

LEGISLATIVE #

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PLANNING DEPARTMENT
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TO: City Plan Board

Item Number: 8

FROM: Planning and Development Services Staff

DATE: Dec. 5, 2011

SUBJECT: Petition PB-11-142TCH. City of Gainesville. Amend the Land Development Code Section to allow Limited Pet Day Care in Single-family districts (RSF-1, RSF-2, RSF-3, and RSF-4) as a specially regulated use citywide.

Recommendation:

Staff does not recommend allowing limited pet day care for dogs in single family neighborhoods. However, staff has provided a process that attempts to control the negative impacts of the use if allowed as a specially regulated use and through a Special Use Permit process.

Discussion/Background:

This is a petition to allow pet sitting businesses for dogs in single-family neighborhoods. This petition was initiated by the City Commission after reviewing a request from a property owner.

On November 2, 2010, the Board of Adjustment held a quasi-judicial hearing on Petition BA-10-07APP filed by Sondra Randon, Esquire, agent for Bruce Wayne Baber, appealing an administrative decision of the Planning and Development Services Department that a dog sitting business operated at 1713 NW 7th Avenue, is not a legal non-conforming use or a use by right in the RSF-2 (4.6 units/acre single family residential district) zoning district. After hearing testimony from staff, the applicant and citizens, the Board of Adjustment voted 3-2 to allow Mr. Baber to keep animals other than as pets, with the provision that maintaining animals other than as pets at his single-family residential property cannot be done as a business, and compensation cannot be accepted for doing so.

This matter was appealed to the City Commission by an adjacent property owner and the City Commission heard the appeal on February 3, 2011. After hearing testimony from the appellant, the Board of Adjustment staff representative, the agent for the affected party and citizens, the City Commission reversed the Board of Adjustment's decision and moved that the matter be referred to the Community Development Committee to consider amending the Land Development Code to allow pet sitting in single family neighborhoods.

The Community Development Committee discussed the issue on March 22, 2011 and April 26, 2011, Staff was directed to review and comment on the proposal as submitted by the affected party's agent on March 15, 2011 (Exhibit 1). Staff's comments on the March 15 letter are as follows:

1. A definition of Pets needs to be specifically provided and focused on cats/dogs;

2. No conflict would be allowable with regulations regarding Home Occupation Permits (HOP's) related to traffic (10 trips per day; 2 vehicles at a time);
3. A not to exceed pet limitation of 10 should be included;
4. Staff feels that overnights may be problematic and hours should be restricted to 7 am - 7 pm;
5. Outdoor play areas need to be consistent with Residential, Single Family Zoning setbacks (7.5' in most instances);
6. Indoor areas should be limited in some manner (20% of floor area to a maximum of 300 square feet potentially);
7. Noise suppression should be considered as a requirement and be stipulated in the business/plot plan (see item 9 in Ms. Randon's letter);
8. Business Tax, appropriate insurance and roster (registration of Pets) should be required as components of the business plan (see reference above);
9. The Pet Sitting Use should only be allowable via SUP as a Specially Regulated Use;
10. Further stipulations in the Code should explicitly indicate that Kennel's, Breeding and Rescue Facility are not allowable in Residential, Single Family zoning districts.

At the April 26, 2011 meeting, the Committee voted to refer staff's recommendation to the City Commission identifying item #4 regarding hours as one point that need to be modified to include at minimum restriction of 9am - 7pm on weekends.

On July 21, 2011 the City Commission heard the Community Development Committee's recommendation and approved a motion to direct staff to initiate a petition to the Plan Board modifying the land development code to permit pet sitting in residential single-family neighborhoods. The City Commission also asked staff to notify neighborhood associations prior to the City Plan Board hearing on the petition and to modify the hours in number 4 above.

Key Issues

There are several key issues that must be addressed when considering allowing the proposed use in single-family neighborhoods:

1. Is the proposed use compatible with single family neighborhoods and the Comprehensive Plan?
2. What are the potential impacts on the single-family neighborhoods?
3. What are the options for allowing the use in neighborhoods?

4. Whether allowing the use would open up single-family neighborhood to other similar types of request.

Throughout this process a portion of the community has made this an issue about one individual property owner that was providing the service in his neighborhood. When reviewing this issue from a planning perspective the community must look at what is best for all of Gainesville's neighborhoods, is this a use that should be allowed regardless of who the operator is and is it compatible with what Gainesville envisions for single-family neighborhoods?

Is the proposed use compatible with single family neighborhoods and the Comprehensive Plan?

Policy 4.1.1 of the Future Land Use Element sets the parameters for single family neighborhoods and zoning within the City. This policy specifically states the type of non-residential uses that should be allowed within this category. In addition to single family residences the policy states: "Land development regulations shall determine the performance measures and gradations of density. Land development regulations shall specify criteria for the siting of low-intensity residential facilities to accommodate special need populations and appropriate community-level institutional facilities such as places of religious assembly, public and private schools other than institutions of higher learning, and libraries. Land development regulations shall allow **home occupations in conjunction** with single-family dwellings under certain limitations."

It is difficult to understand how a dog sitting business would fit into the spirit of the Comprehensive Plan. The only types of non-residential uses anticipated by the Comprehensive Plan are institutional uses and home occupations that are typical to single-family neighborhoods. As it relates to home occupations (Section 30-58, Exhibit 2) the purpose clause states, (paraphrased) that while it is the intent of the City that citizens be able to work from home, "at the same time the city recognizes that its residents should expect their neighborhoods to be quiet safe places to live and that home occupations should not be allowed to alter the primarily residential character of these neighborhoods or to endanger the health, safety or morals of residents of the neighborhood." It is staff's opinion that the type of use being proposed does not fit into the scope of a home occupation and may not be compatible within a single family neighborhood. It is also clear that if a use such as this is allowed the standards for operating such a use would have to go beyond the basic requirements of a Special Use Permit.

What are the potential impacts on neighborhood?

There could be several impacts on a neighborhood if the use is not strictly controlled. Those impacts include unwanted noise, odor, traffic, and a change in the character of the neighborhood. Many residents have contacted planning staff indicating that barking dogs are currently a nuisance and that introduction several dogs in one location may make the situation worse. It is staff understanding that there are devices that can be used to keep dogs from barking, however this will not address other nearby dogs who bark at the dogs being handled by the pet sitter. The owners of the dogs would also need to have the device to keep the dogs from barking upon pickup and drop-off.

Odor is another issue that was brought to the attention of staff, how will this be controlled is the question. Currently the city has ordinances that deal with this issue through code enforcement, however the concern from residents is that this is a complaint driven process and they will have to deal with the issue until code enforcement action can be taken. It would be staff's impression that the operator would want to keep a clean and odor free environment in which to live also. However, the potential for this to occur is real.

Based on a use that was operating illegally in a single-family neighborhood, the next door neighbor complained about the traffic in the area of the use. The opening and closing of car door for drop offs and pickups, the use of the neighbors driveway to turn around was an issue. It is clear that if the use allows clients to drop off and pick up dogs at the home that the character the area around the use would change which is not in keeping with the philosophy of a home occupation. The home occupation process does not allow a use that involves the visitation of clients, customers, salesmen, suppliers or any other person to the premise which would generate vehicular traffic in excess of two vehicles concurrently or more than ten vehicles per day. One way to eliminate this issue would be for the use to provide a pick up and drop-off service, instead of having clients come to the home or the use would have to be limited to 5 dogs (5 cars making 2 trips each in a day).

