. calibration laboratories or services.
2. chemical laboratories.
3. commercial testing laboratories.
4. soil laboratories.
5. scientific research laboratories.

(3) General retail uses. Retail uses and/or facilities not to exceed 20 percent of the total building square footage of the development, including, but not limited to:

- (a) Restaurants, baked goods, books, cheeses, beer, wine, liquor, confectioneries, cosmetics, meats, pharmacies, flowers and plants, fruits and vegetables, food, gifts, glassware, ice cream, leather goods, luggage, medical and surgical equipment, music and musical instruments, nautical supplies, office furniture equipment and supplies, pets and pet supplies, photographic equipment and supplies, sewing supplies, sporting goods, toys, wearing apparel and accessories, appliances, bicycles, business machines, jewelry.
- (b) Barber and beauty shops and salons, caterers, dry cleaning limited to on-site processing for customer pickup only, dry cleaning and laundry pickup stations, outdoor cafes, tailoring, tobacconist.
- (c) Galleries, butcher shops, cocktail lounges, exercise facilities, museums, libraries, newsstands, commercial or public parking lots and parking garages.
- (d) Neighborhood Electric Vehicle (NEV) sales, lease or rental transactions only (no inventory on-site for any purpose), accessory to any Research and Development or Office Center complex.

(4) ***Multi-family Dwelling Units:*** Multi-family uses are subject to Section 4.4.29(I), Special Regulations.

(5) Hotel, motel and residential all suite lodging. These types of uses may comprise up to 20 percent of the total floor area of the overall master plan. For the purpose of calculating the percentages of uses within the development master plan, multiple hotels, motels, and residential all suite lodging uses will be considered one specific use category.

- (6) Assisted Living Facilities that do not comport with the definition of "community residence," Nursing Homes, and Continuing Care Facilities subject to the requirements set forth in Section 4.4.29(B)(4) a, b, and c above. )
- (7) Self-service storage facilities, pursuant to the Development Standards of Subsection (G)(1)(f).
- (8) Community Residence housing four to ten individuals, except as required by state law, that (1) is at least 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, and (2) the operator or applicant is licensed or certified by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence.
- (9) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D).

**Section 11.** Section 4.4.29, "Mixed Residential, Office and Commercial (MROC) District," Subsection (E), "Conditional uses and structures allowed," of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

- (E) ***Conditional uses and structures allowed.*** The following uses are allowed as conditional uses within the MROC District. Uses approved in this section shall be part of the maximum percentage for each use.
  - (1) Health spas, fitness centers, gymnasiums, and exercise facilities which are open to the general public
  - (2) Pet services and veterinary clinics, subject to Section 4.3.3(W).
  - (3) Drive-thru facilities associated with any allowed use.
  - (4) Twenty-four-hour/late night businesses (except for governmental offices and services) as defined herein must be processed as a conditional use and are subject to the provisions of Section 4.3.3(VV).
  - (5) Day Care Centers subject to LDR Section 4.3.3(E).
  - (6) Educational Facilities, training centers, and vocational schools. This use will be considered similar to "Office Center" for the purposes of MROC regulations pertaining to types of uses, except for parking, which shall be pursuant to Section 4.4.29(H)(8).
  - (7) Live/Work Unit, subject to Section 4.3.3(KKK).
  - (8) Large Family Child Care Home, subject to Section 4.3.3(TT).

(9) Community Residence housing four to ten individuals, except as required by state law, that (1) is less than 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, or (2) the State of Florida does not require the operator or applicant to be licensed or certified to operate the proposed community residence, has no certification from an appropriate national accrediting agency, or has not been recognized or sanctioned by Congress to operate the proposed community residence.

Section 12. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 13. Should any section or provision of this Ordinance, or any portion thereof, any paragraph, sentence, or word, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 14. Specific authority is hereby given to codify this Ordinance.

Section 15. This ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

ATTEST:

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Alexis Givings, City Clerk

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Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

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Lynn Gelin, City Attorney

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First Reading \_\_\_\_\_

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Second Reading \_\_\_\_\_