

**PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION**

**Application No.:** CA-2018-00303  
**Application Name:** McGovern's K9 Solutions  
**Control No.:** 2018-00026  
**Applicant:** Thomas McGovern  
**Owners:** Thomas McGovern  
**Agent:** Land Research Management, Inc. - Kevin McGinley  
**Telephone No.:** (561) 686-2481  
**Project Manager:** Lorraine Fuster, Site Planner II

**TITLE:** a Class A Conditional Use **REQUEST:** to allow Limited Pet Boarding accessory to a Single-Family residence.

**APPLICATION SUMMARY:** Proposed is Class A Conditional Use for McGovern's K9 Solutions. The 1.32-acre parcel has no previous zoning approvals, and is currently developed with a Single-Family residence.

The Applicant is requesting a Class A Conditional Use to allow a Limited Pet Boarding facility as an accessory use for the existing Single-Family residence. The Applicant is proposing to board a maximum of seven cats or dogs within the house in accordance with Article 4.B, Use Regulations of the Unified Land Development Code (ULDC). The total number of cats or dogs shall not exceed the maximum limits for dogs and cats established by Animal Care and Control (ACC) pursuant to Palm Beach County Ordinance 98-22, Section 4-22.

The Preliminary Site Plan (PSP) indicates a one story Single-Family residence of 1,654 square feet (sq. ft.), a proposed 280 sq. ft. shed, and an outdoor area of 6,340 sq. ft. The property has access from 67th Street North (1).

This application was reviewed under ULDC Ord. 2003-067, Supplement 23.

**SITE DATA:**

Location:	Northeast corner of 67th Street North and Coconut Boulevard
Property Control Number(s)	00-41-42-34-00-000-1440
Existing Future Land Use Designation:	Rural Residential, 1 unit per 2.5 acres (RR-2.5)
Proposed Future Land Use Designation:	No proposed change
Existing Zoning District:	Agricultural Residential District (AR)
Proposed Zoning District:	No proposed change
Total Acreage:	1.32 acres
Affected Acreage:	1.32 acres
Tier:	Exurban
Overlay District:	N/A
Neighborhood Plan:	Acreage Neighborhood Plan
CCRT Area:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	N/A

**RECOMMENDATION:** Staff recommends approval of the request subject to 9 Conditions of Approval as indicated in Exhibit C.

**PUBLIC COMMENT SUMMARY:** At the time of publication, staff had received no contacts from the public regarding this project.

**PROJECT HISTORY:** Building records reflect that the subject property was developed in 1991 as a Single-Family residence pursuant to the following permits – B1990-024773-000 (residence), and

B2017-015334-0000 (fence). The property has no previous Zoning approvals by the Zoning Commission or the Board of County Commissioners (BCC).

**SURROUNDING LAND USES:**

**NORTH:**

FLU Designation: Rural Residential, 1 unit per 2.5 acres (RR-2.5)  
Zoning District: Agricultural Residential District (AR)  
Supporting: Residential

**SOUTH:**

FLU Designation: Rural Residential, 1 unit per 2.5 acres (RR-2.5)  
Zoning District: Agricultural Residential District (AR)  
Supporting: Residential

**EAST:**

FLU Designation: Rural Residential, 1 unit per 2.5 acres (RR-2.5)  
Zoning District: Agricultural Residential District (AR)  
Supporting: Residential

**WEST:**

FLU Designation: Rural Residential, 1 unit per 2.5 acres (RR-2.5)  
Zoning District: Agricultural Residential District (AR)  
Supporting: Residential

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**FINDINGS:**

Conditional Uses, and Development Order Amendments:

When considering a Development Order application for a Conditional Use, or a Development Order Amendment, the BCC and ZC shall consider Standards a - h listed in Article 2.B.7.B.2. of the ULDC. The Standards and Staff Analyses are indicated below. A Conditional Use or Development Order Amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

**a. Consistency with the Plan – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.***

○ Consistency with the Comprehensive Plan: The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

○ Intensity: The request for a total of 70,699.2 square feet equates to a FAR of approximately 0.03 (1,934 square feet / 70,699.2 square feet or 1.32 acres = 0.027). The maximum Floor Area Ratio (FAR) of .20 is allowed for a non-residential project with a RR-2.5 FLU designation in the Exurban Tier (1.32 acres x 43,560 square feet x .20 maximum FAR = 11,499.84 square feet maximum).

