



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

HISTORIC PRESERVATION BOARD

Uses Involving Domestic Animals

Meeting Date	File No.	Application Type
June 2, 2021	2021-144-LDR	Land Development Regulations Amendment (City-initiated)

Request

Provide a recommendation to the Planning and Zoning Board on Ordinance No.17-21, a City-initiated request to amend the Land Development Regulations (LDR) to adopt specific regulations for uses involving domestic animals, more particularly to outdoor use areas, overnight boarding, disposal of carcasses, site and structural requirements, hours of operation, and separation requirements for veterinary clinics, pet services, and pet hotel and shelter establishments, and to identify the zoning districts where uses involving domestic animals are allowed as a principal use or as a conditional use.

Background Information

At the City Commission meeting of April 6, 2021, the City Commission acknowledged that the LDRs are very limited where services for domestic animals are allowed. Given the City's growing human and domestic animal population, direction was provided to Staff to review where domestic animal services are needed and where they can be appropriately accommodated while not impacting residential uses or neighborhoods.

The LDRs currently specify kennels, veterinary clinics, and pet grooming as allowed uses in some zoning districts to accommodate services for domestic animals. The only use that currently has special requirements for specific uses listed in LDR Section 4.3.3(W) is veterinary clinics.

The chart below indicates where each of these uses are allowed, either as a principal use allowed by right or as a conditional use, and any applicable special provisions. The dates that each of these uses was added to the LDRs, as shown on the table below, indicates that the provisions have not been updated or expanded to accommodate the significant increase in the local pet population and the accompanying demand in specialized services.

Use	Zoning District(s)	Special Provisions	Date Use Added to LDR
Kennels	Industrial (I): Conditional Use Mixed Industrial & Commercial (MIC): Conditional Use	No on-site disposal of carcasses	1990
Veterinary Clinics	Neighborhood Commercial (NC): Conditional Use General Commercial (GC): Conditional Use Central Business District (CBD): Conditional Use Mixed Residential, Office, and Commercial (MROC): Conditional Use Professional and Office District (POD): Conditional Use	4.3.3(W), no on-site disposal of carcasses nor overnight accommodations except for animals under medical supervision; boarding of animals is expressly prohibited.	1990: POD 1991: GC and CBD 1993: NC 2006: MROC
Pet Grooming	GC: Principal Use, allowed by-right CBD: Principal Use, allowed by-right Old School Square Historic Arts District (OSSHAD): Principal Use, allowed by-right* <small>*In 1990, a Similarity of Use request was approved by the Planning and Zoning Board to allow Pet Grooming in the OSSHAD as a "personal service."</small>	None	1990*

Definitions:

VETERINARY CLINIC. A clinic or hospital facility for treatment of animals and pets operated by a licensed veterinarian.

With the growing domestic animal population, there has naturally been an increased demand for overnight boarding (kennel), currently limited to the Industrial and MIC zoning districts, as well as a significantly increased demand for daytime boarding (doggy daycares). Most doggy daycares provide retail of associated products, as well as a variety of amenities and services such as training, bathing, grooming,

and activity areas where the dogs can freely play together and get exercise. Daytime boarding is listed as an allowed use under 'Pet Services, as the nature of both uses is similar impact with irregular drop-off and pick-up hours.

The LDRs do not currently specify that outdoor use areas are allowed with kennel or veterinary clinics. LDR Section 4.6.6(A)(1), Commercial and Industrial Uses to Operate Within a Building, specifies that *all commercial and industrial uses shall conduct within a completely enclosed building rather than outside regardless of the zoning district*. However, LDR Section 4.6.6(B), Allowable Outside Usage, specifies that *activities associated with outside conditional uses when specifically determined through the conditional use process that the outside aspects of the use are appropriate*.

Description of Proposal

The proposed amendments address the need for updated and expanded regulations related to services for domestic animals.

In LDR Section 4.3.3, Special Regulations for Specific Uses, the following is proposed:

- Rename LDR Section 4.3.3(W) from "Veterinary clinics" to "Uses involving domestic animals" and add subsections to address specific requirements for uses involving domestic animals limited to veterinary clinics, pet services, and pet hotel and shelter establishments. The proposed subsections include specific regulations regarding outdoor use areas, overnight boarding, disposal of carcasses, site and structural requirements including minimum parking space requirements, hours of operation, and separation requirements. These specific requirements aim to promote high quality and safety for establishments and uses involving domestic animals and to protect residential and mixed-use zoning districts.

