



Certified Recommendation

Raleigh Planning Commission

CR# 11733

Case Information: TC-18-16 / Animal care (indoor): Limited Use in OX- Comprehensive Plan Guidance

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| <p><i>Applicable Policy Statements</i></p> | <p><i>Policy LU 7.5 - High-Impact Commercial Uses</i> Ensure that the City's zoning regulations limit the location and proliferation of fast food restaurants, sexually-oriented businesses, late night alcoholic beverage establishments, 24 hour mini-marts and convenience stores, and similar high impact commercial establishments that generate excessive late night activity, noise, or otherwise affect the quality of life in nearby residential neighborhoods.</p> <p><i>Policy LU 5.2 - Managing Commercial Development Impacts</i> Manage new commercial development using zoning regulations and through the conditional use zoning and development review processes so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor, noise, and vibration impacts on surrounding residential areas.</p> <p><i>The description of the Office and Residential land use category of the Future Land Use Map notes that:</i></p> <p>This category is applied primarily to frontage lots along major streets where low density residential uses are no longer appropriate, as well as office parks and developments suitable for a more mixed-use development pattern. This category encourages a mix of residential and office use. Retail not ancillary to employment and/or residential uses is discouraged so that retail can be more appropriately clustered and concentrated in retail and mixed-use centers at major intersections and planned transit stations. OX is the closest corresponding zoning district. Higher-impact uses such as hotels and hospitals are not contemplated or recommended in this land use category except as limited uses in appropriate locations. Heights would generally be limited to four stories when near neighborhoods, with additional height allowed for larger sites and locations along major corridors where adjacent uses would not be adversely impacted.</p> |
| <p><i>Action Items</i></p> | <p>Not applicable</p> |

Summary of Text Change

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| <p><i>Summary</i></p> | <p>Amends Sections 6.1.4. of the Part 10A Raleigh Unified Development Ordinance to amend the Allowed Principal Use Table to add "Animal care</p> |
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| | (indoor)” as a Limited Use in the Office Mixed Use (OX-) district. |
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Summary of Impacts

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| <i>Impacts Identified</i> | <p><u>Adoption of TC-18-16:</u></p> <ol style="list-style-type: none"> 1. The adoption of the text change would allow “Animal care (indoor)” as a limited use in the OX- district. 2. The legacy Office and Institution districts allowed veterinarian clinics, however because the UDO groups veterinarian clinics in with other uses which are often ancillary uses associated with veterinarian clinics, these other uses noted in Section 6.4.9.C of the UDO (animal grooming, animal shelters, and animal boarding etc.), would now be allowed as principal Limited Uses as well in the OX- district which expands the range of uses beyond that of the legacy Office and Institution districts. 3. Some of these uses could have an impact surrounding residential uses. <p><u>No Action:</u></p> <ol style="list-style-type: none"> 1. “Animal care (indoor)” would not be an allowed use in the OX- district. |
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Public Meetings

| <i>Submitted</i> | <i>Committee</i> | <i>Planning Commission</i> |
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| 11-22-15 | | Approval |

- Attachments
 1. Draft Ordinance

Planning Commission Recommendation

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| <i>Recommendation</i> | Approval |
| <i>Findings & Reasons</i> | <p>That the Office Mixed Use (NX-) district is similarly equivalent enough to the “legacy” Office and Institutional (O&I) districts. That as the O&I legacy districts permitted veterinarian offices as a General Use, veterinarian offices should be allowed within the OX- district. Veterinarian offices are now grouped under an umbrella of similar uses in a category known as “Animal care (indoor)” which are Limited Uses in all districts where they are permitted. As such, they should be treated similarly when added to the OX- district.</p> |
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| <i>Motion and Vote</i> | Motion: Terando Second: Tomasulo Approval: Braun, Alcine, Fluhrer, Jeffreys, Lyle, Schuster, Swink, Terando and Tomasulo |
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This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the attached Staff Report.