○ Special Overlay District / Neighborhood Plan / Planning Study Area: The property is located within the Acreage Neighborhood Plan. The request is not inconsistent with the Neighborhood Plan. Recommendation L8 (Page 9) of the Acreage Neighborhood Plan states that any commercial use within the acreage “should be compatible with the surrounding residential community.” The proposed use is a home operation and includes a 280 sq.ft. shed. This use is consistent with the surrounding community and residential uses.

○ The Applicant and Staff have attempted to contact the Acreage Landowners Association several times since submittal of this application and have not had any response. To date, no issues or concerns have been received by the Planning Division.

**b. Consistency with the Code - *The proposed use or amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.***

The proposed accessory use, Limited Pet Boarding, meets the following ULDC Supplementary Use standards:

- **Lot Size:** The proposed use requires a minimum lot size of one acre; the 1.32-acre property exceeds ULDC lot size requirement.
  - **Letter from Palm Beach County Division of Animal Care and Control (ACC):** As required by ULDC Art. 4.D.1.E.10, Approval Process [Related to Limited Pet Boarding], the Applicant submitted a letter from Palm Beach County ACC, confirming the Applicant's intent to operate an accessory Limited Pet Boarding facility at this specific location.
  - **Separation Distance:** Per ULDC the proposed Limited Pet Boarding use shall not be located within a radius of 1,000 feet of another Limited Pet Boarding. The subject application is the second of its kind to seek such approval. The first approved Limited Pet Boarding Facility is located approximately 3,800 feet south of the subject property (Pawela Limited Pet Boarding, Control No. 2017-00052).
  - **Maximum Number:** No more than a total of seven cats or dogs shall be boarded at any given time, excluding those owned by the occupants of the premises. The total number of cats and dogs boarded and owned by the resident of the Single Family Dwelling shall not exceed the maximum limits for dogs and cats established by Animal Care and Control pursuant to Palm Beach County ACC Ordinance 98-22, section 4-22. The aforementioned Ordinance would allow the Applicant to maintain up to a maximum of 10 dogs and/or cats on the subject site. This means that if the Applicant were seeking to board up to the maximum 7 dogs and/or cats allowed under Limited Pet Boarding, that they would not be permitted to own more than 3 dogs and/or cats.
  - **Boarding:** The ULDC requires that all cats or dogs be boarded within the Single Family structure except when outdoor activities take place. Furthermore, it states that boarding operations not conducted within the Single Family dwelling, but in an accessory structure, must be a legally conforming use as of October 1, 2016, which does not apply to this Application. Hence, the Applicant has indicated that all boarding activities will be conducted within the Single Family residence. Per ULDC, Art. 4.B.1.E.12.h.2, Outdoor Areas, the outdoor area shall be setback a minimum of 25 feet from all property lines. The PSP shows the 6,340 sq. ft. outdoor area set back a minimum of 25 feet from property lines and will be required subject to Site Design Condition of Approval to be enclosed by a fence.
  - **Hours:** The Applicant indicates in the Justification Statement that all pets will be boarded within the existing residence and acknowledges that outdoor activities are limited to 7:00 a.m. and 9:00 p.m., unless under the restraint or control of a person by means of a leash. The Applicant also will comply with the limitations for hours of operation established by the ULDC, including drop-off and pickup between 6:00 a.m. to 7:00 p.m.
  - **Signage:** Per ULDC, no signage shall be allowed to advertise the Limited Pet Boarding use. No signage is being proposed as part of this request. Therefore, the proposed use complies with all Code requirements and supplementary use standards contained in Article 4.B.1.E.12, Limited Pet Boarding.
- c. Compatibility with Surrounding Uses – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.***

The requested Class A Conditional Use is compatible and generally consistent with surrounding Single-Family Residential uses in the area. The existing single-family home will be used to board dogs and/or cats, no exterior modifications are being proposed as part of this request. Animal Care and Control pursuant to Palm Beach County ACC Ordinance 98-22, section 4-22 restricts the number of cats or dogs based on acreage (for example, 1-10 cats/ dogs allowed on parcels less than 1.5 acres). Additionally, in an effort to mitigate traffic trips within a neighborhood and other potential impacts, the ULDC limits the maximum total number of cats and dogs at seven, exclusive of the owner's dogs and cats. The total number of cats and dogs boarded and owned by the resident of the Single Family Dwelling will not exceed the maximum limits for dogs and cats established by ACC.

