

GROWTH AND NATURAL RESOURCES COMMITTEE

The Growth and Natural Resources (GNR) Committee of the City of Raleigh met in regular session on Wednesday, January 25, 2017, at 4:00 p.m. in the City Council Chamber, Room 201, Raleigh Municipal Building, 222 West Hargett Street, Avery C. Upchurch Government Complex, Raleigh, North Carolina, with the following present:

Committee

Chairperson Kay C. Crowder, Presiding
Councilor Bonner Gaylord
Councilor Russ Stephenson
Councilor Dickie Thompson

Staff

City Attorney Tom McCormick
Assistant City Manager James S. Greene
Assistant Planning Director Travis Crane
Assistant Planning Administrator Eric Hodge

These are summary minutes unless otherwise indicated.

Chairperson Crowder called the meeting to order at 4:01 p.m. She announced that the Committee would not meet during the month of February.

Item 15-19 – TC-18-16 – Animal Care in OX District

This item was referred to the GNR Committee during the January 3, 2017 City Council meeting. The following information was contained in the agenda packet:

ORIGIN OF ITEM: This text change was initiated by Mr. Chad Essick who submitted a Petitions of Citizens request to the City Council on behalf of Care First Animal Hospital. The City Council authorized their proposed text change to allow Animal care (indoor) as a Limited Use in the Office Mixed Use (OX-) district.

DESCRIPTION/SUMMARY: Amends Sections 6.1.4. of the Part 10A Raleigh Unified Development Ordinance to amend the Allowed Principal Use Table to add “Animal care (indoor)” as a Limited Use in the Office Mixed Use (OX-) district.

BUDGET IMPACT (FUNDING SOURCE/BUDGET ACTION): There are no budget impacts directly associated with this text change.

RECOMMENDATION: The Planning Commission recommended approval of this text change.

ALTERNATIVES:

- **No Action:** Animal care (indoor) would not be allowed in the Office Mixed-Use zoning district. Many existing veterinarian offices are zoned OX and are non-conforming uses under the Unified Development

Ordinance (UDO). As such, there are limitations placed on their ability to expand/rebuild. No new veterinarian offices/clinics would be allowed to be located in the OX- district.

- **Modify Ordinance Applicability:** Consider listing Veterinary Clinic as a specific use listed on the table of permitted uses and allow it as a Limited Use in the OX- district rather than all of the uses listed under “Animal care (indoor)”. This would be more consistent with how the former Part 10 Zoning Code treated this list of uses (separately, rather than one overall umbrella category).

Assistant Planning Administrator (APA) Eric Hodge presented this item with the assistance of a PowerPoint presentation. Sides during this part of the presentation included the following information that he explained further.

TC-18-16 – Adds “Animal care (indoor)” as a Limited Use in OX- District

- Animal grooming, animal hospitals, veterinary clinics, pet clinics, animal boarding, animal shelters, catteries, kennels and doggy day care would be allowed as principal uses in the OX-district.
- Section 6.4.9.B. Use Standards for “Animal care (indoor)”:
 - No overnight outdoor activity associated with care of animals is allowed.
 - Outdoor activity, including but not limited to, walking and bathing of animals, is permitted during the day, provided that no more than four animals are engaged in outdoor activity at a time.

Legacy Code: Schedule of Permitted Land Uses

- Legacy Code allowed veterinarians and veterinarian hospitals without kennels/catteries in the O- and I- Districts.
- Kennels/catteries were a General Use in the Industrial 1- and 2- Districts.

Staff Recommendation

- Modify the text change to call out Veterinary Clinic/Hospital as its own sub-category of Animal care (indoor) and only expand that specific use into the OX- District.

APA Hodge distributed the draft ordinance to the Committee, which was slightly different than the version included in the agenda packet.

Revised Draft Ordinance Language

- Section 6.1.4. of the Part 10 Raleigh UDO, Allowed Principal Use Table, is hereby amended by modifying and expanding the “Personal Service, Except As Listed Below” Use Category by insertion of the following underlined provisions and noting “Veterinary Clinic/Hospital” as a Limited Use, symbol capital letter L, in the OX-, NX-, CX-, IX-, AP-, IX- and CMP- Districts subject to the Use Standards of Section 6.4.9.B.:
 - Animal Care (indoor) Except as listed below:
 - Veterinary Clinic/Hospital;
 - Animal Care (outdoor);

- Beauty/hair salon;
- Copy center; and
- Optometrist.

Chairperson Crowder pointed out that the change is discrete since everything else listed remains unchanged. APA Hodge added that if the Committee is in agreement, the ordinance could be reported out to Council as early as next week. The text change process would not be necessary.

Councilor Thompson expressed his concern with outdoor kennels and confirmed with APA Hodge that animals in an outdoor enclosure would still be limited to four at any given time.

Councilor Stephenson asked if “daytime hours” were defined in this section of the UDO. Assistant Planning Director (APD) Travis Crane responded that there is no definition for “day time” so it falls under a zoning administrator’s discretion, similar to the administration of Parks, Recreation, and Cultural Resources services. Generally speaking, “day time” is considered by the Planning Department as falling during daylight hours.

Councilor Stephenson pointed out that clarification of these hours will minimize confusion and potential conflict. APA Hodge stated that clarification would make the job of a zoning administrator easier; however, enforcement becomes an issue since they are not operating during evening hours. Councilor Stephenson responded that anyone with a complaint can record the alleged violation and submit it to the City. Councilor Gaylord pointed out that he prefers to leave discretion to zoning administrators, which would be a complaint-based ruling using common sense. Councilor Stephenson disagreed, expressing concern that noise complaints could quickly become an issue should the hours not be defined. Councilor Gaylord suggested defining “day light” hours as 7:00 a.m. to 7:00 p.m. The entire Committee agreed.

Chad Essick, 3209 Dell Drive, thanked the Committee for their consideration, adding that the proposed ordinance amendment addresses all of his concerns. Councilor Stephenson confirmed with Mr. Essick that no more than four animals should be allowed outside at one time, regardless of the number of activities taking place.

Councilor Thompson moved to accept the draft ordinance as presented by staff, with the addition of language to specify “daytime hours” as 7:00 a.m. to 7:00 p.m. The motion was seconded by Councilor Stephenson and carried unanimously 4-0.

Chairperson Crowder announced that the next GNR Committee meeting would be held on March 15, 2017 from 4:00 p.m. to 6:00 p.m. She reminded the Committee that they would not meet during the month of February.

Adjournment. There being no further business Chairperson Crowder announced the meeting adjourned at 4:15 p.m.

Cassidy R. Pritchard
Assistant Deputy Clerk