

AGENDA
CITY OF BREVARD
PLANNING BOARD

City Hall, City Council Chambers
95 West Main Street, Brevard, NC 28712
828-885-5630
www.cityofbrevard.com

Tuesday, September 21, 2010

- I. Welcome and Introduction of Board Members
- II. New Business –
 - A. Consideration of a Proposed Amendment to Chapter 2 of the City of Brevard Unified Development Ordinance, to allow Kennels as a use allowed by Special Use Permit in Neighborhood Mixed Use (NMX) Zoning Districts.
 - B. Presentation of draft UDO Assessment Process information by the UDO Assessment Subcommittee.
- III. Old Business – None
- VII. Other Business
- VIII. Adjourn



CITY of BREVARD

The mission of the City of Brevard is to promote a high quality of life, support economic prosperity, and cultivate community while honoring its heritage and culture.

Planning Department
(828) 885-5630

Date: Friday, September 10, 2010

To: Joe Moore, City Manager
Mayor Jimmy Harris
Brevard City Council
City of Brevard Planning Board
Desiree Perry, Clerk
Jeanette Owen, Assistant to the Manager

Cc: Planning Department Staff
Dale & Pam Crowe, Applicants

From: Joshua Freeman, City of Brevard Planning Director

Regarding: Proposed Amendments to the City of Brevard Unified Development Ordinance Chapters 2 & 3, to Allow Kennels within NMZ Zoning Districts by SUP

Introduction:

The purpose of this memo is to present for the City of Brevard Planning Board and Brevard City Council's consideration, proposed amendments to Brevard City Code, City of Brevard Unified Development Ordinance, Chapter 2 Section 2.2.B Use Matrix and Chapter 3 Section 3.6 Kennels. The purpose of the proposed amendments are to allow the establishment of "Kennels" (as defined in Chapter 19) within NMZ zoning districts upon issuance of a special use permit by the City of Brevard Board of Adjustment.

Background:

These amendments are proposed by Dale and Pam Crowe(see attached letter). It is applicants' desire to expand their current business, which is located within an NMZ zoning district, to include a kennel.

Chapter 19 defines "kennels" as such:

Kennels: *A use or structure intended and used for the breeding or accommodation of small domestic animals for sale, training, or overnight boarding for persons other than the owner of the lot. This term does not include veterinary clinics or other “animal services” in which the overnight boarding of animals is necessary for, or accessory to, the testing and medical treatment of the physical disorders of animals.*

Chapter 2 sets forth the following purpose statement for NMX zoning districts:

The Neighborhood Mixed-Use District is coded to provide pedestrian-scaled, higher density residential homes and opportunities for limited scale commercial activities along existing mixed-use corridors, in areas of transition, and at the functional center of new neighborhoods. Development in this district should encourage pedestrian activity through construction of mixed-use buildings and connections to adjacent neighborhoods. Buildings in this district are typically small and detached.

As set forth in Chapter 3, Section 3.6, the following standards apply to all newly established kennels:

The following standards shall apply to all private, public and commercial kennels, breeding facilities, and pet day care establishments.

- A. Outside runs, holding pens or other open-air type enclosures and shelters shall be located at least 200 feet from any dwelling, other than that of the owner / operator, and at least 50 feet from adjoining property lines.*
- C. Kennels shall be located in the side or rear yard area of any principal structure on the same parcel of land.*
- E. Kennels shall be designed to effectively buffer all noise audible to surrounding properties.*
- F. All kennels shall be surrounded by fence, wall, earthen berm, or Type B buffer yard.*
- G. A waste management plan that demonstrates compliance with applicable State and local regulations and which ensures sanitary handling of animal waste and prevents contamination or pollution of adjacent lands or water bodies shall be submitted to and approved by the Administrator prior to establishment of such uses.*
- H. Kennels shall at all times adhere to all other applicable State and local regulations.*
- I. Kennels shall at all times maintain a sanitary and humane environment.*

Staff respectfully reminds the Planning Board and Council that text amendments should not be considered on a site-specific basis, and that these amendments, if approved, would apply to all NMX districts within the City's jurisdiction.