The proposed accessory use will not change the character of the property; the ULDC prohibits the use of signage to advertise the proposed Limited Pet Boarding. The residential character of the property will remain intact.

- d. Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The proposed Limited Pet Boarding does not create any adverse effects, including visual impact and intensity of the proposed use on adjacent lands. The Applicant is proposing to add a 280 sq. ft. shed and will be conditioned to install a fence to enclose the Outdoor Area. The intention of the fence is to minimize adverse impacts on neighboring properties by maintaining the separation between the boarded animals and the property lines. Both of those additions will require Building Permits to install. As Per ULDC, Limited Pet Boarding is an accessory residential use and shall remain under the same ownership of the principal use.

- e. Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

**ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:**

**VEGETATION PROTECTION:** The property has an existing single-family dwelling. The project does not require the removal of significant amounts of native vegetation.

**WELLFIELD PROTECTION ZONE:** The property is not located within a Wellfield Protection Zone.

**IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER:** All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

**ENVIRONMENTAL IMPACTS:** There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

- f. Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

There is no expected impact to the development pattern of the surrounding area. The proposed Limited Pet Boarding Facility will maintain the large lot single-family residence development character of the area, and operations of the use will be conducted within the existing single-family dwelling. Therefore, the proposed accessory will not adversely affect the neighborhood patterns. The requested use is located in ULDC, Table 4.B.1.D, Corresponding Accessory Use to a Principal Use, in the Residential Use Classification. Accessory uses do not exist as stand-alone uses since they are incidental to the principal use.

- g. Adequate Public Facilities** – *The extent to which the proposed use complies with Art. 2. F, Concurrency.*

**TRAFFIC IMPACTS:** The use of an existing single family home for limited pet boarding of no more than 7 dogs at one time is expected to generate a maximum of 14 trips during both the AM and PM peak hours. This is a very conservative estimate, since this estimate is based on the assumption that all pet owners will come and leave at the same time during one hour in the peak. The build-out is expected to be by 2019. The additional traffic will have an insignificant impact.

There are no roadway improvements required to meet the Traffic Performance Standards since the project will have an insignificant impact.

The property owner shall protect the corner clip at the southwest corner of the property.

PALM BEACH COUNTY HEALTH DEPARTMENT: This project meets Florida Department of Health's requirements.

FIRE PROTECTION: Staff has reviewed the project and has no issues with the proposed request at this time.

SCHOOL IMPACTS: Staff has reviewed this application and has no comments.

PARKS AND RECREATION: This is a nonresidential project, therefore Park and Recreation Department ULDC standards do not apply.

**h. Changed Conditions or Circumstances** – *There are demonstrated changed site conditions or circumstances, provided by the Applicant's Justification Statement that necessitate a modification.*

In 2017, the ULDC was amended to allow Limited Pet Boarding as an accessory use to a Single Family dwelling. No additional structures are proposed with this application and the proposed use will be dependent on the Single Family use.

**CONCLUSION:** Staff has evaluated the standards listed under Article 2.B. and determined that there is a balance between the need of change and the potential impacts generated by this change. Therefore, Staff is recommending approval of the Class A Conditional Use. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibits C.

## CONDITIONS OF APPROVAL

### Exhibit C Conditional Use Class A

#### ALL PETITIONS

1. The approved Preliminary Site Plan is dated June 25, 2018. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

#### ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2019. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Training and boarding of a maximum of 7 dogs will be permitted at a time.

