

STAFF EVALUATION

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Case No.: Zoning ordinance amendment, ZOA2021-00019
Planning Commission Date: December 16, 2021
City Council Date: January 20, 2022

General Information

<i>Description of Proposal</i>	To address how accessory structures for keeping of animals are permitted within the Zoning Ordinance. This amendment would incorporate, with some modifications, the additional standards currently located in Chapter 3 for the existing use of 'accessory use/structure for keeping of recreational animals' into Chapter 1, General Provisions. The standards clarify how accessory structures for companion animals and certain agricultural animals such as horses and chickens are permitted.
<i>Zoning Definitions</i>	<u>Related ZOA21-00020 adds the following definition:</u> <i>Companion animals. Dogs, both domestic and feral; cats, both domestic and feral; nonhuman primates; guinea pigs; hamsters; rabbits not raised for human food or fiber; exotic or native animals; reptile; exotic and native birds; or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals.</i>
<i>Current Regulations</i>	The current ordinance permits accessory use/structure for keeping of recreational animals within Chapter 3, by-right with additional standards in the R-LL, R-43, R-33, R-15, R-13, R-11, R-9, R-8, R-4, R-M, C-1, C-2, C-3, RT-1, DT-1, and DT-2 districts.

Analysis

In past years, staff have received numerous requests or complaints from residents regarding animal-related uses and care. Last year, staff began addressing these concerns by clarifying requirements for kennels and animal daycare facilities; these amendments continue that effort to clarify how animals are regulated within the Zoning Ordinance. Staff has worked closely with the Hampton Animal Response Team (HART, formerly Animal Control) to coordinate this effort.

The current ordinance allows 'accessory use/structure for keeping of recreational animals' within Chapter 3 with some additional standards. Chapter 3 is used to regulate where and how primary uses are permitted. The standards being modified are for accessory structures and uses and apply to many districts, and are therefore proposed to be added to Chapter 1 instead of Chapter 3. Chapter 1 of the Zoning Ordinance addresses general provisions applicable to many zoning districts and already contains a section for accessory structures, Section 1-24.

This amendment would add a new sub-section to Section 1-24 to address how accessory buildings or structures for the keeping of animals are permitted. The proposed sub-section is organized by the kind of animal the structure is intended for.

In the first portion, it addresses structures for the keeping of companion animals, with setbacks for shelters less than 25 square feet, and different setbacks for larger shelters. The second portion of the proposed subsection would address how structures for the keeping of certain agricultural animals are permitted. Shelters for animals such as horses and other equines are permitted within certain districts with restrictions on area, number, and setbacks. Shelters for animals such as chickens and pigeons are permitted in conjunction with a single family dwelling with setback requirements and restrictions to prohibit commercial activity such as the sale of eggs.

Many of the setbacks and regulations for these structures and uses are currently located in Chapter 5 of the City Code (Animals), relocating them to the Zoning Ordinance allows Zoning to enforce setbacks and use standards while leaving enforcement of Animal welfare regulations within the City Code and HART.

This amendment is in conjunction with ZOA 21-00015 and ZOA 21-00020 which clarify existing animal-related uses with additional standards and add a definition for companion animals, respectively. These three amendments taken together do not significantly alter how animals are allowed within the City limits, but rather clarify and codify existing interpretations of the Zoning Ordinance, and coordinate enforcement efforts between HART and Zoning enforcement.

Staff recommends approval of ZOA 21-00019.