

**TOWN OF SULLIVAN
PROPOSED LOCAL LAW NO. 3 FOR THE YEAR 2018**

**A LOCAL LAW TO AMEND THE TOWN OF SULLIVAN ZONING LAW,
AS ADOPTED BY LOCAL LAW NO. 2 OF 2016, BY AMENDING THE DEFINITION
OF KENNEL AND ADDING CERTAIN KENNELS, ANIMAL DAY CARE AND
DOG GROOMING AS SPECIALLY PERMITTED USES IN
THE AGRICULTURAL (A), BUSINESS (B) AND INDUSTRIAL (I) DISTRICTS**

Be it enacted by the Town Board of the Town of Sullivan as follows:

SECTION 1. AUTHORITY.

This local law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 2. AMENDMENT TO ARTICLE II (“DEFINITIONS”) OF THE TOWN OF SULLIVAN ZONING LAW TO DELETE AND REPLACE THE CURRENT DEFINITION OF KENNEL.

Article II (“Definitions”) of the Town of Sullivan Zoning Law is hereby amended to delete the current definition of “Kennel” in its entirety and replace it with the following new definitions as follows:

1. **KENNEL:** Any facility that cares for multiple dogs for training, breeding, boarding or harboring, whether for profit or not, but excluding dogs owned solely for personal enjoyment. All kennels shall require the issuance of a Special Use Permit by the Planning Board to ensure compatibility with the neighborhood where such use is proposed to be located.
2. **COMMERCIAL KENNEL AND/OR ANIMAL DAY CARE:** Any facility or building that cares for three or more dogs for training, breeding, boarding or harboring, for any aspect of commercial purposes, sales, for profit or as a business.
3. **PERSONAL PUREBRED:** Any home or personal abode that cares for two or more purebred dogs for breeding or sale where such activity is an accessory use to the principal home.

SECTION 3. AMENDMENT TO THE ZONING SCHEDULE OF THE TOWN OF SULLIVAN ZONING LAW TO PROVIDE FOR KENNELS COMMERCIAL KENNELS, ANIMAL DAY CARE AND DOG GROOMING AS SPECIALLY PERMITTED USES IN THE AGRICULTURE (A), BUSINESS (B) AND INDUSTRIAL (I) DISTRICTS.

The Zoning Schedule of the Town of Sullivan is hereby amended to add Kennels (Commercial Kennels and/or Animal Day Care) as a specially permitted use in Agricultural (A), Business (B) and Industrial (I) Districts.

SECTION 4. AMENDMENT TO ARTICLE V (“SPECIAL PROCEDURES AND STANDARDS”), SECTION 275-9 (“SPECIAL USE PERMITS”), SUBPARAGRAPH D (“ADDITIONAL STANDARDS”) OF THE TOWN OF SULLIVAN ZONING LAW.

Article V (“Special Procedures and Standards”) at §275-9 (“Special Use Permits”) is hereby amended to add a new subsection (D)(13) with the following standards for Kennels and Animal Day Cares:

“13. **Kennels.**

A. **Commercial Kennel and/or Animal Day Care.** A commercial kennel and/or animal day care is permitted, upon issuance of a Special Use Permit by the Planning Board, in the Agricultural (A), Business (B) and Industrial (I) Districts subject to the following additional requirements:

1. The use must be located on a lot at least 2 acres in area.
2. A commercial kennel and/or animal day care (except for outside runs) shall be completely enclosed within a suitable building and shall be no closer than 100 feet to any lot line or residential use or district boundary as measured from the nearest lot lines.
3. Fenced areas used in association with animal day care and commercial kennel uses may not be permitted within 50 feet of any side or rear lot line and shall be prohibited in a front yard. Kennels must demonstrate an appropriate dog run area that will not have an adverse impact on neighboring properties.
4. For animal day care and commercial kennels, an acceptable waste storage, management and removal program must be submitted and approved by the Planning Board and must otherwise comply with all State, County and Local laws, rules, regulations and requirements related to said waste storage and removal.
5. The animal day care or commercial kennel use shall not interfere or conflict with the peaceful enjoyment of neighboring residential uses.
6. For animal day cares and commercial kennels, such other materials the Planning Board deems necessary upon which to determine the impact of such specially permitted use must be submitted. The Planning Board may set reasonable hours of operation and a limit to the number of dogs kenneled where appropriate, as well as set hours for outdoor exercise for kenneled dogs.

B. **Personal Purebred Kennels.** Personal purebred kennels may occur on any lot subject to the issuance of a Special Use Permit and the following standards:

1. Provision for adequate fencing.

2. Acceptable waste management plan submitted to the Code Enforcement Officer.

3. No more than 4 adult (12 months or older) dogs shall be associated with a purebred kennel.

C. **Dog Grooming Business.** Dog grooming may occur subject to the issuance of a Special Use Permit in the Agricultural (A), Business (B) and Industrial (I) Districts and subject to such reasonable conditions as shall be set by the Planning Board.”

SECTION 5. SEVERABILITY.

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 6. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the office of the Secretary of State.