3. Prior to the issuance of the first Building Permit, the Property Owner shall protect the corner clip at the southwest corner of the property in a manner acceptable to the County Engineer. (BLDG/PMT: MONITORING - Engineering)

#### SITE DESIGN

1. Prior to Final Approval by the Development Review Officer, the Final Site Plan shall be revised to show that the Outdoor Area shall be enclosed by a fence with a secured gate and,

a. the fence shall be a minimum height of 6 feet;

b. chain link fences shall be vinyl coated; and,

c. no outdoor activities of the boarded animals shall take place on the property outside of the Outdoor Area unless under the restraint or control of a person by means of a leash. (DRO/ONGOING: ZONING - Zoning)

#### USE LIMITATIONS

1. Prior to Final Approval by the Development Review Officer (DRO), the Final Site Plan shall be amended to include a note stating: Any Instructional Services in the property shall be subject to ULDC use limitations for Home Occupation. (DRO/ONGOING: ZONING - Zoning)

#### COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or

- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

**DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

Figure 1- Land Use Map

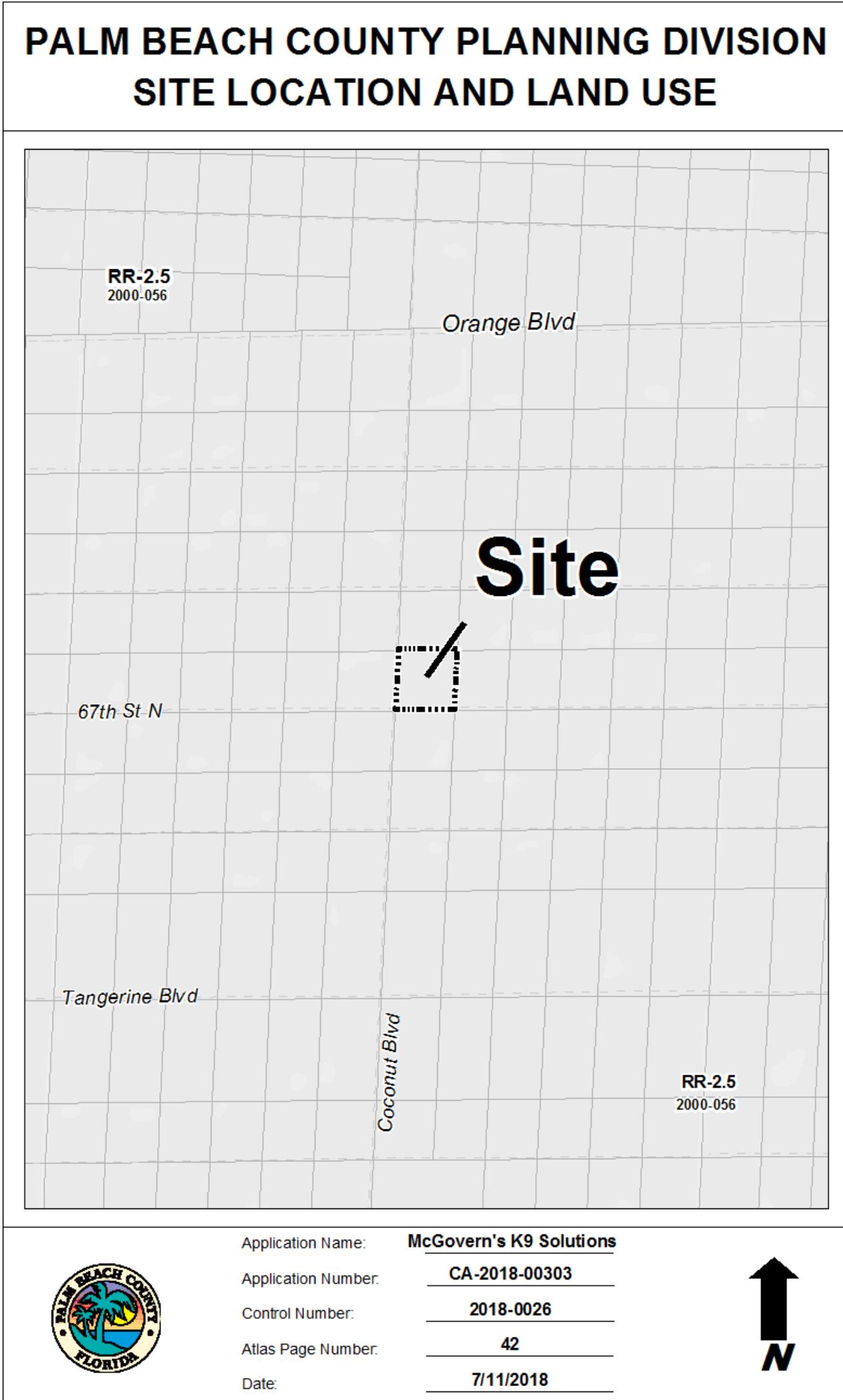


Figure 2 - Zoning

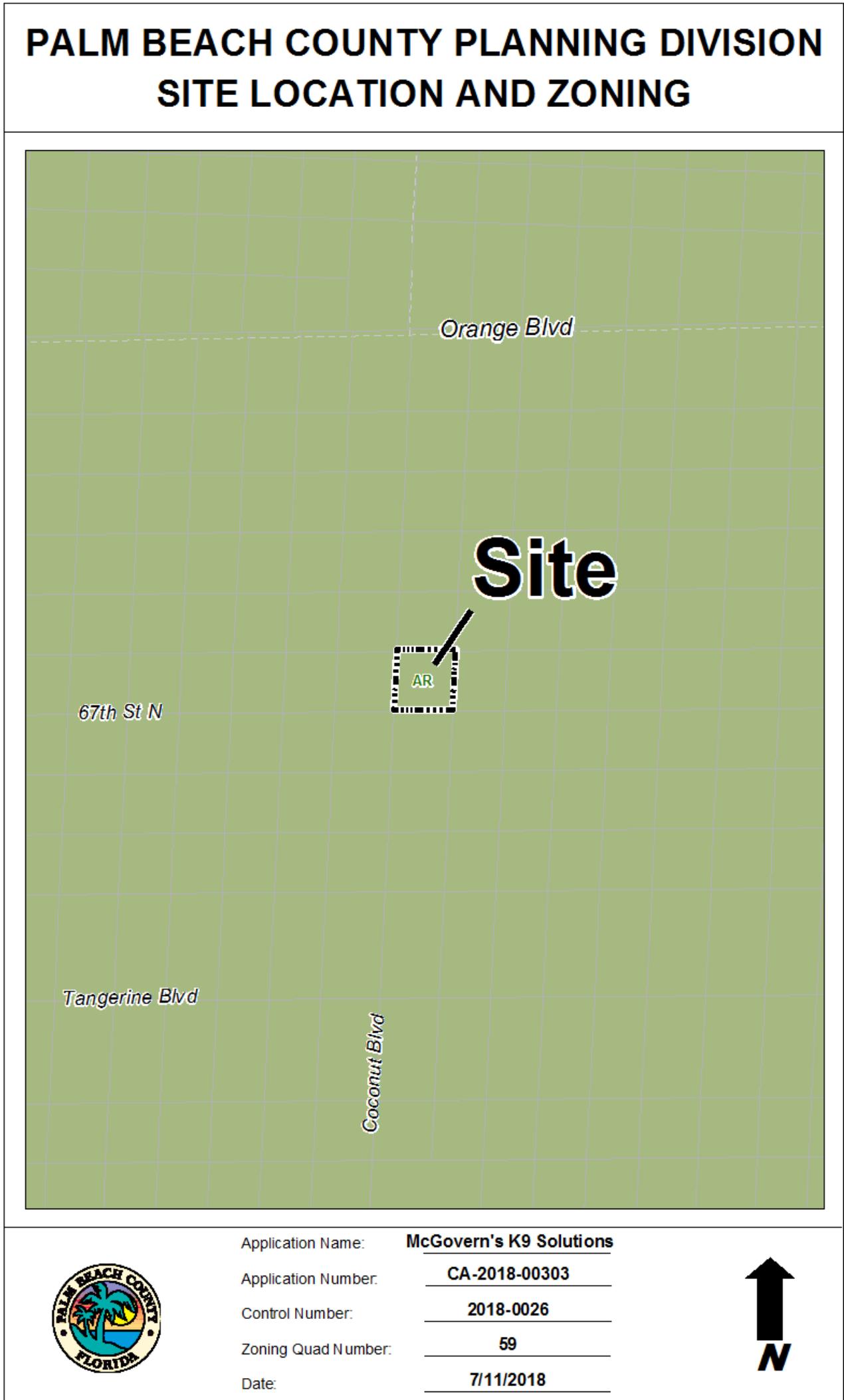


Figure 3 – Aerial





Exhibit D – Disclosure

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Thomas A. McGovern, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

