

**Caroline County
Board of Supervisors Agenda
Executive Summary**

Meeting Date: January 26, 2021

Title: Public Hearing – TXT-13-2020 through TXT-17-2020 and
TXT-24-2020; Indoor/Outdoor Commercial Kennel
Article II, IX, X and XV - Zoning Ordinance

(Check Mark)

Consent

Action

No Action (Information Only)

Resolution

Closed Meeting

Public Hearing

Ordinance

PowerPoint Presentation

Summary: Staff is bringing forward for public hearing six text amendments that add or modify definitions, uses and development standards for Indoor/Outdoor Commercial Kennels. The Board held first readings of the proposed amendments at the November 12th & January 12th meetings and authorized advertisement of a public hearing.

The Planning Commission forwards the proposed amendments to the Board with a recommendation of approval.

Budget Impact: None

Action(s) requested of the Board of Supervisors: Conduct public hearing for TXT-13-2020, TXT-14-2020, TXT-15-2020, TXT-16-2020, TXT-17-2020 and TXT-24-2020.

Presenter: Michael A. Finchum, Director, Planning & Community Development



STAFF REPORT

CAROLINE COUNTY BOARD OF SUPERVISORS

JANUARY 26, 2021 REGULAR MEETING

CASE NUMBER: TXT-13-2020 THROUGH TXT-17-2020 AND TXT-24-2020
ZONING ORDINANCE ARTICLE II, IX, X AND XV

REQUEST

STAFF IS BRINGING FORWARD TEXT AMENDMENTS THAT ADD OR MODIFY DEFINITIONS, USES AND DEVELOPMENT STANDARDS FOR INDOOR AND OUTDOOR COMMERCIAL KENNELS.

DISCUSSION

STAFF IS BRINGING FORWARD THE ATTACHED TEXT AMENDMENTS THAT MODIFY THE DEFINITION OF "COMMERCIAL KENNEL" TO DIFFERENTIATE BETWEEN INDOOR & OUTDOOR KENNELS, ADD OR MODIFY THE USE IN THE B-1 AND M-1 ZONING DISTRICTS AND CREATE DEVELOPMENT STANDARDS FOR INDOOR COMMERCIAL KENNELS.

THE BOARD HELD A FIRST READING TXT-13-2020 THROUGH TXT-17-2020 NOVEMBER 12TH AND DIRECTED STAFF TO CRAFT DEVELOPMENTS STANDARDS FOR INDOOR COMMERCIAL KENNELS. STAFF RETURNED TO THE JANUARY 12TH MEETING FOR A CONTINUED FIRST READING OF TXT-13-2020 AND TXT-17-2020 AND FIRST READING OF THE DEVELOPMENT STANDARDS (TXT-24-2020).

AN EXISTING BUSINESS IN LADYSMITH IS SEEKING EXPANSION OPPORTUNITIES WHICH NECESSITATES AN AMENDMENT TO THE DEFINITIONS TO ALLOW THE EXPANSION TO OCCUR IN A TIMELY MANNER. THE PROPOSED FACILITY IS IN AN AREA ZONED B-1, THOUGH STAFF BELIEVES IT IS APPROPRIATE TO INCLUDE THE M-1 DISTRICT IN THE PROPOSED MODIFICATIONS.

TXT-13-2020 REPLACES THE DEFINITION OF COMMERCIAL KENNEL WITH A SEPARATE DEFINITION FOR INDOOR COMMERCIAL KENNEL AND OUTDOOR COMMERCIAL KENNEL

TXT-14-2020 AND TXT-15-2020 MODIFY ARTICLE IX, B-1 BUSINESS, TO ADD INDOOR COMMERCIAL KENNEL AS A BY-RIGHT USE AND OUTDOOR COMMERCIAL KENNEL AS A USE PERMITTED BY SPECIAL EXCEPTION.

