



Legislation Text

File #: 110640., **Version:** 0

Dog Sitting in Single-Family Neighborhoods (B)

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.

This is a petition to allow dog sitting businesses in single-family neighborhoods. This petition was initiated by the City Commission after reviewing a recommendation from the Community Development Committee based on 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 his 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 dog 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 a proposal that was submitted by the affected party's agent on March 15, 2011. The proposal included 10 items that were reviewed by staff. The major issues revolved around the number of dogs allowed, hours of operations, noise and the use of the Special Use Permit process as a mechanism to permit the use.

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 dog 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 of operation to include operating hours from 9:00am to 7:00pm on weekends.

The Plan Board reviewed the petition on December 5, 2011 and recommended denial by a vote of 3-1. The Plan Board heard from Planning staff and several citizens regarding the issue. The point was made during the hearing that the petition was not a public hearing on Mr. Bruce Baber's dog-sitting business, but on a proposed text change to the Land Development Code. Testimony was provided by Ms. Bowe, a next door neighbor that was against the petition regarding nuisance issues such as noise, fleas, and traffic in her driveway. Mr. Baber disputed the issues raised.

The Plan Board members that voted against the petition voiced their concerns about the compatibility of boarding dogs in residential neighborhoods. The Board Chair expressed support for the petition through a Special Use Permit process with sufficient enforceable conditions, that would be non-transferrable and that would have to be renewed periodically. There were also three new board members at the hearing that could not vote and they also expressed concern about the need for additional conditions, including a requirement for a minimum amount of interior and exterior space.

None.

City Plan Board to the City Commission - deny the petition.

Staff to the City Plan Board - review the petition and make the appropriate recommendation on whether the use should be allowed by Special Use Permit.

