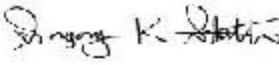




May 21, 2009		AGENDA ITEM		Item 34
<input checked="" type="checkbox"/> Ordinance		<input type="checkbox"/> Resolution		<input type="checkbox"/> Budget Resolution
<input type="checkbox"/> Other				
Department: Growth and Resource Management		File Number: VC-1241787225141-A		
Division: Planning and Development				
Subject: Second and final reading of Ordinance No. 2009-17 amending Chapter 72 regarding the number limit and special exception criteria for dogs and cats.				
Account Number(s): N/A				
Total Item Budget: N/A				
Staff Contact(s): Becky Mendez, AICP, Senior Planning Manager Phone: 736-5959 ext. 2943 Mike Dyer, Asst County Attorney Phone: 736-5959 ext. 2946				
Summary/Highlights: The ordinance amends the zoning code by adding new and modified definitions, numerical limits on dogs and cats in residential areas, and special exception criteria for animal shelters, kennels and dogs and cats boarded as personal pets that exceed these numerical limits. On May 7, 2009 Council approved Ordinance No. 2009-17 at first reading and directed staff to schedule second and final reading for May 21, 2009. The ordinance has been revised to reflect the new Chapter 72 numbering and to clarify the section regarding pets of temporary guests. No one from the public spoke for or against the ordinance at first reading.				
Recommended Motion: Approve.				
Gregory Stubbs Director Growth and Resource Management  Kelli McGee Director Planning and Development No Signature Present	OMB Approved as to Budget Requirements	Legal  Approved as to Form and Legality	Betty Holness County Manager's Office  Approved Agenda Item For: May 21, 2009	
Council Action:		Modification:		
<input type="checkbox"/> Approved as Recommended <input type="checkbox"/> Approved With Modifications <input type="checkbox"/> Disapproved <input type="checkbox"/> Continued Date:				

Summary/Highlights Continued:

On April 14, 2009, the PLDRC recommended that the County Council adopt proposed Ordinance No. 2009-17 (attached). The motion was unanimously approved.

On March 19, 2009, County Council directed staff to schedule public hearings to adopt the proposed ordinance that increased the number of permitted personal dogs and cats based on lot size.

Staff recommends that Council adopt Ordinance No. 2009-17.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

ORDINANCE NO. 2009-17

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF VOLUSIA COUNTY, FLORIDA, RELATING TO THE REGULATION OF DOGS AND CATS IN RESIDENTIAL ZONING CLASSIFICATIONS; PROVIDING FOR DEFINITIONS; PROVIDING FOR NUMBER LIMITS ON DOGS AND CATS IN RESIDENTIAL ZONING CLASSIFICATIONS; PROVIDING FOR PERMITTED SPECIAL EXCEPTION TO ALLOW NUMBER OF DOGS AND CATS IN EXCESS OF SAID NUMBER LIMITS; AMENDING ZONING CLASSIFICATIONS FR, A-1, A-2, A-3, A-4, RR, RA, RE, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-9, MH-1, MH-2, MH-3, MH-4, MH-5, MH-6, MH-7 AND MH-8 TO PROVIDE FOR SAID SPECIAL EXCEPTION; PROVIDING FOR SPECIAL EXCEPTION REQUIREMENTS; RENAMING HUMANE SOCIETY/ANIMAL SHELTER TO ANIMAL SHELTERS; PROVIDING FOR KENNELS AS PERMITTED SPECIAL EXCEPTION RATHER THAN PERMITTED PRINCIPAL USE IN A-1 ZONING CLASSIFICATION; ALLOWING ANIMAL SHELTERS AS SPECIAL EXCEPTION IN SAME ZONING CLASSIFICATIONS AS KENNEL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

36 BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY,
37 FLORIDA, AS FOLLOWS:

38
39 (Words in ~~strike-through~~ type are deletions; words in underscore type are
40 additions.)

