



Clarke County Planning Commission

AGENDA – Briefing Meeting

Tuesday, March 4, 2014 – 3:00PM

Berryville/Clarke County Government Center– Main Meeting Room

- 1. Approval of Briefing Meeting Agenda**
- 2. Review Agenda Items for March 7, 2014 Regular Meeting**
- 3. Old Business Items**
 - a. TA-14-03, Establishment of Filing Deadlines for Rezoning, Special Use Permit, Site Plan, and Major Subdivision Applications**
 - b. TA-14-02, Administrative Land Divisions**
 - c. Discussion, Agricultural Lot Sizes and Land Divisions**
- 4. New Business Items**
 - a. Board of Supervisors Request -- Removal of Commercial Kennels, Animal Shelters, Veterinary Services, Animal Hospitals, and Breeding Kennels Uses as Special Uses from the AOC and FOC Districts and Establishing Them as By-Right Uses in the Highway Commercial (CH) District**
- 5. Other Business**
 - a. Update, Economic Development Strategic Plan Subcommittee**
- 6. Adjourn**



Clarke County Planning Department
101 Chalmers Court, Suite B
Berryville, Virginia 22611
(540) 955-5132

TO: Planning Commission members

FROM: Brandon Stidham, Planning Director

RE: TA-14-03, Establishment of Filing Deadlines for Rezoning, Special Use Permit, Site Plan, and Major Subdivision Applications

DATE: February 28, 2014

Attached for your review is Staff's initial draft of text amendments to the Zoning and Subdivision Ordinances to add filing deadlines, pre-application conference requirements, and other provisions to provide tighter structure to the review of applications for rezoning, special use permits, site plans, and major subdivisions.

The Site Plan Subcommittee reviewed this issue and provided a series of recommendations to the Commission at the February 4 briefing meeting which were accepted as follows:

- Require that applicants must submit all materials pertaining to the technical elements of the application no later than 14 days prior to the first public hearing and 10 days prior to any continued public hearing. Any materials submitted after these deadlines would not be considered by the Commission at that meeting.
- Establish pre-application meetings as a prerequisite for filing an application.
- Implement a re-advertising fee that would be assessed to applicants that fail to provide all materials by the filing deadline, necessitating deferral and re-advertisement of a scheduled public hearing.

The Commission also accepted Staff's recommendation to amend the current 100-day time frame for the Commission to act on a site plan to reflect State code requirements – 60 days to act on the initial review of a site plan and 45 days to act on review of a re-submitted site plan following denial.

The attached initial draft incorporates the aforementioned items and includes comment boxes indicating how the items are proposed to be incorporated into the Zoning and Subdivision Ordinances. Additionally, Staff has included recommended language regarding applicant-initiated deferrals intended to complement the imposition of a re-advertising fee. The proposed language would authorize Staff to accept an applicant-initiated deferral if made prior to finalizing the public hearing advertisement and to advance the item to the next Commission meeting agenda. This would encourage applicants with incomplete submissions to request deferrals before we incur advertising costs, thereby enabling them to avoid paying a re-

advertising fee. As noted in the proposed language, the deferral request would have to be for good cause.

Staff originally intended to have this text amendment ready this month for the Commission to consider setting public hearing. However during our work on the amendment we identified another issue that Bob Mitchell is currently reviewing for us. Once we have resolved this issue, we will have Mr. Mitchell review the full text amendment for legal conformance. We also plan to have our engineering consultant review and provide comment from a process standpoint before recommending the Commission set public hearing. Since our work is incomplete at this time, we will work towards providing a complete staff report and text amendment at your April meeting. We welcome your comments and questions on the current draft at the briefing meeting.

Should you have questions or concerns in advance of the briefing meeting on this topic, please do not hesitate to contact me.

DRAFT

ZONING ORDINANCE TEXT AMENDMENT – FILING DEADLINES (TA-14-03)

5 Special Use Permits

5-B-1-c

Pre-application Conference Requirement.

