



REQUEST FOR BOARD ACTION

ITEM NO. 15

DATE OF MEETING: February 16, 2016

REQUESTED BY: Megan O'Hare, Senior Planner, Planning & Community Development

SHORT TITLE: Resolution Requesting Approval of a Zoning Text Amendment to Add Pet Care Services Requirements.

BACKGROUND: Tracy Lange, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance to further clarify requirements for Pet Care Services (NAICS 812910) by delineating Pet Grooming Establishments. The proposal includes adding use standards specific to Pet Grooming Establishments in Section 5.3.11 and including a definition within Appendix A Definitions.

SPECIFIC ACTION REQUESTED: To Hold a Public Hearing and Consider the Approval of a Zoning Text Amendment to clarify requirements for Pet Care Services.

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

on February 16, 2016 the Pender County Board of Commissioners (approved, modified, denied) a Zoning Text Amendment request as described herein. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Brown ___ McCoy ___ Keith ___ Piepmeyer ___ Williams ___

George Brown, Chairman 2/16/2016
Date

ATTEST 2/16/2016
Date

**PLANNING STAFF REPORT
ZONING TEXT AMENDMENT**

SUMMARY:

Hearing Date: January 5, 2016 Planning Board
February 16, 2016 Board of Commissioners
Applicant: Tracy Lange
Case Number: ZTA 98-2015

Text Amendment Proposal: Tracy Lange, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance (UDO) to further clarify requirements for Pet Care Services (NAICS 812910) by delineating Pet Grooming Establishments. The proposal includes adding use standards specific to Pet Grooming Establishments in Section 5.3.11 and including a definition within Appendix A Definitions.

Background: The Zoning Text Amendment proposal is the result of meetings with the applicant discussing the feasibility of locations for a Pet Grooming Business in Pender County. It was determined the applicant would apply for a Zoning Text Amendment to clarify the permitted use of Pet Care Services.

RECOMMENDATION

At their January 5, 2015 meeting the Planning Board unanimously recommended approval of the Zoning Text Amendment to the Unified Development Ordinance as described in this report as it is consistent with the Unified Development Ordinance and one (1) goal and one (1) policy within the 2010 Pender County Comprehensive Land Use Plan.

AMENDMENT DESCRIPTION

The Pender County Unified Development Ordinance currently defines kennels as; "A place prepared to house, board, breed, handle or otherwise keep or care for dogs, cats or other domesticated animals for sale or in return for compensation" (Appendix A). As outlined in the Ordinance, any structure housing the use of pet grooming would need to be 500 feet from any residential zoned property. The applicant states in her narrative that she does not believe this requirement is applicable to pet grooming as the use does not board or store/house animals.

Section 5.2.3, Table of Permitted Uses specially identifies Pet Care Services (NAICS 812910) permitted with design standards in the RA, Rural Agricultural, GB, General Business, IT, Industrial Transitional and GI, General Industrial zoning districts. Please see below the existing use standards applied to Pet Care Services:

B. Pet Care Services

- 1) *All structures and outdoor runs must be located a minimum of 500 feet from any residentially zoned property.*
- 2) *Sewage disposal system and sanitation control methods as approved by the Pender County Board of Health shall be required. (This provision shall include, but shall not be limited to, the sanitary removal or disposal of solid waste, carcasses, or any other items deemed necessary for removal or disposal because of unsafe or unsanitary conditions by the Health Department.)*
- 3) *Minimum lot sizes shall be a minimum of one (1) acre per 10 animals. The minimum lot size requirements may be waived if a kennel is constructed to entirely enclose all kennel facilities so as*

to adequately protect all animals from weather extremes and to protect adjacent residences from noise, odors, and other objectionable characteristics.

Pet Care Services can have many different types of business which may not be similar in use. For example, the definition according to NAICS 812910 calls out fourteen (14) separate uses including; animal grooming services, animal shelters, boarding services, dog pounds, grooming services, guard dog training, obedience service training, pet sitting, and various other related as seen in Attachment 1.