41
42 **SECTION I:** Chapter 72, Article II, Division 2, Section 72-67, of the Code of
43 Ordinances, County of Volusia is amended to read as follows:

1 **Sec. 72-67. Definitions.**

2 ...

3 Animal shelter: Premises other than hobby breeders, for the boarding of abandoned dogs
4 and cats where the total combined number over six months of age exceeds that permitted in
5 section 72-306(a).

6 ...

7 Board: The act of owning or providing care and shelter to a dog or cat.

8 ...

9 Hobby Breeder: A use allowing for the shelter, breeding or training of dogs or cats
10 belonging to the resident of the premises and which has been licensed as a hobby breeder by the
11 ~~Volusia County Animal Control Board.~~

12 ...

13 Kennel: Premises other than hobby breeders, for the boarding of dogs and cats where
14 ~~five or more domesticated house pets~~ the total combined number over six months of age ~~or five~~
15 ~~or more class II wildlife over six months of age as listed in section 39-6.02, Florida~~
16 ~~Administrative Code,~~ exceeds that permitted in section 72-306(a) are harbored for a form of
17 remuneration, whether for profit or for personal use.

18 ...

19 Personal pet: A dog or cat owned by a person.

20 ...

21 **SECTION II:** Chapter 72, Article II, Division 8, Section 72-306, of the Code of
22 Ordinances, County of Volusia is created to read as follows:

23 **Sec. 72-306. Dogs and cats in residential areas.**

1 (a) Number limit. The boarding of dogs and cats over six months of age shall be allowed on
2 a premises within the FR, RC, A-1 through A-4, RR, RA, RE, R-1 through R-9, MH-1 through
3 MH-8 and PUD zoning classifications but shall not exceed the following total combined number:

4 Lots of 1 acre or less in size: 5

5 Lots greater than 1 acre but less than 5 acres in size: 8

6 Lots 5 acres or greater in size: 12

7 (b) Exceeding number limits by special exception. The number limits established in
8 paragraph (a) may be exceeded if approved by the council as a special exception in accordance
9 with section 72-293(25).

10 (c) Exemption; pets of temporary guests. Dogs or cats belonging to a guest residing at a
11 dwelling for thirty or fewer days in any calendar year shall not be included in the application of
12 the number limits in paragraph (a) when said dogs or cats do not exceed a combined total of four.

13 (d) Application to hobby breeders. Any hobby breeder with a valid hobby breeder license
14 issued by the county may exceed the applicable number limits established in section 14-56(3) or
15 paragraph (a) of this section, whichever is greater, upon obtaining approval by the council as a
16 special exception for a kennel or animal shelter in accordance with section 72-293(25).

17

18 **SECTION III:** Chapter 72, Article II, Division 7, Section 72-241, of the Code of
19 Ordinances, County of Volusia is amended to read as follows:

20 **Sec. 72-241. Classifications.**

21 ...

22 FR FORESTRY RESOURCE
23 CLASSIFICATION

1 ...

2 *Permitted Special Exceptions:*

3 ...

4 ~~Humane societies/a~~Animal shelters.

5
6 ...

7 Dogs and cats boarded as personal pets exceeding the number permitted in section
8 72-306(a).

9
10
11 ...

RC RESOURCE CORRIDOR
CLASSIFICATION

12
13
14 ...

15 *Permitted Special Exceptions:*

16 ...

17 Animal shelters.

18 ...

19 Dogs and cats boarded as personal pets exceeding the number permitted in section
20 72-306(a).

21
22 ...

23 Kennels.

24 ...

A-1 PRIME AGRICULTURE
CLASSIFICATION

25
26
27
28 ...

29 *Permitted Principal Uses and Structures:*

1 ...

2 ~~Kennels.~~

3 ...

4 *Permitted Special Exceptions:*

5 ...

6 ~~Humane societies/a~~Animal shelters.

7

8 ...

9 Dogs and cats boarded as personal pets exceeding the number permitted in section
10 72-306(a).

11

12 ...