No less than seven (7) days prior to filing an application, a pre-application conference shall be held between the Applicant and the Zoning Administrator. The Applicant shall provide the following items for review which shall be retained by the Zoning Administrator as the initial public record for the application:

- 1. A conceptual or draft site plan showing the subject property, general site layout, and main elements to be proposed as part of the application.*
- 2. A written description of the proposed special use including operational details such as the nature of the special use, hours of operation, number of employees, and measures to mitigate impacts on surrounding properties.*

Comment [CC1]: Added pre-application conference requirement.

5-B-1-d

The Zoning Administrator may require such other information to be submitted, as the Zoning Administrator deems necessary for a proper and intelligent consideration of the application. **The Zoning Administrator may also establish regular filing deadlines to ensure that there is sufficient time to evaluate the application prior to the Planning Commission's initial review.**

Comment [CC2]: Added establishment of initial application filing deadlines.

5-B-1-e

Deadlines for Applicant Submission of Materials Prior to Public Hearing.

Following the filing of a complete application, the Applicant shall provide any new or revised materials demonstrating compliance with required technical elements no less than 14 days prior to the first Public Hearing and no less than 10 days prior to any continued Public Hearing. Required technical elements include any regulations governing site development such as building and lot dimensions, use standards, and site development plan elements.

Comment [CC3]: Added 14 and 10 day deadlines for applicant to file any new or revised materials addressing compliance with required technical elements.

5-B-1-f

Deferral of Application

An applicant may request that consideration of a special use permit application at a public hearing be deferred by submitting a written request for deferral to the Zoning Administrator.

Comment [CC4]: Added process for granting of deferrals administratively by Staff or by the reviewing body (PC or BOS). Also added re-advertisement fee for deferrals received after finalizing the public hearing ad.

- 1. If the deferral request is provided to the Zoning Administrator prior to finalizing the Public Hearing advertisement for consideration by the Planning Commission or Board of Supervisors, the Zoning Administrator shall determine whether to grant the deferral request. A request for deferral shall be approved only for good cause. If such request is approved by the Zoning Administrator, the application shall be advanced to the next regularly scheduled meeting of the Planning Commission or Board of Supervisors.*

DRAFT

2. *If the deferral request is provided after finalizing the Public Hearing advertisement, the request for deferral shall be placed on the public hearing agenda on the date the application is to be considered and acted upon by the body. The body may approve the request for deferral for good cause. The applicant shall be responsible for a re-advertising fee which shall be paid in full, prior to the application being placed on an upcoming public agenda.*

6. Site Development Plans

6-E-1 Pre-Application Conference

~~All applicants shall first submit a sketch plan and request a pre-application conference with the Agent to discuss the basic site development scheme, basic ordinance requirements, and preliminary features of the proposed development as they relate to this Section.~~

No less than seven (7) days prior to filing an application, a pre-application conference shall be held between the Applicant and the Agent. The Applicant shall provide for review a conceptual or draft site plan showing the subject property, general site layout, and main elements to be proposed as part of the application. The draft site plan and any additional materials provided by the Applicant shall be retained by the Agent as the initial public record for the application.

- 6-E-2-c The Agent shall forward copies of the site plan ~~for to~~ all applicable agencies and officials for written comments and recommendations. After receiving such comments and recommendations, the Agent shall prepare a report for the Administrative Body. ~~The~~ *Agent may establish regular filing deadlines to ensure that there is sufficient time to evaluate the site plan application prior to the Administrative Body's initial review.*

6-E-3 Action on Site Plan Application

6-E-3-a Time Period

~~I.~~ *After receiving a complete application from the Agent, the Administrative Body shall consider the application at the next regular monthly meeting. Within 100 days of this first meeting 60 days of the filing of a complete application, the Administrative Body shall act to approve, approve with conditions, or deny the site plan. Failure of the Administrative Body to act within this 100 day 60 day period shall be deemed approval of the site plan unless an extension of the time period is agreed upon by the Administrative Body and the applicant.*

Comment [CC5]: Amended current pre-application conference language to match new language.

