



Legislation Details (With Text)

File #: 100686. **Version:** 3 **Name:** Pet Sitting in Single Family Neighborhoods (B)
Type: Discussion Item **Status:** Filed
File created: 7/21/2011 **In control:** Community Development Committee
On agenda: **Final action:** 7/21/2011
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.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 100686A_Attorney Presentation_20110322.pdf, 2. 100686B_City Comm Minutes 2-3-11_20110322.pdf, 3. 100686C_Memo dated 8-30-10_20110322.pdf, 4. 100686D_Review of Home Business_20110322.pdf, 5. 100686E_City Comm Agenda 11-22-10_20110322.pdf, 6. 100686F_Attorney Email dated 9-1-10_20110322.pdf, 7. 100686G_BOA Packet 11-02-10_20110322.pdf, 8. 100686A_Attorney Presentation_20110721.pdf, 9. 100686B_City Comm Minutes 2-3-11_20110721.pdf, 10. 100686C_Memo dated 8-30-10_20110721.pdf, 11. 100686D_Review of Home Business_20110721.pdf, 12. 100686E_City Comm Agenda 11-22-10_20110721.pdf, 13. 100686F_Attorney Email dated 9-1-10_20110721.pdf, 14. 100686G_BOA Packet 11-02-10_20110721.pdf

Date	Ver.	Action By	Action	Result
7/21/2011	3	City Commission	Approved as shown above (See Motion)	Pass
4/26/2011	2	Community Development Committee	Approved as shown above (See Motion)	
2/3/2011	0	City Commission	Referred	Pass

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.

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.

No fiscal impact.

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.