13 Kennels.

14

15 ...

16

A-2 RURAL AGRICULTURE
CLASSIFICATION

18

19 ...

20 *Permitted Special Exceptions:*

21 ...

22 Animal shelters.

23 ...

24 Dogs and cats boarded as personal pets exceeding the number permitted in section
25 72-306(a).

26

27 ...

28

A-3 TRANSITIONAL AGRICULTURE
CLASSIFICATION

29

30 ...

1 *Permitted Special Exceptions:*

2 ...

3 Animal shelters.

4 ...

5 Dogs and cats boarded as personal pets exceeding the number permitted in section
6 72-306(a).

7 ...
8 ...

9 A-4 TRANSITIONAL AGRICULTURE
10 CLASSIFICATION

11 ...

12 *Permitted Special Exceptions:*

13 ...

14 Animal shelters.

15 ...

16 Dogs and cats boarded as personal pets exceeding the number permitted in section
17 72-306(a).

18 ...
19 ...

20 RR RURAL RESIDENTIAL CLASSIFICATION

21 ...

22 *Permitted Special Exceptions:*

23 ...

24 Animal shelters.

25 ...

26 Dogs and cats boarded as personal pets exceeding the number permitted in section
27 72-306(a).

28 ...

1 ...

2 RA RURAL AGRICULTURAL ESTATE
3 CLASSIFICATION

4 ...

5 *Permitted Special Exceptions:*

6 ...

7 Animal shelters.

8 ...

9 Dogs and cats boarded as personal pets exceeding the number permitted in section
10 72-306(a).

11 ...
12 ...

13 RE RESIDENTIAL ESTATE
14 CLASSIFICATION

15 ...

16 *Permitted Special Exceptions:*

17 ...

18 Dogs and cats boarded as personal pets exceeding the number permitted in section
19 72-306(a).

20 ...
21 ...

22 R-1 URBAN SINGLE-FAMILY
23 RESIDENTIAL CLASSIFICATION

24 ...
25 ...

26 *Permitted Special Exceptions:*

27 ...

28 Dogs and cats boarded as personal pets exceeding the number permitted in section
29 72-306(a).

30 ...
31 ...

32

1 R-2 URBAN SINGLE-FAMILY
2 RESIDENTIAL CLASSIFICATION

3
4 ...

5 *Permitted Special Exceptions:*

6 ...

7 Dogs and cats boarded as personal pets exceeding the number permitted in section
8 72-306(a).

9
10 ...

11 R-3 URBAN SINGLE-FAMILY
12 RESIDENTIAL CLASSIFICATION

13
14 ...

15 *Permitted Special Exceptions:*

16 ...

17 Dogs and cats boarded as personal pets exceeding the number permitted in section
18 72-306(a).

19
20 ...

21
22 R-4 URBAN SINGLE-FAMILY
23 RESIDENTIAL CLASSIFICATION

24 ...

25 *Permitted Special Exceptions:*

26 ...

27 Dogs and cats boarded as personal pets exceeding the number permitted in section
28 72-306(a).

29
30 ...

31
32 R-5 URBAN SINGLE-FAMILY
33 RESIDENTIAL CLASSIFICATION

34
35 ...

1 *Permitted Special Exceptions:*

2 ...

3 Dogs and cats boarded as personal pets exceeding the number permitted in section
4 72-306(a).

5 ...
6 ...

7
8 R-6 URBAN TWO-FAMILY
9 RESIDENTIAL CLASSIFICATION

10 ...
11 ...

12 *Permitted Special Exceptions:*

13 ...

14 Dogs and cats boarded as personal pets exceeding the number permitted in section
15 72-306(a).

16 ...
17 ...

18
19 R-7 URBAN MULTI-FAMILY
20 RESIDENTIAL CLASSIFICATION

21 ...
22 ...

23 *Permitted Special Exceptions:*

24 ...

25 Dogs and cats boarded as personal pets exceeding the number permitted in section
26 72-306(a).

27 ...
28 ...