Not all Pet Care Services have the same land use impact and the applicant states in the narrative; “the way the Ordinance is currently written, it presents a hardship for dog grooming facilities that do not board dogs.” Staff recommended to the applicant to include specific standards which may encompass a grooming service rather than boarding in a kennel. Differences such as noise and odor from outdoor or overnight facilities were important to include. By separating the use standards for grooming facilities from facilities that house animals overnight or for extended periods would alleviate concerns that the applicant brought to the attention of Staff concerning distances from residentially zoned properties. Therefore, it was recommended to further define the standards for grooming services in the Pender County Unified Development Ordinance depicted below in recommended subsection C.

B. Pet Care Services

- 1) All structures and outdoor runs must be located a minimum of 500 feet from any residentially zoned property.
- 2) Sewage disposal system and sanitation control methods as approved by the Pender County Board of Health shall be required. (This provision shall include, but shall not be limited to, the sanitary removal or disposal of solid waste, carcasses, or any other items deemed necessary for removal or disposal because of unsafe or unsanitary conditions by the Health Department.)
- 3) Minimum lot sizes shall be a minimum of one (1) acre per 10 animals. The minimum lot size requirements may be waived if a kennel is constructed to entirely enclose all kennel facilities so as to adequately protect all animals from weather extremes and to protect adjacent residences from noise, odors, and other objectionable characteristics.

C. Pet Grooming Services, as defined

- 1) No breeding, selling, storage of animals for sale or adoption, training or boarding for overnight or day play.
- 2) No outdoor facilities permitted on-site including but not limited to; outdoor pens, kennels, runs or walking areas.
- 3) No outdoor storage or housing of animals.
- 4) Pets being groomed will be contained within the appropriately sized enclosures within the confines of the structure housing the business.

Pet grooming services shall be defined in Appendix A as; a personal service establishment at which domesticated animals are bathed, brushed, clipped, trimmed or shorn, or other such non-medical treatment is administered indoors, and no animals are kept on the premises outside of normal business hours of operation or overnight.

EVALUATION

As prescribed in the Pender County Unified Development Ordinance Section 3.18.5, in evaluating any proposed Ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:

- 1) The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
- 2) The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;
- 3) Whether or not the proposed text amendment corrects an error in the Ordinance; and
- 4) Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.

In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the Planning Board and County Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents and the specific intent of this Ordinance.

2010 Comprehensive Land Use Plan Compliance

There are no conflicting policies within any adopted land use documents for the proposed Zoning Text Amendment. This Zoning Text Amendment request is consistent with one (1) goal and one (1) policy of the 2010 Comprehensive Land Use Plan and conflicts with none. The following goals and policies within the plan may be relevant to the proposed Zoning Text Amendment:

Growth Management Goal 1A.1 Manage the physical growth and development of Pender County by promoting more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the predominant rural lifestyle and coastal environment that makes the County a unique place to live.

Policy 1A.1.5 The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.

RECOMMENDATION

The proposed text amendment is consistent with one (1) goal and one (1) policy within the 2010 Pender County Comprehensive Land Use Plan.

At their January 5, 2015 meeting the Planning Board unanimously recommended approval of the Zoning Text Amendment to the Unified Development Ordinance as described in this report.

BOARD ACTION FOR ZONING TEXT AMENDMENT

Motion: Edens Seconded: Fullerton

Approved: x Denied: _____ Unanimous: x

Williams: x McClammy: x Baker: ___ Fullerton: x Edens: x Marshburn: x Nalee: x

5.3.11. Other Services except Public Administration (Sector 81)

A. Cemeteries

- 1) All burial or monuments must be located at least 25 feet from any side or rear lot line and must be at least 40 feet from any street right-of-way.
- 2) Buildings for the maintenance and/or management of cemetery lots must be located at least 100 feet from any lot lines which adjoin lots in any residential district. Otherwise any such buildings must conform to the requirements for principal uses in the district where they are located.

B. Pet Care Services

- 1) All structures and outdoor runs must be located a minimum of 500 feet from any residentially zoned property.
- 2) Sewage disposal system and sanitation control methods as approved by the Pender County Board of Health shall be required. (This provision shall include, but shall not be limited to, the sanitary removal or disposal of solid waste, carcasses, or any other items deemed necessary for removal or disposal because of unsafe or unsanitary conditions by the Health Department.)
- 3) Minimum lot sizes shall be a minimum of one (1) acre per 10 animals. The minimum lot size requirements may be waived if a kennel is constructed to entirely enclose all kennel facilities so as to adequately protect all animals from weather extremes and to protect adjacent residences from noise, odors, and other objectionable characteristics.

