

October 24, 2007

Kiera Tracy
2210 Riley Forest Drive
Winston-Salem, NC 27127

RE: ZONING TEXT AMENDMENT UDO-179

Dear Ms. Tracy:

The attached report of the Planning Board to the Forsyth County Board of Commissioners and City of Winston-Salem City Council is sent to you at the request of the Commissioners and Council Members.

When the text amendment is scheduled for public hearing, you will be notified by Jane Cole, Clerk to the County Commissioners and Renee Henderson, City Secretary, of the date on which the Commissioners and City Council will hear this petition.

Sincerely,

A. Paul Norby, FAICP
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office
Renee Henderson, City Secretary
John S. Buford, Attorney at Law, P. O. Box 26000, Greensboro, NC 27420
Derrick Allen, 230 N. Elm Street, Greensboro, NC 27401

ACTION REQUEST FORM

DATE: October 24, 2007
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning Text Amendment proposed by Kiera Tracy

SUMMARY OF INFORMATION:

Zoning Text Amendment proposed by Kiera Tracy to amend Chapter B, Article II, Section 2-5.39 of the *Unified Development Ordinances* related to the Requirements for Outdoor Enclosures for "Kennel, Indoor" uses (UDO-179).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED

STAFF REPORT

DOCKET # UDO-179
STAFF: Kirk Ericson

REQUEST

This UDO text amendment is proposed by Kiera Tracy to amend Chapter B, Article II, of the *Unified Development Ordinances* to amend regulations for the use “Kennel, Indoor”.

BACKGROUND

Current UDO standards for the use “Kennel, Indoor” prohibit outside runs or exercise areas for pets. Any indoor kennel must be fully enclosed, and any outside use of the property by animals must be supervised, with the animals on leashes. There may be some situations, however, where it would be appropriate to allow closely supervised animals to be outside without leashes. The proposed text amendment would create a provision allowing outdoor enclosures in conjunction with indoor kennels on a case-by-case basis through an Elected Body Special Use Permit.

ANALYSIS

Staff believes that a provision allowing outdoor enclosures in conjunction with indoor kennels on a site-by-site basis would be appropriate and would provide increased flexibility for the use. Additionally, staff believes that the Special Use permitting process would help ensure an outdoor enclosure would not negatively affect surrounding neighborhoods. Several conditions would further limit the use of outdoor enclosures. Only one outdoor enclosure would be allowed in conjunction with an indoor kennel use, and this enclosure would need to be surrounded by an opaque fence at least five feet in height. Supervised use of the outdoor enclosure would be restricted to between the hours of 8AM and 6PM. Use of the outdoor enclosure outside of these hours would require animals to be supervised as well as on leashes. Additionally, the Elected Body could require increased setbacks of outdoor kennel enclosures through the Special Use permitting process where this would facilitate better integration with surrounding development.

In May 2007 Planning staff and the Planning Board recommended against UDO-174, another text amendment concerning indoor kennels. UDO-174 proposed allowing indoor kennels as a use permitted by right in the RS-40, AG, and YR zoning districts, and with Board of Adjustment approval in the RS-30 and RS-20 zoning districts. This current proposed text amendment is different from UDO-174 for several reasons. Currently, indoor kennels are only permitted in non-residential zoning districts, and UDO-179 does not propose any change to this requirement. Additionally, the Elected Body Special Use Permitting process proposed for indoor kennels with outdoor enclosures in UDO-179 is a more rigorous review process than the “by right” zoning approval proposed in UDO-174. Staff believes that the review process proposed in UDO-179 will adequately protect neighborhoods from possible negative impacts related to “Kennel, Indoor” uses.

RECOMMENDATION

APPROVAL

Kirk Ericson presented the staff report.

