



July 31, 2012

**Department of Planning,
Zoning & Building**

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

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Building Division 233-5100
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www.pbcgov.com/pzb



**Palm Beach County
Board of County
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**Re: Board of County Commission (BCC) Workshop August 21, 2012 to
Discuss Miniature and Pot Bellied Pigs on Residential Properties in
the Urban Suburban Tier and Possible Amendments to the County
Zoning Regulations**

Interested Parties:

On April 26, 2012, the Board of County Commissioners BCC discussed the current Palm Beach County Unified Land Development Code (ULDC) that classifies miniature or pot bellied pigs as livestock in unincorporated Palm Beach County, and whether or not to amend the code to allow them as pets (Attachment 1).

The Board directed staff to schedule a Workshop on August 21, 2012, at 2:00 p.m. in the Jane Thompson Memorial Chambers, County Government Center at 301 North Olive Avenue, West Palm Beach, in order to receive input from interested parties on this matter. The Workshop will provide the BCC with information on any pros and cons for consideration, and possibly result in direction to staff to amend current County regulations.

Please contact Monica Cantor, Senior Site Planner at (561) 233-5205, if you need any additional information regarding this Workshop. The agenda and backup material will be posted on the Zoning Website at <http://www.pbcgov.com/pzb/zoning/> under Current Press Releases one week prior to the Workshop.

Sincerely,

Jon MacGillis, ASLA, Zoning Director

JM

Attachment: April 11, 2012 Pot Bellied Pig Memo to BCC

- c: The Honorable Shelley Vana, Chair and
Members of the Board of County Commissioners
Verdenia Baker, Deputy County Administrator
Rebecca D. Caldwell, Executive Director, PZ&B
Bob Banks, Assistant County Attorney
Lenny Berger, Assistant County Attorney
Maryann Kwok, Chief Planner, Zoning
William Cross, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning



INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING & BUILDING

TO: The Honorable Shelley Vana, Chair and Members of the Board of County Commissioners
FROM: Barbara Alterman, Executive Director, Planning, Zoning & Building; Dianne Sauve, Director, Animal Care and Control
DATE: April 11, 2012
RE: Response to BCC directive relative to Pot Bellied Pigs

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BCC Directive

On January 25, 2012, the Board of County Commissioners (BCC) directed staff to research and bring back a draft ordinance that would allow pot bellied pigs to be maintained as house pets.

Background and Summary:

Pot bellied pigs are currently considered livestock by both the Unified Land Development Code (ULDC) and Animal Care and Control (ACC) Ordinance of 1998. Therefore, they are permitted in agricultural Zoning districts located outside of the Urban/Suburban Tier. Zoning Division, ACC, County Attorney and Code Enforcement staff met in February and March, 2012, and confirmed that a collaborative effort to amend both agencies ordinances will be required to properly accommodate the Board's direction.

Staff is providing the BCC with several options to consider:

- 1. Direct staff to bring back an amendment to the ULDC to allow pot bellied pigs in the Urban Suburban Tier.
a. Reclassify specific breeds of pigs as non-livestock.
b. Bring back amendments to the Animal Care and Control Ordinance to regulate some or all of the following which are regulated by other jurisdictions which allow potbellied pigs as pets:
i. Type of breed
ii. Weight
iii. Prohibitions on starving to maintain weight
iv. Removal of tusks
v. Limiting number permitted
vi. Prohibitions on breeding
vii. Maximum number of hours per day animals may be allowed outdoors
viii. Fencing of outdoor areas to ensure digging and foraging remains onsite
ix. Other laws to address the health and safety of the public and the animals



- c. Provide funding for enforcement of these regulations as a permit fee will not cover the full costs.
- d. Provide funding for proper facilities at Animal Care and Control for appropriate care of abandoned pigs. ACC has recently been contacted by Broward County and asked if they can accept abandoned pigs from Broward County as they do not have the facilities to accept them.