29
30 R-8 URBAN MULTI-FAMILY
31 RESIDENTIAL CLASSIFICATION

32 ...
33 ...

34 *Permitted Special Exceptions:*

1 ...

2 Dogs and cats boarded as personal pets exceeding the number permitted in section
3 72-306(a).

4
5 ...

6
7 R-9 URBAN SINGLE-FAMILY
8 RESIDENTIAL CLASSIFICATION

9
10 ...

11 *Permitted Special Exceptions:*

12 ...

13 Dogs and cats boarded as personal pets exceeding the number permitted in section
14 72-306(a).

15
16 ...

17 MH-1 MOBILE HOME PARK CLASSIFICATION
18 CLASSIFICATION

19
20 ...

21 *Permitted Special Exceptions:*

22 ...

23 Dogs and cats boarded as personal pets exceeding the number permitted in section
24 72-306(a).

25
26 ...

27
28 MH-2 MOBILE HOME PARK AND
29 RECREATIONAL VEHICLE PARK
30 CLASSIFICATION

31
32 ...

33 *Permitted Special Exceptions:*

1 ...

2 Dogs and cats boarded as personal pets exceeding the number permitted in section
3 72-306(a).

4
5 ...

6
7

MH-3 RURAL MOBILE HOME
CLASSIFICATION

8
9
10 ...

11 *Permitted Special Exceptions:*

12 ...

13 Animal shelters.

14 ...

15 Dogs and cats boarded as personal pets exceeding the number permitted in section
16 72-306(a).

17
18 ...

19

MH-4 RURAL MOBILE HOME
CLASSIFICATION

20
21
22 ...

23 *Permitted Special Exceptions:*

24 ...

25 Animal shelters.

26 ...

27 Dogs and cats boarded as personal pets exceeding the number permitted in section
28 72-306(a).

29
30 ...

31

MH-5 URBAN MOBILE HOME

1 CLASSIFICATION

2
3 ...

4 *Permitted Special Exceptions:*

5 ...

6 Dogs and cats boarded as personal pets exceeding the number permitted in section
7 72-306(a).

8
9 ...

10
11 MH-6 URBAN MOBILE HOME
12 SUBDIVISION CLASSIFICATION

13
14 ...

15 *Permitted Special Exceptions:*

16 ...

17 Dogs and cats boarded as personal pets exceeding the number permitted in section
18 72-306(a).

19
20 ...

21
22 MH-7 MOBILE HOME PARK
23 CLASSIFICATION

24
25 ...

26 *Permitted Special Exceptions:*

27 ...

28 Dogs and cats boarded as personal pets exceeding the number permitted in section
29 72-306(a).

30
31 ...

32 MH-8 RURAL MOBILE HOME
33 ESTATE CLASSIFICATION

34 ...

1 *Permitted Special Exceptions:*

2 ...

3 Animal shelters.

4 ...

5 Dogs and cats boarded as personal pets exceeding the number permitted in section
6 72-306(a).

7

8 ...

9 **SECTION IV:** Chapter 72, Article II, Division 8, Section 72-293, of the Code of
10 Ordinance, County of Volusia is amended to read as follows:

11 **Sec. 72-293. Special exceptions.**

12 The following uses or structures are permitted as special exceptions only when listed as
13 permitted special exceptions in article VII and meeting all requirements as set forth in article XI.

14 ...

15 (25) Animal shelters; kennels; dogs and cats boarded as personal pets exceeding the
16 number permitted in section 72-306(a). For purposes of this subsection, the term “animals” shall
17 mean “dog” or “cat.”

18 a. Conditions of approval. No variance or waiver of the terms of this
19 subsection shall be allowed and shall serve as conditions of approval.

20 b. Application. An application shall include a conceptual site plan which
21 depicts all structures intended to comply with the requirements of this
22 subsection for the proposed maximum number of dogs and/or cats on the
23 premises.