Generally, this use could change the character of a neighborhood if it is not strictly controlled or if the operator is not a responsible person. The city must review this petition as it would apply to anyone wanting to start such a business in a single family neighborhood.

What are the options for allowing such a use?

Staff analyzed several options by which this use could potentially be allowed. The options included: as a use by right, as a special overlay district and by a special use permit as a specially regulated use. Allowing the business as a use by right was rejected early in the process by staff and the Community Development Committee. It was felt that the public needed to be involved through a public hearing process so that their concerns could be heard and addressed.

Staff also looked at creating a special overlay district that would have to get the approval of the neighborhood before the use could be allowed. Staff could not find where other communities had created special overlays for the limited purpose of allowing a use. Geographic specific overlay districts are used when the type of regulation needed varies or is tailored to the geographic area. That is not the case with a single use. If the use is justifiable in the single-family zoning district, staff cannot envision on what basis it would not be justifiable in certain geographic areas within those districts. After discussing this issue with City legal staff, staff determines it would be difficult to come up with reasonable standards that would make the overlay legally defensible. Staff does not consider this a viable option.

Allowing the use by special use permit as a specially regulated use may be the only viable option if the City wishes to allow the use. The most important point about the process is that the special

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special use permit runs with the land and not the person, and this is true of any land use and zoning, it goes on the land and not the property owners. The legal principal prevents government from granting land use and zoning to certain persons because they like them. The positive features of a specially regulated use and a special use permit process is that a neighborhood meeting and public hearing is required, time limits and conditions can be placed on the permit, the permit can be revoked for violations of the permit, and the permit is void if not used. Based on the many advantages of the special use permit process staff drafted conditions to allow the use if the City approves the petition (Exhibit 3).

Will allowing the use open up single-family neighborhoods to other similar types of request?

There is always the possibility that citizens may request the ability to provide a similar type of service based on the allowance of this use. If the City adopts such regulations to allow dog sitting the regulation must be prepared in a way that strictly controls the use and allows for quick corrective action if there is a problem that adversely affects the neighborhood.

Summary

In summary it is staff's opinion that permitting this use may not be consistent with the provisions of the Comprehensive Plan and is generally not compatible with single family neighborhoods in our professional opinion. Staff is concerned that impacts from the use may adversely impact the character of single family neighborhoods. However, staff drafted conditions that if strictly enforced may limit the impact on adjacent property owners. Provisions that limit the number of dogs, and the number of such uses in a neighborhood and the City, will limit the negative impacts in general.

Respectfully submitted



Ralph Hilliard,
Planning Manager

Attachments:

- Exhibit 1- March 15, 2011 letter
- Exhibit 2- Home Occupation Code
- Exhibit 3- Proposed Specially Regulated Use
- Exhibit 4- City Commission Referral Action
- Exhibit 5- Citizen Letters

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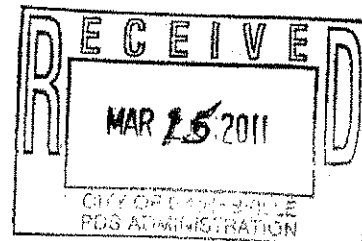
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March 15, 2011



Community Development Committee
City of Gainesville, Florida
c/o Mr. Erik Bredfeldt

VIA HAND DELIVERY AND ELECTRONIC MAIL TO ebredfeldea@cityofgainesville.org

Community Development Committee:

Thank you for the opportunity to allow me, on behalf of Mr. Bruce Baber, to present recommendations for a code amendment that would permit small-scale, in-home pet-sitting services in residential districts. The recommendations that follow are meant to be a starting point for the Community Development Committee (hereinafter "CDC") to analyze and modify at its will. I welcome any and all suggestions or concerns and I look forward to working with the CDC towards reaching a desirable and mutually agreeable recommendation to the City Commission.

In an effort to create a code amendment that conforms to existing ordinances and requires the least amount of "reconfiguring" of same, the CDC should consider either a "permitted use by right" or a "permitted use by special use permit" to allow for pet-sitting in residential areas. Section 5-3, Animals in Residential Areas, essentially creates the parameters for an ordinance allowing small-scale in-home pet sitting services in residential districts. Specifically, Section 5-3(a) states:

Section 5-3 Animals in Residential Areas:

- (a) No person shall keep or harbor any animal for use other than as a pet within any residential district, as defined in section 30-41(a)(1) of this Code, or mixed-use district, as defined in section 30-41(a)(4) of this Code, in the city, except if such use is allowed by right or special use permit, or if such use existed as a legal non-conforming use on October 23, 1995. (Emphasis added.)

The difference between a "use by right" and a "special use permit" is slight but significant. Although both uses by right and uses by special use permit both allow for City regulation and approval of use, a special use permit requires an applicant to submit to a lengthy process requiring a costly application, an in-depth review of plans, and approval from the Planning Board. It is my understanding that a use by right can be

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granted if the applicant is in conformity with the regulations in Article VI of the Land Development Code and can be revoked if the operator is found in violation of regulations or other codes.

Currently, Residential Districts allow the following uses to apply for a special use permit: places of religious assembly, private schools, and public schools. See attached Ordinance 30-51(c)(2). Based on its low impact, neighborhood centric and limited operations, a small-scale in-home pet sitting business should not require the same amount of time, money, and effort that is required to open a school or a church in a residential neighborhood. See attached Ordinances 30-231 to 30-236, Special Use Permit Review Process.

A small-scale in-home pet sitting business has a similar impact in terms of noise and visits as a large-scale family child care center and would benefit from the regulations similar in scope and effect as a Home Occupation Permit. Accordingly, we would recommend the Committee propose an amendment that creates a permitted use by right to operate a small-scale in-home pet sitting business in residential districts.

Create a regulated "Permitted Use by Right"

Similar to the Use by Right for a Large Family Child Care Home in Residential Districts, a person would be able to operate a small-scale in-home pet sitting business out of their home in a residential district with specific restrictions to limit the scope and effect of the business similar to the Home Occupation Permit regulations. Please see attached applicable ordinances: 30-51(c)(1)(g); 30-117; and 30-23(c) definition of *Large Family Child Care Home* and 30-58. The use, *small-scale in-home pet-sitting services*, would be listed as a use by right in Section 30-51(c)(1), with corresponding regulations of the specific use in Article VI of the Land Development Code. Also, this use would need to be defined in Section 30-23(c).