C. Pet Grooming Establishment, as defined

- 1) No breeding, selling, storage of animals for sale or adoption, training or boarding for overnight or day play.
- 2) No outdoor facilities permitted on-site including but not limited to: outdoor pens, kennels, runs or walking areas.
- 3) No outdoor storage or housing of animals
- 4) Pets being groomed will be contained within appropriately sized enclosures within the confines of the structure housing the business.

Appendix A

Pet Grooming Services: a personal service establishment at which domesticated animals are bathed, brushed, clipped, trimmed or shorn, or other such non-medical treatment is administered indoors, and no animals are kept on the premises outside of normal business hours of operation or overnight.

APPLICATION FOR TEXT AMENDMENT

THIS SECTION FOR OFFICE USE			
Application No.	ZTA 98-2015	Date	11-17-15
Application Fee	\$ 250.00	Receipt No.	Invoice 00000042
Pre-Application Conference	11-16-15	Hearing Date	1/5/16 PB 2/16/2016 BOC

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	Tracy Lange
Applicant's Address:	118 Circle Drive
City, State, & Zip	Hampstead NC 28443
Phone Number:	910-821-1201 / 845-300-2679

SECTION 2: UDO TEXT TO BE AMENDED 5.3.11.B

Current Text to be Amended (Please site accurate Article number referenced):

ALL structures and outdoor runs must be located a minimum of 500 Feet from any residentially zoned property

Proposed Text to be added: ALL overnight boarding structures and outdoor runs must be located a minimum of 500 Feet from an existing residential structure.

SECTION 3: SIGNATURE

Applicant's Signature	<i>P. Tracy Lange</i>	Date:	11-17-15
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NOTICE TO APPLICANT

If the applicant makes significant changes to the application for a text amendment after the Planning Board has made its recommendation, the Administrator may refer the modified request back to the Planning Board for an additional public hearing.

TEXT AMENDMENT CHECKLIST

<input checked="" type="checkbox"/>	Signed application form
<input checked="" type="checkbox"/>	Application fee
<input checked="" type="checkbox"/>	A letter describing, in detail the intent and purpose of the amendment presented, meeting the approval criteria set forth in Section 3.18.5 of the Pender County UDO (shown on page 1 of this application)

Office Use Only

<input checked="" type="checkbox"/> ZTA Fees: \$250		Total Fee Calculation: 250.00	
Payment Method:	Cash: <input type="checkbox"/> \$ _____	Credit Card:	Check: <input checked="" type="checkbox"/> Check # <u>520</u>
		<input type="checkbox"/> Master Card <input type="checkbox"/> Visa	
Application Received By:	<i>Pete Dwyer</i>	Date:	11-17-15
Application completeness approved by:	<i>Pete Dwyer</i>	Date:	11-18-15
Dates Scheduled for Public Hearings:	<input checked="" type="checkbox"/> Planning Board: 1/5/16	<input checked="" type="checkbox"/> BOC:	1/25/16

November 17, 2015

Tracy Lange
118 Circle Drive
Hampstead, NC 28443

To Whom It May Concern,

I would like to propose a text amendment to the Pender County Unified Development Ordinance to modify the current text found in Section 5.3.11.B. Currently, the ordinance restricts 'Pet Care Services', such as dog grooming businesses, from locating within 500 feet of any residentially zoned property.

Our proposal for a dog grooming business would be unable to locate in many General Business zoned properties in Hampstead. Our proposed operation will not have any outdoor structure used for the overnight boarding of dogs and will only operate during the day.

The way the ordinance is currently written, it presents a hardship for dog grooming facilities that do not board dogs. We would like to provide this much needed service to the community. The proposed text amendment meets the criteria set forth in Section 3.18.5 of the UDO. The proposed text amendment is consistent with the ordinance, is a necessary revision, provides needed clarification, and enhances the intent of this ordinance.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy Lange". The signature is written in a cursive, flowing style.

Tracy Lange