



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

**PRIVATELY INITIATED APPLICATION (PIA)
TO AMEND UNIFIED LAND DEVELOPMENT CODE (ULDC)**

Application No. PIA 2013-04
Request: Modification of Type I (Private) Kennel to allow for limited boarding.
Applicant: Jeff and Monika Stefaniak
Project Manager: William Cross, AICP, Principal Site Planner

APPLICATION SUMMARY:

The applicant is requesting that the Board of County Commissioners (BCC) initiate an amendment to the ULDC in the current 2013-01 Amendment Round, as follows:

CODE SECTION	REQUIRED	PROPOSED BY APPLICANT
4.B.1.A.73, Type I Kennel (Private)	Any building or land used, designed or arranged to facilitate the non-commercial care of domestic animals, such as dogs and cats, (excluding horses or livestock), owned by the occupants of the premises. a. Limitations of Use A private kennel shall be limited to domestic animals owned by the occupants of the premises only.... The care, breeding, boarding, raising, sale or grooming of dogs, cats, or any other domestic animal, bird, reptile or mammal is prohibited, except as permitted under provisions for Hobby Breeder contained herein....	See Attachment 1 for specific language. Summarized as follows for brevity: Proposes new Type I-b Kennel (Residential Boarding) a. Limitations of Use – Allows boarding and care of domestic animals not owned by residents. 1) Must be boarded within residence. 2) Min. six foot high fencing around outdoor use areas. 3) No change to character, exterior appearance or interior of dwelling. 4) No advertising on premises, nor through signs, billboards, television, radio, newspapers or on vehicles.

STAFF RECOMMENDATION:

Staff recommends that this topic/request be included in the 2013-2014 Use Regulations Project. This has previously been identified by PZ&B, Animal Care and Control (ACC) and the County Attorney's Office, and staff agrees that the request merits further study. Preliminary issues of concern include increased non-residential traffic, noise or other similar impacts to residential areas or neighborhoods. Including in the larger Use Regulations Project will provide for a holistic review of all issues in conjunction with similar uses, thus eliminating redundant efforts and maximizing staff resources.

If the BCC sees merits in this request, the applicant is requesting that staff be directed to process the amendment in the current 2013-01 Round.

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) RECOMMENDATION:

At the February 27, 2013 meeting, the LDRAB voted in favor (9 to 4) of recommending consideration of the amendment request, subject to development of regulations discussed by staff, to include: minimum lot size (acreage), Tier, noise issues, and that the number of dogs or cats boarded be limited to a percentage of the maximum number permitted by ACC, and other requirements to mitigate potential impacts to adjacent property owners. The applicant indicated that this would be acceptable. Members voting in opposition to the request cited concerns with commercial uses in residential areas, noise, and increased traffic, among other similar considerations.

BACKGROUND AND SUMMARY:

Commercial kennels are prohibited within residential Zoning districts. While private kennels are permitted in residential districts, the use is limited to the boarding of dogs "owned by the occupants of the premises..." In 2012 it was ascertained that several residential dog boarding operations had been established contrary to these prohibitions. Reasons included the discovery that several Business Tax Receipts (BTR) were for pet sitting, which is not correct for a boarding kennel or dog walking businesses, or that approvals for stables were incorrectly issued as kennels.

It is important to note that the applicant's proposal would limit the housing of any dogs boarded to within their residence, with provisions to allow for an outdoor exercise area.

Preliminary research indicates that other similar uses are permitted within residential Zoning districts, such as the boarding of up to four horses in a private stable when located on two or more acres; and, a family day care home, which allows for daycare of one to six children, excluding the operator's children who reside in the home.

Additional standards that may be required to address potential impacts might include: minimum acreage thresholds; increased driveway access or maneuvering to accommodate drop off areas; restrictions on outdoor play areas to include minimum setbacks, hours of use, supervision, and clarification of any related fencing requirements; and, a limit on the number of dogs or type of domestic animals to be boarded.

