

Petition No. 2014-71

Petitioner: Charlotte-Mecklenburg Planning Department

**AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE –ZONING ORDINANCE**

ORDINANCE NO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: DEFINITIONS

- a. Amend Section 2.201, "Definitions" by adding a new definitions for "animal care and control division", "animal care and control fosterer", "animal rescue group" and "animal rescue group fosterer" in alphabetical order. The new definitions shall read as follows:

Animal care and control division.

The Division within the Charlotte-Mecklenburg Police Department that is responsible for promoting animal welfare in the Charlotte-Mecklenburg Community through the enforcement of departmental and the City of Charlotte animal-related policies and management of the county's animal shelter.

Animal care and control fosterer.

An individual approved with animal care and control to which custody, but not ownership, of animals is transferred for the purpose of providing a temporary home for animals that do not thrive in the shelter setting. After six months of guardianship, the fosterer must register the animal(s) as an owned pet.

Animal rescue group.

A humane, 501(c)(3) non-profit organization, that is registered with animal care and control as a rescue partner that transfers animals from animal control into their care as a means of facilitating animal care and control's goal of eliminating the euthanasia of healthy, adoptable animals.

Animal rescue group fosterer.

An individual volunteering with an animal rescue group who provides a temporary home for animals that the animal rescue group has available for adoption until they are found a permanent home. After six months of guardianship, the fosterer must register the animal(s) as an owned pet.

- b. Amend Section 2.201, “Definitions” by modifying the definition for “commercial kennel” and adding an exclusion clause for an animal care and control fosterer, an animal rescue group fosterer, or an animal rescue group”. The revised definition shall read as follows:

Kennel, commercial.

~~A use or structure intended and used for the breeding or storage of animals for sale or for the training or overnight boarding of animals for persons other than the occupant of the lot. Any property used to conduct a commercial business involving the buying, selling, breeding for sale, letting for hire, overnight boarding, storage or training of animals. This definition excludes properties used by an 1) animal care and control fosterer, 2) animal rescue group fosterer, or 3) animal rescue group.~~

- c. Amend Section 2.201, “Definitions” by modifying the definition for “private kennel” and adding “an animal care and control fosterer, an animal rescue group fosterer, an animal rescue group” as examples of a private kennel. The revised definition shall read as follows:

Kennel, private

~~A structure used by the occupant of the property for the outdoor storage of animals and not operated on a commercial basis. A property where animals are bred or kept indoors or outdoors by the occupant of the property for personal or non-commercial purposes. This definition includes properties used by an 1) animal care and control fosterer, 2) animal rescue group fosterer, or 3) animal rescue group.~~

B. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 4: ACCESSORY USES AND STRUCTURES

- a. Amend Section 12.408, “Customary home occupations” by clarifying that commercial kennels are not considered a customary home occupation and modifying the last paragraph of the section. The other parts of the section remain unchanged. The last paragraph shall read as follows:

Section 12.408. Customary Home occupations

Prohibited customary home occupations include, but are not

limited to: caterers, food vendors, equipment and vehicle repair shops, appliance repair shops, small mechanical repair shops, barber shops, beauty shops, commercial kennels, commercial bakeries, veterinarian clinics, funeral homes, commercial cabinetry shop, welding, trucking, adult oriented businesses, warehousing, on-site vehicular sales, and other similar uses.

- b. Amend Section 12.410, "Private kennels" by adding facility or structure requirements for private kennels that have outdoor facilities or structures used to keep dogs, cats and other small animals. The revised section shall read as follows:

Section 12.410. Private kennels.

~~Pens, runs, cages, houses, or other facilities for the keeping of any dogs, cats, and other small animals~~ Private kennels shall be permitted as an accessory use in any district except INST, RE-1, RE-2, B-D and BP ~~in accordance with.~~ If any private kennel utilizes outdoor facilities or structures (i.e. pens, runs, cages, dog houses, or other similar facilities) for the keeping of any dogs, cats, and other small animals, such facility or structure shall meet the following requirements:

- (1) Any structure for the keeping of animals that is not completely enclosed, except for fences along property lines, shall be located between the principal structure and the rear lot line, shall occupy no more than 20 percent of the rear yard and shall be located no closer than 10 feet to any side lot line.
- (2) Extensions of, or additions to, property line fences to confine animals to a part of the property abutting the lot line shall not be permitted.
- (3) ~~No such accessory use~~ Private kennels shall not be operated for commercial purposes.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

City Attorney

I, _____, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the ____ day of ____, 2014, the reference having been made in Minute Book ____, and recorded in full in Ordinance Book _____, Page(s)_____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this
____ day of _____, 2014.
