



---

To: Honorable Mayor and Village Council

Date: December 2, 2013

From: Ron E. Williams, Village Manager 

Re: Pet Shop Regulations  
Ordinance for 2<sup>nd</sup> Reading

---

**AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING SECTION 30-50.16(B)(44) OF THE CODE OF ORDINANCES RELATING TO PET STORE USE WITHIN THE B-1 ZONING DISTRICT TO SPECIFICALLY REFERENCE THE PROVISIONS OF 30-60.31; AND CREATING SECTION 30-60.31, ENTITLED "RETAIL SALE OF DOGS AND CATS;" TO PROVIDE CONDITIONS RELATING TO THE SALE OF DOGS AND CATS; PROVIDING FOR VIOLATIONS AND A \$250.00 FINE; PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. [Sponsored by Vice Mayor John Dubois]**

**BACKGROUND:**

During the October 7, 2013, Council meeting, Vice Mayor John DuBois requested an amendment to the Zoning Code, which seeks to apply operational standards for pet retail oriented facilities that sell or provide adoptive services for dogs and cats. The request was accompanied by a model ordinance previously adopted by the City of Hallandale Beach.

According to the Humane Society of the United States, hundreds of thousands of dogs and cats in the United States have been housed and bred at substandard breeding facilities known as "puppy mills" or "kitten factories," that mass-produce animals for sale to the public, many of which are sold at retail in pet stores. The Humane Society found that these facilities often lack proper animal husbandry practices, with animals born and raised there more likely to have genetic disorders and lacking adequate socialization, are subject to inhumane housing conditions, and are indiscriminately disposed of when they reach the end of their profitable breeding cycle. Although not all dogs and cats sold in retail pet stores are not the products of inhumane breeding conditions and not every commercial breeder selling dogs or cats to pet stores operates "puppy mills" or "kitten factories," the Humane Society believes that puppy mills and kitten factories continue to exist in part because of public demand for the sale of dogs and cats in pet stores. As such, the proposed ordinance is offered to discourage the retail sale of dogs and cats and to encourage the adoption of such pets from animal shelters thereby saving animals' lives and reducing the cost to the public of sheltering animals.

**Update since first reading.** On November 4, 2013, the item was read at first reading and forwarded for LPA and second reading consideration without any changes. The attached proposed ordinance is reflective of that action.

**ANALYSIS:**

The proposed ordinance was reviewed for consistency with the criteria established in Section 30-30.7(b). The Background section provided above shall be considered supplemental information to this analysis and thusly shall be incorporated into each criterion delineated below. The following is a review of those criteria:

**Criteria (1):** Whether the proposal is consistent with the comprehensive plan, including the adopted infrastructure minimum levels of service standards and the Village's Concurrency Management Program.

**Analysis:** The project was reviewed for consistency with the Village's Comprehensive Plan. The Comprehensive Plan does not address the Pet Stores program.

**Finding:** Consistent.

**Criteria (2):** Whether the proposal is in conformance with all applicable requirements of Chapter 30.

**Analysis:** A review of Chapter 30 found no provision in conflict with the proposed ordinance.

**Findings:** Consistent.

**Criteria (3)** Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether the changes support or work against the proposed change in land use policy.

**Analysis:** See Criteria 2. Through education and a greater awareness, the concerns of the Humane Society of the United States were shared with Village Council prompting a desire to amend the Zoning Code in a manner which supports and promotes responsible pet adoptive services.

**Findings:** Consistent.

**Criteria (4)** Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and locations of uses involved, the impact on the adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land uses.

**Analysis:** The proposed ordinance permits the continued operational standards of existing pet shop retailers. There are currently 3 retail facilities within the Village. The Village Clerk has confirmed that none of the existing retail facilities currently offer dogs or

cats for sale from a "puppy mill" or other type of vendor. The animals sold, or up for adoption are rescues.

Finding: Consistent.

**Criteria (5)** Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and service; would exceed the capacity of the facilities and services, existing or programmed, including: transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services.

Analysis: Not applicable.

Finding: Consistent.

**Criteria (6)** Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of groundwater aquifer wildlife habitats, and vegetative communities.

Analysis: The proposed ordinance does not impact the above systems.

Finding: Consistent.

**Criteria (7)** Whether, and to the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.

Analysis See Criteria (3) above. There does not appear to be any evidence to suggest the proposed ordinance would affect property values of the surrounding area. The ordinance seeks to encourage responsible acquisition of dogs and cats.

Findings: Consistent.

**Criteria (8)** Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on land use pattern shall be identified.

Analysis See Criteria (4) above.

Findings: Consistent.

**Criteria (9)** Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose of Chapter 30.

**Analysis:** See Criteria (4) above. There is no conflict to the public interest. The request is a policy decision of the Village Council.

**Findings:** Consistent.

**Criteria (10)** Other matters which the local planning agency or Village Council in its legislative discretion may deem appropriate.

**Analysis:** As per the direction of the Village Council.

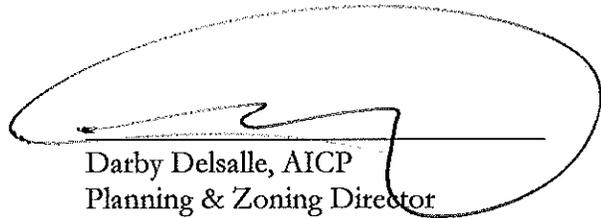
**Finding:** As determined by the Village Council.

