

**SUMTER COUNTY ORDINANCE NO. 2023 -**

**AN ORDINANCE OF THE SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING CHAPTER 13 LAND DEVELOPMENT CODE; AMENDING SECTION 13-200 DEFINITIONS – KENNEL, COMMERCIAL; AMENDING SECTION 13-634 COMMERCIAL KENNELS; PROVIDING FOR CONFLICTS AND SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII, Section (1)(f) of the Florida Constitution and Section 125.01, Florida Statutes, grant Sumter County Board of County Commissioners broad home rule authority to adopt ordinances to provide for health, safety and welfare of the general public; and

**WHEREAS**, the Board of County Commissioners of Sumter County has adopted the Sumter County Code of Ordinances, which serve as the laws and regulations of Sumter County; and,

**WHEREAS**, the Board of County Commissioners established land development regulations contained in the Land Development Code, Chapter 13 of the Sumter County Code; and,

**WHEREAS**, Sumter County's current Land Development Code contains certain provisions in the definition of Commercial Kennel that are in conflict with the Land Use Table; and,

**WHEREAS**, to reduce the overpopulation of unwanted and abandoned dogs and cats in Sumter County, it is necessary to address the commercial breeding of dogs and cats for sale in Sumter County; and,

**WHEREAS**, an estimated 3 million dogs and cats are euthanized by shelters every year in the United States due to overpopulation and lack of personal responsibility by pet owners;

**WHEREAS**, it has become necessary to address the public health and animal welfare issues regarding the sale of dogs and cats from Breeding Facilities as a contributor to the overpopulation of abandoned and unwanted dogs and cats, and in an effort reduce the population of dogs and cats subject to possible euthanasia as well as minimize code enforcement nuisance complaints of noise, odor, and abuse; and

**WHEREAS**, Sumter County desires to amend its definition of Commercial Kennel as that term is used on the Land Development Code; and,

**WHEREAS**, it is the intent of the Sumter County Board of County Commissioners that this Ordinance will conform with and supplement Section 828.29, Florida Statutes, as

may be amended, relating to the sale of dogs and cats transported into the state for sale, health requirements, and consumer guarantee; and,

**WHEREAS**, the Sumter County Board of County Commissioners has determined that the public health, safety and welfare will best be served by amending the Land Development Code as outlined herein; and,

**WHEREAS**, the Board of County Commissioners, after the appropriate publication of notice of its intention to consider this Ordinance, has determined that in consideration of the health, safety and welfare of its citizens, it is in the best interests of Sumter County, Florida to approve this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY** the Board of County Commissioners of Sumter County, Florida, as follows:

**SECTION 1. PURPOSE.**

The purpose of this Ordinance is to amend Chapter 13 Land Development Code, Section 13-200 Definitions, and Section 13-634 Commercial Kennels for the reasons set forth in the above Whereas clauses, which are incorporated herein, *in haec verba*.

**SECTION 2. AUTHORITY.**

Pursuant to Article VIII, Section I of the Florida Constitution and Sections 125.01 and 125.66 of the Florida Statutes, the Sumter County Board of County Commissioners has all powers of local self-government to perform county functions and render county services and facilities except when prohibited by law, including the authority to amend its Code of Ordinances.

**SECTION 3. AMENDMENT OF CHAPTER 13 LAND DEVELOPMENT CODE.**

The following Sections shall be amended and restated as set forth herein.

Sec. 13-200. – Definitions. The following definition shall be amended as noted herein:

Kennel, commercial means any parcel of land or premises where four (4) or more dogs and or four (4) or more cats, at least three (3) months of age, are raised, kept, bred, or boarded for sale or compensation; excepting when such parcel or premises is a veterinary clinic or hospital operated by a veterinarian licensed by the State of Florida, who keeps, treats or boards such animals as necessary for medical care, or when such parcel or premises is a pet shop permitted to operate in a commercial zoning district.

Section 13-634. - Commercial kennels.