24 c. Setbacks. On a lot of 5 acres in size or less, any associated attached or

1 detached containment structure shall have a minimum front, rear and side
2 yard setback of 50 feet or the applicable setback provided by the
3 applicable zoning classification, whichever is greater. On a lot of greater
4 than 5 acres in size, any associated attached or detached containment
5 structure shall have a minimum front, rear and side yard setback of 100
6 feet or the applicable setback provided by the applicable zoning
7 classification, whichever is greater.

8 d. *Food.* Food shall be transported, handled and stored in a manner that
9 ensures against the introduction of parasites, disease vectors (such as
10 insects) or chemical contaminants. Supplies of dry food shall be stored in
11 areas that are cool, dry, clean and free of vermin and other potential
12 contaminants. Refrigeration shall be provided for supplies of perishable
13 food. Conditions affecting the shelf life of food such as date of
14 manufacture, exposure to extremes in temperature and humidity, exposure
15 to moisture, unsanitary conditions, exposure to light, exposure to oxygen,
16 and exposure to insects shall be monitored to prevent deterioration of the
17 nutrient value of food. Food receptacles shall be accessible to all animals
18 and shall be located to prevent contamination by excreta. Feeding dishes
19 shall be kept clean. Self-feeders may be used for the feeding of dry food
20 and shall be sanitized regularly to prevent molding, deterioration or caking
21 of food. Food must be fresh, wholesome, palatable, nutritionally adequate
22 and offered to each animal at least once daily. Water must be fresh and
23 available at all times.

1 e. Structures.

2 1. Structural integrity. Any associated structure, whether it be a
3 private residence, portion of a private residence or a separate structure not
4 physically connected to a private residence, shall be structurally sound and
5 maintained in good repair to protect the animals from injury, to protect the
6 animals against overexposure to the elements, to contain the animals and
7 to restrict the entrance of other animals.

8 2. Shelter. Access to shelter shall be provided for the animals to
9 allow them to remain dry at all times. When sunlight is likely to cause
10 overheating or discomfort, sufficient shade shall be provided to allow the
11 animals to protect themselves from direct rays of the sun.

12 3. Indoor structures. The following provisions shall apply to any
13 structure which is fully enclosed:

14 i. Temperature. A source of heat and mechanical ventilation shall
15 be available at the structure for use as necessary in preventing
16 extremes in temperatures. Buildings must be maintained with
17 suitable temperatures, ventilation and lighting. The ambient
18 temperature shall be maintained in a range that ensures that the
19 animals will not suffer from heat stress (heat stroke or
20 hyperthermia), nor from cold stress (frostbite or hypothermia).

21 ii. Sanitation. The interior building surfaces of any indoor
22 housing structure shall be constructed and maintained so that they
23 are impervious to moisture and can be readily sanitized.

1 iii. A primary enclosure shall provide sufficient space to allow
2 each enclosed cat to turn freely and to easily stand, sit and lie in a
3 comfortable position. The minimum primary enclosure space for a
4 single four pound or greater cat is to be 30 cubic feet. When a
5 primary enclosure is used for more than one cat, resting perches
6 shall be provided. Cages, kennels and runs must have enough
7 space for dogs to lie down, stand, sit and stretch without touching
8 the sides or top. Dogs shall be exercised a minimum of 30 minutes
9 twice daily.

10 iv. Concrete floors and runs must have a resting board, and
11 cages must have sanitary bedding. Easily accessible litter pans
12 shall be provided for all cats at all times.

13 v. The structure shall have ample light of good quality by
14 natural or artificial means or both. The lighting shall provide
15 uniformly distributed illumination of sufficient intensity to permit
16 routine inspection, cleaning and provide for the well-being of the
17 animals. The animals shall be protected from excessive
18 illumination.