The recommended regulations and reasoning behind each recommended regulation of this use are as follows:

1. *Spacing*. Small-scale in-home pet sitting business shall not be located closer than 0.5 miles to another small-scale in-home pet sitting business.
 - It is important to regulate the distance between the businesses to limit the impact on neighborhoods.
2. *Primary residence on site*. The residence containing the small-scale in-home pet sitting business shall be the occupied and the primary residence of the operator.
 - This is to ensure that the operator of the business actually lives in the house in which the business is operated. It also creates accountability of the operator to his neighbors.
3. *Limit of pets*. The number of pets receiving care shall not exceed 12.
 - A limit on the amount of pets would create an objective regulation that is easy to follow and enforce. The number 12 was chosen for two

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- reasons; first Bruce has, on average, cared for 12 dogs at a time without any problem.
- Another option would be to create a scaled approach to number limits based on certain factors, i.e. size of home, duration of business, location of home.
4. *Pets are required to be registered and vaccinated.* Every pet must be in compliance with all local and state regulations, pertinent to the keeping of domestic animals and shall not be construed as an exemption from such regulations.
 - This would ensure that the pets being cared for are up-to-date on all required vaccines (i.e. rabies) and are registered with a county animal services department.
 5. *Hours of operation for motor vehicle visits.* Motor vehicles shall be permitted from 7:00 am to 7:00 pm.
 - This would reduce early morning and evening disturbances arising from traffic and commotion from pet drop-offs and pick-ups.
 6. *Location of outdoor play area.* All outdoor play areas shall be located between the primary structure and the three feet (3') from the property line.
 - The buffer zone of 3' will limit noise to neighboring properties.
 7. *Restriction of use of outdoor play area.* Outdoor play areas shall only be used from dusk until dawn, but no earlier than 7:00 am and no later than 9:00 pm.
 - The time restrictions will limit noise to neighboring properties during the times people are most likely home.
 8. *Absence of code violations.* There shall be no active code violations associated with the site or any structures on the site. A code violation may result in a temporary suspension of the use or a permanent revocation of the use.
 - The code already regulates noise, odor, and other public nuisances, as well as animal control regulations. In the event an operator is found in violation of the Code, staff could have the ability to suspend or revoke the use by right indefinitely, similar to the three strike method in the Home Occupation Permit Ordinance 30-58(c)(6).
 9. *Staff approval of business plan and plot plan.* The operator shall submit for approval a business plan describing the scope and general business plan as well a plot plan showing all structures, dimensions, distances, driveways, play areas, drop-off areas, and other similar relevant information. The plot plan shall show that the existing paved driveway is used and not a new or altered driveway.
 10. *Sign prohibition.* Notwithstanding any other provision in this Code, there shall be no signage on the site.
 - This ensures that the business remains small and limited in scope and operation and is compatible with the character of a residential neighborhood.

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Thank you for your time and consideration. Should you have any questions or concerns, please do not hesitate to contact me, via email or telephone. I look forward to meeting with the Community Development Committee on March 22, 2011.

Yours truly,



Sondra Randon, Esq.

Cc: Bruce Baber

Commissioner Jeanna Mastrodicasa (e-mail only)

Lawrence Calderon (e-mail only)

Ralph Hilliard (e-mail only)

Enclosures as stated above

Sec. 5-3.- Animals in residential areas.

- (a) No person shall keep or harbor any animal for use other than as a pet within any residential district, as defined in section 30-41(a)(1) of this Code, or mixed-use district, as defined in section 30-41(a)(4) of this Code, in the city, except if such use is allowed by right or special use permit, or if such use existed as a legal non-conforming use on October 23, 1995.
- (b) Subsection (a) notwithstanding, no person shall keep or harbor fowl or livestock within any residential district, as defined in section 30-41(a)(1) of this Code, or mixed-use district, as defined in section 30-41(a)(4) of this Code, within the city, except if such use is allowed by right or special use permit, or if such use existed as a legal non-conforming use on October 23, 1995.

(Ord. No. 950797, § 1, 10-23-95; Ord. No. 000337, § 2, 10-9-00)

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Sec. 30-23.- Definitions.

- (a) Whenever used in this chapter, unless otherwise indicated, the terms "code," "chapter," "article," "section" and "subsection" shall refer to the Code of Ordinances, City of Gainesville, Florida, and the referenced provisions thereof.
- (b) Any word or phrase used in this chapter which is not defined in this chapter or by textual definition or examples in the Standard Industrial Classification Manual shall have the common dictionary meaning most appropriate to the context in which such word or phrase is used.
- (c) Throughout this chapter, the following words and phrases shall have the meanings indicated unless the text of the article or section in which used clearly indicates otherwise:

Abused person means a person in need of and seeking refuge from actual or threatened physical or mental violence or abuse.

Abut means to physically touch or border upon, or to share a common property line.

Abutting property means property that is immediately adjacent to or contiguous with property regulated by this chapter.

Accessory structure means a subordinate structure, the use of which is incidental to that of the principal structure on the same lot.

Accessory use means an activity, or function that is incidental to, and on the same lots as, a principal use.

Activity centers means unified developments designated as mixed use medium, mixed use high and commercial (regional shopping center) on the future land use map of the comprehensive plan.

Administered parking service means a procedure where the parking of patron or employee vehicles is conducted by, and is the responsibility of, the owner or operator of the subject establishment. Administered parking, and designated dropoff areas must meet all vehicle circulation requirements of the city. The acceptable procedure for administered parking requires the patron to leave the vehicle with the owner, operator or representative of the establishment who then moves the patron's vehicle to a designated lot and returns the vehicle to the original location for vehicle pickup at the time the owner of the vehicle needs to depart. Designated arrival and departure areas and the location for storing vehicles must be clearly marked in accordance with all city requirements.

Adult day care home means an occupied dwelling in which one or more of the residents provides care or supervision for more than three natural persons, other than residents requiring such care or supervision and other than children provided for within the definition of a family day care home. The total number of natural persons so cared for or supervised shall not exceed five persons at any one time. Such homes shall be state-licensed adult day care facilities. Such uses shall not include nursing and personal care facilities, schools, rehabilitation centers, social service homes or halfway houses, or other similar activities or facilities which are not customarily incidental to residential use.

Adverse impact means any direct or indirect effect likely to cause, or actually causing, a decline in the stability, natural function or natural diversity of any environmental feature, or in the quiet, peaceful, safe or healthful use or occupancy of any on-site or off-site property.

Adversely affected person means any person who is suffering or will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including but not limited to: interests related to health and safety; densities or intensities of development; transportation facilities; recreational facilities; educational facilities; health care facilities, or services; and environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons.

Aircraft means any motor vehicle or contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air.

Airport means the Gainesville Regional Airport.

Airport authority means the Gainesville-Alachua County Regional Airport Authority.

Airport elevation means the highest point of an airport's usable landing area measured in feet from mean sea level.

Airport obstruction means any structure or tree or use of land which would exceed the federal obstruction standards as contained in 14 CFR 77.21, 77.23, 77.25, 77.28 and 77.29 and which obstructs the airspace required for flight of aircraft in taking off, maneuvering or landing at an airport; or, regardless of height, may otherwise be hazardous to or interfere with the taking off, maneuvering or landing of aircraft.

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Illuminating Engineering Society of North America (IESNA) means the recognized technical authority on illumination, whose mission is to advance knowledge and disseminate information for the improvement of the lighted environment to the benefit of society.

Impervious means material incapable of being penetrated, as by moisture, such as concrete or asphalt.

Impervious ground coverage means an area of ground covered by any part of a building, street, parking lot or any other structure, improvement, facility or material which is incapable of being penetrated, as by moisture.

Impervious surface means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

Improved street means those streets where physical improvements such as clearing, grading, curb and gutter drainage and pavement are constructed as required by the standards of this chapter and the city.

Improvement means any manmade, immovable item which becomes part of, is placed upon, or is affixed to real estate.

