

P12-61

PENDING AMENDMENT

County Zoning Ordinance
Kennel Operations

CURRENT MEETING INFORMATION:

County Joint Planning Board, September 18, 2012 at 7:00 pm, Historic Courthouse, 130 Gillespie Street, Fayetteville, 2nd floor hearing room

CASE HEADING:

P12-61. REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE AMENDING ARTICLE II, INTERPRETATIONS, CALCULATIONS AND DEFINITIONS; SECTION 203, DEFINITION OF SPECIFIC TERMS AND WORDS, SPECIFICALLY: KENNEL; ARTICLE IV, PERMITTED, CONDITIONAL, AND SPECIAL USES, SECTION 403, KENNEL OPERATIONS; AND ARTICLE IX, INDIVIDUAL USES; SECTION 912, KENNEL OPERATIONS; REPEALING PROVISIONS AUTHORIZING APPROVAL OF THE TEMPORARY HOUSING/BOARDING OF DOGS IN RESIDENTIAL DISTRICTS AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE

ADDITIONAL INFORMATION:

Complete text is attached.

The Joint Planning Board's Land Use Codes Committee has considered this text amendment and recommends approval as attached.

CONTACT INFORMATION:

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P12-61
Cumberland County
Zoning Ordinance Amendment
(Kennels)

P12-61: REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE AMENDING ARTICLE II, INTERPRETATIONS, CALCULATIONS AND DEFINITIONS; SECTION 203, DEFINITION OF SPECIFIC TERMS AND WORDS, SPECIFICALLY: KENNEL; ARTICLE IV, PERMITTED, CONDITIONAL, AND SPECIAL USES, SECTION 403, KENNEL OPERATIONS; AND ARTICLE IX, INDIVIDUAL USES; SECTION 912, KENNEL OPERATIONS; REPEALING PROVISIONS AUTHORIZING APPROVAL OF THE TEMPORARY HOUSING/BOARDING OF DOGS IN RESIDENTIAL DISTRICTS AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

AMEND Article II, Interpretations, Calculations and Definitions; Section 203, Definition of Specific Terms and Words; definition for the term “Kennel” as indicated below:

SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS.

Kennel: Any premises where four or more dogs which are five months old or older are kept permanently commercially or as pets, ~~or temporarily housed/boarded if approved under Section 912.G,~~ excluding pet grooming shops, veterinary clinics and veterinary hospitals. (Section 912)
(Amd. 01-19-10)

AMEND Article IV, Permitted, Conditional, and Special Uses, Section 403, Use Matrix, row entitled: Kennel Operations³ (Section 912) by removing the “S” in the RR zoning classification column and the footnote ³ at the bottom of the page as indicated on the next page:

SECTION 403 USE MATRIX
CUMBERLAND COUNTY ZONING ORDINANCE
P = PERMITTED USE
S = SPECIAL USE (Sec. 1606 Board of Adjustment approval required)
Z = CONDITIONAL ZONING (Article V – County Commissioners approval required) (Amd. 04-11-18)

LAND USES	ZONING CLASSIFICATIONS																					
	CD	A1	A1A	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	R6A	R5	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
HOME OCCUPATIONS, Incidental (Sec. 1002A)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
HOTEL/MOTEL, except as regulated by Sec. 924																			P	P		
INDUSTRIAL OPERATIONS NOT OTHERWISE PROHIBITED																						P
INDUSTRIAL SALES OF EQUIPMENT OR REPAIR SERVICE																					P	P
JANITORIAL SERVICE																			P	P	P	P
KENNEL OPERATIONS ³ (Sec. 912)		P	S	S	S			S											P	P	P	P
LABORATORY OPERATIONS, medical or dental																	P	P	P	P		
LABORATORY, RESEARCH																	P	P	P	P	P	P
LANDFILL, DEMOLITION/INERT DEBRIS																					P	P
LIBRARY (SEC. 916)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
LIVESTOCK SALES & AUCTIONING (SEC. 916)		P																			P	P
LOCKSMITH, GUNSMITH																			P	P	P	
MACHINE TOOL MANUFACTURING OR WELDING																						P
MANUFACTURED HOME CLASS A, for residential occupancy		P	P		P		P	P		P				P ⁴								
MANUFACTURED HOME CLASS B, for residential occupancy		P			P			P						P ⁴								
MANUFACTURED HOME CLASS C, for residential occupancy (Sec. 913)														P ⁴								
MANUFACTURED HOME PARK (County Subdivision Ordinance), excluding any manufactured home sales														P								
MANUFACTURED HOME SALES																					P	P
MASSAGE & BODYWORKS THERAPY																		P	P	P		
MILLING OR GRINDING GRAIN AND SEED INTO FOOD (SEC. 916)		P																			P	P
MINI-WAREHOUSING (SELF-STORAGE FACILITY) (no outside commercial storage of motor vehicles (Sec. 914)		P														S	S	P	P	P	P	P
MINI-WAREHOUSING (SELF-STORAGE FACILITY) (including outside commercial storage of motor vehicles)		S																		P	P	P

³ ~~Repealed See Section 912.G for allowed temporary housing/boarding of dogs in all residential zoning districts.~~ (Amd. 01-19-10)

⁴ Group developments in the R6A Residential district shall not be approved for more than one manufactured dwelling unit. (Amd. 08-20-12)

AMEND Article IX, Individual Uses; Section 912, Kennel Operations; by repealing subsection G which are provisions for temporary housing/boarding of dogs in residential districts as indicated below:

SECTION 912. KENNEL OPERATIONS.

A. The site plan for kennel operations shall include information as to any outside pen area, shelters, fencing, runs, etc. pertaining to the kennel operations.

B. Shelters, runs, and pen areas shall not be located any closer than fifteen feet to any property line for kennels located in agricultural and residentially zoned districts.

C. The required shelter shall be fully enclosed on three sides, roofed, and have a solid floor.

D. A vegetative buffer shall be required along the side and rear property lines and must comply with the provisions of Section 1102.G. In addition, a privacy fence may be required if it is determined the fence would alleviate any detrimental effects on neighboring properties.

E. Kennel operations shall not be allowed in residential districts if the minimum lot size required by the zoning district of the subject tract has been compromised or otherwise reduced in area as required by the zoning district, i.e., Zero Lot Line developments.
(Amd. 02-19-08)

F. Kennel operations including all pens, shelters, etc., are required to meet the setbacks as required by the zoning district.
(Amd. 11-20-06; Amd. 02-19-08)

G. ~~Repealed. 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.~~

~~(Amd. 09-16-08)~~