TXT-16-2020 AND TXT-17-2020 MODIFY ARTICLE X, M-1 INDUSTRIAL, TO ADD INDOOR COMMERCIAL KENNEL AS A BY-RIGHT USE AND MODIFIES THE LANGUAGE OF AN EXISTING SPECIAL EXCEPTION USE TO SPECIFICALLY ALLOW INDOOR COMMERCIAL KENNELS.

TXT-24-2020 CREATES DEVELOPMENT STANDARDS FOR BY-RIGHT INDOOR COMMERCIAL KENNELS.

THE PLANNING COMMISSION HELD PUBLIC HEARINGS FOR TXT-13-2020 THROUGH TXT-17-2020 ON SEPTEMBER 24TH AND TXT-24-2020 ON JANUARY 7TH. THE COMMISSION FORWARDS THE PROPOSED AMENDMENTS TO THE BOARD WITH A RECOMMENDATION OF APPROVAL (5-0 VOTE, WESTERN CAROLINE ABSENT BOTH MEETINGS).

PURSUANT TO THE JANUARY 12, 2021 BOARD OF SUPERVISORS MEETING, STAFF DISCUSSED THE AMENDMENTS WITH SUPERVISOR LONG, WHICH RESULTED IN THE CHANGES SHOWN IN BLUE TO THE PROPOSED TEXT AMENDMENTS.

PROPOSED AMENDMENT TO ARTICLE II DEFINITIONS

TXT-13-2020 – AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF CAROLINE COUNTY BY AMENDING ARTICLE II, DEFINITIONS TO REPEAL THE DEFINITION OF COMMERCIAL KENNEL AND REPLACE IT WITH DEFINITIONS FOR INDOOR & OUTDOOR COMMERCIAL KENNEL.

DEFINITION BEING REPEALED:

KENNEL, COMMERCIAL: ANY KENNEL WHICH INCLUDES BREEDING, BOARDING, TRAINING AND SELLING OF ANIMALS.

TO BE REPLACED WITH:

KENNEL, COMMERCIAL (INDOOR) - ANY KENNEL, WITHOUT OUTDOOR PENS OR RUNS, IN WHICH DOGS OR DOMESTICATED ANIMALS ARE ~~BRED~~, BOARDED OR TRAINED ~~OR SOLD, ALL~~ FOR A FEE OR COMPENSATION.

KENNEL, COMMERCIAL (OUTDOOR) – ANY KENNEL, WITH OUTDOOR PENS OR RUNS, IN WHICH DOGS OR DOMESTICATED ANIMALS ARE BRED, BOARDED, TRAINED OR SOLD, ~~ALL~~ FOR A FEE OR COMPENSATION.

PROPOSED AMENDMENTS TO ARTICLE IX, B-1 BUSINESS

TXT-14-2020 – AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF CAROLINE COUNTY BY AMENDING ARTICLE IX, B-1 BUSINESS, SECTION 2, USES PERMITTED BY RIGHT TO ADD PARAGRAPH 32 “COMMERCIAL KENNEL, INDOOR” AS A PERMITTED USE IN THE B-1 ZONING DISTRICT

32. COMMERCIAL KENNEL (INDOOR)

TXT-15-2020 – AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF CAROLINE COUNTY BY AMENDING ARTICLE IX, SECTION 3, USES PERMITTED BY SPECIAL EXCEPTION TO ADD PARAGRAPH 22 “COMMERCIAL KENNEL, OUTDOOR” AS A USE PERMITTED BY SPECIAL EXCEPTION IN THE B-1 ZONING DISTRICT:

22. COMMERCIAL KENNEL (OUTDOOR)

PROPOSED AMENDMENTS TO ARTICLE X, M-1 INDUSTRIAL

TXT-16-2020 – AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF CAROLINE COUNTY BY AMENDING ARTICLE X, M-1 INDUSTRIAL, SECTION 2, USES PERMITTED BY RIGHT, TO: 1) REPEAL PARAGRAPH 5, “ANIMAL HOSPITALS AND KENNELS”; AND 2) REPLACE PARAGRAPH 5 WITH “ANIMAL HOSPITALS AND COMMERCIAL KENNEL, INDOOR”.