Comment [CC6]: Added establishment of initial application filing deadlines.

Comment [CC7]: Corrected 100-day review rule by replacing with 60 and 45 day rule as required by State Code.

DRAFT

2. *In the event that a site plan is denied by the Administrative Body, the applicant shall have 60 days from the date of plan denial to resubmit the site plan with corrections to address the grounds for denial. Within 45 days of filing a resubmitted application, the Administrative Body shall act to approve, approve with conditions, or deny the site plan. Failure of the Administrative Body to act within this 45 days period shall be deemed approval of the site plan unless an extension of the time period is agreed upon by the Administrative Body and the applicant.*
3. *If the applicant to resubmit a corrected site plan for review within 60 days of denial by the Administrative Body, the applicant shall be required to file a new site plan application and pay all required review fees.*

6-E-3-b Public Notice and Hearings

1. Action on site plans, not requiring an ordinance amendment, are administrative and do not require public notice or public hearings. However, the Administrative Body may provide public notice and hold public hearings on the site plan request, if it deems it desirable. If the Planning Commission deems it necessary to hold a public hearing on the Site Plan, such public hearing shall be held in accordance with the requirements of Section 10-E of this ordinance.
2. **Following the filing of a complete application, the Applicant shall provide any new or revised materials demonstrating compliance with required technical elements no less than 14 days prior to the Administrative Body's initial review, and no less than 10 days prior to any subsequent review by the Administrative Body. Required technical elements include any regulations governing site development such as building and lot dimensions, use standards, and site development plan elements.**
3. **Deferral of Application**
An applicant may request that consideration of a site plan application at a public hearing be deferred by submitting a written request for deferral to the Agent.
 - (a) *If the deferral request is provided to the Agent prior to finalizing the Public Hearing advertisement for consideration by the Administrative Body, the Agent shall determine whether to grant the deferral request. A request for deferral shall be approved only for good cause. If such request is approved by the Agent, the*

Comment [CC8]: Added 14 and 10 day deadlines for applicant to file any new or revised materials addressing compliance with required technical elements. Made applicable to Planning Commission's review of plan, whether or not a public hearing is held.

Comment [CC9]: Added process for granting of deferrals administratively by Staff or by the Administrative Body. Also added re-advertisement fee for deferrals received after finalizing the public hearing ad.

DRAFT

application shall be advanced to the next regularly scheduled meeting of the Administrative Body.

- (b) *If the deferral request is provided after finalizing the Public Hearing advertisement, the request for deferral shall be placed on the public hearing agenda on the date the application is to be considered and acted upon by the Administrative Body. The Administrative Body may approve the request for deferral for good cause. The applicant shall be responsible for a re-advertising fee which shall be paid in full, prior to the application being placed on an upcoming public agenda*

8 Amendments

8-B-1 Petition of Property Owner

8-B-1-d **Pre-application Conference Requirement.**

No less than seven (7) days prior to filing an application for an amendment to the official Zoning Map (Rezoning), a pre-application conference shall be held between the Applicant and the Zoning Administrator. The Applicant shall provide the following items for review which shall be retained by the Zoning Administrator as the initial public record for the application:

- 1. A survey plat showing the subject property and the area(s) to be re-zoned.*
- 2. A conceptual or draft site plan showing the subject property, general site layout, and main elements to be proposed as part of the application.*
- 3. A written description of any proposed development and use(s) including operational details such as the nature of the use, proposed physical improvements, and measures to mitigate impacts on surrounding properties.*
- 4. A draft list of proffered conditions, if applicable.*

8-B-1-e *The Zoning Administrator may require such other information to be submitted, as the Zoning Administrator deems necessary for a proper and intelligent consideration of the application. **The** Zoning Administrator may also establish regular filing deadlines to ensure that there is sufficient time to evaluate the application prior to the Planning Commission's initial review.*

8-B-1-f **Deadlines** *for Applicant Submission of Materials Prior to Public Hearing. Following the filing of a complete application, the Applicant shall provide any new or revised materials demonstrating compliance with required technical elements no less than 14 days prior to the first Public Hearing and no less than 10 days prior to any continued Public Hearing. Required technical elements*

Comment [CC10]: Added pre-application conference requirement.

