



# Clarke County Planning Commission

**AGENDA – Briefing Meeting**

**Tuesday, April 1, 2014 – 3:00PM**

**Berryville/Clarke County Government Center– Main Meeting Room**

- 1. Approval of Briefing Meeting Agenda**
- 2. Review Agenda Items for April 4, 2014 Regular Meeting**
- 3. Old Business Items**
  - a. TA-14-02, Administrative Land Divisions**
  - b. TA-14-03, Establishment of Filing Deadlines for Rezoning, Special Use Permit, Site Plan, and Major Subdivision Applications**
  - c. 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**
- 4. New Business Items**
  - a. Discussion, Formation of Recreation Plan Subcommittee**
- 5. Other Business**
  - a. Update, Economic Development Strategic Plan Subcommittee**
- 6. Adjourn**



**Clarke County Planning Department**  
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**(540) 955-5132**

**TO: Planning Commission members**

**FROM: Brandon Stidham, Planning Director**

**RE: TA-14-02, Administrative Land Divisions and TA-14-03, Establishment of Filing Deadlines for Rezoning, Special Use Permit, Site Plan, and Major Subdivision Applications**

**DATE: March 28, 2014**

The purpose of this memo is to update you on the status of Staff's work on the text amendments dealing with administrative land divisions (TA-14-02) and establishment of filing deadlines (TA-14-03). At the March 4 briefing meeting, the Commission requested Staff to conduct the following work on the text amendments:

TA-14-02 Administrative Land Divisions

- Develop new amendment language that would require Commission review of administrative land division/boundary line adjustment transactions that would result in the creation of more than three new lots.

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

- Clarify language in 6-E-3-b-1 to clearly state that the Commission acts on site plans and not Planning Staff.
- Make public hearings and public notice on site plan reviews a requirement. The ordinance currently makes public hearings optional although it has been the Commission's practice to conduct advertised public hearings and notify adjoining property owners.
- Develop a timeline that maps the milestones and deadlines in the review process for demonstrative purposes.

Both text amendments have been forwarded to County Attorney Bob Mitchell for review. In the event that Mr. Mitchell is able to complete his review prior to the briefing meeting, Staff will provide a revised report for your consideration and discussion via email early next week. Staff has not included these text amendments on your April 4 meeting agenda to set public hearing at this time.

In regards to the Filing Deadlines text amendment, Joshua Turner (Anderson & Associates) has completed his review and has no outstanding concerns with the text amendment. Mr. Turner was asked to review the amendment from a process standpoint in his role as County consulting engineer. Staff has included a copy of the draft process timeline in the briefing meeting packet for your review. Please note that the timeline will likely change as a result of Mr. Mitchell's review of the amendments. At least one issue has been identified on the timeline – the 60-day time period that the Commission has to review and act on site plans.

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

**TA-14-03 -- FILING DEADLINES  
DRAFT PROCESS TIMELINE**

**RECOMMENDED REVIEW PROCESS REQUIREMENTS AND DEADLINES**

- Pre-application conference – A formal pre-application conference is to be held with Planning Staff as an application filing requirement no less than seven (7) business days prior to filing the application. The meeting would include Planning Staff and the County’s engineering consultant and would be used to answer any questions that the applicant and/or their engineer may have about the review process. Requiring pre-application meetings would help to encourage more complete and accurate filings.
- Application filing deadline – The application filing deadline would be the first Friday of each month prior to close of business. In the event that the Planning Department is closed, the deadline would be moved to close of business on the next available business day. An application that is filed by the deadline will be taken to the Planning Commission the following month to set public hearing two months from the filing deadline. Failure to file by the deadline will automatically advance the application to the next filing deadline. Filing deadlines would be set on an annual basis and publicized on the County website.

Applicants would be permitted to file prior to the deadline but for purposes of computing statutory review timeframes, the date of application would be measured from the monthly application filing deadline. For site plans that have been effectively “denied” by the Planning Commission for corrections, the application filing deadline shall apply to the applicant’s corrected resubmission.