County Administrator
Robert Weisman

Palm Beach County Zoning Division
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REQUEST FOR ULDC LANGUAGE CHANGE

DATE: 02-05-2013

Re: Code Section Article 4, CH B, Sec.1 (A) (73)

From: Jeff & Monika Stefaniak

APPLICATION REQUIREMENTS

I request a change related to the following ULDC Language (attach copy of code section)

Please see attached

I have performed a word search in the ULDC and the following sections require change to complete this task

Article 4 – Use Regulations, CHAPTER B – SUPPLEMENTARY USE STANDARDS ,Section 1 – Uses,

A. Definitions and Supplementary Standards for Specific Uses, 73. Kennel, Type I (Private)

Multiple horizontal lines for additional text or notes.

Justification Statement
Re: changes to PBC ULDC Article 4, CH B, Sec. 1 (A) (73)

While it is understood that one intent of the ULDC and Zoning standards are to preserve the residential character and traffic flow of residential zoned neighborhoods, times and attitudes towards domestic animals have changed over the years, and it is our belief that a change to the definitions (and permitted zoning) for certain types of small-scale, private residence based boarding facilities should be modified. It is also believed that this can be done without interfering with the overall mission of the ULDC, while in fact benefiting residents of Palm Beach County.

Allowing limited numbers of domestic animals to be commercially boarded within owner-occupied residential properties in AR zoned areas will allow for a service that is unobtrusive, highly sought after, and provides peace of mind and comfort to domestic animals and their owners, while encouraging small-business entrepreneurship and generating tax revenues for the county.

It is recognized that there is little to be found in the codes of ordinances of most municipalities relating to boarding domestic animals in one's home, as this is a relatively new endeavor. It is also understood why commercial kenneling of animals in residentially zoned areas is generally prohibited.

However, as previously stated, attitudes toward pet animals have changed substantially, with many people viewing their beloved pet as less of an animal, and more of a member of the family. As a result, many pet owners are resistant to the idea of taking their animal to a commercial kennel or vet office while they are away, and would greatly prefer a home-like environment for their peace of mind and their pet's comfort. While home visits may be enough for some animals, others require more supervision and companionship (particularly due to medical or separation anxiety issues), and this is where boarding in a private home comes in.

Such use is certainly no more intrusive to an AR zoned neighborhood than uses such as the already allowed **73. Kennel, Type I (Private)** or **126. Stable, Private** (which already does allow boarding of horses not owned by the owner or occupant), and would doubtlessly have far *less* impact than the **125. Stable, Commercial** use allowed by Special Permit.

Amending the ULDC as requested to provide for proper zoning for such use has many benefits:

- It allows for a service that is already in great demand by residents of Palm Beach County and the surrounding areas. (A company named Rover.com recently received a \$7 million investment to expand their service – it is a web based home pet boarding network. Clearly there is growing demand both locally and nationwide for pet home boarding services.)
- Generates revenue for PBC and PBCACC, both directly (through licensing fees and business taxes) and indirectly (through private income spent locally). Particularly, this can provide additional source of needed income to self-employed and/or retired residents of Palm Beach County.

- A private residence used in this manner is externally identical to surrounding residential homes – in fact, due to necessary ‘curb appeal’ for clients, as well as unannounced inspections from PBCACC, there is additional incentive to the homeowner to take pride in their property and keep it in exceptionally well maintained condition on a permanent basis.
- Due to limited numbers of clients, and extended stays (unlike a doggy day-care with daily drop off and pickup) this type of use adds very little, if any, additional traffic flow to the neighborhood. Dogs are normally picked up at their owners’ homes.
- It is our belief that excess noise is not a particular concern, as the number of animals would generally be limited to the number already approved by PBACC for private ownership, and the animals are normally contained within the residence, which are located on relatively large lots. Furthermore, necessarily animals are not left home alone for extended periods, a common cause of disruptive domestic animal noise.

Some important differences to point out between private residential boarding and ‘kennel’ facilities (both private and commercial):

- The whole point is a home environment – no cages, paved dog runs, exterior kennel facilities are present. The exterior appearance is no different than any private homeowner who has pet dogs. Furthermore, this simply cannot be duplicated in a commercial facility.
- This type of boarding differs from a doggy daycare – stays are extended, and many animals are picked up from the client’s home by the owner - as opposed to a constant daily flow of client traffic to and from as would be the case with a daycare facility.
- This is not a breeding or grooming facility – while a dog’s owner may give their dog the occasional bath, a private pet boarding home does not have any on site grooming facilities. It is expected that breeding would be prohibited.