5. ANIMAL HOSPITALS AND ~~KENNELS~~ *COMMERCIAL KENNELS (INDOOR)*

TXT-17-2020 – AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF CAROLINE COUNTY BY AMENDING ARTICLE X, M-1 INDUSTRIAL, SECTION 3, USES PERMITTED BY SPECIAL EXCEPTION TO ADD PARAGRAPH 24 “COMMERCIAL KENNEL, OUTDOOR” AS A USE PERMITTED BY SPECIAL EXCEPTION IN THE M-1 ZONING DISTRICT.

24. COMMERCIAL KENNEL (OUTDOOR)

PROPOSED AMENDMENT TO ARTICLE XV, SUPPLEMENTAL REGULATIONS

TXT-24-2020 - AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF CAROLINE COUNTY BY AMENDING ARTICLE XV (SUPPLEMENTAL REGULATIONS), SECTION 8 (DEVELOPMENT STANDARDS), TO ADD PARAGRAPH W. THE PURPOSE OF THIS AMENDMENT IS TO ESTABLISH DEVELOPMENT STANDARDS FOR A COMMERCIAL KENNEL (INDOOR).

W. STANDARDS FOR BY-RIGHT COMMERCIAL KENNEL (INDOOR)

1. INDOOR KENNEL SHALL MEAN ANY PLACE THAT IS WITHIN A COMPLETELY ENCLOSED COMMERCIAL FACILITY WITH NO OUTDOOR PENS/RUNS IN WHICH DOGS, CATS OR OTHER HOUSEHOLD PETS ARE CONFINED OR PENNED, WHERE FOR A FEE, THE PRIMARY PURPOSE IS THE BOARDING OR TRAINING, DOGS, CATS, OR OTHER HOUSEHOLD PETS.
2. INDOOR KENNELS SHALL NOT BE HOUSED IN A STRUCTURE WITH ANY OPENING TO THE OUTSIDE EXCEPT REQUIRED INGRESS/EGRESS AND VENTILATION EQUIPMENT, EXCEPT THAT AN OUTDOOR EXERCISE/RECREATION AREA MAY BE PROVIDED.
3. THE FOLLOWING ACCESSORY USES ARE PERMITTED PROVIDED THAT THE SUM OF ALL ACCESSORY USES SHALL NOT EXCEED 30% OF THE TOTAL GROSS FLOOR AREA: UP TO 10% OF GROSS FLOOR AREA FOR RETAIL SALES, UP TO 10% OF GROSS FLOOR AREA FOR VETERINARY SERVICES **PROVIDED BY A VIRGINIA LICENSED VETERINARIAN, UP TO 10% OF GROSS FLOOR AREA FOR ANIMAL HOSPITAL**, AND UP TO 10% OF GROSS FLOOR AREA FOR GROOMING;. THE GROSS FLOOR AREA CALCULATIONS SHALL NOT INCLUDE ANY OUTDOOR RECREATION AREAS.
4. EXTERIOR LIGHTING SHALL BE SOURCE SHIELDED AND DIRECTED DOWNWARD TO MINIMIZE GLARE TO ABUTTING PROPERTIES. THE MAXIMUM HEIGHT OF ANY LIGHT POLE SHALL NOT EXCEED THE HEIGHT OF THE PRINCIPAL STRUCTURE OR TWENTY (20) FEET, WHICHEVER IS LESS.
5. THE BUILDING AND ANY OUTDOOR RECREATION AREAS SHALL BE DESIGNED AND CONSTRUCTED TO MINIMIZE ANY SOUND EMANATING FROM THE BUILDING/RECREATION AREA. THE MAXIMUM ALLOWABLE dB(A) LEVEL OF IMPULSIVE SOUND EMITTED FROM THE USE, AS MEASURED AT THE PROPERTY LINE, SHALL NOT EXCEED 55 dB(A)
6. **WHERE AN OUTDOOR RECREATION OR EXERCISE AREA IS PROVIDED**, THE MINIMUM LOT AREA SHALL BE 1 ACRE.
7. ~~THE MAXIMUM NUMBER OF ANIMALS SHALL BE TWENTY (20).~~ **THE FACILITY SHALL BE DESIGNED, CONSTRUCTED, AND OPERATED IN ACCORDANCE WITH THE PET INDUSTRY ASSOCIATION STANDARDS AND GUIDELINES FOR BEST PRACTICE BOARDING FACILITIES/ESTABLISHMENTS AND DOGGY DAY CARE CENTERS.**