- Application completeness determination – Planning Staff will review the application submission and determine whether all required elements are included within two business days of filing.
- Routing of application and plans. Once an application is determined to be complete, it will be routed to reviewing agencies and the County’s engineering consultants. Planning Staff will request all comments back within two weeks although it should be noted that some State agencies may take longer to respond with comments. Planning Staff will provide comments to the applicant as they are received with the goal of providing all comments on technical elements to the applicant within two weeks of the 14-day deadline.
- 14-day submission deadline – Applicants will be required to submit all documentation demonstrating compliance with technical requirements no less than 14 days prior to the scheduled public hearing. Any documentation submitted after the 14 day deadline would not be considered by the Planning Commission or Board of Supervisors.
- 10-day submission deadline for continued public hearings/deferred meetings – In the event of a continued public hearing or closed public hearing and deferral, applicants will

be required to submit all documentation demonstrating compliance with technical requirements no less than 10 days prior to the date of the continued public hearing. As with the 14-day deadline, any documentation submitted after the 10-day deadline would not be considered by the Planning Commission or Board of Supervisors.

## REVIEW PROCESS EXAMPLE

The example below uses April 2014 for demonstrative purposes as the application filing month. This process would be applicable to the review of site plans, special use permits, major subdivisions, and rezoning requests. The number of days in bold type is the number of days elapsed since the application completeness deadline.

- Pre-application meeting – No earlier than March 28 (7 days prior to filing deadline).
- Application deadline – Friday, April 4
- Application completeness review deadline – Tuesday, April 8 [**4 days**]
- Application routed to review agencies and engineering consultants – Wednesday, April 9 [**5 days**]
- Deadline for agencies/consultants to return comments – Friday, April 25 (assumes two-day delivery time) [**21 days**]
- Set public hearing – Friday, May 2 (for June 6 meeting) [**28 days**]
- 14-day submission deadline for materials from the Applicant – Friday, May 23 [**49 days**]
- Planning Commission meeting packet finalized – Friday, May 30 [**56 days**]
- Public hearing and Commission action – Friday, June 6 [**63 days**]

### For Resubmission of Denied Site Plan:

- Application deadline for resubmission – Friday, July 11 [**45-day clock begins**].
- Application routed to review agencies and engineering consultants – Monday, July 14 [**3 days**].
- Deadline for agencies/consultants to return comments – Wednesday, July 23 (assumes two-day delivery time) [**12 days**].
- 10-day submission deadline for materials from the Applicant – Monday, July 28 [**17 days**].
- Planning Commission meeting and action – Friday, August 8 [**28 days**]

**Comment [CC1]:** Note – this example would NOT work for site plan reviews. We would need to establish a different deadline for site plans to ensure that we meet the 60 day deadline required by state code.

## **KENNEL AND ANIMAL CARE-RELATED USES IN NEARBY JURISDICTIONS**

### **SUMMARY**

At the March 4, 2014 briefing meeting, the Planning Commission requested Staff to review the kennel regulations of nearby localities and to provide a summary report for consideration at the April 1 briefing meeting. Staff researched seven localities – Warren, Fauquier, Shenandoah, Rappahannock, Culpeper, Frederick, and Loudoun – specifically to identify in which districts kennels and animal care-related uses are permitted (by right and by special permit), how the jurisdictions define these uses, and whether they have specific use standards. Findings are summarized separately below along with detailed information from each county’s ordinance.

All of the counties researched have review processes that are similar to ours, requiring a special permit in many cases (special use permit, conditional use permit, or special exception) for kennel and animal care-related uses. Loudoun County has an additional regulatory process requiring a kennel applicant to obtain a kennel permit from the Board of Supervisors as a prerequisite to obtaining zoning approval via special exception. The kennel permit is regulated by a separate section of their County code and is managed through their Animal Control department. Loudoun is currently working to eliminate this kennel permitting process and will rely solely on the zoning review/special exception processes to evaluate future kennel applications.