Improvements means physical changes made to raw land and structures placed on or under the land surface, in order to make the land more usable. Typical improvements would be clearing and grubbing, grading, street pavements, curb and gutter, drainage ditches, street trees, storm and sanitary sewers, streetlights, fire hydrants, street name signs, permanent control points (PCP's), etc.

Intensity of development or *intensity of use* means the extent of development of any land, expressed as residential density or floor area ratio.

Intersecting roadways, in addition to meaning the intersection of roadways of public right-of-way may also mean a private driveway or a private roadway of a significant traffic generator and its intersection with a public street.

Invasive, nonnative vegetation means any plant not indigenous to Florida, which exhibits, or has the potential to exhibit, uncontrolled growth and invasion or alteration of the natural qualities and functions of any native habitat. Article VIII contains a listing of such plants.

Junk means all waste or scrap materials, including but not limited to all scrap metals; discarded rope, batteries, paper, trash and other natural or synthetic fibers; discarded glass, tinware and plastic; and discarded household goods and hardware. This term shall also include inoperable motor vehicles, machinery and appliances no longer used as such, to be used for scrap metal or stripping of parts, and parts of such vehicles, machinery or appliances.

Junkyard (or salvage yard) means an open area where junk is bought, sold, exchanged, stored, processed or handled as a principal or accessory use. This term shall also include operations primarily engaged in the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

Land surveyor means a land surveyor registered under F.S. Ch. 472 who is in good standing with the board of professional land surveyors.

Land use element means that portion of the comprehensive plan relating to permissible planned uses of land, entitled "future land use element."

Land use plan means the future land use element of the most recent city comprehensive plan adopted pursuant to F.S. Ch. 163, and all amendments thereto.

Land use regulation means any ordinance or resolution controlling the use, development, maintenance or transfer of real property.

Landlord means any person, owner, agent, individual, firm or corporation or any combination thereof who leases, sublets, rents or allows the occupancy of any single-family dwelling, two-family dwelling, three-family dwelling, four-family dwelling, multiple-family dwelling, roominghouse, dormitory or other dwelling unit to or by another person or persons not members of his/her family in designated districts whether or not for consideration.

Landscape materials means living trees, shrubs, vines, grasses, ground covers and other plants, sand, wood mulch, walls and fences, and other nonliving, durable materials commonly used in landscaping; landscape water features; and similar materials and design features; provided that visible synthetic materials shall not qualify.

Large family child care home means an occupied residence, licensed by the Alachua County Health Department as large family child care home, in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. The number of children receiving care shall be consistent with state and county regulations, and shall not exceed 12.



Sec. 30-58.- Home occupation permits.

- (a) *Findings.* The city recognizes that there are benefits to be gained from allowing residents to earn income from occupations conducted within their homes. These benefits include but are not limited to:
- (1) A reduction in work-related and other automobile trips.
 - (2) Permitting more citizens, including the handicapped, aged and mothers of small children, to participate in the workplace.
 - (3) Allowing many of these citizens to have jobs while meeting various family obligations.
 - (4) Providing individuals and families income necessary to own and properly maintain homes in the city's neighborhoods.
- (b) *Purpose.* At the same time the city recognizes that its residents should expect their neighborhoods to be quiet and safe places to live and that home occupations should not be allowed to alter the primarily residential character of these neighborhoods or to endanger the health, safety or morals of residents of the neighborhood. For these reasons, it is the purpose of this section to:
- (1) Protect residential areas from the adverse impacts of activities associated with home occupations.
 - (2) Permit residents of the community a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income.
 - (3) Establish criteria, development standards and performance standards for home occupations conducted in dwelling units.

It is not the intent of this section to regulate the teaching of fine arts, family day care homes and community residential homes, as defined in article II.

(c) *Permits.*

- (1) A person desiring a permit for a home occupation shall make an application in the departments designated by the city manager. A person may only apply for a home occupation permit to be used at his/her primary place of residence. An initial filing fee to cover the cost of an inspection issuing a permit shall be paid at the time of submitting the application, an annual permit processing fee shall be paid for each and every year, and an additional fee shall be paid every three years to cover the cost of reinspection. All fees shall be in accordance with Appendix A. Any person exempt from the payment of a license tax under the provisions of subsection 25-50(a) shall also be exempt from the payment of the above-mentioned fees. Such application for a permit shall include the following:
 - a. Name of applicant;
 - b. Location of dwelling unit where the home occupation will be conducted;
 - c. Total floor area of the dwelling unit;
 - d. Area of room or rooms to be utilized in the conduct of the home occupation;
 - e. A sketch with dimensions showing the floor plan and the area to be utilized for the conduct of the home occupation. This sketch will show the location and nature of all equipment to be utilized in the conduct of the home occupation, as well as the locations for storage of materials used in the conduct of the home occupation and the identity and nature of these materials; and
 - f. The exact nature of the home occupation.
- (2) If the proposed home occupation complies with all of the requirements of subsection (d) of this section, the enforcing officer shall issue the home occupation permit. Once such home occupation permit is issued to an applicant, it cannot be transferred to another person through the sale, leasing or rental of the premises on which the home occupation is located or in any other manner; except that, in the case of death, should a surviving spouse or child residing at the same address desire to continue the home occupation, written notice to that effect shall be given to the enforcing officer and the permit may be transferred. Such home occupation permit cannot be used by the applicant for any premises other than that for which it was granted.
- (3) All persons possessing a home occupation permit at the effective date of this section shall be phased into the annual process upon expiration of their current permit. Any home occupation permit issued after the effective date of this section shall expire on September 30, 1989, and be renewable for October 1 through September 30 for all successive years. The city shall not automatically renew each home occupation permit previously granted, but shall scrutinize all applications, either original or renewal, to ensure that permitted home occupations are in compliance with this section.
- (4) Any person may seek revocation of a home occupation permit by making application therefor to the enforcing officer, who shall cause an investigation to be made to determine whether the permit holder is conducting such home occupation in a lawful manner as prescribed in this section. In the event that the enforcing officer determines that the permit holder is in violation of the provisions of this section, the permit shall be immediately revoked by the enforcing officer. The decision of the enforcing officer shall be subject to appeal to the board of adjustment as prescribed in section 30-354. During such an appeal, the action of the enforcing officer is stayed. If

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the enforcing officer determines that the public safety is at risk, appropriate regulating agencies and authorities shall be immediately notified.