The impact of this alternative would be the following:

- Require additional staff to enforce the regulations
 - Possibility of more abandoned pigs taken to ACC for care and ultimately euthanization.
 - Force Home Owner's Associations that may not want pigs to develop and enforce restrictions beyond County ordinances.
 - Could encourage other requests to allow livestock to be classified as pets, i.e. pigmy goats, chickens, poultry and fowl, etc.
2. Direct staff to bring back an amendment to the ULDC to allow pot bellied pigs in the Urban Suburban Tier on lots of a minimum acreage, i.e. 1½ acres or larger.
 - a. Determine if the Animal Care and Control ordinance should also be amended to specifically regulate the care and control of pot bellied pigs as identified in "1.b" above, or if the current regulations governing dogs and cats, which are minimal, are sufficient.
 - b. Regulate breeding and licensing of pigs
 - c. Somehow educate the public about where pot bellied pigs are allowed.
 - d. Regulate the sale at pet stores. Could this also be done at flea markets and through private sellers?

The impact of this alternative is:

- The cost and effectiveness of an education program verse the limited audience it would reach.
 - The regulation of sale would also be costly and the effectiveness of trying to regulate flea markets and private sellers is questionable.
 - This will not solve the situation which prompted this directive as the property in question is less than ¼ acre and the use cannot be vested.
3. Do not make any changes to any codes.

Historical Information relative to "livestock" and Pot Bellied Pigs

On February 21, 2012, staff from the Zoning Division, County Attorney, Animal Care and Control (ACC), and Code Enforcement met to discuss the direction of the BCC. In our discussion both Zoning and Animal Care and Control provided information relative to current limitations in existing ordinance that classify a pot bellied pig as livestock.



Historical Information of why livestock is not allowed in the Urban/Suburban Tier.

It should be noted that pot bellied pigs are allowed as livestock on a residential lot, outside of the Urban/Suburban Tier.

- On July 29, 1997, the prior Zoning Director, Mr. Marty Hodgkins, issued an interpretation (Attachment A) classifying pot bellied pigs as livestock, not as household pets. This interpretation has been enforced consistently by Planning, Zoning and Building Department since 1997.
- In 1998, the Zoning Division contacted both Dr. Joel Brendemuhl, Animal Science Professor of the University of Florida and Mr. Clayton Hutcheson, Director of the Cooperative Extension Services to respond to inquires from the public on why the Zoning Director was classifying the pot bellied pigs as livestock. (Attachment B).
- Florida Statutes (F.S.) 585.01(13) define "Livestock" as *grazing animals, such as cattle, horses, sheep, swine, goats, or other hoofed animals, ostriches, emus, and rheas which are raised for private use or commercial purposes.* Further, the USDA classifies pot bellied pigs as "swine", which is considered livestock under the Animal Health Protection Act."
- The ULDC pursuant to Bona Fide Agriculture, Article 4.B.1.A.3 allows livestock raising as a primary use. Livestock keeping or raising accessory to a single family home is only allowed in the AR-Agricultural Residential in the Rural Service Area (RSA) pursuant to Article 4.B.1.A.3.g. Livestock Raising.

At a meeting with Commissioner Vana on March 15, she raised the following points based upon the staff recommendation to not make changes to the ordinances:

1. Pet stores, in addition to flea markets and private sellers, sell pot bellied pigs, seemingly as pets. Purchasers may not understand that pot bellied pigs may not be allowed in the urban/suburban area.
2. There are no regulations of who is allowed to breed them and there is no licensing requirement.
3. There is no education for the public about where pot bellied pigs are allowed.
4. Staff was asked to explore the possibility of allowing the owner of the pot bellied pig that is currently in code violation, to be vested. After research, it was determined that it could not be vested, since it was never legally permitted.

