Memorandum

MIAMI-DADE COUNTY

(Second Reading 01-22-08)

Date: September 18, 2007

Amended
Agenda Item No. 7(B)

To: Honorable Chairman Bruno A. Barreiro and Members
Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance pertaining to zoning; Amending Section 33-1 amending definition of dog kennel; Amending Sections 33-13, 33-255, and 33-259 permitting dog kennels in BU-3 and IU-1

O#08-11

Recommendation

It is recommended that the Board adopt the attached ordinance pertaining to zoning amending the definition of dog kennel and permitting such use in BU-3 and IU-1 districts, subject to conditions.

Scope

The scope of this item would be countywide in nature (unincorporated Miami-Dade).

Fiscal Impact/Funding Source

The proposed ordinance creates no fiscal impact on Miami-Dade County.

Tract Recommendations

Not applicable.

Background

In October of 2005, Animal Services became an independent department. At that time a comprehensive analysis of Chapter 5 (Animals and Fowl) enabling regulations was commenced, and it became apparent that there would be conflicts between Chapter 5 and Chapter 33 (Zoning) regulations once the proposed changes to the Animal Services regulations were adopted.

This ordinance changing Chapter 33 dog kennel regulations was proposed as a companion to the rewrite of Chapter 5 regulations governing animals. The proposed Chapter 33 revisions ensure that the definition of kennel is consistent with Chapter 5 regulations.

Chapter 33 designates the number of dogs that can be kept on residential property before the property is deemed to be a kennel. Currently the housing of more than four adult dogs on residential property is considered a kennel. The proposed ordinance would allow four adult dogs on residential property that is less than one acre in gross area, up to six dogs on residential property that is less than two acres in gross area, and up to eight dogs maximum on residential property that is two acres or more in gross area. The proposed ordinance would also

permit up to four guard dogs on vacant, commercial, or industrial property. Current zoning regulations permit only one guard dog.

Dog kennels have historically been considered unusual uses requiring public hearing approval for siting in unincorporated Miami-Dade County, regardless of the underlying zoning. This ordinance proposes to permit dog kennel use in the BU-3 and IU-1 districts by right, subject to setback, spacing, visual buffering as well as sound buffering requirements. The sound buffering will mitigate the noise impact of the kennel on surrounding properties.

Assistant County Manager

MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: January 22, 2008

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Amended Agenda Item No. 7(B)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(B)
1-22-08

ORDINANCE NO. **08-11**

ORDINANCE PERTAINING TO ZONING; AMENDING SECTIONS 33-1, 33-13, 33-255, AND 33-259 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING DEFINITION OF DOG KENNEL; PERMITTING DOG KENNELS IN BU-3 AND IU-1 DISTRICTS SUBJECT TO CONDITIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-1 of the Code of Miami-Dade County is hereby amended as follows:[1]

Sec. 33-1. Definitions.

For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:

* * *

(40) *Dog kennel.* >>The following uses shall constitute a dog kennel:
(i)<< The keeping of any dog or dogs, regardless of number, for sale, breeding, boarding or treatment purposes, except >>by a hobby breeder as defined by Chapter 5 of this code or<< in a dog hospital, dog beauty parlor, pet care center or pet shop, as permitted by law>>;<< or
>>(ii) the keeping of dogs, six (6) months of age or older, on premises used for residential purposes, in excess of the following numbers: (a) four (4) dogs on property that is less than 1 acre in gross area in any RU, EU, AU, or GU district, or in any individual residence unit in a multi-family RU district; (b) six (6) dogs on property that is at least 1 acre but less than 2 acres in gross area in an RU-1 or RU-2 district or in any EU, AU, or GU district; and (c) eight (8) dogs on property that is 2 acres or more in gross area in an RU-1 or RU-2 district or in any EU, AU, or GU district;<< [[~~the keeping of 5 or more dogs, 6 months of age or older, on premises used for residential purposes,~~]] or

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

>>(iii)<< the keeping of more than >>four (4) guard dogs<< [[~~one (1) dog~~]] on vacant property or on property used for business or >>industrial<< [[~~commercial~~]] purposes [[~~, shall constitute a kennel~~]].