- (5) The following shall be considered as grounds for the revocation of a home occupation permit:
- Any change in use or any change in extent or nature of use, or area of the dwelling unit being used, that is different from that specified in the granted home occupation permit form, that is not first approved by the enforcing officer shall be grounds for the revocation of a home occupation permit. The operator of a home occupation must apply for a new home occupation permit prior to any such changes.
 - Any change in use, extent of use, area of the dwelling unit being used, or mechanical or electrical equipment being used that results in conditions not in accordance with the provisions of the required conditions of subsection 30-58(d) shall result in immediate revocation of the home occupation permit.
 - Failure to pay the annual permit processing fee or the reinspection fee required every three years shall result in the loss of the home occupation permit.
- (6) The following conditions shall apply for home occupation permits which have been revoked:
- Initial revocation: Reapplication may only occur when the condition(s) causing the revocation has been abated.
 - Second revocation: Reapplication may only occur after one year and when the condition(s) causing the revocation has been abated.
 - Third violation: The home occupation permit shall not be reissued.
- (d) *Required conditions.* All permitted home occupations shall comply with the following standards and criteria:
- The home occupation shall be conducted only within the principal building, except for any related activities conducted off the premises.
 - No more than one additional person other than the residents residing on the premises shall be employed or engaged in the home occupation at the premises.
 - There shall be no alteration or change to the outside appearance, character or use of the building or premises, or other visible evidence of the conduct of such home occupation. There shall be no display of products visible in any manner from the outside of the dwelling.
 - No home occupation shall occupy more space than 20 percent of the total floor area of a dwelling unit, exclusive of any open porch, attached garage or similar space not suited for or intended to be occupied as living quarters, provided that in no event shall such home occupation occupy more than 500 square feet. Rooms which have been constructed as additions to the dwelling unit and any attached garage or open porch which has been converted into living quarters shall not be utilized for such home occupation, nor shall they be considered as floor area, until two years after the date of completion thereof, as shown on the city's records.
 - No commodities or goods of any kind shall be sold on the premises, nor displayed on the premises for sale elsewhere, with the following exceptions:
 - The sale and display of items produced or fabricated on the premises as part of the home occupation, such as art and handicrafts, is permitted.
 - Orders made by phone, mail or sales party may be filled on the premises.
 - If sales parties for the purpose of selling merchandise or taking orders take place at the location of the home occupation, such parties shall not take place more than four times in any one calendar year, and each party is limited to one 24-hour period.
 - No equipment or process shall be used in such home occupation which creates noise, vibrations, heat, glare, fumes, dust, odors or electrical interference detectable to the normal senses outside the dwelling, or, in the case of attached dwelling units or multiple-family dwellings, detectable to the normal senses beyond the walls of the dwelling unit; nor shall there be any combustible materials located anywhere on the premises which are in violation of the city's fire code. In the case of electrical interference, no equipment shall be used which creates any visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
 - No articles or materials used in connection with such home occupation shall be stored on the premises other than in the principal building so used, and any area used for storage shall be counted toward the maximum permissible floor area used for such home occupation.
 - No more than one automobile or truck, which shall not be larger than a stock three-quarter-ton panel or pickup truck, used in conjunction with such home occupation shall be permitted to park on the premises in question or off the premises in question and within view from surrounding properties. Such vehicle may only have two signs, not exceeding two square feet in area, each mounted flat against or painted on the sides.
 - No home occupation shall be permitted which involves the visitation of clients, customers, salesmen, suppliers or any other persons to the premises which would generate vehicular traffic in excess of two vehicles concurrently or more than ten vehicles per day.
 - Deliveries from commercial suppliers shall not be made more than twice a week to the dwelling unit in question, and the deliveries shall not restrict traffic circulation.
 - In no case shall a home occupation be open to the public at times earlier than 7:00 a.m. nor later than 10:00 p.m.
 - The total number of home occupations conducted within a dwelling unit is not limited, except that the cumulative

100686A

impact of all home occupations conducted within the dwelling shall not exceed the limits of one home occupation as established in subsection 30-58(d).

- (13) There shall be no illegal discharge of any materials, fluids or gases into the sewer system or any other manner of discharging such items in violation of any applicable government code.
- (14) Home occupations shall comply with all local, state or federal regulations pertinent to the activity pursued, and shall not be construed as an exemption from such regulations.

(Ord. No. 3777, § 1, 6-10-92)

Cross reference—Miscellaneous business regulations, Ch. 14.5.



Specially Regulated Use

Section 30-120 Limited Home Dog Daycare

The intent of these provisions is to allow on a limited basis a daycare type facility for domesticated dogs that is operated by the property owner that resides on the property. It is not the intent of these regulations that the operation of such a facility in single-family zoning districts can be expanded to any other domesticated pets. For the purposes of this section dogs are defined as domesticated dogs that are customarily kept for personal use or enjoyment within the home.

In addition to meeting the criteria listed in Section 30-233 for a special use permit, the following conditions shall apply to the use without exception:

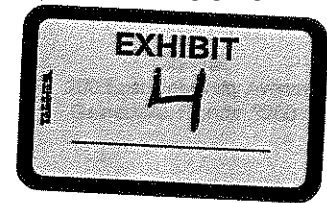
1. The property owner must reside at the property and operate the dog daycare, rental or leased residential homes are prohibited;
2. Minimum lot size $\frac{1}{4}$ acre (10890 square feet);
3. Minimum distance requirement from another dog daycare facility with a single-family zoning district is 2000 feet, measured from nearest property line to nearest property line;
4. The number of domesticated pets(dogs only) shall not exceed 8 dogs including the operator's dogs;
5. Hours of operation Monday through Friday shall be restricted to 7:00 AM -7:00 PM, Weekend hours shall be limited to 9:00 AM to 7:00 PM, overnight stays shall not be allowed;
6. Indoor care areas shall be limited to 20% of gross floor area of the entire principal structure to a maximum of 300 square feet, separate accessory buildings are not allowed;
7. Outdoor play areas must be designated and must meet setbacks and be fenced to establish at least a 10 foot buffer from the property line. Noise suppression for all pets must be used for all outdoor activities located on the home site.
8. Kennels, breeding, and animal rescue activities are prohibited.
9. Business tax, appropriate insurance and dog roster (with owners' contact information) must be on file at all times.



City of Gainesville

Text File

110640B



Introduced: 7/21/2011

File Number: 100686.

Version: 3

Status: Committee Report Out

..Title

Pet Sitting in Single Family Neighborhoods (B)

This is a referral from the Community Development Committee that requests amendment of the Land Development Code to allow Pet Sitting as a Specially Regulated Use by Special Use Permit in Single Family neighborhoods.

..Explanation

On November 2, 2010, the Board of Adjustment held a quasi-judicial hearing on Petition BA-10-07APP filed by Sondra Randon, Esquire, agent for Bruce Wayne Baber, appealing an administrative decision of the Planning and Development Services Department that a dog sitting business operated at 1713 NW 7th Avenue, is not a legal non-conforming use or a use by right in the RSF-2 (4.6 units/acre single family residential district) zoning district.

After hearing testimony from staff, the applicant and citizens, the Board of Adjustment voted 3-2 to allow Mr. Baber to keep animals other than as pets, with the provision that maintaining animals other than as pets at his single-family residential property cannot be done as a business, and compensation cannot be accepted for doing so.

This matter was appealed to the City Commission by an adjacent property owner and the City Commission heard the appeal on February 3, 2011. After hearing testimony from the appellant, the staff Board of Adjustment representative, the agent for the affected party and citizens, the City Commission reversed the Board of Adjustment's decision and moved that the matter be referred to the Community Development Committee to consider amending the Land Development Code to allow Pet Sitting in Single Family Neighborhoods.