Attachment(s):

- A. 1997 Memo from Marty Hodgkins on Pot Bellied Pigs
 - B. 1998 Dr. Joel Brendemuhl and Clayton Hutcheson information on Pot Bellied Pigs
 - C. Examples of other jurisdictions' ordinances
- c: with Attachments:
- | | |
|---|--|
| Verdenia Baker, Deputy County Administrator | Lenny Berger, Assistant County Attorney |
| Rebecca Caldwell, Building Official | Shannon Fox, Assistant County Attorney |
| Jon MacGillis, Director, Zoning Division | Maryann Kwok, Chief Planner, Zoning Division |
| Bob Banks, Assistant County Attorney | William Cross, Principal Site Planner, Code Revision |
| Zoning Division Staff | |



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MEMORANDUM

TO: Zoning Staff

FROM: Marty Hodgkins, AICP, Zoning Director
Planning, Zoning and Building Department

MH

DATE: July 29, 1997

RE: Pot bellied pigs

The Zoning Division classifies pot-bellied pigs as livestock, not as household pets. The keeping and raising of livestock is not a permitted use in the residential districts in the urban service area. Therefore, pot-bellied pigs are not permitted as pets in these areas.

If you have any questions, please contact Anne Hctor at 233-5205.

F:\COMMON\HCTOR\IPOTPIGS.WPD

Zoning 233-5206

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SUMMARY

Friday, April 17, 1998.
Conversation between:

Dr. Joel Brendemuhl
Animal Science Department
University of Florida
(352) 392-1911

and

Clayton Hutcheson, Director
Cooperative Extension Service
Palm Beach County
(561) 233-1712

There are true miniature pot-bellied pigs which range from 40-60 pounds. However, if owners are not careful managing a miniature pot-bellied pig's food intake, it will grow much larger than expected. Managing their food intake can be difficult if a pot-bellied pig is constantly hungry, the pigs can become aggressive and destructive, eating whatever they can find, usually uprooting flowers, plants, and vegetable gardens.

There is no sure way to know (physical attributes) if a baby pot-bellied pig is a true miniature or if it will grow to be a full size hog. However, observing the mother and father (grown to maturity) of a pot-bellied pig can give an indication of the potential size of a baby pot-bellied pig when it reaches maturity.

There is always the risk of cross-breeding, where an unknowing owner assumes to have bought a miniature pot-bellied pig but it grows much larger than expected and will likely exceed any size limitations imposed by Zoning.

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POT-BELLIED PIG SURVEY

1998

Are pot-bellied pigs allowed as household pets?

- Martin County: NO
Code prohibits them in residential areas, considered a farm animal.
Have been forced to take things on a case by case basis.
- Boca Raton: NO
Code prohibits them in residential areas, considered a farm animal.
- West Palm Beach: NO
Code prohibits them in residential areas, considered a farm animal.
- Jupiter: NO
Code prohibits them in residential areas, considered a farm animal.
Force people to get rid of them.
- Lake Worth: NO
Code prohibits them in residential areas, considered a farm animal.
- Palm Beach Gardens: NO
Code prohibits them in residential areas, considered a farm animal.

MIAMIPIGSURV.WPD

Examples of Other Jurisdictions' Ordinances (2012)

- 1) **City of Jacksonville** Has an Ordinance that addresses Pot belly Pigs as companion animals. Applies only to true Vietnamese miniature pot belly pigs that are registered with a purebred registry. They must be registered with their Animal Control and are subject to annual inspection. Requires them to be spayed/neutered and maintained indoors, with permission to be exercised outdoors. Residents are allowed to keep only one pot belly pig per acre, with a maximum of 2. No pig other than true miniature pot belly pigs may be kept within the City.
- 2) **Hillsborough County** Ordinance allows pot belly pigs as "Pet Pigs", only requirement is that any seller of a "Pet Pig" must provide the buyer with written information on proper care.
- 3) **Miami-Dade County** Strictly a zoning issue, with no separation of pot belly pig from their definition of livestock.
- 4) **Leon County** Strictly a zoning issue, with no separation of pot belly pig from their definition of livestock.
- 5) **St. John's County** Strictly a zoning issue, with no separation of pot belly pig from their definition of livestock.
- 6) **Broward County** No response received as of yet, however they currently rely on a private non-profit to shelter the County's stray and unwanted pigs. This private non-profit contacted our agency in February 2012, requesting that PBC accept about 10 of their pigs so that they could avoid euthanizing them. They also indicated that they would no longer be accepting pigs for the County.
- 7) **Orange County** No response received as of yet.
- 8) **Marion County** No response received as of yet.
- 9) **Collier County** No response received as of yet.