



AGENDA ITEM 6A

Prepared by:
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July 21, 2006
Prepared For: Planning Commission

A. Agenda Item: Discuss text amendment to Appendix A of the Zoning Regulations regarding the keeping of show/race dogs in residential districts.

B. Exhibits: Exhibit A - Draft Appendix A
Exhibit B - June 27th Commission minutes

C. Background:

The Commission discussed an amendment to Appendix A at their June 27th meeting. The minutes reflect an interest in the amendment; however, staff wishes to further discuss the amendment before holding a public hearing at the August meeting.

To revisit the situation that initiated the amendment process; a homeowner on 87th Street east of Waverly Road is the owner of approximately ten poodles, bred and kept for the purpose of showing at dog shows. City staff received a complaint from a service person regarding the number of dogs at the residence. The De Soto City Code restricts the number of animals allowed in a residential home to three (3). The ordinance restricting domestic animals to three was adopted in 1992; the home on 87th Street was constructed in 1994, therefore, the use cannot be 'grandfathered in' as an existing legal nonconformance.

It is not unreasonable to allow more than 3 dogs at a single residence in residential districts so long as there are limitations. It would make sense to handle this through the Special Use Permitting process, however, the use is not allowed by Permit in the residential districts. The category 'Breeding of Pets (e.g. birds, cats, dogs)', NAICS code 112990, falls under 'All other Animal Production', which in turn falls under 'Animal Production', a subcategory of 'Agriculture'. Animal production is a single line item in Appendix A: Permitted Uses by District, and is allowed only by Special Use Permit in the industrial districts. If staff attempts to categorize the use under 'Dog Owners, Race', contained in NAICS code 711219 'Spectator Sports', the use is only allowed by Special Use Permit in 'C-2' or 'M-1'. There is no NAICS category for 'Dog Owners, Show'.

A rezoning away from a residential district would not be recommended. Staff does not recommend amending the ordinance to allow for kennels or dog breeding facilities in residential districts; a better solution be to allow 'Dog Owners, Show or Race Dogs' by Special Use Permit in the lower density residential districts ('R-0' and 'R-1'). The Special Use Permitting process could



place restrictions upon the total number of animals, or other restrictions as deemed necessary on a case-by-case basis.

D. Recommendation:

Staff asks that the Commission indicate their approval/disapproval of the proposed text amendment allowing more than 3 show or race dogs in residential districts by Special Use Permit. Based upon direction from the Commission, staff may return will the text amendment as a public hearing item at the August Commission meeting.

End of Report

Exhibits to Follow