At the March 22, 2011 and April 26, 2011 meeting the Pet Sitting in Single Family neighborhoods referral was heard by the Committee. Staff was directed to review and comment on the proposal as submitted by the affected party's agent on March 15, 2011. Staff's comments were as follows:

1. A definition of Pets needs to be specifically provided and focused on cats/dogs;
2. No conflict would be allowable with regulations regarding Home Occupation Permits (HOP's) related to traffic (10 trips per day; 2 vehicles at a time);
3. A not to exceed pet limitation of 10 should be included;
4. Staff feels that overnights may be problematic and hours should be restricted to 7 am - 7 pm;

-
5. Outdoor play areas need to be consistent with Residential, Single Family Zoning setbacks (7.5' in most instances);
 6. Indoor areas should be limited in some manner (20% of floor area to a maximum of 300 square feet potentially);
 7. Noise suppression should be considered as a requirement and be stipulated in the business/plot plan (see item 9 in Ms. Randon's letter);
 8. Business Tax, appropriate insurance and roster (registration of Pets) should be required as components of the business plan (see reference above);
 9. The Pet Sitting Use should only be allowable via SUP as a Specially Regulated Use;
 10. Further stipulations in the Code should explicitly indicate that Kennel's, Breeding and Rescue Facility are not allowable in Residential, Single Family zoning districts.

At the April 26, 2011 meeting, the Committee voted to refer staff's recommendation to the City Commission identifying item #4 regarding hours as one point that need to be modified to include at minimum restriction of 9am - 7pm on weekends.

..Fiscal Note

No fiscal impact.

..Recommendation

The Community Development Committee to the City Commission - The City Commission: 1) hear a report from staff; 2) consider staff's recommendation with change to item #4 to include a restriction of operating hours from 9:00am to 7:00pm on weekends; and 3) if appropriate, direct staff to initiate a Petition to the Plan Board modifying the Land Development Code to permit Pet Sitting in Residential Single Family Neighborhoods.

100686.**Pet Sitting in Single Family Neighborhoods (B)**

This is a referral from the Community Development Committee that requests amendment of the Land Development Code to allow Pet Sitting as a Specially Regulated Use by Special Use Permit in Single Family neighborhoods.

Play Video

Planning and Development Services Director Erik Bredfeldt, Interim Codes Enforcement Manager Chris Cooper and Planning Manager Ralph Hilliard gave presentations.

MOTION: Mayor-Commissioner Pro Tem Hawkins moved and Commissioner Wells seconded to approve the staff recommendation with the modification that staff provide notice by mail to each of the City's neighborhood associations prior to the City Plan Board hearing on the matter.

(VOTE: 4-3; Mayor-Commissioner Pro Tem Hawkins, Commissioner Wells, Commissioner Mastrodicasa and Commissioner Chase - Yes; Commissioner Bottcher, Commissioner Henry and Mayor Lowe - No, MOTION CARRIED)

Mayor Lowe recognized Sandra Randon, Jane Adair, Sheila Payne, Carla Berkholl, Darlene Pifalo, Ashley Moskowitz and Kim Popejoy who spoke to the matter.

RECOMMENDATION

The Community Development Committee to the City Commission - The City Commission: 1) hear a report from staff; 2) consider staff's recommendation with change to item #4 to include a restriction of operating hours from 9:00am to 7:00pm on weekends; and 3) if appropriate, direct staff to initiate a Petition to the Plan Board modifying the Land Development Code to permit Pet Sitting in Residential Single Family Neighborhoods.

A motion was made by Mayor-Commissioner Pro Tem Hawkins, seconded by Commissioner Wells, that this matter be Approved as shown above (See Motion). The motion carried by the following vote:

Votes: Aye: Randy Wells, Jeanna Mastrodicasa, Todd Chase and Thomas Hawkins
Nay: Craig Lowe, Scherwin Henry and Susan Bottcher



Roy Tabor **110640B**
4028 NW 18th place
Gainesville, Florida
32605-3525
November 21, 2011

Ralph Hilliard, City Planner
City of Gainesville
Plan Board
P.O. Box 490
Mail Station 12
Gainesville, Florida 32627



Re: Petition No. Pb-11-142TCH
Pet Day Care Single-Family Residential

Good Morning Mr. Hilliard!

Thank you for taking time from your busy schedule to fill me in on the details of the above captioned petition. For the following reasons I oppose this petition:

1. Most subdivisions contain a restrictive covenant prohibiting business. Whether this particular subdivision is covered by a non-business clause is not known and is immaterial, in my opinion. The residential zoning and developers' intent is implied. Most home owners purchase homes under the pretense of this implied understanding and confirmed by title insurance.

Approval would, in my opinion, adversely affect property values and open the door to offensive businesses in other residential communities.

2. The noise factor would be extremely disruptive to residential life. Trying to keep barking dogs quiet is like telling a baby not to cry.

It may be of interest to note that on November 1st, the Los Angeles City Council passed a barking dog ordinance that has real teeth in its penalty schedule. Attached is a copy of the subject article that appeared in the November 3rd, issue of The Gainesville Sun. Prevailing winds travel from West to East. Coincidentally, history suggests, so do styles, fads and governing trends.

I thank you and the Board for your time and consideration!

Sincerely,

A handwritten signature in black ink that reads "Roy Tabor". The signature is written in a cursive style with a large, sweeping "R" and "T".

**Los Angeles approves
fines for barking dogs**

LOS ANGELES — Barking dogs can lead to a hefty fine in Los Angeles. The City Council on Tuesday approved an ordinance that fines owners of excessively barking dogs \$250 for a first offense, \$500 for a second and \$1,000 for a third.

City prosecutor Dov Lesel told the Los Angeles Times that barking would be excessive if it continued for 10 minutes, or intermittently for a half-hour or more within a three-hour period.

11-3-11

Hilliard, Ralph W.

From: Hummel, Rolf E [rhumm@mse.ufl.edu]
 Sent: Sunday, November 20, 2011 2:20 PM
 To: COGPlanning

Dear Plan Board members,

I am a member of the Board of Adjustment in Gainesville since about three and ½ years. Before my appointment I was told that this board serves the citizens of Gainesville by looking at cases at which the city code prohibits certain actions but where, on the other hand a **hardship** would arise when the code would be strictly enforced. Most of our cases which we hear involve encroachments of new buildings or additions to existing buildings across the allowed set back lines. But we heard also zoning-related cases, for example the "ice production and vending machine" case, or the recent "charter school case" where the zoning laws would prohibit that a school would move into an existing, non-conforming building for schools (near 13th Street and 23rd Blvd). It is my understanding that the City Commission would rather delegate these cases to a group of concerned citizens who take the time to hear these cases in all detail and decide if violations of the codes can be allowed in rare circumstances when hardships would otherwise arise, or if the proposed plan of action would not be detrimental to the neighbors and the environment. In other words, it is my understanding that we are given certain authorities to act in a humanitarian way instead of merely obeying the codes. If you want that the codes are strictly applied, then you better let the lawyers and the administrators (staff) do the assessment. In short, then you don't need a citizen's board to hear these cases.

I write this somewhat lengthy introduction to explain to you why the Board of Adjustment allowed Mr. Baber to continue his dog-sitting endeavor. We were quite aware of the zoning restrictions and the codes, but we felt that his dog-sitting was not detrimental to the neighborhood and that Mr. Baber was responsive to complaints. Further, his multiple daily strolls through the neighborhood were an asset for crime prevention. We felt compassionate for Mr. Baber when we heard that proceeds from his dog sitting were his principal source of income. We were afraid that depriving him from this income would just add another client to the soup-kitchen. The Board members had a lengthy discussion among us. Three of us felt that this was a hardship case and we should be compassionate, as the city commission intended us to be, two of us felt that the code should be strictly enforced. The City Commission also ruled strictly on the letter of the law (with one exception), that is, considered only the legal aspects of the case. Interestingly enough, the complainant, Mr. Bowe did not complain about noise, odor, flees, etc, but was only concerned about the legality of the matter. Having said this, I kind of feel useless on the Board of Adjustment. Most everything we decide can be appealed for one reason or another, that is, if we decide against or in favor of an applicant. I always thought that the City Commission stands behind our decisions. We try hard to make Gainesville a compassionate city and I thought this was our mission.