As described, the proposed changes should allow several already established small businesses in Palm Beach County to remain open, providing a valuable service and generating both personal income and revenue for the county and surrounding businesses, while creating no substantially negative impact to their residential neighborhood, and in fact possibly improving upon the appearance of their street.

Proposed changes to Palm Beach County ULDC
Article 4 – Use Regulations
CHAPTER B – SUPPLEMENTARY USE STANDARDS
Section 1 – Uses
A. Definitions and Supplementary Standards for Specific Uses
73. Kennel, Type I (Private)

73-1. Kennel, Type I-a (Private)

Any building or land used, designed or arranged to facilitate the non-commercial care of domestic animals, such as dogs and cats, owned by the occupants of the premises.

(Remainder as per original **73. Kennel, Type I (Private)**)

73-2. Kennel, Type 1-b (Residential Boarding)

An owner occupied, single family dwelling that offers boarding and care of domestic animals, such as dogs and cats, to paying customers.

a. Limitations of use

A Residential Boarding Kennel shall be limited to the boarding and care of domestic animals. The breeding, raising, or sale of dogs, cats, or any other domestic animal is prohibited. The sale of domestic animals on site is prohibited. Property size and restrictions on the number of animals permitted shall be regulated by the PBCACC.

1) Private Kennel

Animals boarded or cared for on the premises must be housed in the primary dwelling. Accessory structures (fully or partially enclosed) dedicated solely for the boarding of paying customers' domestic animals are prohibited.

2) Fencing

Safety fences not to exceed six feet in height must enclose all outdoor property accessible to domestic animals kept on the premises.

3) No Change to Character of Dwelling

Safety fencing excepted, the residential character of the dwelling in terms of exterior appearance and interior space shall not otherwise be altered or changed to accommodate the boarding of domestic animals.

4) Advertising

No external evidence or sign shall advertise, display, or otherwise indicate the presence of the Residential Boarding Kennel, nor shall the street address of the Residential Boarding Kennel be advertised through signs, billboards, television, radio, newspapers, or on vehicles.

Biohazardous waste incinerators with an allowable operating capacity equal to or less than 1,000 pounds per hour and biohazardous waste autoclaves are permitted as an accessory use, subject to the following standard.

1) Setbacks

A minimum of 500 feet from any property line abutting a residential district or use. Expansion of existing facilities may be allowed with lesser setbacks, provided the expansion is approved by the DRO.

f. Collocated Medical or Dental Offices

Medical or dental offices shall be permitted as a collocated use to a hospital or medical center. [Ord. 2011-001]

72. Hotel, Motel, SRO, and Rooming and Boarding House

An establishment requiring a license by the State of Florida used, maintained or advertised as a place where furnished sleeping accommodations are supplied for short term rent to guests or tenants. Typical uses include hotels, motels, single room occupancy (SROs) and rooming and boarding houses. [Ord. 2006-004]

a. Commercial Districts and AZO Overlay

If permitted by Table 3 B.2.A, Airport Use Regulations, Table 3.E.1.B, PDD Use Matrix, or Table 4.A.3.A, Use Matrix, or a hotel, motel, SRO, or rooming and boarding house with a CL, CHO and CH FLU designation, or in the AZO Overlay, shall comply with the following: [Ord. 2006-004] [Ord. 2006-036]

1) Lot Size

A minimum of one acre or the minimum required by the district, whichever is greater.

2) Lot Width

A minimum of 100 feet or the minimum required by the district, whichever is greater.

3) Sleeping Units

A maximum of one per 1,000 square feet of lot area.

b. RM District

A rooming and boarding house is permitted only in the RM district with an HR FLU designation. The number of beds permitted shall be calculated consistent with a Type 3 CLF. Hotels, motels, and SROs are prohibited.

c. CRE District

A hotel, motel, SRO, boarding or rooming house shall only be located in a RR FLU designation as a Class A conditional use.

d. PO District

An existing hotel located in the PO district shall be considered a conforming use. [Ord. 2009-040]

e. Accessory Uses

Hotels and motels may include typical accessory uses, such as fitness centers, meeting rooms, conference centers, restaurants and lounges.

f. Lounge

An accessory lounge shall not exceed ten percent of the GFA of a hotel or motel. [Ord. 2006-004]