* * *

Section 2. Section 33-13 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-13. Unusual uses.

(a) *Prohibited in residential district.* Any use of premises in a residential district which conflicts with normal and expected use in the district is prohibited.

* * *

(e) *Unusual and new uses.* Unless approved upon public hearing, the following unusual uses or uses similar thereto shall not be permitted in any district save and except in those districts that permit such uses without a public hearing: Airport; airplane crop dusting field; all zoning applications by State and municipal entities and agencies; amusement rides and enterprises; amusement center (except in BU-1A Zone in which such use is permitted); archery ranges; art galleries and museums (educational and philanthropic) in districts more restrictive than RU-4; auction sales; auto, truck, machinery salvage yards; bathing beach; boat salvage; bombing field, canal excavation, where not a part of C. & S. F. F. C. D. and County secondary canal system; carnivals, circuses; convalescent homes; day camp, day nursery in zone more restrictive than RU-3; dog kennel >>in district more restrictive than BU-3 or IU-1<<, dog training track; electric substation; electric power plant; frog farm; garbage and waste dumps; gas distribution system and plant; golf course except in RU-1 and other Districts where the same is a permitted use; golf course clubhouse and incidental uses in all districts more restrictive than the BU-1 District; golf driving range; gypsy camp; heliports;

* * *

Section 3. Section 33-255 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-255. Uses permitted.

No land, body of water and/or structure in the BU-3 district shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, arranged or intended to be used, occupied or maintained for any

purpose, unless otherwise provided for, excepting for one (1) or more of the following uses:

* * *

>>(9.1) Dog kennels, as an exception to Section 33-256.5, subject to the following conditions:

(a) All outdoor exercise runs shall be setback fifty (50) feet from property lines and shall not be located closer than five hundred (500) feet from residentially zoned or residentially developed property. Where outside exercise runs are provided, a landscaped buffer or decorative masonry wall shall enclose the runs, and use of the runs shall be restricted to use during daylight hours.

(b) Where outside exercise runs are not provided, an outside area shall be designated for dogs(or cats) to relieve themselves, and that area shall be enclosed by a landscape buffer or masonry wall. Additionally such area shall be setback fifty (50) feet from property lines and shall not be located closer than five hundred (500) feet from residentially zoned or residentially developed property.

(c) All kennel buildings shall be soundproofed and air-conditioned.

(d) An administrative site plan review (ASPR) shall be required. The site plan shall show all fencing, berms, and soundproofing designed to mitigate the noise impact of the kennel on the surrounding properties.<<

* * *

Section 4. Section 33-259 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-259. Uses permitted.

No land, body of water or structure shall be used or permitted to be used and no structure shall be erected, constructed, moved or reconstructed, structurally altered, or maintained, which is designed, arranged or intended to be used or occupied for any purpose, unless otherwise provided herein, in IU-1 District, excepting for one (1) or more of the following:

* * *

>>(27.1) Dog kennels, as an exception to Sec. 33-260, subject to the following conditions:

(a) All outdoor exercise runs shall be setback fifty (50) feet from property lines and shall not be located closer than five

hundred (500) feet from residentially zoned or residentially developed property. Where outside exercise runs are provided, a landscaped buffer or decorative masonry wall shall enclose the runs, and use of the runs shall be restricted to use during daylight hours.

(b) Where outside exercise runs are not provided, an outside area shall be designated for dogs(or cats) to relieve themselves, and that area shall be enclosed by a landscape buffer or masonry wall. Additionally such area shall be setback fifty (50) feet from property lines and shall not be located closer than five hundred (500) feet from residentially zoned or residentially developed property.

(c) All kennel buildings shall be soundproofed and air-conditioned.

(d) An administrative site plan review (ASPR) shall be required. The site plan shall show all fencing, berms, and soundproofing designed to mitigate the noise impact of the kennel on the surrounding properties.<<

* * *

Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel