

DRAFT STAFF REPORT

DOCKET: UDO-68
STAFF: Glenn Simmons

REQUEST

Zoning text amendment to amend Chapter A Article II - "Definitions"; and Chapter B Table 2.6 "Permitted Uses", Section 2-5 "Use Conditions" of the *Unified Development Ordinances*, to create a new use and conditions for "Animal Shelter, Public".

BACKGROUND

Currently, under the *Unified Development Ordinances* (UDO), animal shelter facilities are not recognized as an individual use. Consequently, such operations are now treated as veterinary offices and are allowed only in certain business and industrial zoning districts as defined under the UDO use classification "Veterinary Services". As a governmental entity, Forsyth County wishes to amend the UDO to include a new definition and use classification for "Animal Shelter, Public" and thereby permit such shelters in the Institutional Public (IP) zoning district with performance or design requirements identical to "Veterinary Services".

As a for-profit business operation, veterinary services are permitted only in the NB, LB, NSB, HB, GB, GI, and MU-S zoning classifications with Planning Board approval. Additional use conditions under Section 2-5.72 of the UDO require such facilities be fully enclosed and meet other requirements pertaining to construction, air exchange, and sanitation. Under such UDO conditions, veterinary services are considered to be compatible with other business and service operations and may, for example, be found in a retail shopping center.

As a public entity, however, Forsyth County proposes to amend the UDO to recognize the status of public animal shelters as a use which should also be permitted in the IP zoning district in addition to selected commercial districts. Other public and non-profit uses of comparable or greater intensity than the proposed "Animal Shelter, Public" classification are already allowed within the IP district. Such uses include, but are not limited to, "Nursing Care Institution"; "School, Public"; "Recreation Services, Indoor"; "Club or Lodge"; "Hospital or Health Care Center"; "Police and Fire Station", and "Government Offices".

Particularly given the safeguards of proposed use conditions identical to veterinary offices, Planning staff believes that the proposed additional use of "Animal Shelter, Public" would be consistent with the purpose statement of the IP district "to accommodate public and institutional uses which have a limited land use impact or traffic generation potential upon surrounding uses".

REQUEST

Create a new use "Animal Shelter, Public" to be permitted by right ("Z" in Table 2.6, Permitted Uses) in the Limited Business (LB); Highway Business (HB); General Business (GB); Limited Industrial (LI); General Industrial (GI); Institutional and Public (IP); and Mixed Use - Special (MU-S) zoning districts with use conditions met. Use conditions are proposed to be identical to the UDO conditions for "Veterinary Services" which require that such facilities be fully enclosed and meet other requirements regarding construction, air exchange, and sanitation.

ANALYSIS

In considering the current text amendment, staff has attempted to evaluate the appropriateness of a new use classification for public animal shelters. In Planning staffs' opinion, publicly operated animal shelters should not be required to locate only within business and industrial zoning districts if, as with other uses permitted within the IP district, such shelters do not create a nuisance to adjacent property owners. As provided for in the proposed definition, "Animal Shelter, Public" will not just be a place where animals are kept, but also a facility where they are cared for, the public is educated about their care, and the necessary law enforcement functions regarding animal control can be coordinated. In staff's analysis, the creation of the new use classification "Animal Shelter, Public", along with the specifications requiring that use to operate in an enclosed building, is consistent with the intent of the IP district and should be acceptable as a use permitted by right with the recommended use conditions.

RECOMMENDATION

Staff recommends **APPROVAL** of the proposed text amendment.

UDO-68
AN ORDINANCE
AMENDING CHAPTER A "DEFINITIONS"
AND CHAPTER B "ZONING" OF
THE *UNIFIED DEVELOPMENT ORDINANCES*
REGARDING A NEW LAND USE "ANIMAL SHELTER, PUBLIC"

Be it ordained, by the @, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Article II "Definitions" of Chapter A is amended by inserting the following definition:

"ANIMAL SHELTER, PUBLIC. A permanent structure(s) and facilities operated by the public for the purposes of providing animal sheltering, animal veterinary care, animal control, public education, and law enforcement."

Section 2. Table 2.6 "Permitted Uses" of Section 2-4 of Chapter B is amended by inserting in proper alphabetical order under the Institutional and Public Uses category the use "Animal Shelter, Public", placing a "Z" opposite the use in the columns LB, HB, GB, LI, GI, IP, and MUS, and placing "72" or the appropriate number corresponding to the use condition in Section 3 below in the column CONDS.

Section 3. Section 2-5 "Use Conditions" of Chapter B, Section 2-5.72 is amended by adding **"AND ANIMAL SHELTER, PUBLIC"** to the existing heading "VETERINARY SERVICES".

Section 4. This Ordinance shall be effective upon adoption.