### **Allowable uses**

The Clarke County Zoning Ordinance allows Veterinary Services, Animal Hospitals, Commercial Boarding Kennels of more than 5 canine or feline animals, Breeding Kennels of more than 15 canine animals, and Animal Shelters by special use permit in the AOC and FOC Districts. Veterinary Services, Animal Hospitals, Commercial Boarding Kennels, and Breeding Kennels are allowed by-right in the Highway Commercial (CH) District. 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). These uses are prohibited in all other districts including all residential districts.

### **Agricultural Districts**

In reviewing the nearby counties, Staff noted that all allow kennels in their agricultural zoning districts either by-right or by special permit (special use, conditional use, or special exception). Both Shenandoah and Rappahannock Counties allow kennels by-right in their agricultural districts. Warren, Fauquier, Culpeper, Frederick, and Loudoun all allow kennels in their agricultural districts with a special permit. Additionally, Loudoun has an “animal care business” use that is allowed by right in their Agricultural-Rural Districts (AR-1 and AR-2) – this use is limited to services for livestock and farm animals. Loudoun also allows animal hospitals by-right in their AR-1 and AR-2 Districts.

### **Residential Districts**

Most of these counties prohibit kennels at least to some degree in their residential districts. Shenandoah, Culpeper, and Frederick prohibit kennels in all residential districts. Frederick allows veterinary services, clinics, and hospitals without boarding in their Residential Performance (RP) District. Warren County only allows noncommercial kennels in residential districts by special permit, and Fauquier allows kennels by special permit in two residential

districts (RR-2 and R-1). Rappahannock allows kennels by right in their RR-5 District. Loudoun allows indoor kennels by right in their Transitional Residential (TR-3 and TR-10) Districts.

### Business Districts

Staff discovered that kennels and animal care-related uses are not uniformly allowed by right in business zoning districts across the seven counties that were studied. Culpeper and Frederick do not allow kennels in their business districts but Frederick allows veterinary services, clinics, and hospitals by special permit in their B-1 District and animal specialty services by special permit in B-3. Warren County allows kennels, veterinary services and animal hospitals in their commercial districts by special permit. Fauquier County allows kennels by right in their Highway Commercial and Business Park Districts and by special permit in the Neighborhood Commercial and Commercial Village Districts. Shenandoah County only allows veterinary hospitals and kennels by right in their Limited Industrial Districts and prohibits them from their commercial districts. Rappahannock County allows kennels by right in their Commercial Village District. Loudoun County allows kennels by special permit in their Joint Land Management Area Districts (JLMA-3 and JLMA 20), animal hospitals by special permit in these districts, and veterinary services by right in these districts. Loudoun also requires special permits for animal hospitals and all kennels in their Countryside Village District and allows veterinary services by right in the district.

### **Definitions**

The Clarke County Zoning Ordinance contains a definition for “kennel” that is tied to the receipt of compensation and also the requirement that the kennel be an accessory use to a single-family detached dwelling. This latter requirement was not found in the ordinances of any of the jurisdictions that were researched, although many tie their definition of “kennel” to receipt of compensation. The County Ordinance also contains separate definitions for commercial boarding kennel, breeding kennel, and animal shelter. The definition of “animal shelter” is not tied to the receipt of compensation.

Three counties – Shenandoah, Culpeper, and Frederick – all have a single definition of “kennel.” Culpeper and Frederick tie their definitions to receipt of compensation but Shenandoah does not. None of these three counties have separate definitions for animal shelters or veterinary services.

Warren County has separate definitions for commercial kennel, noncommercial kennel, and boarding kennel with use standards for each that are discussed in more detail below. Fauquier County has a single definition for kennel that is tied to receipt of compensation as well as separate definitions for animal shelter (governmental) and veterinary clinic; Rappahannock’s definitions are very similar to Fauquier’s definitions. Fauquier also considers animal shelters and kennels to be “agriculturally-related” when located in a Commercial (C-2) District.

