

STAFF REPORT

DOCKET #: UDO-150

STAFF: Aaron King

REQUEST

UDO Text amendment proposed by Planning Staff and Inspections Staff to amend: Chapter A – *Definitions Ordinance*, Article II – DEFINITIONS; Chapter B – *Zoning Ordinance*, ARTICLE II – ZONING DISTRICTS, OFFICIAL ZONING MAPS, USES, and USE CONDITIONS; and Chapter B – *Zoning Ordinance*, ARTICLE III – OTHER DEVELOPMENT STANDARDS to provide further clarification regarding kennels.

BACKGROUND

Currently, the UDO does not allow kennels within the city limits of Winston-Salem. The closest use in the city would be “Veterinary Services” which requires a licensed veterinarian on staff to treat animals. Kennels would only be allowed as an accessory use to a veterinary office. Kennels are allowed within the Forsyth County zoning jurisdiction in various residential, commercial, and industrial zoning districts. The UDO currently provides no specificity for other related uses such as dog training facilities and day care boarding services. This text amendment attempts to provide a “use” through which the Inspections Division can permit activities such as dog training facilities or day care boarding services.

ANALYSIS

The UDO currently has one definition for a kennel. The existing kennel use is only allowed in the Forsyth County jurisdiction in the following districts: YR, AG, RS-40, RS-30, RS-20, HB, GB, and GI. The existing use requires certain use conditions be met in order to help mitigate any undesirable impacts of a kennel. Kennels within the county jurisdiction are required to have a minimum lot size of five acres and are also required to be at least 180 feet from any property line or street. The existing definition of a kennel is adequate and staff recommends only minor changes to the Permitted Use Table and to the Off-Street Parking Requirements. Staff has also included dog training services and day care boarding services in this revised definition. The existing use will be re-classified as Kennel, Outdoor. In the YR, AG, RS-40, HB, GB, and GI districts kennels are currently allowed as a Planning Board Review (P). Staff recommends changing the (P) to a use by-right (Z) in those districts. A Special Use Permit (A) is required in the RS-20 and RS-30 zoning districts and staff is not proposing any change to those requirements. Staff also recommends removing three of the existing use conditions that deal with building construction, sewer or septic systems, and cleaning of animal areas because they are items that are already addressed through other regulatory codes. This text amendment also proposes to allow this use in the LO district with a Special Use Permit by the Zoning Board of Adjustment (A) and as a use by-right (Z) in the LB, NSB, and LI districts. Staff also recommends reducing the parking requirements from one space per 300 square feet of gross floor area to one space per 400 square feet of gross floor area.

In order to permit kennels within the City of Winston-Salem, staff proposes an additional definition of Kennel, Indoor. This will allow indoor kennels in Winston-Salem and Forsyth County. The majority of the proposed definition of Kennel, Indoor mirrors the existing

definition in the UDO, but adds language to specifically allow dog training services and day care boarding facilities. Indoor kennels are proposed to be allowed by-right (Z) in the LB, NSB, HB, GB, LI, GI, and MU-S districts and with a Special Use Permit by the Zoning Board of Adjustment in the LO district. The districts that permit indoor kennels will be comparable to those which permit veterinary services. Staff has proposed two use conditions that address setbacks and enclosure of facilities. Parking requirements will be one space for every 400 square feet of gross floor area, similar to Kennel, Outdoor. No outdoor activities such as runs or pens will be allowed, as only indoor kennels will be permitted in Winston-Salem. Any outside use of the property for the animals must be supervised and the animals must be on leashes.

In drafting this text amendment, staff also revisited the use conditions that currently exist for Veterinary Services. Some of the existing conditions addressed items such as the frequency of air exchanges, openings, construction, sewerage, and cleanliness. Similarly, these items are addressed through other regulatory codes and staff has proposed that they also be removed from the UDO as use conditions.

This text amendment will provide a means to permit indoor kennels within the City of Winston-Salem and Forsyth County. As dog day care boarding services and training facilities become increasingly popular, it is necessary to address these uses within the UDO. Staff believes that this text amendment will facilitate the location of indoor kennels in appropriate areas within the city and county with appropriate safeguards in the building.