73. Kennel, Type I (Private)

Any building or land used, designed or arranged to facilitate the non-commercial care of domestic animals, such as dogs and cats, owned by the occupants of the premises. [Ord. 2006-036] [Ord. 2008-036]

a. Limitations of Use

A private kennel shall be limited to domestic animals owned by the occupants of the premises only, or a private non profit animal organization licensed by PBC ACC that is not open to the public and located on less than 2.5 acres. The care, breeding, boarding, raising, sale or grooming of dogs, cats, or any other domestic animal, bird, reptile or mammal is prohibited, except as permitted by PBCACC. The raising of domestic animals for sale is prohibited. The sale of domestic animals on site is prohibited. Property size and restrictions on the number of animals permitted shall be regulated by the PBCACC. [Ord. 2006-036] [Ord. 2008-037]

1) Setbacks

Enclosed structures or runs shall comply with the minimum setbacks applicable to the principal dwelling unit provided that openings do not face adjacent residential uses. [Ord. 2006-036]

2) Hobby Breeder

A person who breeds and/or raises, on his/her property, purebred dogs or cats capable of registration with the national or international dog or cat registry and does not engage in the sale to the public, during a consecutive 12 month period, of more than two litters or 20 dogs or cats, whichever is greater. The hobby breeder is further defined by the PBCACC pursuant to Ord. 89-2, as amended. [Ord. 2006-036]

3) Outdoor Runs

Safety fences not to exceed six feet in height shall be required around outdoor runs. If the safety fence is not opaque, a continuous solid opaque hedge, a minimum of four feet at installation, shall be provided around the outdoor run. Outdoor runs or non-enclosed structures used by a hobby breeders shall not be located within 50 feet of any property line adjacent to a residential district or 25 feet of any property line adjacent to a non-residential district. [Ord. 2006-036]

4) Private Kennel

Outdoor runs or non-enclosed structures shall not be located within 25 feet of any property line. [Ord. 2006-036]

b. Guard Dog Exemption

Adequate shelter required by ACC for any guard dog registered in accordance with ACC Ord. 98-022 shall be permitted in any Zoning district, and shall be exempt from the setback requirements of this section. [Ord. 2008-036]

74-1. Kennel, Type II (Commercial)

A commercial establishment, including any building or land, used for the raising, boarding, breeding, sale, or grooming of domesticated animals (e.g. dogs and cats), not necessarily owned by the occupants of the premises, for profit. [Ord. 2006-036]

a. Limitations of Use

A Type II commercial kennel shall be limited to the raising, breeding, boarding, sale, and grooming of domestic animals, (e.g. dogs and cats). [Ord. 2006-036]

1) Lot Size

A minimum of two acres. [Ord. 2006-036]

2) Frontage

A minimum of 100 feet fronting on and access from a collector or arterial street. [Ord. 2006-036]

3) Outdoor Runs

a) Setbacks

Outdoor runs or animal exercise area shall not be located within 50 feet of any property line adjacent to a residential district, use or where mixed use is required, or 25 feet of any property line adjacent to a non-residential district. [Ord. 2006-036] [Ord. 2008-037]

b) Standards

Outdoor runs or animal exercise area shall be hard surfaced or grassed with drains provided every ten feet and shall be connected to an approved sanitary facility. A minimum six-foot high safety fence shall be required around outdoor runs. If the safety fence is not opaque, a continuous solid opaque hedge a minimum of four feet at installation shall be provided around the outdoor run\area. [Ord. 2006-036]

4) AZO Overlay

Shall be a permitted use only if associated with services provided to passengers and airport employees. [Ord. 2006-036]

b. Accessory Residential Use

A Type II commercial kennel may be operated in the AGR district in conjunction with a residence. [Ord. 2006-036] [Ord. 2009-040]

c. PIPD

A Type II commercial kennel may be permitted in a commercial or light industrial pod of a PIPD subject to DRO approval, subject to compliance with the limitations of Plan FLUE Policy 2.2.4-b. [Ord. 2008-037]

74-2. Kennel, Type III (Commercial)

A commercial establishment operated entirely within an enclosed building used for the boarding, sale, or grooming of domesticated animals (e.g. dogs and cats), not owned by the occupants of the premises, for profit. [Ord. 2006-036]

a. Limitations of Use

A Type III kennel is intended to be entirely self contained within an enclosed building, and shall be subject to the following: [Ord. 2006-036]