Comment [CC11]: Added establishment of initial application filing deadlines.

Comment [CC12]: Added 14 and 10 day deadlines for applicant to file any new or revised materials addressing compliance with required technical elements.

DRAFT

include any regulations governing site development such as building and lot dimensions, use standards, and site development plan elements.

8-B-1-g

Deferral of Application

An applicant may request that consideration of a rezoning application at a public hearing be deferred by submitting a written request for deferral to the Zoning Administrator.

1. *If the deferral request is provided to the Zoning Administrator prior to finalizing the Public Hearing advertisement for consideration by the Planning Commission or Board of Supervisors, the Zoning Administrator shall determine whether to grant the deferral request. A request for deferral shall be approved only for good cause. If such request is approved by the Zoning Administrator, the application shall be advanced to the next regularly scheduled meeting of the Planning Commission or Board of Supervisors.*
2. *If the deferral request is provided after finalizing the Public Hearing advertisement, the request for deferral shall be placed on the public hearing agenda on the date the application is to be considered and acted upon by the body. The body may approve the request for deferral for good cause. The applicant shall be responsible for a re-advertising fee which shall be paid in full, prior to the application being placed on an upcoming public agenda.*

Comment [CC13]: Added process for granting of deferrals administratively by Staff or by the reviewing body (PC or BOS). Also added re-advertisement fee for deferrals received after finalizing the public hearing ad.

DRAFT

SUBDIVISION ORDINANCE TEXT AMENDMENT – FILING DEADLINES

4-A EXPLORATORY SKETCH PLAN

4-A-4 **The Exploratory Sketch Plan shall be retained by the Zoning Administrator as the initial public record for the application.**

Comment [CC1]: Current ordinance language is sufficient for pre-application conference. Added language to note that the Exploratory Sketch Plan will be retained as a public document.

4-C ACCEPTANCE FOR FILING

4-C-3 **The Zoning Administrator may require such other information to be submitted, as the Zoning Administrator deems necessary for a proper and intelligent consideration of the application. The Zoning Administrator may also establish regular filing deadlines to ensure that there is sufficient time to evaluate the application prior to the Planning Commission's initial review.**

Comment [CC2]: Added establishment of initial application filing deadlines.

4-F PUBLIC HEARING

4-F-1 a. A public hearing shall be required for any proposed major subdivision, and the Planning Commission shall give notice of a public hearing in accordance with Section 4-F-2 of this ordinance. No public hearing shall be required for a minor subdivision.

b. **Deadlines for Applicant Submission of Materials Prior to Public Hearing. Following the filing of a complete application, the Applicant shall provide any new or revised materials demonstrating compliance with required technical elements no less than 14 days prior to the first Public Hearing and no less than 10 days prior to any continued Public Hearing. Required technical elements include any regulations governing site development such as lot dimensions and plat requirements.**

Comment [CC3]: Added 14 and 10 day deadlines for applicant to file any new or revised materials addressing compliance with required technical elements.

4-F-2-f **Deferral of Application**
An applicant may request that consideration of a subdivision application at a public hearing be deferred by submitting a written request for deferral to the Zoning Administrator.

Comment [CC4]: Added process for granting of deferrals administratively by Staff or by the reviewing body (PC or BOS). Also added re-advertisement fee for deferrals received after finalizing the public hearing ad.

