

COMMERCIAL KENNELS

VOLUSIA Having a number of dogs and cats exceeding the limit for the parcel acreage in residential zoning districts must be accompanied by a special exception or a hobby breeder license issued by the county. There does not appear to be a distinction between commercial and noncommercial kennels in Volusia County and is instead regulated through the number of dogs and cats. A “kennel” is not listed as a permitted use in any zoning district but listed as a special exception use.

ORANGE Defines a kennel as an establishment where certain animals are kept for compensation, for any numerous reasons. Kennels require a license from the county. Noncommercial kennels cannot become a nuisance, such as emitting offensive noises. Commercial kennels are listed as a special exception or permitted use in certain zoning districts.

MARION Defines any keeping of 4 or more dogs or cats for compensation as a kennel, which is listed as a special use or permitted use in certain zoning districts. Commercial kennels (during operational hours) and animals on agricultural land are exempt from noise/nuisance regulations.

LAKE Noise and odor, number of animals, and setbacks are determined by a conditional use permit in the agricultural zoning district. If there are 5 or more dogs or cats, a 200ft setback from right-of-ways or neighboring property lines is required. Kennels are a conditional use in agricultural zoning and a permitted use in C2 (Community Commercial), CP (Planned Commercial), LM (Light Industrial), HM (Heavy Industrial), and MP (Planned Industrial) zoning districts.

SUMMARY

Each of the four counties had certain definitions for “kennel” and which types of establishments are considered a kennel. Volusia and Marion counties utilize a numerical value to define a kennel. These approaches were the easiest to comprehend when reviewing their codes. All counties appeared to exclude rescue organizations from the kennel definition.

SEMINOLE COUNTY

Commercial kennel: Any premises or structure of a business, breeder, or animal rescue organization used for housing, boarding, buying, selling, re-homing, or adopting of dogs and cats. This term does not include animal hospitals or beauty parlors unconnected with boarding.

Sec. 20.71. - Commercial license required. It is unlawful for any person owning or operating a commercial kennel within the County to fail to register such kennel with the Animal Control Official and obtain a license.

Kennel License: A license issued by the Animal Services Department to residences or entities engaged in Hobby Breeding, housing rescue animals, or maintaining dogs or cats that exceed the maximum threshold established in **Section 20.83(i)** of this Code, for the purpose of requiring annual inspections by Animal Services staff of such residences or entities to ensure quality standards of care for animals under Section 20.83.

Sec. 20.83. - Standards for care. (I) In all non-agriculturally zoned districts outside the rural boundary, **dogs are limited to no more than six (6) per residence and cats are limited to no more than eight (8) per residence.** A Kennel License is required for any household that exceeds this threshold.

Noncommercial kennel: Any premises or structure used to house dogs or cats of a hobby breeder other than inside one's home, and that is on the same property where the hobby breeder resides. This term includes premises that exceed the maximum threshold for dogs and cats in Section 20.83(i).

Sec. 20.77. - Noncommercial kennels. It shall be unlawful for the owner or operator of any noncommercial kennel to allow said kennel to become a nuisance or to emit such offensive odors or noises as shall disrupt the comfort, peace, quiet or repose of any person residing in the vicinity of said kennel. **CONFLICTS WITH SEC. 20.19**

Sec. 20.19. - Noisy animals. Properties with animals that are **zoned agricultural or permitted by the Building Division to have a commercial kennel building** are exempt from this Section 20.19.

VOLUSIA COUNTY

SUMMARY: To have a number of dogs and cats exceeding the limit for the parcel acreage in residential zoning districts must be accompanied by a special exception or a hobby breeder license issued by the county. There does not appear to be a distinction between commercial and noncommercial kennels in Volusia County and is instead regulated through the number of dogs and cats. A “kennel” is not listed as a permitted use in any zoning district but listed as a special exception use in the following districts:

MH-8 RURAL MOBILE HOME ESTATE
MH-4 RURAL MOBILE HOME
MH-3 RURAL MOBILE HOME
RA RURAL AGRICULTURAL ESTATE
RR RURAL RESIDENTIAL CLASSIFICATION
A-4 TRANSITIONAL AGRICULTURE
A-3 TRANSITIONAL AGRICULTURE
A-2 RURAL AGRICULTURE
A-1 PRIME AGRICULTURE
RC RESOURCE CORRIDOR
FR FORESTRY RESOURCE

Definitions.

Commercial animal establishment means any pet shop, animal grooming shop, flea market, department store, guard dog training facility, riding school, any type of kennel, cattery, or any other premises or property where animals are available for sale as a part or whole of a business concern.

Animal holding facility means a public or private animal shelter or humane organization designed to house abandoned or lost domestic animals in a safe and secure holding area for a prescribed period of time to allow owners an opportunity to reclaim their animal control.

Hobby breeder facility means kennels or catteries operated by a hobby breeder that conform to the standards set out in this Article.