The proposed amendments to chapters 2 and 3 and 19 are reflected in, "ORDINANCE NO. __-10 AN ORDINANCE AMENDING THE CITY OF BREVARD CODE OF ORDINANCES UNIFIED DEVELOPMENT ORDINANCE CHAPTERS 2 AND 3, TO ALLOW KENNELS WITHIN NEIGHBORHOOD MIXED USE ZONING DISTRICTS BY SPECIAL USE PERMIT", which is attached hereto.

Planning Board Recommendation:

TO BE DETERMINED.

Conclusion / Staff Recommendation:

It is Planning Staff's position that:

- The performance standards as set forth in Chapter 3, coupled with the authority of Board of Adjustment to formulate and impose additional, site-specific conditions, are sufficient to protect the interests of surrounding property owners and prevent conflicts with adjacent land uses.
- Given the aforementioned protections, the addition of kennels to the list of allowable uses within NMX zoning districts is an appropriate furtherance of the mixed-use philosophy upon which the UDO is predicated.
- The addition of kennels to the list of allowable uses within NMX zoning districts will offer additional economic opportunity to commercial property owners within such districts.

Planning Staff recommends that Council take action to enact the proposed amendments as reflected in, "ORDINANCE NO. __-10 AN ORDINANCE AMENDING THE CITY OF BREVARD CODE OF ORDINANCES UNIFIED DEVELOPMENT ORDINANCE CHAPTERS 2 AND 3, TO ALLOW KENNELS WITHIN NEIGHBORHOOD MIXED USE ZONING DISTRICTS BY SPECIAL USE PERMIT", which is attached hereto.

ORDINANCE NO. -10
AN ORDINANCE AMENDING THE
CITY OF BREVARD CODE OF ORDINANCES
UNIFIED DEVELOPMENT ORDINANCE
CHAPTERS 2 AND 3, TO ALLOW KENNELS
WITHIN NEIGHBORHOOD MIXED USE
ZONING DISTRICTS BY SPECIAL USE PERMIT

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended a number of text amendments to the City of Brevard Unified development Ordinance; and

WHEREAS, after review and consideration of the proposed amendments, it is the desire of City Council to approve the amendments as recommended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

SECTION 01. The City of Brevard Code of Ordinances, Unified Development Ordinance, Chapter 2. District Provisions, Section 2.2.B. Use Matrix, is hereby amended to allow "Kennels", as defined in Chapter 19 of the City of Brevard Unified Development Ordinance, within Neighborhood Mixed Use Zoning Districts upon issuance of a Special Use Permit as follows:

-CHAPTER 2, SECTION 2.2.B, EXCERPT-

BASE DISTRICT	GR	RMX	NMX	DMX	CMX	IC	GI
Residential	GR	RMX	NMX	DMX	CMX	IC	GI
Dwelling-Secondary	—	—	SUP	—	PS	—	PS

SECTION 02. The City of Brevard Code of Ordinances, Unified Development Ordinance, Chapter 3. Additional Use Standards, Section 3.6 is hereby amended to read as follows:

-CHAPTER 3, SECTION 3.6, EXCERPT-

3.6 Kennels ~~(CMX, GI) Permitted with Standards~~ (CMX, GI, Permitted with Standards; NMX, Permitted by Special Use Permit)

SECTION 03. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Chapter 18 of the City of Brevard Unified Development Ordinance.

SECTION 04. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 05. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 06. The enactment of this ordinance shall in no way affect the running of any Amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

SECTION 07. This ordinance shall be in full force and effect from and after the date of its adoption.

Ordinance No. __-10
Page Two

Adopted this __th day of October, 2010.

Mayor

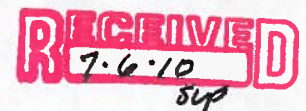
ATTEST:

Town Clerk

Approved as to form:

City Attorney

10-189



Paws & Claws Pet Store & Grooming Salon

1065 Rosman Hwy

Brevard, NC 28712

828-884-3539

July 6, 2010

Dear Josh:

This letter is to request that Brevard City Council will consider changing the unified development ordinance to allow for kennels in NMX zoning district by right or special use permit.

Thank you,

Dale Crowe

Pam Crowe

Dale and Pam Crowe,

Owners