The proposed parking requirements are as follows:

- **Veterinary clinics and pet services.** Five parking spaces per 1,000 square feet of gross floor area is proposed. This rate is the same as Medical Offices [LDR Section 4.6.9(C)(4)(c)], and one-half of a space more than what grooming services are currently required to provide under Personal Services Provider [LDR Section 4.6.9(C)(3)(g)]. The medical office parking space requirement has been applied to Veterinary Clinics previously, as the business and parking turn over time is similar. The increase in the parking space rate for pet services is due to the potential parking turn over time for training services and the increase of parking spaces during peak hours for daycare services.
- **Pet hotels and shelter establishments.** One parking space per 300 square feet of gross floor area is proposed. This rate is compatible to other municipalities that allow overnight boarding and allows for sufficient parking spaces for staff and for customer pick-up and drop off. Based on the current nature of businesses in the area that offer boarding services, a higher rate than what proposed is not necessary as the turnover time is short and pick-up and drop-off occurs throughout the day, which is different from a child daycare.

All uses involving domestic animals, listed as Principal Uses or Conditional Uses, are required to comply with the Special Regulations for Specific Uses as applicable.

- The proposed uses and how they are allowed in each zoning district is based on the appropriateness of the uses with the zoning district purpose and intent, and compatibility of the uses with existing and allowed land uses in each zoning district. The intent is to expand the locations where uses involving domestic animals are allowed, as appropriate, without negatively impacting residential uses. The following table identifies the zoning districts that veterinary clinics, pet services, and pet hotel and shelter (with and without outdoor use areas) are currently allowed, and where the uses are proposed to remain or be added.

		OSSHAD	GC	NC	PC	CBD	POD	PCC	MROC	MIC	I	LI
Veterinary Clinics	Current	-	CU	CU	CU	CU	CU	-	CU	-	-	-
	Proposed	CU	CU	CU	CU	CU	CU	-	CU	-	-	-
Pet Services	Current (listed as pet grooming)	P*	P	-	P	P	-			-	-	-
	Proposed	P*, CU	P	P	P	P	-	P	P	-	-	-
Pet Hotel and Shelter without outdoor areas	Current (listed as Kennel)	-	-	-	-	-	-	-	-	CU	CU	-
	Proposed	-	P	-	P	CU**		P	-	P	P	P
Pet Hotel and Shelter with outdoor areas	Current (listed as Kennel)	-	-	-	-	-	-	-	-	CU	CU	-
	Proposed	-	CU	-	CU	-	-	-	-	CU	CU	CU

CU = allowed as a Conditional Use P = allowed as a Principal Use/by right

*In 1990, a Similarity of Use request was approved to allow Pet Grooming in the OSSHAD as a "personal service." Pet grooming services only will continue to be allowed as a Principal use; pet services, which includes grooming and other daily services, are proposed to be allowed as a Conditional Use.

** Proposed as a Conditional Use in the West Atlantic Neighborhood and Railroad Corridor Sub-districts

- Subsection (8) in LDR Section 4.4.24(H), Special District Regulations, is proposed to provide additional regulations for veterinary clinics and pet services within the OSSHAD. The proposed provisions are as follows:
 - Overnight boarding and outdoor use areas are prohibited.*
Currently, Veterinary Clinics are allowed to have overnight boarding of animals under medical care and may propose outdoor use areas. In OSSHAD, ancillary overnight boarding and outdoor use areas are not to be considered as these conditions are prohibited.
 - Areas designated for, bathing, grooming, daytime boarding and training services as part of pet service establishments are limited to 50 percent of the total gross floor area.*
This provision is intended to limit the size of the use to encourage adaptive reuse of existing structures and to limit the area intended to be occupied by animals, which will limit the number of animals allowed based on the County Animal Control size and space requirements.
 - Areas designated to accommodate and provide services for animals shall be fully enclosed, with solid core doors and sufficiently insulated to minimize noise or odor detection from outside the establishment.*
This provision is proposed to minimize noise and odor detection from outside of the establishment, including neighboring commercial bays for establishments located next to another business and only separated by a party wall.
 - Veterinary clinics and pet service establishments are not allowed as part of a mixed-use development also containing residential uses.*
The intent of this provision is to prevent any potential nuisance caused by the nature of uses involving domestic animals into residential uses, either detached residential homes or multifamily units within a mixed-use development.
- Revised Definition in LDR Appendix A: Veterinary Clinic
- New Definitions in LDR Appendix A: Pet Services, Domestic Animals, and Pet Hotel and Shelter.

