



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

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## PUBLIC NOTICE

### RE: ORDINANCE NO. 17-21 – DOMESTIC ANIMAL SERVICES

The City Commission of the City of Delray Beach, Florida will conduct a **PUBLIC HEARING** on **TUESDAY, OCTOBER 19, 2021 at 4:00 PM** (or as soon thereafter as may be heard) to consider a City-initiated Ordinance to amend the Land Development Regulations (LDR) via Ordinance No. 17-21, 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.

Ordinance No. 17-21 may be inspected online at <https://www.delraybeachfl.gov/government/city-departments/city-clerk/public-notices>. If you would like further information as to how the subject request may affect your property or business establishment, please contact Rebekah Dasari, Senior Planner, at 561-243-7040, Ext. 7040; via email at [DasariR@mydelraybeach.com](mailto:DasariR@mydelraybeach.com); or at the Development Services Department, City Hall, 100 NW 1<sup>st</sup> Avenue, Delray Beach, Florida 33444 between the hours of 8:00 AM and 5:00 PM.

Members of the public may attend City Commission meeting in the City Commission Chambers at 100 NW 1<sup>st</sup> Avenue, Delray Beach, FL 33444 or view the meeting through the City's website at <https://www.delraybeachfl.gov/i-want-to/watch/city-meetings>, where it will be live-streamed for the public. Any member of the public wishing to comment publicly on any matter, including public comment or public hearing items, may comment in-person during the presentation of the item, or submit their comments in writing to the Development Services Department prior to the start of the meeting.

Please be advised that if the action taken on this request is appealed, the appellant may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. The City does not provide nor prepare such record pursuant to F.S. 286.0105.

City of Delray Beach  
Development Services Department  
Date: October 8, 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 VETERINARY CLINICS; 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.

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 facilities 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 5 to 0 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 this 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. Section 4.3.3, “Special requirements for specific uses,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

**Sec. 4.3.3. – Special requirements for specific uses.**

By nature of characteristics unique to the following uses, such use may be established only in compliance with these special requirements. These requirements are in addition to those established elsewhere in these Regulations. Description of each use in this Section shall be of its common meaning or as pursuant to the Definitions Section of these Regulations.

(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) 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 1 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 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. A minimum of one attendant on-site 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. Businesses that do not provide an on-site or portable auxiliary generator may request relief through the waiver process pursuant to Section 2.4.7(B).
- (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.

(X) – (ZZZZ) (These subsections shall remain in full force and effect as adopted.)

Section 3. That 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) – (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) (This subsection shall remain in full force and effect as adopted.)

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

Section 4. That 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, expect as modified in the North Federal Highway Overlay District by Section 4.4.9(G)(2) and except as modified in the Four Corners Overlay District by Section 4.4.9(G)(3)(c).

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

(14) Pet services, pet hotels, and ~~v~~veterinary clinics, subject to Section 4.3.3(W).

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

Section 5. That 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) – (2) (These subsections shall remain in full force and effect as adopted.)

(3) Pet services and ~~V~~-veterinary clinics, subject to Section 4.3.3(W).

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

Section 6. That 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:

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
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
<u>Pet Services [See 4.3.3(W)]</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Pet Hotels [See 4.3.3(W)]</u>	<u>-</u>	<u>C</u>	<u>-</u>	<u>-</u>
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
<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 7. That 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) (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 8. That 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, be and the same is hereby amended as follows:

(B) **Allowed uses.** Use areas as identified herein shall be depicted upon the land use map component of the Master Development Plan (MDP). The list of specific uses allowed within a specific PCC shall be established in the narrative portion of the MDP. Thereafter, uses identified as being allowed in a

specific land use area are allowed pursuant to provisions of the narrative. Alterations to the list of specific uses may be made through the site and development plan modification process.

(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.

(a) – (e) (These subsections shall remain in full force and effect as adopted.)

(f) Pet services without outside use areas, subject to Section 4.3.3(W).

Section 9. That Section 4.4.19, “Mixed Industrial and Commercial (MIC) 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.***

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

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

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

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

Section 10. That 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:

(D) ***Conditional uses and structures permitted.*** The following uses are allowed as conditional uses:

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

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

(11) – (19) (These subsections shall remain in full force and effect as adopted.)

Section 11. That 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, 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 OSSHAD:

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

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

Section 12. That 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, be and the same is hereby amended as follows:

(H) ***Special district regulations.***

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

(8) **Pet Services and veterinary clinics.** Pet service facilities providing services other than grooming and veterinary clinics are also subject to the following:

(a) Veterinary clinics are limited to outpatient services only;

(b) Overnight boarding and outside use areas for domestic animal services are prohibited;

(c) Areas designated for daytime boarding and training services are limited to a maximum of 50 percent of the total gross floor area; and

(d) Veterinary clinics and pet service facilities shall not be located within a mixed-use building with residential uses.

Section 13. That 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, 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 LI Zone District:

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

- (4) Pet services with outside use areas, pet hotels, and animal shelters, subject to Section 4.3.3(W).

Section 14. That 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) (This subsection shall remain in full force and effect as adopted.)
- (2) Pet services and ~~V~~veterinary ~~C~~clinics, subject to Section 4.3.3(W).
- (3) – (9) (These subsections shall remain in full force and effect as adopted.)

Section 15. That Appendix A, “Definitions,” of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended to adopt the following new definitions:

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. Places of business, either for profit or not for profit, that provide services for the care and well-being of domestic animals including veterinary clinics, pet service facilities, pet hotels, and animal shelters.

PET HOTEL. A place of business that provides both daily and overnight boarding accommodations for domestic animals.

PET SERVICES. A place of business that provides temporary care and services for domestic animals such as grooming, bathing, training, and daytime boarding.

Section 16. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 17. 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 18. Specific authority is hereby given to codify this Ordinance.

Section 19. 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:

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

\_\_\_\_\_  
Shelly Petroia, Mayor

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

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

Approved as to form and legal sufficiency:

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