19 vi. All cages shall be constructed of impervious porous
20 materials. All cages shall have floors of either solid construction or
21 metal grid construction. Cages having metal grid floors can be
22 used provided the grid size is smaller than the pads of the feet of
23 the dogs confined therein. No cages shall be enclosed entirely by

1 solid walls. Stack cages must have solid floors. All primary
2 enclosures shall be constructed and maintained so that cats therein
3 have convenient access to clean food, water and litter. The number
4 of cats in a primary enclosure shall not exceed the number which
5 would prevent proper ventilation and sanitation. A primary
6 enclosure shall not be constructed or maintained with an exposed
7 wire mesh bottom, or any other material that will injure the feet or
8 legs of a cat. If the primary enclosure is not of sufficient size to
9 allow the cat(s) to express their specialized locomotor patterns,
10 then an area shall be made available for the cat(s) to exercise and
11 scratch at least once a day.

12 vii. If drains are used, they shall be properly constructed and
13 kept in good repair to avoid foul odors.

14 viii. In all primary enclosures with a solid floor, a receptacle
15 containing sufficient clean litter shall be provided to contain
16 excreta. Each primary enclosure shall be provided with a solid
17 resting board and shall be of adequate size to comfortably hold all
18 occupants of the enclosure at the same time. Such resting surface
19 or surfaces shall be elevated in primary enclosures housing two or
20 more cats.

21 4. Outdoor structures. The following provisions shall apply to any
22 structure which is not fully enclosed:

23 i. Shelter. Sufficient shade shall be provided to afford all

1 animals protection from direct sunlight. Sufficient cover shall be
2 provided to protect all animals from rain. Shelter shall be provided
3 for all animals when the ambient temperature falls below 50
4 degrees Fahrenheit. Sufficient clean bedding material or other
5 means of protection from the weather elements shall be provided
6 when the ambient temperature falls below that temperature to
7 which the dogs are acclimated. The facility shall be adequately
8 ventilated to provide for the health and comfort of the animals at
9 all times. The facility shall be provided with a source of fresh air
10 by means of windows, doors, or vents and shall be ventilated in a
11 manner that minimizes drafts, odors and moisture conditions.

12 ii. *Cleaning of enclosures.* Excreta shall be removed from
13 enclosures as often as necessary to prevent contamination of the
14 animals contained therein and to reduce disease hazards and odors.
15 When a hosing or flushing method is used for cleaning an
16 enclosure commonly known as a cage, any animal contained
17 therein shall be removed from such enclosure during the cleaning
18 process, and adequate measures shall be taken to protect the
19 animals in other such enclosures from being contaminated with
20 water and other waste. A suitable method shall be provided to
21 rapidly eliminate any excess water.

22 iii. *Sanitation of enclosures required.* Prior to the introduction
23 of animals into empty enclosures previously occupied, such

1 enclosures shall be sanitized. Enclosures for animals shall be
2 sanitized often enough to prevent an accumulation of debris or
3 excreta or a disease hazard; provided, however, such enclosure
4 shall be sanitized at least once a week.

5 iv. *Method of sanitation.* Cages, rooms and hard-surfaced
6 pens or runs shall be sanitized by washing them with hot water and
7 soap or detergent, or by washing all soiled surfaces with a
8 detergent solution followed by a safe and effective disinfectant, or
9 by cleaning all soiled surfaces with live steam. Pens or runs using
10 gravel, sand or dirt shall be sanitized by removing the soiled
11 gravel, sand or dirt and replacing it as necessary. Feces and soiled
12 litter material shall be removed from all litter pans at least once a
13 day. Absorbent litter and/or any other material used to absorb urine
14 shall be changed when it becomes 30 percent saturated with urine.

15 v. *Maintenance of buildings and grounds.* Premises
16 (buildings and grounds) shall be kept clean and in good repair.
17 Premises shall remain free of accumulations of trash.

18 vi. *Pest control.* An effective program for the control of
19 insects, ectoparasites and avian and mammalian pests shall be
20 established and maintained.

21 f. *Containment.* Outdoor areas for dogs must be double-fenced in order to
22 ensure all dogs are contained and do not escape. If cats are allowed
23 outdoors they must be kept in an enclosure that has four sides and an

