

ORDINANCE NO. 17-21

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 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES," SUBSECTION (W), "VETERINARY CLINICS," TO RENAME THE SUBSECTION AS "USES INVOLVING DOMESTIC ANIMALS" AND TO PROVIDE SPECIFIC REGULATIONS REGARDING OUTDOOR USE AREAS, OVERNIGHT BOARDING, DISPOSAL OF CARCASSES, SITE AND STRUCTURAL REQUIREMENTS, HOURS OF OPERATION, AND SEPARATION REQUIREMENTS; AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.9 "GENERAL COMMERCIAL (GC) DISTRICT," SUBSECTION (B) "PRINCIPAL USES AND STRUCTURES PERMITTED," AND SUBSECTION (D) "CONDITIONAL USES AND STRUCTURES PERMITTED," SECTION 4.4.11 "NEIGHBORHOOD COMMERCIAL (NC) DISTRICT," SUBSECTION (B) "PRINCIPAL USES AND STRUCTURES PERMITTED" AND SUBSECTION (D) "CONDITIONAL USES AND STRUCTURES PERMITTED," SECTION 4.4.12 "PLANNED COMMERCIAL (PC) DISTRICT," SUBSECTION (B) "PRINCIPAL USES AND STRUCTURES PERMITTED," SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," TABLE 4.4.13(A) – "ALLOWABLE USES IN THE CBD SUB-DISTRICTS," SECTION 4.4.16, "PROFESSIONAL AND OFFICE (POD) DISTRICT," SUBSECTION (D), "CONDITIONAL USES AND STRUCTURES ALLOWED," SECTION 4.4.18, "PLANNED COMMERCE CENTER (PCC) DISTRICT," SUBSECTION (B) "ALLOWED USES," SECTION 4.4.19 "MIXED USE AND COMMERCIAL (MIC) DISTRICT," SUBSECTION (B) "PRINCIPAL USES AND STRUCTURES PERMITTED," AND SUBSECTION (D) "CONDITIONAL USES AND STRUCTURES PERMITTED," SECTION 4.4.20 "INDUSTRIAL (I) DISTRICT," SUBSECTION (B) "PRINCIPAL USES AND STRUCTURES PERMITTED," AND SUBSECTION (D) "CONDITIONAL USES AND STRUCTURES PERMITTED", SECTION 4.4.24 "OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD)," SUBSECTION (B) "PRINCIPAL USES AND

STRUCTURES,” SUBSECTION (D) “CONDITIONAL USES AND STRUCTURES ALLOWED,” AND SUBSECTION (H), “SPECIAL DISTRICT REGULATIONS,” SECTION 4.4.26 “LIGHT INDUSTRIAL (LI) DISTRICT,” SUBSECTION (B) “PRINCIPAL USES AND STRUCTURES PERMITTED,” AND SUBSECTION 4.4.26(D) “CONDITIONAL USES AND STRUCTURES ALLOWED”, SECTION 4.4.29 “MIXED RESIDENTIAL, OFFICE AND COMMERCIAL (MROC) DISTRICT,” SUBSECTION (B) “PRINCIPAL USES AND STRUCTURES PERMITTED,” AND SUBSECTION (D) “CONDITIONAL USES AND STRUCTURES ALLOWED,” TO IDENTIFY THE ZONING DISTRICTS WHERE USES INVOLVING DOMESTIC ANIMALS ARE ALLOWED AS A PRINCIPAL USE BY-RIGHT OR CONDITIONAL USE; AMENDING APPENDIX A, “DEFINITIONS,” TO INCLUDE DEFINITIONS FOR ANIMAL SHELTER, DOMESTIC ANIMALS, DOMESTIC ANIMAL SERVICES, PET HOTEL, AND PET SERVICES; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on April 6, 2021, the Delray Beach City Commission (“City Commission”) directed staff to propose changes to the Land Development Regulations (“LDR”) as they relate to services for domestic animals; and

WHEREAS, the City Commission recognizes that domestic animals are an important part of the growing Delray Beach community; and

WHEREAS, this Ordinance supports and encourages high quality domestic animal services and establishments while mitigating the impacts to residential uses and neighborhoods; and

WHEREAS, the Historic Preservation Board reviewed the proposed amendments on June 2, 2021, and the Downtown Development Authority reviewed the proposed amendments on June 14, 2021; 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 July 19, 2021, and voted X to X to recommend that the proposed text amendments 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 of the City of Delray Beach finds the Ordinance is consistent with the Comprehensive Plan.