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|-------------------|------|---------------------------------|----------|
| Planning Director | Date | Planning Commission Chairperson | Date |
| | | | 11/22/16 |

Staff Coordinator: Eric Hodge: eric.hodge@raleighnc.gov



Zoning Staff Report / TC-18-16

Animal care (indoor): Limited Use in OX-

Request

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| <i>Section Reference</i> | Part 10A §6.1.4 Allowed Principal Use Table |
| <i>Basic Information</i> | Amends the Part 10A Raleigh Unified Development Ordinance's Allowed Principal Use Table to permit "Animal care (indoor)" as a Limited Use in the Office Mixed Use (OX-) district. |
| <i>PC Recommendation Deadline</i> | 2-20-17 |

Comprehensive Plan Guidance

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| <i>Applicable Policies</i> | <p><i>Policy LU 7.5 - High-Impact Commercial Uses</i> Ensure that the City's zoning regulations limit the location and proliferation of fast food restaurants, sexually-oriented businesses, late night alcoholic beverage establishments, 24 hour mini-marts and convenience stores, and similar high impact commercial establishments that generate excessive late night activity, noise, or otherwise affect the quality of life in nearby residential neighborhoods.</p> <p><i>Policy LU 5.2 - Managing Commercial Development Impacts</i> Manage new commercial development using zoning regulations and through the conditional use zoning and development review processes so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor, noise, and vibration impacts on surrounding residential areas.</p> <p><i>The description of the Office and Residential land use category of the Future Land Use Map notes that:</i></p> <p>This category is applied primarily to frontage lots along major streets where low density residential uses are no longer appropriate, as well as office parks and developments suitable for a more mixed-use development pattern. This category encourages a mix of residential and office use. Retail not ancillary to employment and/or residential uses is discouraged so that retail can be more appropriately clustered and concentrated in retail and mixed-use centers at major intersections and planned transit stations. OX is the closest corresponding zoning district. Higher-impact uses such as hotels and hospitals are not contemplated or recommended in this land use category except as limited uses in appropriate locations. Heights would generally be limited to four stories when near neighborhoods, with</p> |
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| | additional height allowed for larger sites and locations along major corridors where adjacent uses would not be adversely impacted. |
| <i>Action Items</i> | Not applicable |

Contact Information

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| <i>Staff Coordinator</i> | Eric Hodge: eric.hodge@raleighnc.gov ; 919.996.2639 |
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History/Overview

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.

Purpose and Need

This text change would bring the UDO Use Regulations more into alignment with certain aspects of the former Part 10 Zoning Code's Schedule of Permitted Uses in Zoning Districts in that the legacy Office and Institution (O&I) districts permitted veterinarian clinics as a permitted General Use. As the Office Mixed Use (OX-) district is a somewhat of a UDO equivalent of the former legacy Office and Institution (O&I) districts, veterinarian clinics should be permitted as there are several existing veterinary clinics that were rendered nonconforming uses when remapped to the OX- district by the City during the Citywide UDO remapping.

Alternatives Considered

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)". Because the majority of the uses in the category "Animal care (indoor)" are common ancillary uses associated with veterinarian clinics and would be allowed as such, it seemed reasonable to also them as primary uses as well.

Scoping of Impacts

Potential adverse impacts of the proposed text change have been identified as follows:

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. Animal shelters and animal boarding facilities were not allowed principal uses in the Office and Institution (O&I) legacy zoning districts and as such would be additions to what had previously been allowed in these types of districts. There could be impacts on surrounding residential developments as a result (odor, noise).

The adverse impacts of taking no action (retaining the existing regulations) have been identified as follows:

Animal care (indoor) would not be an allowed use in the Office Mixed-Use (OX-) district. As such, many existing veterinary offices are legal nonconforming uses and therefore have limitations placed on them in terms of expansion and/or rebuilding.