Please reconsider the Baber case, maybe by letting him operate for a few more months until the code has been changed, or in any other way you may come up with. Furthermore, I would like you to redefine the mission of the Board of Adjustment. I have a few suggestions in this direction.

Sincerely Yours,

Rolf E. Hummel, Ph.D.
 Pamphalon Professor Emeritus
 Department of Materials Science and Engineering

University of Florida
216 Rhines Hall
Gail Lemerand Drive
Gainesville FL 32611-6400
Tel.: (352) 3926667/ Home:3720143
Fax:.(352) 3927219 or (352) 8463355

Hilliard, Ralph W.

From: Jane Adair [adairj52@gmail.com]
Sent: Sunday, November 20, 2011 3:06 PM
To: COGPlanning
Subject: Overwhelming Neighborhood Support to Keep Bruce Baber Services of Dog Walking

I forward this note which I sent to Bruce Baber "the dog walker" as a show of support. Having lived next door to Bruce from the time he started the business nearly twenty years ago until very recently, I cannot see how his home based business provides anything other than a very well respected and depended upon service. Mr. Baber was born and raised in this home ever since his parents built it in at the conclusion of WWII. In an off campus single family neighborhood full of students and rentals with many absentee landlords, and somewhat of a historic crime problem, Bruce provides a sense of continuity, security and community with his dog walking business. I think in today's America with everyone away from their homes for extended periods of time, convenient neighborhood locations providing child and pet care are an real and much appreciated assets.

Please do not miss the point. This service needs to stay in its current location and enable this small self-employed citizen to do a job that he has done for many years. Stating the obvious... A family bought our previous residence and then quickly sold it to an investor who put his college age daughter and her room-mates in the home. I cannot speak to their agenda, and why they have found above all the difficulties of living in that neighborhood location, that they would choose to assault Bruce with a barrage of troublesome communications.

I do think that if you examine the massive support that has come from nearly all of his surrounding neighbors it does provide reason to question their motivation. Personally, because my family lived next door to Bruce and his aging parents before their deaths, and had very close relationships and interdependent lives, my husband Dr. Albert R. Matheny and I have spent long hours along with numerous neighbors speaking at board and commission meetings. One student investor family has created a hardship for many neighbors, customers, and friends who will be there long after that family has sold and moved on. A great disservice has been done.

On Nov 18, 2011, at 2:27 PM, Jane Adair wrote:

Bruce, Albert and I will be out of town. I had an idea the other day. I thought you could offer the idea of giving your neighbors and supporters what they ask for. If you had a map showing your neighborhood along with the lots marked as to which ones have had signs and supported you, I think it would outweigh the loud voice or two. One or two should not shout down the community when it comes to desired goods and services offered by a small business owner. The argument that other neighborhoods will fall if you get the privilege does not hold, as most have associations which would forbid this work. Also, your neighborhood is asking for this. No one is forcing it on them. This is not an experiment. This is an existing business which has proven itself, and over time earned the trust and loyalty and support of the community in which you live. The community in which you live along with the community of those outside your neighborhood support your work.

You might also perhaps chart the dates and various commissions and councils and committees who have met on this issue. What is ridiculous is the number of times this has been scheduled, rescheduled, then meetings which have lasted many hours causing supporters to disrupt their lives by coming down and sitting for many hours to request that you continue. The numbers are in your favor, if you perhaps you could shame them into seeing that they have abused you and the citizens and they should finally Give The Neighborhood and Dog Community that which they have so long fought for. If you include once more, for new commissioners, that you were born and raised in this house, have been doing this for many years, and have no will or intention to move your place of residence. You are a much loved and integral long standing member of a community. Can you bring with you a vote from the neighborhood association in your favor along with a letter of support? Can you also note all of the petitions that were generated by affected supportive groups such as the UF Student Body

and UF Sports Teams? Your voting numbers should stand for something. You are not making a profit that anyone else would consider, so it is not reasonable to say that you should locate in a more commercial district. Part of the charm is the location. Neighborhoods should be able to offer pet care, as they do child care. J

On Wed, Nov 16, 2011 at 1:05 PM, bruce baber <brucebaber@mac.com> wrote:

Please come out to Squirrel Ridge Park(1603 SW Williston Rd, just off 441), with or without your dog(s), on this Sunday, November 20th, at 1 p.m. to discuss the December 5th Gainesville City Plan Board Meeting at which a vote to decide my fate will be made. Thank you for your continued support in this extremely drawn-out and frustrating for all procedure. It is by no means certain that, even if the code is favorably changed, that it will include provisions that would allow me to sit in the numbers I would need to accommodate all the dogs that I wish to, or that overnights, and thus extended stays for weekends and vacations would be allowable. That is why it is so important that we all gather and establish our plan for the meeting.

Bruce

--

Jane E. Adair
2613 N.W. 24th Terrace
Gainesville, FL 32605-2820
[\(325\) 377-5984](tel:(325)377-5984)

--

Jane E. Adair
2613 N.W. 24th Terrace
Gainesville, FL 32605-2820
[\(325\) 377-5984](tel:(325)377-5984)

Hilliard, Ralph W.

From: Hummel, Rolf E [rhummm@mse.ufl.edu]
 Sent: Saturday, November 19, 2011 9:00 PM
 To: COGPlanning

Dear Plan Board members,

Here is a letter to the editor which I wrote in August 2011 to the Gainesville Sun. It is still very relevant today and may guide you in your decision concerning the dog-sitting endeavor by Bruce Baber:

Mr. John Thomas in his 8-5-11 letter ("neighborhood could be going to the dogs") certainly has a point when he writes about dog barking noise and dog waste. But he has not been Mr. Bruce Baber's backdoor neighbor for many years as we have been. Mr. Baber has proven that a responsible dog sitter can be a great asset to the neighborhood.

1st: Mr. Baber's dogs do not bark. We know!

2nd: When Mr. Baber walks them, he picks up any feces they might have produced on their walk.

3rd: He and his dogs were a safety feature for the whole neighborhood while he was still allowed to walk them here.

In contrast: We have had privately owned dogs, in yards adjoining our yard, bark at us as soon as we entered our backyard. Some have even tunneled underneath our fence and confronted us on our own property.

Our whole neighborhood wants Mr. Baber and his dogs back. Just look at all the "Save Bruce" signs.

A good solution would be: Give Mr. Baber an exemption for his dog sitting business or, if the City Commission wants to allow others to do dog sitting in residential neighborhoods, set very strict guidelines (no barking! no feces! etc.) and – very important – enforce these rules! But do not punish an extremely responsible dog sitter like Mr. Baber along with our whole neighborhood for the recklessness of private dog owners and irresponsible dog sitters.

Val Val Hummel

1726 NW 6th
 Gainesville/FL 32603
 372-0143

Gainesville

Hilliard, Ralph W.

