

PENDING AMENDMENT

P08-44

Kennel Operations (Temporary Use of Residential Properties)

County Zoning Ordinance
Article II Interpretations, Calculations, and Definitions
Article IV Permitted, Conditional and Special Uses
Article IX Individual Uses

CASE HEADING:

P08-44. REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203 DEFINITIONS OF SPECIFIC TERMS AND WORDS REGARDING THE DEFINITION OF "KENNEL"; ARTICLE IV PERMITTED, CONDITIONAL AND SPECIAL USES, SECTION 403 USE MATRIX, CREATING A FOOTNOTE TO THE USE LISTED AS "KENNEL OPERATIONS"; AMENDING ARTICLE IX INDIVIDUAL USES, SECTION 912 KENNEL OPERATIONS, BY CREATING SUB-SECTION G TO ALLOW IN CERTAIN CIRCUMSTANCES THE TEMPORARY USE OF RESIDENTIALLY-ZONED PROPERTIES AS A KENNEL OPERATION.

PURPOSE:

This amendment is being proposed to allow in certain circumstances and provided that certain specific standards intended to protect neighboring properties are met, kennel operations as a temporary use in residential districts that generally do not allow for this type of use.

CURRENT MEETING INFORMATION:

County Board of Commissioners hearing on September 15, 2008, at 6:45 pm, in Room 118, Board of Commissioners Hearing Room (Main Courthouse) at 117 Dick Street, Fayetteville.

ADDITIONAL INFORMATION:

A complete copy of the proposed amendment is attached.

UPDATE:

On August 19, 2008 the County Joint Planning Board voted unanimously to recommend approval of this amendment.

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REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203 DEFINITIONS OF SPECIFIC TERMS AND WORDS REGARDING THE DEFINITION OF “KENNEL”; ARTICLE IV PERMITTED, CONDITIONAL AND SPECIAL USES, SECTION 403 USE MATRIX, CREATING A FOOTNOTE TO THE USE LISTED AS “KENNEL OPERATIONS”; AMENDING ARTICLE IX INDIVIDUAL USES, SECTION 912 KENNEL OPERATIONS, BY CREATING SUB-SECTION G TO ALLOW IN CERTAIN CIRCUMSTANCES THE TEMPORARY USE OF RESIDENTIALLY-ZONED PROPERTIES AS A KENNEL OPERATION.

AMEND Article II Interpretations, Calculations, and Definitions, Section 203 Definitions of Specific Terms and Words, specifically the definition of “Kennel” to read as follows:

Kennel: Any premises where four or more dogs which are five months old or older are kept permanently commercially or as pets or temporarily if approved under Section 912 G, excluding pet grooming shops, veterinary clinics and veterinary hospitals. (Section 912)

AMEND Article IV Permitted, Conditional, and Special Uses, Section 403 Use Matrix, by inserting a footnote to “Kennel Operations” to read:

¹See Section 912.g for allowed temporary use of a kennel operation in all residential zoning districts.

AMEND Article IX Individual Uses, Section 912 Kennel Operations, by creating sub-section G to read as follows:

G. Occupants of property in residential districts which do not allow kennel operations may submit an application to the Director to allow the temporary housing/boarding of four or more dogs, but in no circumstance more than six dogs, more than five months of age or older, for a period not to exceed 12 calendar months, renewable for a maximum period of 12 additional calendar months. The Director shall consider other relevant County Code of Ordinances pertaining to the housing of dogs including but not limited to noise, sanitation, etc. when permitting or denying any request under this section. Factors that the Director shall consider include, but shall not be limited to:

1. The nature of the hardship and purpose of the request;
2. Duration of housing/boarding the dogs;
3. The accommodations available for housing/boarding the dogs to be temporarily housed;

4. Whether the dogs to be temporarily housed/boarded are neutered;

5. Any history the applicant has of being cited for violations of the County's noise, zoning or animal control ordinances or of animal cruelty laws;

6. Any history the dog(s) to be temporarily housed/boarded have of aggressive behavior towards other pets or towards people, and

7. The effect on and character of surrounding property.

All applications must list the number of dogs, provide verification that the dogs are listed with the County Tax Department and all vaccinations are current. A zoning permit will be required for all approved temporary housing or boarding.

Any application for the temporary housing/boarding of dogs allowed under the provisions of this section shall be revoked if the temporary permit is found to be issued in error or due to fraud, or if at any time, the situation is found to be in contradiction with the factors considered by the Director which enabled or supported the issuance of the temporary permit. In the event that the Director denies or revokes the request for temporary housing/boarding of dogs, any aggrieved person/persons may file an appeal with the County Board of Adjustment pursuant to Section 1604 of this ordinance.