Kennel or cattery means any premises where animals are kept for profit rather than enjoyment, by boarding, grooming, buying, training, selling, letting-for-hire, or offering of stud services. Animal hospitals maintained by a Florida licensed veterinarian, shelters operated by the Animal Services Division, or tax exempt animal care facilities shall not be considered kennels or catteries.

Sections.

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

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

Lots of one acre or less in size: Five.

Lots greater than one acre but less than five acres in size: Eight.

Lots five acres or greater in size: 12.

- (b) Exceeding number limits by special exception. The number limits established in subsection (a) may be exceeded if approved by the council as a special exception in accordance with subsection 72-293(25).
- (c) (c)Exemption; pets of temporary guests. Dogs or cats belonging to a guest residing at a dwelling for 30 or fewer days in any calendar year shall not be included in the application of the number limits in subsection (a) when said dogs or cats do not exceed a combined total of four.
- (d) (d)Application to hobby breeders. Any hobby breeder with a valid hobby breeder license issued by the county may exceed the applicable number limits established in subsection 14-56(3) or subsection (a) of this section, whichever is greater, upon obtaining approval by the council as a special exception for a kennel or animal shelter in accordance with subsection 72-293(25).

Sec. 14-49. - Nuisance animals. This Subsection shall not apply to animals maintained on land zoned for agricultural purposes, nor shall it apply to a properly permitted animal shelter established for the care and/or placement of unwanted or stray animals, nor a properly zoned commercial boarding kennel or other animal facility. REST OF SECTION OMITTED.

ORANGE COUNTY

SUMMARY: Defines a kennel as an establishment where certain animals are kept for compensation, for any numerous reasons. Kennels require a license from the county. Noncommercial kennels cannot become a nuisance, such as emitting offensive noises. Commercial kennels are listed as a special exception or permitted use in certain zoning districts.

Definitions.

Kennel shall mean any building, lot, structure or premises wherein animals, excluding livestock and exotic animals regulated by the Florida Game and Freshwater Fish Commission, are kept for sale, breeding, boarding, buying, letting for hire, or training for a fee. The following are specifically excluded from this definition of kennel:

- (1) Pet shops,
- (2) Animal or pet hospitals,
- (3) Pet beauty parlors,
- (4) Breeding at a residence of two (2) or less litters per calendar year, provided that no more than twenty (20) animals are kept/housed/confined at the residence at any one time,
- (5) Veterinarian facilities
- (6) Keeping/housing/confining of twenty (20) or fewer animals at a residence at any one time for noncommercial purposes only.

Commercial kennel or pet dealer shall mean any premises used for a business requiring an occupational license wherein any person engages in boarding, breeding, buying, letting for hire or training dogs or cats for a fee. County-operated animal services agencies, veterinary clinics, animal hospitals, noncommercial kennels, and societies for the prevention of cruelty to animals (as identified in F.S. § 828.03) are exempt from this definition.

Noncommercial kennel shall mean any premises used primarily as the domicile of an animal owner, on which premises said owner breeds purebred or nonpurebred animals for personal recreational use; provided that where said animals are offered for sale, sold or exchanged for profit, **said sales shall comprise no more than twenty-five (25) percent of said owner's income.**

Animal rescue organization shall mean a not-for-profit organization that has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of dogs or cats into permanent homes and that does not breed animals nor obtain animals in exchange for payment or compensation from any person that breeds or brokers animals.

Animal shelter shall mean the local animal control authority, public animal shelter, or private animal shelter maintained by or under contract with the county or municipality, devoted to the rescue, care, and adoption of stray or abandoned or unwanted animals; or any brick and mortar animal shelter whose primary mission is to find permanent homes or recues for sterilized, unwanted and homeless pets.

Sections.

Sec. 5-40. - Commercial kennel and pet dealer registration. It shall be unlawful for a commercial kennel or pet dealer within the county to fail to register said kennel or pet dealer with the animal services

division. Noncommercial kennels shall be exempt from the registration requirements of this article; provided, it shall be unlawful for the owner or operator of any noncommercial kennel to allow said kennel to become a nuisance or to emit such offensive odors or noises as to disrupt the comfort, peace, quiet or repose of any person residing in the vicinity of said kennel. REST OF SECTION OMITTED.

Special use or Permitted in

Commercial kennels:

S --- A-1, A-2

P --- C-2, C-3, I-1, I-2, I-3, I-4, I-5, Conditions *

Animal shelters, boarding kennels, animal pounds, training of animals, **with no outdoor** runs or outdoor compounds:

S --- A-1, A-2

P --- C-2, C-3, I-1, I-2, I-3, I-4, I-5

Animal shelters, boarding kennels, animal compounds, training of animals, **with outdoor** runs or outdoor compounds

S --- A-1, A-2, C-2

P --- C-3, I-1, I-2, I-3, I-4, I-5

MARION COUNTY

SUMMARY: Defines any keeping of 4 or more dogs or cats for compensation as a kennel, which is listed as a special use or permitted use in certain zoning districts. Commercial kennels (during operational hours) and animals on agricultural land are exempt from noise/nuisance regulations.