RECOMMENDATION

APPROVAL.

PUBLIC HEARING - January 12, 2006

FOR: None

AGAINST: None

WORK SESSION

MOTION: Dara Folan moved continuance of the zoning text amendment to March 9, 2006.

SECOND: Carol Eickmeyer

VOTE:

FOR: Clark, Eickmeyer, Folan, Glenn, King, Smith

AGAINST: None

EXCUSED: None

PUBLIC HEARING - April 13, 2006

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the zoning text amendment.

SECOND: Jerry Clark

After further discussion, Mr. Lambe withdrew his motion and Mr. Clark withdrew his second.

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

1. Brenda Smith expressed concerns about a few of the points of the amendment. Staff will look into a bufferyard requirement and bring it back to the Board for consideration. Due to the late hour of the meeting, the following motion was made.

MOTION: Carol Eickmeyer moved continuance of the zoning text amendment to April 27, 2006.

SECOND: Clarence Lambe

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, AICP
Director of Planning

UDO 150
AN ORDINANCE AMENDING
THE ZONING ORDINANCE,
OF THE *UNIFIED DEVELOPMENT ORDINANCES*
REGARDING KENNELS

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

Section 1. “Chapter A – Definitions Ordinance; Article II – Definitions” is hereby revised as follows:

KENNEL, Outdoor (F). Any outdoor facility used for the purpose of boarding animals; excluding horses, cattle, swine, sheep, goats, geese or peafowl. Outdoor ~~K~~kennels may conduct other such incidental activities, such as the sale, breeding, treatment, grooming or cleaning of animals, and the sale of pet supplies. Other principle uses included in this definition would be day care boarding services and training facilities. Residential households producing no more than one litter per household per year shall not be subject to outdoor kennel restrictions. For the purpose of this definition, animals shall exclude horses, cattle, swine, sheep, goats, geese, or peafowl.

KENNEL, Indoor. Any indoor facility used for the purpose of boarding animals. Indoor kennels may conduct other such incidental activities, such as the sale, breeding, treatment, grooming or cleaning of animals, and the sale of pet supplies. Other principle uses included in this definition would be day care boarding services and training facilities. Residential households producing no more than one litter per household per year shall not be subject to indoor kennel restrictions. For the purpose of this definition, animals shall exclude horses, cattle, swine, sheep, goats, geese, or peafowl.

Section 2. “Chapter B - Zoning Ordinance; Article II - Zoning Districts, Official Zoning Maps, and Uses” is hereby amended as follows:

2-4 PERMITTED USES

2-4.1 TABLE B.2.6

**Table 2.6
PERMITTED USES**

Use Type	Y R	A G	R S 40	R S 30	R S 20	R S 15	R S 12	R S 9	RS 7	R S Q	R M 5	R M 8	R M 12	R M 18	R M U	M H	N O	L O	C P O	G O	N B	P B	L B	N S B	H B	G B	C B	M R B - S	L I	C P I	G I	CI	I P	C	M U S	C O N D S			
Kennels (F)	P	P	P	A	A																				P	P												39	
Kennels (W)																												Z											
Veterinary Services																		A			P [±]		P	P	P	P	P	Z			P					P		81	
<u>Kennel, Indoor</u>																		A					Z	Z	Z	Z	Z	Z	Z							Z		39	
<u>Kennel, Outdoor (F)</u>	Z	Z	Z	A	A													A					Z	Z	Z	Z			Z									39.1	
<u>Veterinary Services</u>																		A			Z ¹		Z	Z	Z	Z	Z			Z						Z		81	

2-5 USE CONDITIONS

~~2-5.39 KENNELS (F)~~

~~(A) Lot Size~~

~~Any kennel shall occupy a zoning lot of not less than five (5) acres.~~

~~(B) Setbacks~~

~~Any kennel or exercise area shall be set back not less than one hundred eighty (180) feet from any street or property line.~~

~~(C) Outside Runs~~

~~Any outside run for dogs or cats shall be enclosed on a minimum of three (3) sides with a wall of cement block or similar construction not less than four (4) feet in height.~~