1. **If the deferral request is provided to the Zoning Administrator prior to finalizing the Public Hearing advertisement for consideration by the Planning Commission, the Zoning Administrator shall determine whether to grant the deferral request. A request for deferral shall be approved only for good cause. If such request is approved by the Zoning Administrator, the application shall be advanced to the next regularly scheduled meeting of the Planning Commission.**
2. **If the deferral request is provided after finalizing the Public Hearing advertisement, the request for deferral shall be placed on the public hearing agenda on the date the application is to be considered and acted upon by the body. The body may approve the request for deferral for**

DRAFT

good cause. The applicant shall be responsible for a re-advertising fee which shall be paid in full, prior to the application being placed on an upcoming public agenda.



Clarke County Planning Department
101 Chalmers Court, Suite B
Berryville, Virginia 22611
(540) 955-5132

TO: Planning Commission members

FROM: Brandon Stidham, Planning Director

RE: TA-14-02, Administrative Land Divisions

DATE: February 28, 2014

Following the Planning Commission's February 7, 2014 meeting, Planning Staff met with County Attorney Bob Mitchell to discuss alternate approaches to address concerns with administrative divisions of 100 acre parcels and boundary line adjustments as occurred in the recent Runyon plat transactions. Mr. Mitchell is currently working on this issue and will provide correspondence prior to the Commission's briefing meeting.

In the near term, Staff is looking for direction from the Commission regarding moving forward with the balance of the amendment language that was proposed in TA-14-02 last month. These items include:

- Establishing a definition for "administrative land divisions" for transactions resulting in the creation of two or more parcels with each parcel being a minimum of 100 acres.
- Adding "administrative land divisions" to the list of exemptions under the definition of "subdivide."
- Clarifying language indicating that the Zoning Administrator acts for the Planning Commission in reviewing administrative land division plats.
- Requiring administrative land divisions proposed to be served by a private road to meet the County's private access easement design standards.
- Requiring administrative land divisions to meet utility installation design requirements.

A copy of this proposed text amendment language is attached for your review. Should the Commission wish to move forward with the language, we can add this to the regular meeting agenda to set public hearing for the April 4 meeting. The Commission can also choose to defer action on this amendment until Mr. Mitchell has provided his comments.

Please do not hesitate to contact me in advance of the meeting if you have questions or concerns.

ZONING ORDINANCE TEXT AMENDMENT (TA-14-02)
Administrative Land Divisions
(March 4, 2014 Planning Commission Briefing Meeting)

Amendment Text (proposed changes in bold italics with strikethroughs where necessary):

2-B-1

Administrative Land Division. A division of land into two or more parcels with each parcel being a minimum of 100 acres. Such divisions shall not be considered a major or minor subdivision and shall be acted upon administratively by the Zoning Administrator.

2-B-50 SUBDIVIDE: To divide any tract, parcel, or lot of land into two or more parts,
(2/16/01) with the following exceptions:

2-B-50-(a) Boundary Line Adjustments (see Special Regulations, Article 10-D).

2-B-50-(b) The use of one of the parcels will be public utility uses and not more than
(6/21/05) two parcels would result from the division of land.

2-B-50-(c) All persons proposing to divide and/or merge land who contend such
(6/13/89) division is exempted from the provisions of this Ordinance under
(2/20/90) subsections (a) or (b), above, shall submit to the Zoning Administrator a
(7/20/93) plat of the proposed division, or other documents, plats, or evidence
(6/21/05) satisfactory to the Zoning Administrator, and if in the opinion of the
 Zoning Administrator the division is accepted, he shall so certify on said
 plat or on the deed of conveyance by which the property is to be divided.
 The Zoning Administrator's certificate shall state that the division is
 accepted under (a) or (b), above, and shall be signed by the Zoning
 Administrator. No person shall record a plat or conveyance for the
 division of land without complying with the provisions of this Ordinance
 or without the Zoning Administrator's certificate as aforesaid.

