Legislation Text

**File #:** 21-953, **Version:** 1

**TO:** **Mayor and Commissioners**
**FROM:** **Anthea Gianniotes, Development Services Director**
**THROUGH:** **Terrence R. Moore, ICMA-CM**
**DATE:** **October 19, 2021**

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 AND TO PROVIDE SPECIFIC REGULATIONS FOR DOMESTIC ANIMAL SERVICE FACILITIES, INCLUDING PARKING REQUIREMENTS, OVERNIGHT BOARDING, AND OUTSIDE USE AREAS; AMENDING ARTICLE 4.4, “BASE ZONING DISTRICT,” SECTION 4.4.9, “GENERAL COMMERCIAL (GC) DISTRICT,” SUBSECTION (B), “PRINCIPAL USES AND STRUCTURES PERMITTED,” TO REMOVE PET GROOMING FROM THE LIST OF PERMITTED SERVICES AND FACILITIES; AND AMENDING SUBSECTION (D), “CONDITIONAL USES AND STRUCTURES ALLOWED” TO ADD PET SERVICES AND PET HOTELS AS A CONDITIONAL USE; AMENDING SECTION 4.4.11, “NEIGHBORHOOD COMMERCIAL (NC) DISTRICT,” SUBSECTION (D), “CONDITIONAL USES AND STRUCTURES ALLOWED,” TO ADD PET SERVICES AS A CONDITIONAL USE; 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 ADD PET SERVICES AS A CONDITIONAL USE TO ALL SUB-DISTRICTS AND PET HOTELS AS A CONDITIONAL USE TO THE RAILROAD CORRIDOR SUB-DISTRICT; AMENDING SECTION 4.4.16, “PROFESSIONAL AND OFFICE (POD) DISTRICT,” SUBSECTION (D), “CONDITIONAL USES AND STRUCTURES ALLOWED” TO REFERENCE SECTION 4.3.3(W); AMENDING SECTION 4.4.18, “PLANNED COMMERCE CENTER (PCC) DISTRICT,” SUBSECTION (B), “ALLOWED USES” TO ADD PET SERVICES WITHOUT OUTSIDE USE AREAS; AMENDING SECTION 4.4.19, “MIXED INDUSTRIAL AND COMMERCIAL (MIC) DISTRICT,” SUBSECTION (D), “CONDITIONAL USES AND STRUCTURES ALLOWED” TO UPDATE TERMINOLOGY AND TO ADD PET SERVICES WITH OUTSIDE USE AREAS; AMENDING SECTION 4.4.20, “INDUSTRIAL (I) DISTRICT,” SUBSECTION (D), “CONDITIONAL USES AND STRUCTURES PERMITTED” TO UPDATE TERMINOLOGY AND ADD PET SERVICES WITH OUTSIDE USE AREAS; AMENDING SECTION 4.4.24, “OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD),” SUBSECTION (D), “CONDITIONAL USES AND STRUCTURES ALLOWED,” TO ADD PET SERVICES AND VETERINARY CLINICS AND AMENDING SUBSECTION (H), “SPECIAL DISTRICT REGULATIONS” TO PROVIDE ADDITIONAL LIMITATIONS ON PET SERVICES AND VETERNIARY CLINCS; AMENDING SECTION 4.4.26, “LIGHT INDUSTRIAL (LI) DISTRICT,” SUBSECTION (D), “CONDITIONAL USES AND STRUCTURES ALLOWED” TO ADD PET SERVICES WITH OUTSIDE USE AREAS, PET HOTELS,

AND ANIMAL SHELTERS; AMENDING SECTION 4.4.29, “MIXED RESIDENTIAL, OFFICE AND COMMERCIAL (MROC) DISTRICT,” SUBSECTION (E), “CONDITIONAL USES AND STRUCTURES ALLOWED” TO ADD PET SERVICES; AMENDING APPENDIX A, “DEFINITIONS,” TO ADOPT 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. (SECOND READING/PUBLIC HEARING)

**Recommended Action:**
Review and consider Ordinance No. 17-21 on Second Reading, to amend the Land Development Regulations (LDR) to adopt specific regulations for domestic animal services, which includes veterinary clinics, pet services, and pet hotel and shelter establishments, and to identify those zoning districts where domestic animal services are allowed as a principal use or as a conditional use.

**Background:**
At the meeting of April 6, 2021, the City Commission directed staff to evaluate the LDR regarding domestic animals services and bring forward an update that distinguishes among the range of specialized services that have emerged in the industry and identify where they can be appropriately accommodated without negatively impacting residential uses or neighborhoods.

Currently, both overnight and daytime boarding services (kennels) have been limited to the Industrial and the Mixed Industrial Commercial (MIC) zoning districts allowed as a conditional use. Veterinary Clinics are allowed as conditional uses in most commercial zoning districts, including the Central Business District (CBD), General Commercial (GC), Neighborhood Commercial (NC), and Mixed Residential, Office, and Commercial (MROC). Daytime boarding, which is commonly referred to as "doggy daycare", is not expressly defined but has been allowed as an ancillary use for pet grooming facilities, given that the animals are frequently dropped off and picked up from the appointments. The current LDR does not recognize outdoor use areas as part of legally established kennels, veterinary clinics, or pet grooming businesses. The code also limits the types of activity that can occur outside. 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 business within a completely enclosed building rather than outside regardless of the zoning district*. Exceptions are expressly listed in LDR Section 4.6.6(B), Allowable Outside Usage and include uses such as outdoor dining, storage of nursery plants, and retail displays. This section also 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.*

The proposed amendments update and expand the regulations related to services for domestic animals. The goal is to support and encourage high quality domestic animal services and establishments while mitigating the impacts to residential uses and neighborhoods. The amendments propose the following:

1. New definitions distinguishing among animal shelter, pet hotel, pet services, and domestic animal services.
2. Adopting regulations related to indoor operations, including sound dampening requirements, on-site attendant requirements, limitations on hours, emergency preparation, etc.
3. Establishing provisions for outdoor use areas with minimum distance separation requirements through a conditional use process.

4. Allowing animal shelters, pet hotels, and pet services without outdoor use areas as permitted uses in commercial districts.
5. Maintaining veterinary clinics as conditional uses.

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 and furthers the Goals, Objectives and Policies (GOP) of the Comprehensive Plan. The attached Planning and Zoning Board report provides a full analysis of the Comprehensive Plan policies.

At the July 19, 2021 meeting, the Planning and Zoning Board reviewed the proposed LDR Amendments and recommended approval (5-0 vote) to the City Commission. On August 17, 2021, the City Commission requested that staff update Ordinance No. 17-21 prior to second reading, to make all domestic animal services a conditional, rather than permitted use. The Ordinance was amended with this change.

**City Attorney Review:**
Reviewed and approved as to legal form and sufficiency.

**Funding Source/Financial Impact:**
N/A

**Timing of Request:**
Ordinance No. 17-21 will become effective upon adoption on October 19, 2021.