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. Article 4.3, "District Regulations, General Provisions," Section 4.3.3, "Special Requirements for specific uses," of the Land Development Regulations of the City of Delray Beach Code of Ordinances is hereby amended as follows:

(A) – (VV) (These subsections shall remain in full force and effect as adopted.)

(W) ~~***Veterinary clinics.*** A veterinary clinic shall not accommodate on-site disposal of carcasses nor shall it provide overnight accommodations of patients except for those under medical supervision. Boarding of animals is expressly prohibited.~~ ***Domestic animal services.*** Facilities providing domestic animal services shall obtain a permit issued by Palm Beach County Animal Care & Control Division prior to the establishment of the use and must comply with the following:

- (1) Outdoor 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.
- (2) On-site disposal of carcasses is prohibited.
- (3) Hours of operation shall be limited to 7:00 a.m. and 8:00 p.m., except for veterinary clinics for the purpose of providing emergency services.
- (4) ***Parking requirements.*** The minimum number of parking spaces required shall be determined by the gross floor area. Establishments 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 1 space per 300 square feet.
  - (c) Common areas within an establishment offering a mix of domestic animal services shall provide parking spaces based on the applicable calculation requiring the least amount of parking spaces.

- (5) **Overnight boarding.** Only veterinary clinics, pet hotels, and animal shelters may offer overnight boarding services subject to the following:
- (a) Areas designated for overnight boarding shall be fully enclosed with solid core doors and shall be sufficiently insulated to minimize noise or odor detection from outside the establishment.
  - (b) An on-site attendant shall be present at all times during boarding services.
  - (c) Pet hotels and animal shelters shall not be located within a mixed-use building with residential uses.
  - (d) **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 impacting event. The plan shall include the following:
    - 1. Description of how the animals in the facility will be accommodated if the main power source is out for more than 12 hours.
    - 2. An auxiliary power generator, either portable or permanent, is required, and shall be designed and equipped to power, at a minimum, the surgery and boarding rooms, for a period of not less than 24 hours.
      - a. Generators shall not be dependent on a municipal water supply for cooling purposes.
      - b. Both portable and permanent generators shall be tested on a quarterly basis and a test log shall be maintained for inspection by the City of Delray Beach, upon request.
    - 3. At a minimum, one on-site attendant must be able to operate the generators.
    - 4. Veterinary clinics, pet hotels and animal shelters that provide overnight boarding services and were legally established prior to the adoption of Ordinance No. 17-21 shall provide the facility's emergency preparedness plan within two years of the effective date.
    - 5. Facilities providing overnight boarding services may request relief from the

auxiliary power generator requirement through the waiver process per Section 2.4.7(B).

**(6) Outdoor use areas.** Only veterinary clinics, pet hotels, and animal shelters may offer outdoor use areas 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 outdoor use areas designated for domestic animal services, including interior yards or areas visible from the right-of-way.**
- (c) Pervious outdoor use areas intended for domestic animal services may be counted towards open space requirements.**
- (d) Outdoor activities are limited to the time between 7:00 a.m. and 8:00 p.m, except for necessary outdoor walks of one individual animal at a time in direct control of a person by means of a leash or cord.**
- (e) Separation requirements:**
  - 1. Properties with outdoor use areas intended for domestic animal services shall not be located within 300 feet of residentially zoned properties or other properties with outdoor use areas intended for domestic animal services as measured from lot line to lot line in a straight line.**
  - 2. Outdoor use areas shall not be located within 50 feet of any adjacent property, as measured from the exterior face of the wall or fence enclosing the outdoor use area to the adjacent lot line in a straight line.**

**Section 3.** 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 is hereby amended as follows:

(1)–(3) (These subsections shall remain in full force and effect as adopted.)

(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, ~~pet grooming~~, 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,

(5)–(10) (These subsections shall remain in full force and effect as adopted.)

(11) Pet services, pet hotels, and animal shelters without outdoor use areas, subject to Section 4.3.3(W).