- (a) Purpose and intent. Commercial kennels are permissible as a special use where indicated by Table 13-431A. In addition to the other provisions of this chapter, it is the intent of this section to provide for such use in a manner that will have the least possible adverse impact to the community.
- (b) Types of kennels. For purposes of applying standards, kennels shall be classified as either Class A or Class B:
  - (1) Class A. A Class A kennel is one (1) in which, between 10:00 p.m. and 6:00 a.m., all animals are confined in a sound and odor proof kennel building that is completely enclosed and air-conditioned, or in a sound and odor restricted kennel building whose total open area (doors and windows) shall not exceed twenty (20) percent of the floor area of the building. During all other hours, the animals may be confined in open fenced yards, pens, runs, etc., in conformance with the locations prescribed in this Article.
  - (2) Class B. A Class B kennel is one where, at any time, animals may be confined in open fenced yards, pens, runs, etc., in conformance with the locations prescribed in this Article.
- (c) Standards. Commercial kennels may be allowed provided all of the following requirements are met.
  - (1) Effects. A commercial kennel shall be developed and operated to minimize noise, odor and other objectionable effects on the area in which it is located.
  - (2) Parcel size. The minimum parcel size requirement shall be as follows:
    - a. For a Class A kennel, five (5) usable acres.
    - b. For a Class B kennel, ten (10) usable acres.
  - (3) Kennel facilities. Kennel facilities shall include all kennel buildings, exercise yards, pens, runs, etc., where animals are contained at any time, and shall conform to the following minimum requirements:
    - a. Location. The minimum setbacks from the parcel's property lines for all kennel facilities shall be based on the maximum number of animals, excluding pups less than three (3) months of age, proposed to be kept on the parcel and are as follows:
      - 1. Class A kennel:
        - a) From adjoining agricultural or other non-residential zones—Five (5) feet per animal, and

- b) From adjoining residential zones—Ten (10) feet per animal, and
- c) From an existing residence—Fifteen (15) feet per animal.
- d) Kennel buildings that are sound and odor restricted but not completely enclosed, air-conditioned and sound and odor-proof shall observe the setback requirements for a Class B kennel.

2. Class B kennel:

- a) From adjoining agricultural or other non-residential zones—Ten (10) feet per animal, and
- b) From adjoining residential zones—Fifteen (15) feet per animal, and
- c) From an existing residence twenty (20) feet per animal.

Requests for deviations from the setback requirements of this section due to parcel features may be authorized by the Planning and Zoning Special Master.

- b. Construction. Sound and odor proof or restricted kennel buildings shall be built to county building codes. Sound and odor-proof buildings shall be adequately constructed so that there will be no emission of noise or odor detrimental to other property in the area.

(4) Nuisances. Chapter 4 of this Code of Ordinances shall apply to all animal nuisance complaints except those related to noise and odor from regulated kennels, which shall be subject to the specified conditions of their approved special use permit.

(5) Effect of zoning changes. At the time a commercial kennel is established, or enlarged, the location of the kennel facilities and number of animals allowed will be determined by the type of kennel and the existing zoning and use of adjacent property. Changes in zoning or use of adjacent land after the kennel is legally established or expanded shall not require existing kennel facilities to be relocated or number of animals to be reduced.

**SECTION 4. IMPLEMENTATION.**

Upon approval of this Ordinance, the amended sections set forth in Section 3 shall apply as of the effective date of this Ordinance.

**SECTION 5. CONFLICTS AND REPEALER.**

This Ordinance shall be cumulative of all provisions of the Ordinances of Sumter County, Florida, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event all Ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 6. SEVERABILITY.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 7. CODIFICATION**

It is the intention of the Sumter County Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall be reflected and made a part of the Code of Ordinances of Sumter County, Florida, with the exception of Sections 1, 2, 4, 5, 6, 7 and 8. The word "Ordinance," or similar words may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to rescind those sections of the Code declared null and void as set forth herein.

**SECTION 8. EFFECTIVE DATE.**

Once adopted by the Sumter County Board of County Commissioners, this Ordinance shall become effective immediately upon adoption.

**PASSED AND ADOPTED** at a duly called session of the Sumter County Board of County Commissioners, this \_\_\_\_ day of \_\_\_\_\_, 2023.

**GLORIA HAYWARD  
SUMTER COUNTY CLERK**

**BOARD OF COUNTY COMMISSIONERS,  
SUMTER COUNTY, FLORIDA**

**ATTEST:**

\_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Craig A. Estep  
Chairman

Approved as to form for the reliance of  
The Sumter County Board of County  
Commissioners, only:

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Jennifer C. Rey, Esq.  
The Hogan Law Firm, County Attorney