

CITY COUNCIL REPORT

AGENDA DATE: January 21, 2020

DEPARTMENT: Engineering/Development Services Department

SUBJECT SI19-0008-Zoning Ordinance Text Amendment (Pet Stores)

Conduct a public hearing, discuss, and consider an ordinance regarding text amendments to the Comprehensive Zoning Ordinance Appendix A, Section 10 [Use of Land and Buildings], Subsection 10-100: Schedule of uses by district.

BACKGROUND

The City Manager's Office presented a workshop discussion item at the November 5th Council meeting amid concerns received from the animal rescue and adoption community regarding the potential allowance of retail establishments within the City offering animals for sale originating from commercial breeders as a function of the establishment. Recently there have been several investigative cases nationally and locally where the treatment and condition of animals offered for purchase within said establishments were found to be inadequate, overcrowded and in many cases, a danger to the animals welfare.

Staff began review of the Zoning Ordinance and found the ordinance permits animal retail sales from pet shop uses and kennel uses. Pet shop are permitted "by-right" in a majority of the non-residential districts within the City. Review also found that establishments defined as kennels which also offer the sales of animals for commercial purposes are generally permitted "by-right" within the same districts. In light of these findings, Council direction to staff was to bring forth an option or options in an ordinance amendment that would either limit, prohibit or place conditions through SUP upon these establishment types.

CONSIDERATIONS

Pet Shops are defined as:

[A] Facility for the display and sale of small animals, fish and birds as pets, such as dogs, cats, parakeets, goldfish, tropical fish or canaries, but not involving commercial boarding or treating of any animal, fish

Kennels are defined as:

Kennels, indoor/commercial pet sitting: An establishment with indoor pens in which more than six adult dogs or domesticated animals are housed during the day or overnight, groomed, boarded, exercised, trained, or sold for commercial purposes. Animal transportation service may be provided. No outdoor runs or pens are allowed. This definition excludes any breeding operation. Refer to chapter 5 for additional regulations.

Kennels, outdoor runs: An establishment that includes any outdoor areas for play, exercise or ventilation in which more than six adult dogs or domesticated animals are housed during the day or overnight, groomed, bred, boarded, exercised, trained, or sold for commercial purposes.

Breeding operations may be included as part of an outdoor kennel facility. Animal transportation service may be provided. Refer to chapter 5 for additional regulations.

The proposed ordinance revisions are as follows:

EXISTING VERSION (pet shop)

		SF	D	TH	M1	M2	M3	M4	MH	PD	A	P	O1	O2	NS	SC	GR	LC	HC	I	BP	
74	Pet Shop	N	N	N	N	N	N	N	N		N	N	N	N	N							

These establishments are permitted “by-right” within the Shopping Center (SC), General Retail (GR), Light Commercial (LC), Heavy Commercial (HC), Industrial (I) and Business Park (BP) Districts.

PROPOSED REVISION

Appendix A, Section 10, Section 10-100, of the Comprehensive Zoning Ordinance of the City of The Colony, Texas, entitled “Schedule of Uses by District” is hereby amended by amending the use chart for the use “(74) Pet shop” which shall read as follows:

		SF	D	TH	M1	M2	M3	M4	MH	PD	A	P	O1	O2	NS	SC	GR	LC	HC	I	BP	
74	Pet Shop	N	N	N	N	N	N	N	N		N	N	N	N	N	N	N	N	N	N	N	N

This proposed ordinance amendment removes Pet Shops “by-right” throughout the City. The proposed ordinance amendment leaves the ability for new Pet Shop establishments within Planned Developments (PD) districts only when specifically permitted by the PD ordinance.

Any previously existing Pet Shops may continue to operate provided they remain otherwise lawful and in accordance with Section 20- Nonconforming uses and structures.

The proposed ordinance amendment also updates the approval condition for kennels (indoor and outdoor).

EXISTING VERSION (kennel)

		SF	D	TH	M1	M2	M3	M4	MH	PD	A	P	O1	O2	NS	SC	GR	LC	HC	I	BP	
79	Kennels, indoor (no outside runs)	N	N	N	N	N	N	N	N	*	S	S	S	S								N
	Kennels, outdoor (includes outside runs)	N	N	N	N	N	N	N	N	*	S	S	S	S	S	S	S	S	S	S	S	N

PROPOSED REVISION

That Appendix A, Section 10, Section 10-100, of the Comprehensive Zoning Ordinance of the City of The Colony, Texas, entitled “Schedule of Uses by District” is hereby amended by amending the use chart for the use “(79) Kennels, indoor (no outside runs) and Kennels, outdoor (includes outside runs),” which shall read as follows:

		SF	D	TH	M1	M2	M3	M4	MH	PD	A	P	O1	O2	NS	SC	GR	LC	HC	I	BP
79	Kennels, indoor (no outside runs)	N	N	N	N	N	N	N	N	*	S	S	S	S	S	S	S	S	S	S	N
	Kennels, outdoor (includes outside runs)	N	N	N	N	N	N	N	N	*	S	S	S	S	S	S	S	S	S	S	N

This proposed ordinance amendment removes the “by-right” condition for kennels uses (Indoor) from the Industrial (I), Heavy Commercial (HC), Light Commercial (LC) General Retail (GR), Shopping Center (SC) and Neighborhood Service (NS) Districts. Instead kennel uses will require Specific Use Permit approval in the aforementioned districts [SUP is currently required in the Agriculture (A), Parking (P), Office (O-1 and O-2) Districts]. Outdoor kennels require SUP approval in all districts where permitted. The proposed amendment unifies the condition of approval between the two use subtypes.

The proposed ordinance amendment leaves the ability for new kennel establishments within Planned Developments (PD) districts only when specifically permitted by the PD ordinance. Any previously existing kennels may continue to operate provided they remain otherwise lawful and in accordance with Section 20- Nonconforming uses and structures. As reflected in the current zoning ordinance, the Planning Commission and City Council shall review and evaluate Specific Use Permit requests using criteria found in Section 10-905. In authorizing a Specific Use Permit, the Planning and Zoning Commission may recommend and the City Council may impose additional reasonable conditions necessary to protect the public interest and welfare of the community, including operational standards and a time period for which a specific use permit is valid.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

January 14, 2020 – The Planning and Zoning Commission voted (7-0) to recommend approval of the text amendments to the Comprehensive Zoning Ordinance Appendix A, Section 10 [Use of Land and Buildings], Subsection 10-100: Schedule of uses by district.

ORDINANCE REVIEW COMMITTEE (ORC) REVIEW

The Ordinance Review Committee (ORC) recommends approval of the Zoning Ordinance amendment.

NOTIFICATION

The Zoning Ordinance requires newspaper notification a minimum of fifteen (15) days prior to the City Council Commission meeting for text amendments. Notice for this public hearing was published in *The Dallas Morning News* on January 3, 2020. No comments, either for or against the text amendment, were received as of the printing of this packet.

ATTACHMENTS

1. Proposed Ordinance