

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

From: Russell Martin, AICP, Community Development Director
Joey Staubes, AICP, Planner II

Date: March 26, 2021

CC: Joe Bennett, City Administrator
Planning and Zoning Board

RE: Zoning Code Amendment – Dog Parks

BACKGROUND

Over the last year, the Community Development Department has met with businesses owners wishing to operate a private dog park within the City of Smyrna. Community Development staff has worked to identify potential business locations, as well as assist with the permitting and licensing process. The City's Zoning Ordinance is silent on private dog parks and does not list the use as a permitted use under any zoning district in the city. Due to the number of requests to assist with the location of a private dog park within the city limits, Community Development is proposing a code amendment to the Zoning Ordinance to identify the appropriate zoning districts where private dog parks can be permitted.

ANALYSIS

Community Development has reviewed the City's Zoning Ordinance and found that private dog parks are not identified as permitted uses within any zoning district in the city. As currently written, Community Development staff would have to make an interpretation as to which zoning districts private dog parks would be permitted. The proposed code amendment would clearly define what private dog parks are, as well as identify the specific zoning districts where they would be permitted.

Community Development is proposing to amend Section 402 of the Zoning Ordinance to add a specific definition related to private dog parks.

Community Development is proposing to amend Sections 712, 716 and 720 of the Zoning Ordinance to add private dog parks as permitted uses under the General Commercial (GC), Central Business District (CBD) and Mixed Use (MU) zoning districts. This is the most appropriate zoning district staff feels is the most appropriate zoning district for private dog parks. In addition, this zoning district is consistent with other area municipalities that allow private dog parks. The proposed code amendment allows for dog parks to have a pouring license.

The City's Alcoholic Beverage Ordinance will also need to be amended to address alcohol licensing. Some of these private dog parks in other municipalities, also sell beer and wine at their facilities and provide discounts to the members of their program. To be in-line with the existing market for private dog parks, the City should consider amending the Alcoholic Beverage Ordinance to allow for the private dog parks to hold a pouring license.

STAFF COMMENTS

Community Development has researched the state law and surrounding municipalities to review how these governing authorities address private dog parks within their jurisdictions. With these proposed code amendments, the City of Smyrna will be competitive with other municipalities in attracting private dog park facilities within the City. Therefore, Community Development recommends **approval** of the proposed code amendments below to address private dog parks within the City's Zoning Ordinance:

Section 402 of the Zoning Ordinance shall be amended to add new sections to provide definitions related to private dog parks. The proposed sections shall read as follows (amended portions are highlighted).

(402.51.1) Private Dog Park a recreation area contiguous to the building that is owned or leased, and maintained and controlled by the licensee and used exclusively for recreational purposes of dogs within an enclosed area.

(402.51.2) Special event: An event or gathering using private or public property, that draws an estimated number of participants and spectators for or has the seating capacity to accommodate at least 2,000 people present on any day of the event.

Section 712 of the Zoning Ordinance shall be amended to add a private dog park to the list of permitted uses under the General Commercial (GC) zoning district. The proposed sections shall read as follows (amended portions are highlighted).

(712.31.1) Private Dog Park

Section 716 of the Zoning Ordinance shall be amended to add a private dog park to the list of permitted uses under the Central Business District (CBD) zoning district. The proposed sections shall read as follows (amended portions are highlighted).

(716.23) Private Dog Park

Section 720 of the Zoning Ordinance shall be amended to add a private dog park to the list of permitted uses under the Mixed Use (MU) zoning district. The proposed sections shall read as follows (amended portions are highlighted).

(720.2) (20) Private Dog Park