Section 4. Article 4.4, “Base Zoning District,” Section 4.4.9, “General Commercial (GC) District,” Subsection (D), “Conditional Uses and Structures Permitted,” of the Land Development Regulations of the City of Delray Beach, Florida is hereby amended as follows:

(1)–(13) (These subsections shall remain in full force and effect as adopted.)

(14) Veterinary clinics, subject to Section 4.3.3(W).

(15) Pet hotels and animal shelters with outdoor use areas, subject to Section 4.3.3(W).

Section 5. Article 4.4, “Base Zoning District,” 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 is hereby amended as follows:

(1)–(4) (These subsections shall remain in full force and effect as adopted.)

(5) Pet services, subject to Section 4.3.3(W).

Section 6. Article 4.4, “Base Zoning District,” Section 4.4.11, “Neighborhood Commercial (NC) District,” Subsection (D), “Conditional Uses and Structures Permitted,” of the Land Development Regulations of the City of Delray Beach, Florida is hereby amended as follows:

(1)–(2) (These subsections shall remain in full force and effect as adopted.)

(3) Veterinary clinics, subject to Section 4.3.3(W).

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

Section 7. Article 4.4, “Base Zoning District,” Section 4.4.12, “Planned Commercial (PC) District,” Subsection (B), “Principal Uses and Structures Permitted,” of the Land Development Regulations of the City of Delray Beach, Florida is hereby amended as follows:

- (1) All uses allowed as such within the GC District [Section 4.4.9(B)(1) through (5), (7), (8), ~~and (10), and (11)~~].
- (2) (This subsection shall remain in full force and effect as adopted.)

Section 8. 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 is hereby amended as follows:

Table 4.4.13(A)—Allowable Uses and Structures in the CBD Sub-Districts				
	Central Core	Railroad Corridor	Beach Area	West Atlantic Neigh. <sup>5</sup>
General retail uses and/or facilities, as in GC district (4.4.9) <sup>1 2</sup>	P	P	P	P
Business, professional, and medical uses, as in GC district (4.4.9)	P	P	P	P
Services and facilities, as in GC district (4.4.9), excluding drive-through facilities	P	P	P	P
Multiple-family dwellings <sup>3</sup>	P	P	P	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
Live/work units (see 4.3.3(KKK))	P	P	P	P
<u>Pet Services [see 4.3.3(W)]</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Hotels, motels, and residential-type inns <sup>3</sup> (see 4.3.3(M) and 4.3.3 (X))	P	P	P	C
Bed and breakfast inns (see 4.3.3 (Y))	P	P	P	C
Public Parking Garages, as mapped on a Regulating Plan	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	-	-
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
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
Home occupations (see 4.3.3(K))	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
Parking areas, passenger drop-off, loading/unloading	A,S	A,S	A,S	A,S
Automated parking garages	-	S	-	-
Refuse and service areas	A,S	A,S	A,S	A,S
Recreational facilities (for a multiple-family development)	A	A	A	A
Services and repair (incidental to the principal use)	A,S	A	A,S	A,S
Single-family dwelling (occupied by owner, proprietor, or employee of the principal use)	A	A	A	A
Storage of inventory (not shared or leased independent of the principal use)	A,S	A	A,S	A,S
Automobile repair	-	C	-	-
Child care Facilities (see 4.3.3(E)) and adult day care facilities (see 4.3.3(F))	C	C	C	C
Commercial recreational facilities, such as bowling alleys and skating rinks	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
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
Gasoline stations (See 4.4.13(J)(7)(b) and/or car washes (See 4.4.13(J)(7)(c))	C	C	-	-

Large family child care homes (see 4.3.3(TT))	C	C	C	C
Dry-cleaning Processing Plants	-	C	-	-
Segway tours and Segway sales (see 4.3.3(ZZZZ))	C	C	C	C
Theaters, excluding drive-ins	C	C	C	C
Veterinary Clinics (see 4.3.3(W))	C	C	C	C
24-hour or late-night businesses, within 300 feet of residential zoned property [see 4.3.3(VV)]	C	C	C	C
Urban Agriculture [4.3.3 (D)] excluding outdoor Urban Farms	P, A	P, A	-	P, A
Outdoor Urban Farms [4.4.3(D)]	C	C	C	C
Pet hotels and animal shelters without outdoor uses [See 4.3.3(W)]		C		C
<b>LEGEND:</b> P = Principal Use A = Accessory Use C = Conditional Use - = Prohibited Use S = Secondary Street Use				
<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.				