8. ANIMALS SHALL NOT BE DROPPED OFF PRIOR TO 5 AM.
9. ANIMALS SHALL BE PICKED UP PRIOR TO 9 PM, UNLESS SUCH ANIMALS ARE TO BE BOARDED OVERNIGHT.
10. OUTDOOR PENS/RUNS PROHIBITED AND NO ANIMAL SHALL BE PENNED OUTSIDE AT ANY TIME.
11. OUTDOOR EXERCISE/RECREATION AREAS SHALL MEET THE FOLLOWING ADDITIONAL STANDARDS:
 - a. ANIMALS SHALL BE PERMITTED OUTSIDE FOR RECREATIONAL/EXERCISE PURPOSES ONLY.
 - b. ANIMALS SHALL NOT BE PERMITTED IN THE OUTSIDE RECREATION AREA BETWEEN THE HOURS OF 10:00 PM AND 6:00 AM.
 - c. THE EXERCISE/RECREATION AREA SHALL BE SIZED BASED UPON THE NUMBER INTERIOR OF PENS/RUNS, AND SHALL BE LOCATED IN THE REAR YARD.
 - d. OUTDOOR EXERCISE/RECREATION AREAS SHALL HAVE 6 FOOT TALL SCREENING FENCE SURROUNDING THE AREA.
 - e. A MINIMUM OF A FIVE (5) FOOT WIDE LANDSCAPED AREA SHALL BE PROVIDED ALONG THE EXTERIOR BOUNDARY OF THE RECREATION AREA. THE REQUIRED LANDSCAPE AREA SHALL HAVE BE PLANTED WITH TWO (2) SMALL TREES AND FIVE (5) SCREENING PLANTS PER EACH FIFTY (50) LINEAR FEET.
 - f. OUTDOOR EXERCISE/RECREATION AREAS SHALL BE LOCATED AT LEAST 100 FEET FROM ANY PROPERTY LINE, 150 FEET FROM ANY ADJACENT OCCUPIED RESIDENTIAL DWELLING, OR SUCH GREATER SETBACK AS REQUIRED BY OTHER APPLICABLE DISTRICT REGULATIONS.
 - g. IF NO OUTDOOR RECREATION AREA IS PROVIDED OR AVAILABLE, THEN ANY ANIMAL THAT IS ALLOWED OUTDOORS FOR EXERCISE OR RECREATION SHALL BE KEPT ON A LEASH AT ALL TIMES.
12. SUCH FACILITIES SHALL COMPLY WITH ALL APPLICABLE FEDERAL AND STATE REQUIREMENTS APPLICABLE TO THE FACILITY.
13. A SEWAGE DISPOSAL SYSTEM AND SANITARY CONTROL METHODS AS APPROVED BY THE VIRGINIA DEPARTMENT OF HEALTH SHALL BE REQUIRED. THIS PROVISIONS SHALL INCLUDE BUT NOT BE LIMITED TO THE SANITARY REMOVAL AND DISPOSAL OF SOLID WASTE, CARCASSES OR ANY OTHER ITEMS DEEMED NECESSARY FOR REMOVAL OR DISPOSAL DUE TO UNSAFE OR UNSANITARY CONDITIONS BY THE HEALTH DEPARTMENT.