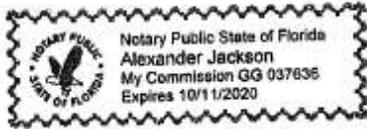
- 1. Affiant is the  individual or [ ] \_\_\_\_\_ [position - e.g., president, partner, trustee] of \_\_\_\_\_ [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
- 2. Affiant's address is: \_\_\_\_\_  
12483 67th Street North, West Palm Beach, FL 33412  
\_\_\_\_\_
- 3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
- 4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
- 5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
- 6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

*Thomas A. McGovern*  
Thomas A. McGovern, Affiant  
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 2 day of Jan, 2018, by Thomas McGovern, [ ] who is personally known to me or [X] who has produced FL DL as identification and who did take an oath.



*Alexander Jackson*  
Notary Public

Alexander Jackson  
(Print Notary Name)

NOTARY PUBLIC  
State of Florida at Large  
My Commission Expires: 10/11/2020

**EXHIBIT "A"**  
**PROPERTY**

THE NORTH 241.5 f FEET OF THE OF THE SOUTH 4103 FEET OF THE WEST 239 FEET OF THE EAST 2338 FEET OF SECTION 34,  
TOWNSHIP 41 SOUTH, RANGE 41 EAST, SITUATED IN PALM BEACH COUNTY, FLORIDA



Exhibit E – ACC Letter of Intent – not dated



Department of Public Safety,  
Palm Beach County Animal Care & Control  
7100 Belvedere Rd. West Palm Beach, FL. 33411

Department of Public Safety  
Division of Animal Care and Control  
7100 Belvedere Road  
West Palm Beach, FL 33411  
(561) 233-1200  
FAX: (561) 233-1234  
www.pbcgov.com/pubsafety/animal

Letter of Intent

NAME: Thomas A. McGovern / Tamara McGovern

PCN: 00-41-42-34-00-000-1440

Address: 12483 67<sup>th</sup> N. West Palm Beach FL. 33412

Request: **Limited Pet Boarding at a Single Family Home.**

This letter is to acknowledge that the applicant has requested a Letter of Intent from the Palm Beach County Division of Animal Care & Control of its intent to seek a Class A conditional approval for a Limited Pet Boarding operation. Pursuant to Article 4.B.1.E.12.j., ULDC the Division will not consider the applicant's request for an Operational Permit from the Division until the Class A conditional use is approved.

The applicant is encouraged to review 98-22 Chapter 4 sec 4-23 of the Palm Beach County Animal Care and Control Ordinance, to make sure that the applicant will qualify to receive an Operational Permit from the Division. This letter is to acknowledge that the applicant is seeking permission from the Department of Planning, Zoning and Building to conduct business from a Single Family dwelling with accessory boarding of domestic cats or dogs not owned by the occupants of the premises.

This letter does not constitute that a Permit has been or will be granted by PBCAC&C, but only acknowledge that the applicant is seeking a permit for a Limited Pet Boarding operation.

The applicant shall understand that no inspection or Permit will be granted from PBCAC&C until confirmation of approval from, PZ&B is received and validated.

LT. Wesley White #2108  
Commercial Licensing & Enforcement  
Field Supervisor  
Palm Beach County Animal Care & Control  
7100 Belvedere Road  
West Palm Beach, FL. 33411  
(561) 233-1260  
(561) 233-1279 (fax)

**Palm Beach County  
Board of County  
Commissioners**

- Melissa McKinlay, Mayor
- Mack Bernard, Vice Mayor
- Hal R. Valeche
- Faulette Burdick
- Dave Kerner
- Steven L. Abrams
- Mary Lou Berger

**County Administrator**

Verdenia C. Baker

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