Impacts Summary

Adoption of Proposed Text Change

The adoption of this text change would restore many existing veterinarian clinics as conforming uses within the zoning district in which they are now located: Office Mixed-Use. The adoption of this text change will also add a broader category of uses: Animal grooming, animal boarding, animal shelters, catteries, kennels and doggy day cares, to what were previously only allowed as ancillary uses in the legacy Office and Institution (O&I) districts. There could be impacts on surrounding residential developments as a result (odor, noise).

No action

Many existing veterinarian offices are zoned Office Mixed-Use and are non-conforming uses under the 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 Office Mixed-Use (OX-) district.

**ORDINANCE NO. 2017 – 669 TC 390
TC-18-16**

AN ORDINANCE TO MODIFY THE ALLOWED PRINCIPAL USE REGULATIONS IN THE CITY OF RALEIGH UNIFIED DEVELOPMENT ORDINANCE TO ADD VETERINARY CLINIC/HOSPITAL AS A LIMITED USE IN THE OFFICE MIXED-USE (OX-) DISTRICT BY LISTING IT AS ITS OWN SPECIFIC USE IN THE ALLOWED PRINCIPAL USE TABLE AND CLARIFY THE HOURS ACTIVITY IS REGULATED FOR THIS USE AS WELL AS ALL “ANIMAL CARE (INDOOR)” USES IN SECTION 6.4.9.B.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. Section 6.1.4 of the Part 10 Raleigh Unified Development Ordinance, 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-, DX-, IX-, AP-, IH- and CMP- Districts subject to the Use Standards of Section 6.4.9.B.:

| USE CATEGORY Specific Use | RESIDENTIAL | | | | | MIXED USE | | | | | | | SPECIAL | | | | |
|---|-------------|----|----|----|-----|-----------|----|----------|----------|----------|----------|----------|---------|----------|----------|----|----------|
| | R1 | R2 | R4 | R6 | R10 | RX | OP | OX | NX | CX | DX | IX | CM | AP | IH | MH | CMP |
| COMMERCIAL | | | | | | | | | | | | | | | | | |
| PERSONAL SERVICE, EXCEPT AS LISTED BELOW: | -- | -- | -- | -- | -- | L | -- | L | P | P | P | P | -- | -- | -- | -- | P |
| Animal care (indoor) <u>Except as Listed Below:</u> | -- | -- | -- | -- | -- | -- | -- | -- | L | L | L | L | -- | L | L | -- | L |
| <u>Veterinary Clinic/Hospital</u> | -- | -- | -- | -- | -- | -- | -- | <u>L</u> | <u>L</u> | <u>L</u> | <u>L</u> | <u>L</u> | -- | <u>L</u> | <u>L</u> | -- | <u>L</u> |

Section 2. Section 6.4.9.B.2. of the Part 10 Raleigh Unified Development Ordinance, Animal care (indoor) Use Standards, is hereby amended by insertion of the following underlined provisions:

D. Use Standards

- a. No overnight outdoor activity associated with the care of animals. For the purposes of this section “overnight” constitutes the hours between 11PM and 7AM.
- b. Outdoor activity, including but not limited to, walking and bathing of animals, is permitted during the day, provided that no more than 4 animals are engaged in outdoor activity at a time. For the purposes of this section, “during the day” constitutes the hours between 7AM and 11PM.

Section 3. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Section 4. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. This text change has been reviewed by the Raleigh City Planning Commission.

Section 6. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 7. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 8. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in N.C.G.S. §14-4(a) or similar limitations.

Section 9. This ordinance is effective 5 days after adoption.

ADOPTED: February 7, 2017
EFFECTIVE: February 12, 2017

DISTRIBUTION: Chad Essick, Esq. – Poyner Spruill
Planning – Bowers, Crane, Hodge, Mitchell, Anagnost
City Attorney – Seymour, Hargrove-Bailey
Management Team
Transcription Services – Taylor

Prepared by the Department of City Planning