Loudoun County has separate definitions for “kennel” and “indoor kennel” as well as for animal care business, animal hospital, and animal services. Loudoun is the only county that defines an “indoor kennel” separately, allowing an array of uses but prohibiting any outdoor activities. Loudoun is also the only county that has a separate definition for a facility servicing livestock and farm animals – “animal care business.”

## Use Standards

Use standards are special regulations that apply to a specific use or set of uses and can consist of additional setbacks and buffers, hours of operation, special design requirements, and the like. Clarke County's use standards for kennels include additional setback requirements, confinement rules, hours of operation and sound-proofing requirements.

Two jurisdictions – Shenandoah and Culpeper – do not have additional use standards for kennels and animal care-related uses. Frederick has limited standards requiring confinement to secure pens or structures and additional buffers and screens. Fauquier County has a minimum lot size of 2 acres for kennels (20 acres in R-1 District), additional setbacks, soundproofing/odor control requirements, confinement requirements, waste collection requirements, and a maximum of 10 dogs per acre. For veterinary clinics, Fauquier also requires a fully enclosed building and direct access to a major collector road if in a residential or rural district unless the traffic to be generated would not cause an undue impact on neighboring property owners. Rappahannock's standards are similar to Fauquier's standards but they do not have a road access requirement.

Loudoun's standards for indoor kennels require the building to have no exterior openings except for ventilation and ingress/egress, an animal waste handling plan, and other requirements imposed during the special exception review process. Indoor kennels are also limited to a percentage of the floor area for retail, veterinary, animal hospital, and grooming uses. Kennel standards include additional setbacks, landscaping and screening, outdoor lighting, maximum allowable dB(A) level of 55 dB(A) at the property line, and parking requirements. Kennels must also meet the County's road access standards which address pavement type and design as opposed to Fauquier County's functional classification approach.

Warren County has the most recent use standards that were adopted in early 2013 and the most extensive of the counties researched. For non-commercial, commercial, and boarding kennels, these include:

- Additional setbacks
- Requirement that structures or areas occupied by animals be enclosed by a solid fence at least 6 feet in height, located within 50 feet for the structure, constructed with materials approved by the Zoning Administrator, and completed within 60 days of approval.
- Cages/enclosures to accommodate no more than one dog with sizing requirements to allow the dog to move in the cage/enclosure.
- Confinement required from 10PM-7AM.
- Maximum allowable noise 55decibels at the property line.
- Animals allowed outdoors from 7AM-10PM, maximum allowable noise 60 decibels at the property line.
- Landscaping buffers and screens if adjoining a residential use.
- Animal waste to be cleaned on a daily basis, double-bagged, and disposed of at County collection sites.
- Kennel floor to be made of poured concrete, hosed off and disinfected daily.
- Requirement to maintain vaccination records and dog licenses for each dog.
- Requirement that all VDOT, Health Department, and Sheriff's Office/Animal Control requirements be met.



- Permit Planning Staff and Animal Control officers to inspect the property for compliance.
- County business license required (for commercial kennels and boarding kennels only).

Warren County also uses what they refer to as a “sliding-scale” for the number of dogs allowed in these facilities. The sliding scales are as follows:

- Non-commercial kennels in Agricultural and Rural Residential Districts
  - Lot area less than 5 acres – maximum 6 dogs
  - Lot area 5 acres to less than 10 acres – maximum 8 dogs
  - Lot area 10 acres or more – maximum 15 dogs
- Commercial kennels in Agricultural and Rural Residential Districts
  - Lot area less than 5 acres – maximum 10 dogs
  - Lot area 5 acres to less than 10 acres – maximum 15 dogs
  - Lot area 10 acres or more – maximum 25 dogs
- Boarding kennels in Agricultural and Rural Residential Districts
  - Lot area less than 5 acres – 10 individual confinements not to exceed 2 dogs per cage
  - Lot area 5 acres to less than 10 acres – 15 individual confinements not to exceed 2 dogs per cage
  - Lots 10 acres or more – 25 individual confinements not to exceed two dogs per cage

