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PARTIAL TRANSCRIPT OF PROCEEDINGS
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT: HOBBY KENNEL/AVICULTURE

DATE: October 10, 1995

LOCATION: Orlando, Florida

BOARD MEMBERS PRESENT:

Bob Freeman, Vice Chairman

Tom Staley

Mary Johnson

Clarence Hoenstine

Bill Donegan

Mable Butler

ALSO PRESENT:

Melvin Pittman, Zoning Department Manager

1 **Bob Freeman:** Next we have public hearing number four to amend the
2 Orange County Code Chapter 38.

3

4 This is the second hearing?

5

6 **Bob Freeman:** Yes. This is the second hearing on this ordinance.

7 **Melvin Pittman:** Good afternoon Commissioners, Mr. Chairman. Today we
8 have an amendment to the zoning ordinance to delete reference to hobby
9 kennel and hobby aviculture in the zoning ordinance. This is the second
10 and final public hearing. As you recall the first hearing was heard on
11 September 26th when you heard the animal control ordinance. The draft
12 that we're working from today should be dated September 27th 1995. In
13 your packet should be a draft dated September 27th 1995. The change in
14 the ordinance is a deletion to the word hobby kennel and hobby
15 aviculture. Also, and amendment to the definition of kennel. The whole
16 purpose is to get rid of the hobby kennel in our zoning ordinance. This
17 function will be taken over by the animal services department from the
18 standpoint of responsible pet ownership. We have also in the ordinance
19 today the definition of kennel which is on the screen. Hope you can read
20 this. We have a small amendment versus what you have in your package.

1 Item number D and number E. This is the definition of kennel. I will read
2 the whole definition which is different than what you have in your
3 packets. Kennel shall mean any building, lot, structure or premises
4 wherein animals, excluding livestock and exotic animals regulated by the
5 Florida Game and Freshwater Fish Commission, are kept for sale,
6 breeding, boarding, buying, letting for hire, or training for a fee. The
7 following are specifically excluded from this definition of kennel: (A) Pet
8 shops; (B) Animal or pet hospitals; (C) Pet beauty parlors; (D) – which is
9 being added now, which is different than what you have in your draft –
10 breeding at a residence of two (2) or less litters per calendar year,
11 provided that no more than twenty (20) animals are kept/housed/confined
12 at the residence at any one time; (E) Veterinarian facilities; (F)
13 Keeping/housing/confining of twenty (20) or fewer animals at a
14 residence at any one time for noncommercial purposes only. The reason
15 we've added exception D and F to the amendment is to have an upper limit
16 on the number of animals that a person can have at a house at any one
17 time. We want to make sure that they are in fact ... turn this into a
18 commercial kennel operation. If they are a commercial kennel operation
19 they need to the correct zoning and go through the correct permitting
20 process to have that particular use. So, this amendment puts a cap of

1 twenty animals at any time at a residence. So, its much easier for us from
2 an enforcement standpoint to go out and actually count animals to see
3 how much they have at a residence at any given time. So, it helps us with
4 enforcement as well as it defines better what is commercial versus as far
5 as what pets are at the house.

6 **Bob Freeman:** OK. Are there any question for Mel from the board.
7 Commissioner Donegan?

8 **Commissioner Donegan:** Melvin, did you run this by the Animal Services
9 Board?

10 **Melvin Pittman:** Animal Services Board?

11 **Commissioner Donegan:** Because this is something new.

12 **Melvin Pittman:** Subsection D and F. Yes, sir. No, we did not run that by
13 the Animal Services Board.

14 **Commissioner Donegan:** Did you?

15 **Melvin Pittman:** No, Sir.

16 **Commissioner Donegan:** We keep dealing with this issue. But you need ...
17 We need to run this by the Animal Services Board first, and then bring it
18 back.

19 **Melvin Pittman:** This particular language, Commissioner Donegan, is
20 consistent with the State requirements for when you have a commercial

1 kennel. We're just tracking that. The only difference is the State
2 requirements allows you to have two litters or twenty animals, which
3 ever is greater.

4 Commissioner Donegan: OK.

5 **Melvin Pittman:** And normally you wouldn't have more than twenty
6 animals in two litters anyhow.

7 **Commissioner Hoenstine:** You heard about the new animal out now – the
8 miniature mule – thirty-four inches high?

9 **Bob Freeman:** You want to kick that?

10 **Bob Freeman:** OK. Any other questions? Commissioner Hoenstine? Any
11 question? Ready for a motion. The public. We'd like to have the public
12 hearing now. Would anyone from the public like to be heard on this
13 issue? Seeing none, we'll close the public hearing. Motion to approve.
14 Second. We have a motion, and a second. Commissioner Staley?

15 **Commissioner Staley:** I have to say that I have some concerns over deleting
16 hobby kennels. That was passed a few years ago because people in
17 residential areas had people next door to'em that had five or six, ten or
18 twelve animals that were out of control. We needed to protect those
19 residents. And there's quality of life. The purpose of this ordinance ... it
20 does away with the hobby kennels and we plan enforcing that with new

1 nuisance laws that we have in the new Animal Services ordinance. I have
2 concerns over that. I've discussed it with staff. They believe it will work
3 better. I'm going to support this right now. But if we do not recognize the
4 plight of residents when they have barking dogs we need to come back
5 and fix it. And I am a little concerned, but we'll try it for a while.

6 **Bob Freeman:** OK. All those in favor say aye. Opposed. Motion carries.

7 **Melvin Pittman:** Mr. Chairman, for clarification, that did include the
8 amendment?

9 **Bob Freeman:** With amendments.

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CERTIFICATE

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I, David Foley, Appellant, do hereby certify that I am authorized to and did re-write, through computer-aided transcription, from an official video recording, the foregoing proceeding, which did take place on the date and at the location herein designated. Further, I certify that the foregoing pages, numbered 2 through 6 inclusive, constitute a true, complete and accurate transcription, to the best of my ability.

David W. Foley, Jr.
Appellant
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