

STAFF REPORT

TO: LAKEWOOD PLANNING COMMISSION

THRU: Roger Wadnal, Manager of Development Review & Code Enforcement

FROM: Kara Mueller, Project Manager

DATE: June 16, 2004
Planning Commission Public Hearing Date: June 2, 2004

SUBJECT: OA-03-001: Proposed Zoning Ordinance Amendments adding, clarifying and amending various sections of Article 2: Definitions and Interpretations, Article 5: District Regulations and Article 6: Special Use Permits for the Animal Day Care Facilities.

BACKGROUND

The City of Lakewood has had the new use of Animal Day Care Facilities proposed within the City since August of 2003. In reviewing this initial location at 8095 West Hampden Avenue, City Staff acknowledged the need for recognizing the use and providing criteria to review the use for both indoor and outdoor facilities throughout Lakewood. The original case was allowed to operate as an indoor Animal Day Care Facility only. Outdoor use became the primary source of concern as performance standards and review criteria did not exist to help mitigate potential impacts to adjacent uses. City Staff since implemented the pending ordinance doctrine that restricts any new animal day care facilities from locating in Lakewood until the zoning ordinance is updated. Since that time Staff has created a review process for both indoor and outdoor uses associated with animal day care facilities. Staff proposes that indoor animal day care can be handled administratively and that outdoor animal day care should be handled through the public process of a Special Use Permit, SUP. Staff began working on a revised ordinance and as the work progressed it became clear that the definitions associated with animal uses in Article 2 also needed to be updated. Article 5 needs to be updated to identify in which districts the use may operate as permitted or special permitted uses and Article 6 would need to have language added for the review criteria and processing of an SUP to operate outdoor Animal Day Care Facilities.

The issue was discussed at a Planning Commission study session on August 20, 2003. This was an initial chance for Staff to provide Planning Commission with information on the proposed SUP process for all outdoor animal day care use, as well as updated definitions in Article 2 and Article 5 use by right classifications. Staff was directed to move forward with the proposed Zoning Ordinance amendment. On April 21, 2004 another Planning Commission Study Session was held to discuss

Performance-Based Standards and Exceptions. These areas have been added to the ordinance.

DESCRIPTION OF PROPOSED AMENDMENTS

Attached is the proposed Ordinance for Planning Commission review. Copies of the sections of Article 5, Article 6 and Article 2 that are proposed to be amended are attached and will serve as a “compare copy”. Those items to be inserted are **HIGHLIGHTED** and those items to be removed or amended are in **STRIKETHROUGH**.

Rather than repeat in detail each of the proposed changes, the following section highlights some of the changes that you should look for when reviewing each Article.

ARTICLE 2: DEFINITIONS AND INTERPRETATION

There is one amendment and several additions that have been made to Article 2. The changes are summarized by section below. Please note that the definition numbering reflects the final version after renumbering has occurred.

Article 17-2-2 Definitions

Section 17-2-2 (10) was modified to include the definition of **Animal Day Care Facility** to clarify the Ordinance and to remove **Animal Hospital** Section 17-2-2 (11).

Section 17-2-2 (435) was modified to expand the definition of **Veterinary Hospital** to provide a definition for all animal hospital type uses and to remove **Veterinary Clinic-Small Animal** Section 17-2-2 (436).

Section 17-2-2 (93) was modified to include a reference to **Animal Day Care Facility** as a day care use to clarify the Ordinance.

Section 17-2-2 (144) was modified to include the definition of **Grooming** to clarify that it will be allowed where Animal Day Care Facilities are allowed.

ARTICLE 5: DISTRICT REGULATIONS

There are several deletions and additions that have been made to this Article. The changes are summarized by section below:

Proposed Article 5 Amendments

OF (Office District) Section 17-5-15(2) Indoor Animal Day Care was added as a permitted use; Section 17-5-15(3) Outdoor Animal Day Care was added as a use through the SUP process; Section 17-5-15(5) A Performance Standards section was added for the uses Animal Day Care.

1-C (Convenience Commercial District) Section 17-5-16(2) Indoor Animal Day Care was added as a permitted use; Section 17-5-16(3) Outdoor Animal Day Care was added as a use through the SUP process; Section 17-5-16(5) A Performance Standards section was added for the uses Animal Day Care.

2-C (Neighborhood Commercial District) Section 17-5-17(2) Indoor Animal Day Care was added as a permitted use; Section 17-5-17(3) Outdoor Animal Day Care was added as a use through the SUP process; Section 17-5-17(5) A Performance Standards section was added for the uses Animal Day Care.

3-C (Community Commercial District) Section 17-5-18(2) Indoor Animal Day Care was added as a permitted use; Section 17-5-18(3) Outdoor Animal Day Care was added as a use through the SUP process; Section 17-5-18(5) A Performance Standards section was added for the uses Animal Day Care.

4-C (Regional Commercial District) Section 17-5-19(2) Indoor Animal Day Care was added as a permitted use; Section 17-5-19(3) Outdoor Animal Day Care was added as a use through the SUP process; Section 17-5-19(5) A Performance Standards section was added for the uses Animal Day Care.

5-C (Large Lot Commercial District) Section 17-5-20(2) Indoor and outdoor Animal Day Care was added as a permitted use; Section 17-5-20(5) Performance Standards and administrative exception standards were added for the uses Animal Day Care and Kennel.

IN (Industrial District) Section 17-5-21(2) Indoor and outdoor Animal Day Care was added as a permitted use; Section 17-5-21(5) Performance Standards and administrative exception standards were added for the uses Animal Day Care and Kennel.

ARTICLE 6: SPECIAL USE PERMITS

Special Use Permit, SUP, requirements for outdoor animal day care facility uses has been included in Article 6. See the attached Article 6 proposed amendment changes.

PERFORMANCE-BASED STANDARDS (PBS)

- An exception process directly related to Performance-Based Standards has been added under Section 17-6-4 of Article 6 to provide the Planning Commission with the ability to make decisions about the outdoor uses of animal day care facilities in regards to the types of fences and/or screening mechanisms, setbacks and other physical attributes that are site specific rather than require property owners to go through the variance process and the Board of Adjustment. Staff recognizes that the Ordinance cannot address all issues and that special circumstances may arise that warrants an exception.
- An exception process directly related to Performance-Based Standards has been added under Sections 17-5-20(5) and 17-5-21(5) to provide the Director of Community Development and Planning the ability to make administrative decisions about the outdoor uses of animal day care facilities in regards to the types of fences and/or screening mechanisms, setbacks and other physical attributes that are site specific rather than require property owners to go through the variance process and the Board of Adjustment. All appeals of the Director's decision will be made to the Lakewood Board of Adjustment.

SUMMARY OF ANALYSIS

These proposed changes to the Zoning Ordinance are recommended by staff and they are the changes seen by Planning Commission at previous Study Sessions on August 20, 2003 and April 21, 2004. The proposed amendments are to provide definitions and standards in order to allow and regulate a new use "**Animal Day Care Facilities**".

SUMMARY AND RECOMMENDATION

The City of Lakewood Staff recommends that the Planning Commission find that:

1. There is a need to add the use Animal Day Care Facilities to the Zoning Ordinance in order allow and regulate the use within the City of Lakewood.

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encl: Proposed Ordinance
compare copy of Article 2, Article 5 and Article 6

Alternative formats of this request are available upon request.