From: Mickey Thomason [mickey.thomason@yahoo.com]
Sent: Monday, October 10, 2011 7:45 PM
To: Hilliard, Ralph W.
Subject: dog sitting in neighborhoods

Hello Mr. Hilliard, I am a resident of NW Gainesville who strongly supports the ability to allow commercial dog sitting in residential neighborhoods that are willing to allow it. There of course need to be regulations and requirements regarding the ability to be a professional dog sitter in a residential neighborhood but those seem to have been developed through the process that has occurred during the past months by Mr. Bruce Baber, working with the city and various boards. Please allow this process to continue for the benefit of pet owners like myself who have both adults working during the day several days a week, who can't afford \$20 per day and more for pet care, the pets who should not be left home alone from dawn to dusk and people like Mr. Baber who just want to follow the rules and do what they love and were born to do without harming anyone.

Your care and consideration are greatly appreciated in this matter. Pls contact me if desired to discuss.

Thank You,

Mickey Thomason
1723 NW 17th Lane
Gainesville, FL 32605

(352) 338-0281

Hilliard, Ralph W.

From: Alecia McDonald [aleciaskipper@hotmail.com]
Sent: Monday, October 10, 2011 12:02 PM
To: Hilliard, Ralph W.
Cc: bruce baber
Subject: Baber

Mr. Hillard,

I am writing in support of Bruce. I am a neighbor on 7 th place. Bruce has been a life saver for myself and my great Danes. My husband and work in health Care so we have a few long shifts, any of the doggie daycares that I looked into required me to pick them up by 6 at the latest, were way out of the way (imagine loading up two great Danes an infant and a toddler in the morning), and a lot weren't open on Sundays (so if I have an overnight on Saturday I would have to board them until Monday). Bruce is well liked by all neighbors, students and professionals alike. Our whole neighborhood is canvased in save Bruce signs to show our support of not only a good man, but also a provider of a valuable service in our neighborhood. Thank you for your time.

Alecia McDonald

Sent from my iPhone

Hilliard, Ralph W.

From: Nicole Neal [nicolepneal@gmail.com]
Sent: Sunday, October 09, 2011 6:33 PM
To: Hilliard, Ralph W.
Subject: Dear Mr. Hilliard,

We will not belabor the point, since we are sure that the city is tired of hearing from Bruce Baber's supporters. But we feel that a wrong has been committed and it is difficult to sit quietly and accept what is an egregious affront to what is fair and right. Here are a few points that we respectfully submit for your consideration:

1. The city is not denying Bruce the right to start a business; you're attempting to take away an established business. Is that really the intent of the law? In this - or any - economic climate? The time to shut Bruce Baber down is not 17-plus years after he has been operating, in plain sight, a respected, well-regarded and very much appreciated business.
 2. In April, we went in search of a dog sitter, since we were leaving town for two weeks and Bruce, good citizen that he is, felt he could not take dogs into his home. We went on Craigslist and other sites and guess what? We found no shortage of people watching pets from their homes! This is an unenforceable law. Would it not be best to establish guidelines?
 3. If we were to decide to adopt 10 dogs, we could do that, provided we could care for them. We would, unfortunately, have to leave them for nine hours a day, but there is nothing to stop us from having 10 dogs. What is the difference between someone having a few pets and Bruce taking a few pets into his home? Unlike many pet owners, Bruce is with them at all times, controlling noise, picking up after them and generally being a better pet watcher than many legitimate owners. We don't understand why the city has chosen to target Bruce.
 4. Bruce is a beloved local resident. His supporters are local residents. The man who lodged the complaint resides in New York. That should matter to city officials and employees. It is curious that Mr. Bowe's opinion seems to hold more sway.
 5. Bruce's issue was settled in an agreeable way (he was essentially grandfathered in) when the issue was brought before the Board of Adjustment. Then, for baffling reasons, it was brought again before the commission. The concerns raised by the city were perplexing: anonymous complaints against Bruce had not been read into the record. With all due respect, if supporters had to get up and state their name and address before a video camera, why would anonymous complaints be allowed at all?
- We ask, as do hundreds of Bruce's neighbors and supporters, that the city leave Bruce to do what he has done, without incident, for many, many years. His is a tidy, owner-occupied home in an area that, let's face it, could use more residents like Bruce. He is uniquely qualified to run this sort of business from his home. He is a beloved lifelong resident. These points should matter. This situation has gone on too long; it should be made right. We know that the city has within it the capacity to settle this issue fairly, and we know that good people work in local government. Please take into account the reaction from so many of the citizens of this community; they care deeply about Bruce and what has happened to him. Please, let's make it right.

Respectfully,

Dan and Nicole Neal

1502 NW 17th Terrace, Gainesville

Hilliard, Ralph W.

From: seaton1381@aol.com
Sent: Saturday, October 08, 2011 11:29 AM
To: Hilliard, Ralph W.
Subject: Bruce Baber

Dear Board,

Get government out of the way and let Mr. Baber continue with his business helping dog owners in the community.

Thank you,
Sherry Eaton

Hilliard, Ralph W.

From: Matheny, Albert R, III [matheny@ufl.edu]
Sent: Sunday, October 09, 2011 2:25 PM
To: Hilliard, Ralph W.
Subject: Support for Dog-Sitting exception to residential zoning

Please share this with the Plan Board.

I support Bruce Baber's dog-sitting and -walking service in its current location because the service could not otherwise exist economically or "locationally," if he were to have to move to a commercial location. It's not safe to walk a large number of dogs in the high-traffic areas associated with commercial enterprise. Nor could Bruce keep the costs of services low enough to benefit most of his clients, if he were to have to rent space in a commercial building. His location just north of the county's largest employer (UF) makes his operation convenient and efficient for the clients who can drop their dogs off and pick them up on the way to and from work, respectively.

The College Park neighborhood overwhelmingly supports Bruce's service, and his service operates much more quietly and with much less impact than the dominant residential rental activity which characterizes his surrounding neighbors. The rental properties in the neighborhood have more cars and more noise than Bruce's service generates. Further, Bruce keeps his property in better shape than most of the rental property in the neighborhood. It's unfair to let landlords get away with running down the neighborhood, while focusing unnecessarily on a service that actually benefits the neighborhood in many ways.

Just think about that for a moment, and ask yourself what's actually fair in all this.

Thanks, Albert

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Albert R. Matheny
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http://www.advising.ufl.edu

Hilliard, Ralph W.

From: E.J. Hirte [ejhirte4@yahoo.com]
Sent: Saturday, October 08, 2011 11:48 AM
To: Hilliard, Ralph W.

Please target the unmerciful murders of the shelter animals and the cruelty to animals! Do not target this person who helps people and animals with his care! Do more to HELP people who care and punish MORE crimes against animals!!

E.J. Hirte

MAKE SOMEONE HAPPY!!



Hilliard, Ralph W.

From: William Schaaf [wmartschaaf@gmail.com]
Sent: Tuesday, September 27, 2011 9:08 AM
To: Hilliard, Ralph W.
Subject: Bruce Baber and Doggie Care

What is the big deal? Why not let Bruce and others take care of animals in a responsive and response able way?

Why should this be so difficult in the larger scheme of things. A integrative service is being done, and it should be seen as a win, win, win, to the end situation.

william schaaf

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