Review

Pursuant to **LDR Section 1.1.6(A), 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. Any such change shall be made by ordinance, pursuant to procedures found in LDR Section 2.4.5(M).

The Planning and Zoning Board is scheduled to review the proposed amendments at its meeting of June 21, 2021. The Board's recommendation will be provided to the City Commission, where the amendments will be reviewed at two public meetings. The anticipated review dates are July 13, 2021 and August 10, 2021 (Public Hearing).

Amendments to the Land Development Regulations

Pursuant to **LDR Section 2.4.5(M)(1), Rule**, *amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual.*

The proposed amendment is City-initiated based on direction by the City Commission at its meeting of April 6, 2021.

Pursuant to **LDR Section 2.4.5(M)(5), Findings**, *in addition to LDR Section 1.1.6(A), the City Commission must make a finding that the text amendment is consistent with the Comprehensive Plan.*

The following Goals, Objectives, and Policies from the Always Delray Comprehensive Plan support the proposed LDR amendments.

Neighborhoods, Districts, and Corridors Element

Policy NDC 1.1.2 *Provide a complementary mix of land uses, including residential, office, commercial, industrial, recreational, and community facilities, with design characteristics that provide: Similar uses, intensity, height, and development patterns facing each other, especially in residential neighborhoods. Uses that meet the daily needs of residents. Public open spaces that are safe and attractive.*

Objective NDC 3.5: *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.*

Policy NDC 3.5.1 *Review the uses and use descriptions in the Land Development Regulations to provide consistent terminology.*

Policy NDC 3.5.3 *Continue to develop zoning districts and regulations that utilize or include form-based code concepts to improve predictability in the built environment.*

Economic Prosperity Element

Policy ECP 6.3.1 *Review and improve the Land Development Regulations to ensure permitted uses and building requirements align with desirable industry clusters in targeted areas and with the vision of adopted neighborhood revitalization plans.*

Historic Preservation Element

Objective HPE 1.4, Historic Preservation Planning *Implement appropriate and compatible design and planning strategies for historic sites and properties within historic districts.*

Policy HPE 1.4.1 *Continue to require that the Historic Preservation Board make findings that any land use or development application for a historic structure, site or within a historic district, is consistent with the provisions of the Secretary of the Interior's Standards for Rehabilitation, the Land Development Regulations, and Delray Beach Historic Preservation Design Guidelines.*

Policy HPE 2.2.3 *Continue to develop new land use and zoning incentives for eligible and historic resources within the Land Development Regulations, such as encouraging the adaptive reuse of historic structures within mixed-use zoning districts and providing parking relief strategies.*

The proposed amendment seeks to ensure complementary land uses and maintain the City's vision for its diverse areas by identifying appropriate zoning districts and locations for uses involving domestic animals. Recently, there has been a high demand for boarding establishments, for overnight or daytime services, for pets in commercial areas. To better accommodate community needs and commercial trends, the amendment introduces new zoning districts where these uses will be allowed. The amendment also provides special provisions to ensure that uses involving domestic animals in historic districts do not impact the character of those areas.

Review By Others

The **Downtown Development Authority (DDA)** will review the proposed amendments at their meeting of June 14, 2021.

The **Pineapple Grove Main Street (PGMS)** group will consider the proposed amendments at an upcoming meeting date to be determined.

Alternative Actions

- A. Recommend **approval** to the Planning and Zoning Board of **Ordinance No. 17-21**, amending the Land Development Regulations to provide specific regulations regarding outdoor use areas, overnight boarding, disposal of carcasses, site and structural requirements, hours of operation, and separation requirements for uses involving domestic animals; to identify the zoning districts where uses involving domestic animals are allowed as a principal use or as a conditional use, by finding that the amendment as amended and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- B. Recommend **approval** to the Planning and Zoning Board of **Ordinance No. 17-21, as amended**, amending the Land Development Regulations to provide specific regulations regarding outdoor use areas, overnight boarding, disposal of carcasses, site and structural requirements, hours of operation, and separation requirements for uses involving domestic animals; to identify the zoning districts where uses involving domestic animals are allowed as a principal use or as a conditional use, by finding that the amendment as amended and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- C. Recommend **denial** to the Planning and Zoning Board of **Ordinance No. 17-21**, amending the Land Development Regulations to provide specific regulations regarding outdoor use areas, overnight boarding, disposal of carcasses, site and structural requirements, hours of operation, and separation requirements for uses involving domestic animals; to identify the zoning districts where uses involving domestic animals are allowed as a principal use or as a conditional use, by finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Land Development Regulations.