Definitions.

Kennel. Any place or premises where four or more dogs or cats, over four months of age are groomed, bred, raised, boarded, or trained for compensation or income.

Large kennel shall mean any person or entity who owns, harbors or keeps **more than fifteen (15) dogs or cats, in aggregate, at a property or structure, for any purpose,** including, but not limited to, housing, boarding, breeding, training, show or exhibition, hunting, sale, rescue, adoption or personal pet or use. Large kennel does not include any property or structure where a Florida state licensed veterinarian practices and has a premises permit, as required by F.S. ch. 474, or any property or structure used as a veterinary hospital, medical research laboratory, pari-mutuel dog racing establishment, or any governmental agency, or to any boarding kennel operated in conjunction with any of the foregoing. Such definition shall not include the animal impoundment center or animal rescue organization, as defined.

Business kennel shall mean any establishment which offers or provides services for remuneration, including, but not limited to, boarding, care, grooming, breeding, stud services, or sale of offspring of adult dogs and cats. Business kennel does not include any property or structure where a Florida state licensed veterinarian practices and has a premises permit, as required by F.S. ch. 474, or any property or structure used as a veterinary hospital, medical research laboratory, pari-mutuel dog racing establishment, or any governmental agency, or to any boarding kennel operated in conjunction with any of the foregoing.

Sections.

Sec. 4-29. - Kennel licenses. (a) No person shall act as, perform duties of, or otherwise maintain a large kennel, business kennel, pet dealer, or breeder without first obtaining a kennel license from department of animal services. This shall not include any registered foster for Marion County Animal Services or an animal rescue organization as defined. No license shall be issued without written confirmation from the Marion County Zoning Division that the proposed location complies with the applicable zoning requirements. REST OF SECTION OMITTED.

Sec. 4-12. - Domestic animals creating a nuisance. (B) (2) The prohibition against barking habitually, or making other objectionable noises habitually **shall not apply between the hours of 7:00 a.m. and 10:00 p.m. to commercial boarding kennels which are in compliance with the Marion County Land Development Code.** (3) **This subsection shall not apply to domestic animals on land zoned for agricultural purposes.**

S --- A-1, A-2, A-3, B-4 (Regional Business), B-5 (Heavy Business), RC-1 (Rural Commercial) outside only,

P --- M-2

LAKE COUNTY

SUMMARY: Noise and odor, number of animals, and setbacks are determined by a conditional use permit in the agricultural zoning district. If there are 5 or more dogs or cats, a 200ft setback from right-of-ways or neighboring property lines is required. Kennels are a conditional use in agricultural zoning and a permitted use in C2 (Community Commercial), CP (Planned Commercial), LM (Light Industrial), HM (Heavy Industrial), and MP (Planned Industrial) zoning districts.

Definitions.

Animal establishment means any pet shop, grooming shop, flea market, auction, riding school or stable, boarding, Kennel, cattery, or any other premises or property where animals are kept as part or whole of a business concern.

Animal Rescue Organization means a humane society or not for profit corporation who operates a charitable organization under section 501(c)(3) of the Internal Revenue Code and whose mission includes the rescue, care, or adoption of animals, and which does not obtain animals from a breeder or broker for payment or compensation.

Kennel. Kennel or Cattery means any premises, operation, or business used for the boarding, breeding, training, buying, selling, grooming, or rearing of dogs or cats, or any other activity for remuneration. A premise used as an Animal Shelter or a premise owned or leased by the county or an Animal Rescue Organization is exempt from this definition.

Sections.

3.01.02.B.6 – Kennels are described as an agricultural use, “except in a veterinary clinic or hospital”

3.01.03 Schedule of permitted and conditional uses – Kennels are a conditional use in the A (agricultural) zoning district and a permitted use in C2 (Community Commercial), CP (Planned Commercial), LM (Light Industrial), HM (Heavy Industrial), and MP (Planned Industrial) zoning districts.

3.01.04.10 Kennel or Cattery. Any conditional use Permit issued for a Kennel or Cattery Shall address the maximum number of animals to be Permitted in the Kennel or Cattery, required setbacks, the impact which animal noise and odor may have upon adjacent property owned by others, and provision for removal of animal waste and sewage.

3.02.05 – Setbacks. Buildings, runs, pens, or other Structures used for the purpose of a Kennel or Cattery, or to house, feed, exercise or otherwise maintain a total of five (5) or more cats or dogs Shall maintain a two hundred (200) foot Setback from the nearest Right-of-Way line of any Road, Highway, or adjacent boundary or Property owned by others.

Sec. 14-37(9). – Exemptions. “Sounds produced by normal agricultural activities located in appropriate zoning districts” are exempt from noise control regulations.