2-B-50-(d) Administrative Land Divisions

3-A-2. The Commission may act through its Zoning Administrator and/or Planning Staff duly appointed as provided in Section 15.2-2217 of the Code of Virginia, to the extent that the Commission finds appropriate for the administration of this Ordinance; provided, however, that no person may act for the Commission in approving, conditionally approving, or disapproving any Preliminary Plat or Record Plat ***of a major or minor subdivision.*** ~~except~~ The Zoning Administrator shall act for the Commission in approving, conditionally approving, or disapproving any ***Preliminary Plat or Record Plat in which all lots proposed are 100 acres or greater in area of an administrative land division.***

4-M. Administrative Land Divisions.

- 1. If one or more of the parcels resulting from an administrative land division are to be served by a private access easement, the private access easement shall comply with all applicable design requirements set forth in §8-J.***

- 2. Utility installation on parcels resulting from an administrative land division shall comply with all applicable design requirements set forth in §8-G. The Zoning Administrator shall have the authority to act on behalf of the Planning Commission in applying §8-G-1, §8-G-3, and §8-G-11.***



Clarke County Planning Department
101 Chalmers Court, Suite B
Berryville, Virginia 22611
(540) 955-5132

TO: Planning Commission members

FROM: Brandon Stidham, Planning Director

RE: Discussion, Agricultural Lot Sizes and Land Divisions

DATE: February 28, 2014

At the February 4 briefing meeting, the Commission agreed by consensus to begin discussion of the long-term policy issues regarding agricultural lot sizes and land divisions as a committee of the whole at the March 4 briefing meeting. These policy issues were developed by Staff and presented to the Policy Committee as part of their discussion of administrative divisions and boundary line adjustments in January. The Policy Committee included as part of their list of recommendations that the Commission as a whole begin a discussion of these issues.

For your reference and discussion at the briefing meeting, attached is a copy of the long-term policy issues that were included in the Staff Report to the Policy Committee. Please do not hesitate to contact me in advance of the meeting if you have questions or concerns.

PLANNING COMMISSION POLICY COMMITTEE
January 28, 2014 meeting

Long-Term Policy Issues:

1. Consider raising the minimum area of parcels reduced in size by boundary line adjustment.

§10-D-1-c allows for boundary line adjustments between agricultural lots provided that no resulting lot is less than 20 acres. §10-D-1-e defines for the purpose of boundary line adjustment an agricultural lot as “a tract of 20 or more acres.” These two sections were amended in the mid-1990s and previously parcels of 40 acres or greater were exempt from Subdivision Ordinance requirements. Any decision to increase this minimum acreage should be tied to the long-term consideration of establishing a minimum agricultural lot size (see below).

2. Consider creating an alternative form of large lot subdivisions.

The current maximum lot size in the AOC District is three acres with exceptions allowed for pre-1980 houses and land in conservation easement. The County through zoning has protected larger parcels for agriculture through the current zoning, although what the county may really be preserving is open space that can be used either for agricultural uses or strictly as open space conservation. Staff has spoken to a number of farmers and all have stated that purchasing land in Clarke for agriculture has become cost prohibitive and therefore most traditional farmers lease land to expand their operation. The minimum amount of land that they like to lease is 50 acres.

One approach could be to create an alternative form of subdivision by allowing parcels with a minimum area of 50 acres that are required to be placed in permanent conservation easement. Creation of such parcels would be by major or minor subdivision and would be reviewed by the Planning Commission. To facilitate agriculture on these parcels, special building envelope requirements could be developed to ensure that home sites are situated to maximize use of the acreage for pasturing or crop production. Well and drainfield design requirements could also be imposed to ensure that the location of these features does not impede the potential agricultural use of the property.

As a comparison, a 200 acre parcel with six DURs can be subdivided into five three-acre lots for a total of 15 acres and the remaining 185 acres as a residual parcel with one DUR. Allowing a 50 acre parcels would expand the development options for this parcel including securing more land in permanent conservation easement and potentially allowing family farms with flexibility to continue operating.