**Section 9.** Article 4.4, “Base Zoning District,” Section 4.4.16, “Professional Office (POD) District,” Subsection (D), “Conditional Uses and Structures Allowed,” of the Land Development Regulations of the City of Delray Beach, Florida is hereby amended as follows:

- (1) (This subsection shall remain in full force and effect as adopted.)
- (2) Veterinary clinics~~—~~, subject to Section 4.3.3(W).
- (3)–(4) (These subsections shall remain in full force and effect as adopted.)

**Section 10.** Article 4.4, “Base Zoning District,” Section 4.4.18, “Planned Commerce Center (PCC) District,” Subsection (B), “Allowed Uses,” of the Land Development Regulations of the City of Delray Beach, Florida is hereby amended as follows:

- (1)–(5) (These subsections shall remain in full force and effect as adopted.)
- (6) **Supplemental uses.** The following uses are allowed within any of the above use areas provided that they are of such a scale, design, and location to cater to the needs of employees of the industrial park or to otherwise meet the rational stated herein. Space allocations for these uses shall be identified during site plan approvals. These uses may not be established in areas other than as shown on approved site plans.
  - Lunch counters, snack bars, and vending machine areas
  - Classroom and training facilities
  - Child Care facilities
  - Sundry shops
  - Retail outlets for the sale of items manufactured, assembled, fabricated, or otherwise produced on-site; provide that the floor area dedicated to such a retail outlet shall not exceed ten percent of the area used for the production of the product or products of a business; and, in no event, shall such uses exceed 1,000 square feet in area. This



restriction does not apply to the Service Industry land use areas. See Section 4.4.18(B)(4) regarding retail use allowances in the Service Industry areas.

- Pet services, pet hotels and animal shelters without outdoor use areas, subject to Section 4.3.3(W).

Section 11. Article 4.4, “Base Zoning District,” Section 4.4.19, “Mixed Industrial and Commercial (MIC) District,” Subsection (B), “Principal Uses and Structures Permitted,” of the Land Development Regulations of the City of Delray Beach, Florida is hereby amended as follows:

(1)–(9) (These subsections shall remain in full force and effect as adopted.)

(10) Pet hotels and animal shelters without outdoor use areas, subject to Section 4.3.3(W).

Section 12. Article 4.4, “Base Zoning District,” Section 4.4.19, “Mixed Industrial and Commercial (MIC) District,” Subsection (D), “Conditional Uses and Structures Permitted,” of the Land Development Regulations of the City of Delray Beach, Florida is hereby amended as follows:

(1) The following uses are allowed as conditional uses within the MIC Zone District:

(a) ~~Kennels, no on-site disposal of carcasses.~~ Pet hotels and animal shelters with outdoor use areas, subject to Section 4.3.3(W).

(b)–(f) (These subsections shall remain in full force and effect as adopted.)

Section 13. Article 4.4, “Base Zoning District,” Section 4.4.20, “Industrial (I) District,” Subsection (B), “Principal Uses and Structures Permitted,” of the Land Development Regulations of the City of Delray Beach, Florida is hereby amended as follows:

(1)–(7) (These subsections shall remain in full force and effect as adopted.)

(8) Pet hotels and animal shelters without outdoor use areas, subject to Section 4.3.3(W).

Section 14. That Article 4.4, “Base Zoning District,” Section 4.4.20, “Industrial (I) District,” Subsection (D), “Conditional Uses and Structures Permitted,” of the Land Development Regulations of the City of Delray Beach, Florida, be, and the same is hereby amended to read as follows:

(1)–(9) (These subsections shall remain in full force and effect as adopted.)

(10) ~~Kennels, no on-site disposal of carcasses;~~ Pet hotels and animal shelters with outdoor use areas, subject to Section 4.3.3(W).

Section 15. Section 4.4.24, “Old School Square Historic Arts District (OSSHAD),” Subsection (B), “Principal Uses and Structures,” of the Land Development Regulations of the City of Delray Beach, Florida is hereby amended as follows:

(1)–(15) (These subsections shall remain in full force and effect as adopted.)

