

# STAFF SUMMARY OF TA18-02 TEXT AMENDMENT APPLICATION

## APPLICATION SUMMARY

**Case Number:** TA18-02

**Request:**

To amend the Table of Permitted Uses in Article V to add Kennels as a use permitted by right in the I-2, Heavy Industrial Zoning District

**Applicant:**

Dyana Scholz of The Dog Club of Wilmington

**Subject Ordinance:**

Zoning Ordinance

**Subject Article(s) and Section(s):**

- Article V: Table of Permitted Uses

## BACKGROUND

The applicant is seeking to amend the Table of Permitted Uses in Article V to add Kennels as a use permitted by right in the I-2, Heavy Industrial Zoning District. Per the definition in the Zoning Ordinance, “Kennel” includes business such as dog boarding as well as dog day care:

***Kennel** - An establishment wherein any person engages in business or practice, for a fee, of boarding, breeding, grooming, letting for hire, or training of more than three (3) domesticated animals at any one time; or an establishment wherein any person engages in the business or practice, for a fee, of selling more than one (1) litter of domesticated animals at any one time or the selling of any three (3) individual domesticated animals (not defined as litter herein) at any one time. Domesticated animals, for the purpose of this Ordinance, shall be defined as dogs, cats, and other generally acceptable household pets. Litter, for the purpose of this Ordinance, shall be defined as the progeny resulting from the breeding of two domesticated animals. The following shall not constitute the operation of a Kennel as defined above and in no way shall this provision regulate the following:*

- A. *The ownership of domesticated animals as household pets;*
- B. *The ownership of domesticated animals for hunting or tracking purposes;*
- C. *The ownership of domesticated animals for the purpose of exhibiting at shows, obedience or field trials; and*
- D. *The ownership of domesticated animals for the purpose of protection or guarding of residences or commercial establishments. (4/21/75) (23-49)*

Currently, Kennels are permitted by right in PD, B-1, B-2, I-1, and Airport Industrial zoning districts, and by special use permit in the R-20S, R-20, R-15, O&I, and the Rural Agricultural zoning districts. Section 72-26 has additional requirements for Kennels in the R-15 and R-20 zoning districts, including that the number of animals allowed depends on the lot size, structures must meet a minimum side and rear setback of 50', signs are limited to 2.25 sq. ft., and sanitation control and sewage disposal must be reviewed by Environmental Health.

The application proposes to allow Kennels to be a permitted use in the I-2 zoning district. Existing development standards for setbacks, landscaping, parking, etc. will apply to any kennel in I-2. No additional standards or requirements are proposed in the application.

## PROPOSED AMENDMENT

Red and Underline/~~Strikethrough~~ – Petitioner’s Proposed Additions/Deletions

### Article V: Table of Permitted Uses

Permitted Uses	PD	R 20S	R 20	R 15	R 10	R 7	B 1	B 2	I 1	I 2	O & I	A R	A I	S C	R A	R F M U	Supp Regs	NAICS
<b>Agriculture, Forestry, Fishing</b>																		
Kennels	P	S	S	S			P	P	P	<u>P</u>	S		P		S			

## Staff Analysis

Currently, the Zoning Ordinance allows Kennels in several residential districts, the business districts, and also the Light Industrial and Airport Industrial zoning districts. Kennels are typically a low traffic generator with minor external impacts including noise that are best suited for business and industrial districts and separated from residential uses. When researching other jurisdictions, including the City of Wilmington, Staff found that kennels are commonly allowed in industrial zoning districts.

The I-2 district was established to set aside areas of the county for a full range of heavy industrial land uses including manufacturing, warehousing, and distribution uses, and subsequently protect nonindustrial districts situated elsewhere and minimize environmental impacts caused by uses within the district. Although Kennels are not an industrial use, allowing for Kennels to be permitted in I-2 zoning would create opportunity to protect existing residential and commercial areas from the impacts from a kennel such as noise.

Staff concludes that the proposed text amendment is generally **CONSISTENT** with the Comprehensive Plan because it updates the Zoning Ordinance to encourage businesses in appropriate areas. Most of the I-2 zoning in the county is within the Commerce Zone or Employment Center placetypes. In both of these placetypes, the Comprehensive Plan suggests that a mixture of uses is appropriate, including commercial services.

Staff supports the proposed amendment and recommends approval as proposed.

## STAFF RECOMMENDATION

**Staff recommends approval of the requested amendment.** Staff concludes that the amendment is:

1. Consistent with the purposes and intent of the 2016 Comprehensive Plan because it aligns the Zoning Ordinance to encourage businesses in appropriate areas.
2. Reasonable and in the public interest because the proposed amendment would promote business success while not impairing quality of life for existing residential areas.