

Pender County Planning and Community Development

805 S. Walker Street
PO Box 1519
Burgaw, NC 28425



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AGENDA

**Pender County Planning Board
Tuesday, January 5, 2016 7:00 p.m.
Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina**

Call to Order: Chairman Williams

Roll Call: Chairman Williams

Pender County Planning Board Members:

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

1. Service Award Presentation: (Bill Marshburn)

2. Election of Officers: Chairman/Vice-Chairman

3. Adoption of the Agenda:

4. Adoption of the Minutes: (December 1, 2015)

5. Public Comment:

(Public Hearings Open)

6. Zoning Text Amendment:

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.

(Public Hearings Closed)

7. Discussion Items:

a. Planning Staff Items:

i. Collector Street and Comprehensive Land Use Plan Update:

b. Planning Board Members Items:

Anyone wishing to address the **Pender County Planning Board** shall make a request on the "Public Comment" sign-up sheet. Please provide the information requested.

If you wish to speak on **a specific public hearing item**, please sign-in on the appropriate "Public Hearing" sign-up sheet. Speakers will be allowed to speak *prior* to any action/vote taken by the Board.

*A time limit of **two** minutes per speaker or up to **ten** minutes for groups of five or more, with a designated speaker will be imposed.

8. Next Meeting: February 2, 2016, as applicable

9. Adjournment:

**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 a several 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

The Administrator respectfully recommends 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. Administrator respectfully recommends approval of the Zoning Text Amendment to the Unified Development Ordinance as described in this report.

BOARD ACTION FOR ZONING TEXT AMENDMENT

Motion: _____ Seconded: _____

Approved: _____ Denied: _____ Unanimous: _____

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

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 Langle
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

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

5.3.11.B
 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	Date:
<i>P Tracy Langle</i>	11-17-15

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: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	Check: <input checked="" type="checkbox"/> Check # 520
Application Received By:	<i>P Tracy Langle</i>	Date:	11-17-15
Application completeness approved by:	<i>P Tracy Langle</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", written in a cursive style.

Tracy Lange



(<http://www.census.gov/en.html>)

Search

Attachment 1

North American Industry Classification System

You are here: [Census.gov](#) / [Business & Industry](#) / [NAICS](#) / [NAICS Search/Tools](#)

2007 NAICS Definition

812910 Pet Care (except Veterinary) Services

This industry comprises establishments primarily engaged in providing pet care services (except veterinary), such as boarding, grooming, sitting, and training pets.

Cross-References. Establishments primarily engaged in--

- Practicing veterinary medicine--are classified in industry [541940](#) (<http://cgi-bin/sssd/naics/naicsrch?code=541940&search=2007>), Veterinary Services;
- Boarding horses--are classified in industry [115210](#) (<http://cgi-bin/sssd/naics/naicsrch?code=115210&search=2007>), Support Activities for Animal Production; and
- Transporting pets--are classified in U.S. Industry [485991](#) (<http://cgi-bin/sssd/naics/naicsrch?code=485991&search=2007>), Special Needs Transportation.

2002 NAICS	2007 NAICS	2012 NAICS	Corresponding Index Entries
812910	812910	812910	Animal grooming services
812910	812910	812910	Animal shelters
812910	812910	812910	Boarding services, pet
812910	812910	812910	Dog pounds
812910	812910	812910	Grooming services, animal
812910	812910	812910	Guard dog training services
812910	812910	812910	Guide dog training services
812910	812910	812910	Kennels, pet boarding
812910	812910	812910	Obedience training services, pet
812910	812910	812910	Pet boarding services
812910	812910	812910	Pet grooming services
812910	812910	812910	Pet sitting services
812910	812910	812910	Pet training services
812910	812910	812910	Sitting services, pet

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MEMORANDUM

To: Pender County Planning Board

From: Planning Staff

Date: January 5, 2015

RE: Collector Street Plan and Comprehensive Plan Updates

Staff will continue to provide you with an update at each Planning Board meeting regarding the Collector Street Plan and Comprehensive Land Use Plan update process. Below is a summary of the status of each plan update since our last discussion.

Pender County Collector Street Plan

Planning Staff continues to work in coordination with the Wilmington MPO and Stantec on the Collector Street Plan. The Collector Street Plan Steering Committee has met three times; August 13, 2015, October 1, 2015 and December 3, 2015. Additionally, a stakeholder meeting was held on October 1, 2015 to garner public input from citizens at Heidi Trask High School. On October 26, 2015 Staff presented an update to the Board of County Commissioners on the project.

At this time the Steering Committee has reviewed; an existing conditions chapter, environmental features of the study area and initial survey results. Items which are still under discussion and in draft format are the proposed collector street plan network and the cross sections for proposed roadways.

Planning Staff continues to work with Stantec towards the drafting of the Collector Street Plan with input from both the Steering Committee and citizens.

Comprehensive Land Use Plan

Planning Staff continues to work on preliminary planning and information inventory in preparation for a consultant beginning work on the Comprehensive Land Use Plan. This information includes:

- Definition of small area plan boundaries
- Existing plan inventory
- Goals and policies matrix
- Existing land use survey

Interviews were held on October 14, 2015 and November 13, 2015. Representatives from the Planning Board, as well as, Staff were actively involved in interviews and selection of the consultant. At this time,

Pender County is working on a contract and scope of agreed upon work with Stantec, who is anticipated to begin work once these documents can be finalized and the Board of Commissioners approves the contract. It is anticipated that this will be up for approval on the Board's second January agenda.

On August 17, 2015 Planning Staff learned that Pender County has been selected to receive \$10,000 in Partners for Green Growth funding from NC Wildlife Resources Commission (NCWRC) to use towards incorporation of conservation methods into the update of the Comprehensive Land Use Plan. Staff will work with NCWRC to develop and gain approval on a contract funding agreement, at this time NCWRC is still developing a contract with Pender County. A brief summary of the Partners for Green Growth funding is as follows:

- The purpose is to fund land use planning projects that address conservation of priority wildlife habitats. Our proposal is to use funding to develop and incorporate a conservation component into the Comprehensive Land Use Plan (in conjunction with the Plan update).
- The funding amount is \$10,000.
- Invited full applications are due September 10 (non-competitive).
- 50% non-federal in-kind match is required. Our proposal is to calculate match using:
 - Staff time calculated at approximately \$20.00 per hour: \$2,500 (125 hours) for existing conditions inventory, site visits, conservation data analysis, coordination with consultant and NC Wildlife Resources Commission for integration of final conservation product within Comp Plan
 - 7.5 percent of County payment to consultant (total contract will be \$100,000): \$7,500 for conservation data analysis and conservation policy recommendation for inclusion into Comprehensive Land Use Plan
- Work must be completed within a year.
- Funds will be distributed as reimbursement (by September 16, 2016).
- Pender County is eligible for 40 hours of technical assistance from NC Wildlife Resources Commission as part of the funding.

Planning Staff appreciates your input throughout the process for these plan updates.