~~(D) Building Construction~~

~~The kennel building proper shall be of masonry construction.~~

~~(E) Septic Tank/Sewerage System~~

~~All animal solid and liquid waste shall be disposed of daily in an adequate septic tank or public sewerage system approved under the requirements of Section B.3-10.~~

~~(F) Cleaning~~

~~All stalls, cages, and animal runs shall be cleaned daily.~~

2-5.39 KENNEL, INDOOR

(A) Location and Setbacks

Indoor kennel services may be permitted in attached buildings; however, any end unit in an attached 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 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.

(B) Enclosure of Facilities

The indoor kennel services 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 or pets must be supervised and on leashes.

2-5.39.1 KENNELS, OUTDOOR (F)

(A) Lot Size

Any kennel shall occupy a zoning lot of not less than five (5) acres.

(B) Setbacks

Any kennel or exercise area shall be set back not less than one hundred eighty (180) feet from any street or property line.

(C) Outside Runs

Any outside run for ~~dogs or cats~~ animals or pets shall be enclosed on a minimum of three (3) sides with a wall of cement block or similar construction not less than four (4) feet in height.

2-5.81 VETERINARY SERVICES AND ANIMAL SHELTER, PUBLIC

The following conditions apply to veterinary services in the NB, LB, GB, HB, and NSB Districts:

(A) Location and Setbacks

Veterinary services may be permitted in attached buildings; however, any end unit in an attached 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 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.

(B) Enclosure of Facilities

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

~~(C) Air Exchange~~

~~For any accessory kennel which provides a mechanical heating and air conditioning or ventilation system, such system shall be designed to handle an air exchange of twelve (12) exchanges of air per hour or one exchange of air every five (5) minutes inside the boarding area. The heating and air conditioning system shall be designed by a qualified heating and air conditioning.~~

~~(D) Openings~~

~~Windows or sunroofs will be permitted in the enclosed building, however, such openings in the building shall be of at least double pane construction standards or similar sound absorbing qualities and shall be designed so that there is no safety problem to the animals or pets, nor that any animals or pets will be allowed to escape the inside of the building. All windows or building openings shall remain closed except in the case of a power failure or other extreme emergency.~~

~~(E) Construction~~

~~The building shall be of masonry construction or any other materials which will permit the washing of animal wastes from the interior. Building materials which are porous or permeable which could absorb or permit the escape of animal urine or other wastes are not permitted. To provide sound insulation from animals inside, building shall be constructed with at least a six (6) inch masonry block wall plastered on both sides or any other construction with comparable sound insulating characteristics.~~

~~(F) Sewerage~~

~~All solid and liquid wastes shall be disposed of daily into an adequate septic tank or public sewerage system approved under the requirements of Section 3-10 of this Ordinance.~~

~~(G) Cleanliness~~

~~All stalls, cages, and animal exercise areas inside the building shall be cleaned daily.~~

Section 3. “Chapter B - Zoning Ordinance; Article III – Other Development Standards” is hereby amended as follows:

3-3 PARKING, STACKING, AND LOADING AREAS

3-3.2 OFF-STREET PARKING REQUIREMENTS

(A) Number of Spaces

Table B.3.8 contains the parking requirements for motor vehicles. Special requirements, including maximum allowed spaces applicable to new uses constructed after the effective date of this Ordinance, are provided under the *Notes* column where appropriate.

**Table B.3.8
PARKING REQUIREMENTS**

PRINCIPAL USES	MINIMUM REQUIREMENTS	NOTES
BUSINESS AND PERSONAL SERVICES		
<u>Kennel, Indoor</u>	<u>1 space per 400 SF GFA*</u>	
<u>Kennel, Outdoor (F)</u>	1 space per 300 <u>400</u> SF GFA* plus 2 spaces	
<u>Veterinary Services</u>	1 space per 400 SF GFA*	

* SF GFA equals Square Feet of Gross Floor Area – see Section B.3-3.2(B)(5)

Section 4. This ordinance shall become effective upon adoption.