**FISCAL/BUDGETARY IMPACT:**

None identified at this time.

**RECOMMENDATION:**

Decision for the Village Council.



Darby Delsalle, AICP  
Planning & Zoning Director

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING SECTION 30-50.16(B)(44) OF THE CODE OF ORDINANCES RELATING TO PET STORE USE WITHIN THE B-1 ZONING DISTRICT TO SPECIFICALLY REFERENCE THE PROVISIONS OF 30-60.31; AND CREATING SECTION 30-60.31, ENTITLED "RETAIL SALE OF DOGS AND CATS;" TO PROVIDE CONDITIONS RELATING TO THE SALE OF DOGS AND CATS; PROVIDING FOR VIOLATIONS AND A \$250.00 FINE; PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, according to the Humane Society of the United States, hundreds of thousands of dogs and cats in the United States have been housed and bred at substandard breeding facilities known as "puppy mills" or "kitten factories," that mass-produce animals for sale to the public, many of which are sold at retail in pet stores; and,

WHEREAS, because of the lack of proper animal husbandry practices at those facilities, animals born and raised there are more likely to have genetic disorders and lack adequate socialization, while breeding animals utilized there are subject to inhumane housing conditions and are indiscriminately disposed of when they reach the end of their profitable breeding cycle; and,

WHEREAS, while not all dogs and cats sold in retail pet stores are not the products of inhumane breeding conditions and not every commercial breeder selling dogs or cats to pet stores operates "puppy mills" or "kitten factories," the Village Council believes that puppy mills and kitten factories continue to exist in part because of public demand and the sale of dogs and cats in pet stores; and,

WHEREAS, the Village Council believes that prohibiting the retail sale of dogs and cats in the Village will promote community awareness of animal welfare and, in turn, will foster a more humane environment in the Village; and,

WHEREAS, the Village Council believes that the prohibition of the retail sale of dogs and cats in pet stores in the Village will also encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals' lives and reducing the cost to the public of sheltering animals; and,

WHEREAS, Section 30-50.16, delineates the uses authorized as of right within the B-1, Limited Business District, which uses include pet shops; and,

WHEREAS, Section 30-50.16(b)(44), is proposed for amendment to cross-reference new section 30-60.31, entitled "Retail Sale of Dogs and Cats" and delineates the parameters under which these animals may be sold to the community; providing for definitions; and penalties.

1  
2 BE IT ENACTED BY THE MAYOR AND VILLAGE COUNCIL OF THE  
3 VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:  
4

5 Section 1. Sections 30-50.16(b)(44) is amended as to the Pet store use listed in the B-1 zoning  
6 district; and Division 30-60, relating to "General Regulations" is amended to include Section 30-  
7 60.31, entitled "Retail Sale of Dogs and Cost," which provisions are amended to read as follows:

8 \* \* \*

9 Division 30-50 Zoning Districts

10 \* \* \*

11 Section 30-50.16. B-1, Limited Business District.

12  
13  
14 (a) *Purpose.* The purpose of the B-1, Limited Business District, is to provide for retail and service  
15 convenience facilities which satisfy the essential and frequent needs of the adjacent  
16 residential neighborhood.

17 (b) *Uses permitted.* No land, body of water or structure shall be used or permitted to be used and  
18 no structure shall be hereafter erected, constructed, moved, reconstructed or structurally  
19 altered or maintained in any B-1 District, which is designed, arranged or intended to be used  
20 or occupied for any purpose, except for one or more of the following uses:

21 (1) Antique shops.

22 \* \* \*

23 (44) Pet stores, shops, pet care centers and dog beauty and pet grooming as per Section  
24 30-60.31.

25 \* \* \*

26  
27 DIVISION 30-60  
28 GENERAL REGULATIONS

29 \* \* \*

30  
31  
32 Section 30-60.31. Retail Sale of Dogs and Cats.

33  
34 (a) As of December 2, 2013, pet stores, shops or care centers shall be precluded from  
35 displaying, selling, trading, delivering, bartering, leasing, renting, auctioning, give away,  
36 transferring, offer for sale or transfer, or otherwise dispose of dogs or cats in the Village of  
37 Palmetto Bay, except as provided below:

38  
39 (1) A person or pet store that sells, delivers, offers for sale, trades, barter, leases, rents,  
40 auctions, gives away, or otherwise transfers or disposes of dogs and/or cats that were  
41 bred and reared on property owned by and zoned for the person or pet store.

42 (2) An animal shelter.

43 (3) An animal rescue organization.



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  
36  
37  
38  
39  
40

**Section 4.** If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this ordinance.

**Section 5.** This ordinance shall take effect immediately upon enactment.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

PASSED AND ENACTED this \_\_\_\_\_ day of December, 2013.

Attest: \_\_\_\_\_  
Meighan Alexander  
Village Clerk

\_\_\_\_\_  
Shelley Stanczyk  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
John R. Herin, Jr.  
Interim Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore \_\_\_\_\_

Council Member Tim Schaffer \_\_\_\_\_

Council Member Joan Lindsay \_\_\_\_\_

Vice-Mayor John DuBois \_\_\_\_\_

Mayor Shelley Stanczyk \_\_\_\_\_