(16) Pet services limited to establishments offering only bathing and grooming services, subject to Section 4.3.3(W) and Section 4.4.24(H)(8).

Section 16. Section 4.4.24, “Old School Square Historic Arts District (OSSHAD),” Subsection (D), “Conditional Uses and Structures Allowed,” of the Land Development Regulations of the City of Delray Beach, Florida is hereby amended as follows:

(1)–(6) (These subsections shall remain in full force and effect as adopted.)

(7) Veterinary clinics and pet services, subject to Section 4.3.3(W) and Section 4.4.24(H)(8).

Section 17. Section 4.4.24, “Old School Square Historic Arts District (OSSHAD),” Subsection (H), “Special District Regulations,” of the Land Development Regulations of the City of Delray Beach, Florida is hereby amended as follows:

(1)–(7) (These subsections shall remain in full force and effect as adopted.)

(8) **Veterinary clinics and pet services.** Veterinary clinics providing outpatient accommodations only, and pet services providing services other than grooming are also subject to the following:

(a) Overnight boarding and outdoor use areas intended for domestic animal services are prohibited.

(b) Areas designated for daytime boarding and training services as part of a pet service establishment are limited to a maximum of 50 percent of the total gross floor area.

(c) Areas designated to accommodate and provide services for domestic animals shall be fully enclosed with solid core doors and sufficiently insulated to minimize noise or odor detection from outside the establishment.

(d) Veterinary clinics and establishments offering domestic animal services shall not be located within a mixed-use building with residential uses.

Section 18. Article 4.4, “Base Zoning District,” Section 4.4.26, “Light Industrial (LI) District,” Subsection (B), “Principal Uses and Structures Permitted,” of the Land Development Regulations of the City of Delray Beach is hereby amended as follows:

(1)–(7) (These subsections shall remain in full force and effect as adopted.)

(8) Pet hotels and animal shelters without outdoor use areas, subject to Section 4.3.3(W).

Section 19. Article 4.4, “Base Zoning District,” Section 4.4.26, “Light Industrial (LI) District,” Subsection (D), “Conditional Uses and Structures Allowed,” of the Land Development Regulations of the City of Delray Beach, Florida is hereby amended as follows:

(1)–(3) (These subsections shall remain in full force and effect as adopted.)

(4) Pet hotels and animal shelters with outdoor use areas, subject to Section 4.3.3(W).

Section 20. Article 4.4, “Base Zoning District,” 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 is hereby amended as follows:

(1)–(2) (These subsections shall remain in full force and effect as adopted.)

(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.
- (e) Pet services subject to Section 4.3.3(W).

Section 21. Article 4.4, “Base Zoning District,” 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 is hereby amended as follows:

- (1) (This subsection shall remain in full force and effect as adopted.)
- (2) Veterinary Clinics~~;~~, subject to Section 4.3.3(W).
- (3)–(9) (These subsections shall remain in full force and effect as adopted.)

Section 22. Appendix A, “Definitions,” of the Land Development Regulations of the City of Delray Beach, Florida is hereby amended as follows:

ANIMAL SHELTER. A county, municipal, or public animal shelter or a duly incorporated or organized nonprofit organization operated as a bona fide charitable organization under Section 501(c) 3 of the Internal Revenue Code devoted to the rescue, care, and/or adoption of stray, abandoned, or surrendered animals, and which does not breed animals.

DOMESTIC ANIMALS. Historically domesticated companion animals such as dogs, cats, birds, or other tamed animals.

DOMESTIC ANIMAL SERVICES. Domestic animal services are limited to veterinary clinics, pet services, pet hotels and animal shelters.

PET HOTEL. Establishments providing daily and overnight accommodations for domestic animals.

PET SERVICES. Establishments providing services for domestic animals such as grooming, bathing, training, and daytime boarding.

Section 23. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 24. 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 of this Ordinance.

Section 25. Specific authority is hereby given to codify this Ordinance.

Section 24. 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 the \_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
Shelly Petrolia, Mayor

\_\_\_\_\_  
Katerri Johnson, City Clerk

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

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

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lynn Gelin, City Attorney