PUBLIC HEARING

FOR:

Derrick Allen, 230 N. Elm Street, Greensboro, NC 27401

- I represent the petitioner.
- Thanks to the staff for working with us to come up with a practical solution.
- As we worked with staff to determine interpretations of the ordinance, we realized staff doesn't have problems with the way this particular business is operating.
- We dropped this down into Special Use Permit land so that City Council ultimately had the freedom to require additional conditions if those were appropriate.

Kiera Tracy, 336 Witt Street, Winston-Salem, NC 27103

- All of our business is regulated by the NC Dept. of Agriculture, so they define things like the ratio of manpower to dogs.
- NC Dept. of Agriculture also requires certain things regarding cleanliness of facilities, how the animals are taken care of, how many animals can be kept, etc.

AGAINST: None

WORK SESSION

During discussion by the Planning Board, the following points were made:

1. The definition of supervision should include verbage requiring a person to be in the outdoor lot.
2. Picking up animal waste should be regulated.
3. Indoor kennels don't have a minimum acreage requirement, just indoor space requirements.

MOTION: Carol Eickmeyer moved approval of the zoning text amendment with the addition of the following verbage to Section 2-5.39(C)(3) "Any use of the outdoor enclosure for animals or pets during this time must be supervised by a person or persons present within the outdoor enclosure, with animal waste being managed daily as per applicable sanitation codes and ordinances."

SECOND: Lynne Mitchell

VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King,
Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning

UDO-179
AN ORDINANCE AMENDING THE USE CONDITIONS
FOR THE USE “KENNEL, INDOOR”

Be it ordained by the City Council of the City of Winston-Salem, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter B – Zoning Ordinance, Article II – Zoning Districts, *Official Zoning Maps*, and Uses is amended as follows:

Chapter B - Zoning Ordinance
Article II - Zoning Districts, *Official Zoning Maps*, and Uses

2-5 USE CONDITIONS

2-5.39 KENNELS, INDOOR

(A) Location and Setbacks

Indoor kennel services may be permitted in attached buildings or in freestanding buildings; however, any ~~end-unit in an attached~~ portion of a building or any freestanding building containing such a use must be set back at least twenty (20) feet from any side lot line and forty (40) feet from any rear lot line. Any ~~end-unit of an attached~~ portion of a building or any freestanding building containing such a use abutting a residential district shall be set back not less than forty (40) feet from any residential boundary. These setbacks may be reduced by the Elected Body through the issuance of a Special Use Permit (Section B.6-1.5).

(B) Enclosure of Facilities

The ~~indoor kennel services~~ Kennel, Indoor use shall be fully enclosed. There shall be no outside runs or exercise areas for animals or pets. Any outside use of the property for the animals of pets must be supervised and on leashes.

(C) Outdoor Enclosures - Special Use Permit by Elected Body

The Elected Body may approve a Special Use Permit for an outdoor enclosure connected to a Kennel, Indoor use upon the following conditions:

- (1) Enclosure.** Kennel, Indoor services may have one (1) outdoor enclosure. Individual outdoor enclosures, such as cages, crates, or runs for individual animals, are prohibited.
- (2) Fencing.** An outdoor enclosure must be enclosed with an opaque fence at least five (5) feet high.
- (3) Hours of Use.** Any use of the outdoor enclosure for animals or pets is restricted to the hours of 8:00 a.m. through 6:00 p.m. Any use of the outdoor enclosure for animals or pets during this time must be supervised by a person or persons present within the outdoor enclosure, with animal waste being managed daily as

per applicable sanitation codes and ordinances. Any use of the outdoor enclosure for animals or pets other than during the hours of 8:00 a.m. through 6:00 p.m. must be supervised and pets must be on leashes.

- (4) **Setbacks.** An outdoor enclosure shall be set back from any property line no less than the required setback for the building containing the accompanying Kennel, Indoor use. The Elected Body may require increased setbacks of a Kennel outdoor enclosure beyond minimum UDO standards. These setbacks shall be applied on a case by case basis where such setbacks will facilitate better integration of the proposed use and existing development.

Section 2. This ordinance shall be effective upon adoption.