3. **Consider establishing a uniform minimum lot size for AOC-zoned agricultural parcels.**

As noted above, the Zoning Ordinance establishes lot size requirements for single family residential dwellings – minimum of two acres, maximum of four acres, average of three acres with the ability to obtain a maximum lot size exception under certain circumstances. The Zoning Ordinance does not specify a minimum lot size for agricultural parcels. The Subdivision Ordinance does reference larger minimum lot sizes for specific purposes. For the purpose of boundary line adjustments, §10-D-1-e states that the minimum lot size for an agricultural lot is 20 acres (a residential lot is any parcel under 20 acres in size). For the purpose of reviewing water and sewage disposal systems in conjunction with the review of a major or minor subdivision, such technical information is required to be shown for all lots less than 40 acres in area.

Staff recommends that the Policy Committee (and ultimately the full Planning Commission) consider establishing a uniform minimum lot size for AOC-zoned agricultural parcels. Rather than creating this lot size based on anecdotal examples of land divisions that have occurred in the past, the Committee should consider all of the policy issues affecting this topic including:

- The County’s vision for all forms of agriculture in the future.
- The changing needs of the agricultural community (consider reaching out to the Farm Bureau and other agricultural organizations).
- The County’s approach for securing permanent conservation easements in critical areas (e.g., groundwater recharge area) and areas where easements are lacking (e.g., northern portion of the County).

Once a minimum lot size is determined, Staff recommends placing this information and the rationale for selecting that size in the County’s Comprehensive Plan and Agricultural Land Plan.



Clarke County Planning Department
101 Chalmers Court, Suite B
Berryville, Virginia 22611
(540) 955-5132

TO: Planning Commission members

FROM: Brandon Stidham, Planning Director

RE: Board of Supervisors Request – Removal of Commercial Kennels, Animal Shelters, Veterinary Services, Animal Hospitals, and Breeding Kennels as Special Uses in the AOC and FOC Districts and Establishing Them as By-Right Uses the Highway Commercial (CH) District

DATE: February 27, 2014

At their February 18 meeting, the Board of Supervisors voted unanimously to request the Planning Commission to evaluate the concept of removing commercial kennels, animal shelters, veterinary services, animal hospitals, and breeding kennels uses from the AOC and FOC Districts as a special use and establishing them as by-right uses in the Highway Commercial (CH) District. The Board requested that the Commission provide a formal recommendation on this request including review of the individual uses that are grouped within this category.

The Zoning Ordinance currently lists the aforementioned uses as follows in the AOC and FOC districts as special uses:

Veterinary Services, Animal Hospitals, Commercial Boarding Kennels of more than 5 canine or feline animals, Breeding Kennels of more than 15 canine animals, Animal Shelters (§3-A-1-a-3-u and §3-A-2-a-3-q)

The aforementioned uses are also currently listed as by-right uses in the Highway Commercial (CH) District:

Veterinary Services, Animal Hospitals, Commercial Boarding Kennels, Breeding Kennels (§3-A-13-a-1-v)

For reference, “*veterinary hospitals (small animals), exclusive of outdoor boarding kennels,*” are listed as by-right uses in the Berryville Area Business Commercial (BC) and Business (B) Districts. The uses are considered to be prohibited uses in all other districts. Use standards are found in §3-C-2-kk.

The Board’s request could be accommodated by a text amendment that would delete §3-A-1-a-3-u and §3-A-2-a-3-q from the Zoning Ordinance, thereby removing these uses and making them prohibited uses in the AOC and FOC Districts. Staff recommends that the Commission discuss the pros and cons of this approach either as a committee of the whole or by forwarding the matter to the Policy Subcommittee for further review. Included in this evaluation should be the review

of the individual uses grouped in this category and whether any could remain in the AOC and FOC Districts as special uses with or without additional use standards. Should you have questions or concerns in advance of the briefing meeting on this topic, please do not hesitate to contact me.