## CONCLUSION

As the Planning Commission’s the Board of Supervisors’ charge to evaluate whether kennel uses should be removed from the AOC and FOC Districts, the jurisdiction research raises other points to consider:

- **Consider establishing new animal care-related uses with separate use standards.** The Commission could consider splitting the “commercial boarding kennel” use into indoor and outdoor kennel uses as Loudoun County has done. This could allow indoor kennels to remain as a special use in the AOC and FOC Districts and also allow outdoor training within a more restrictive outdoor kennel use. Also, as discussed at the March 4 briefing meeting, the Commission could create a new use to allow livestock/farm animal care-related use as a new by-right or special use similar to Loudoun’s “animal care use.”
- **Adopting more stringent use standards.** In addition to the County’s current use standards, consideration could be given to placing limits on the number of dogs allowed similar to Warren County’s approach, establishing decibel limits, or imposing greater screening/buffering/fencing requirements.
- **Adopting a road access requirement.** The Commission could consider requiring kennels in AOC and FOC to have direct access to a major collector or primary highway similar to Fauquier’s approach, and also could consider prohibiting kennels from utilizing

unpaved access easements. This could help mitigate the concern of kennels using private access easements as their primary means of ingress/egress.

This item has been placed on the April 1 briefing meeting agenda for review and discussion.

**DETAILED INFORMATION FROM COUNTIES RESEARCHED**  
**(Warren, Fauquier, Shenandoah, Rappahannock, Culpeper, Frederick, and Loudoun)**

**USE TABLE BY JURISDICTION**

County	Ag	Res	Com	Notes
Clarke	S	X	P	
Warren	S	S*	S**	*Allow noncommercial kennels by CUP in Res ** Allow kennels, vet services, and animal hospitals in Comm by CUP
Fauquier	S	S in some districts	P*	* Allowed by right in Highway Commercial (C-2) and Business Park; by SUP in Neighborhood Commercial and Commercial Village
Shenandoah	P	X	P*	* Veterinary hospitals and kennels are allowed by right in their Limited Industrial District
Rappahannock	P	P*	P**	* Allowed by right in their Rural Residential District ** Allowed by right in their Commercial Village District
Culpeper	S	X	X	Only allowed by CUP in their A-1 District
Frederick	S*	X*	X*	Kennels only allowed by CUP in their Rural Areas (RA) District; vet clinics and hospitals allowed by CUP in Residential Performance (RP) District; animal specialty services allowed by CUP in Business B-3 and vet services allowed by CUP in Business B-1
Loudoun	S/P*	P**	S/P****	*Kennels allowed by special exception in Agricultural Rural (AR) District; animal hospitals and animal care businesses are allowed by right **Kennels and veterinary services allowed by right in Transitional Residential (TR) District; animal hospitals allowed by special exception ***Veterinary services allowed by right in Countryside Village (PD-CV) district; kennels and animal hospitals allowed by special exception

Key:

P – Permitted/by-right

S – Special use permit, conditional use permit, or special exception

X—Not permitted

## DEFINITIONS

### Clarke

#### ANIMAL SHELTER

A facility or facilities (public, private, or non-profit) used to house or contain companion animals and operated for the purpose of finding permanent adoptive homes for such animals. Further, an animal shelter is a facility housing more than:

- a. five companion animals older than six months, on parcels of up to five acres, or
- b. one companion animal older than six months for each acre of a parcel, if the parcel is greater than five acres, or
- c. 20 companion animals older than six months on parcels of 20 acres or more.

#### KENNEL

A place designed prepared to house, board, breed, handle, or otherwise keep or care for dogs and cats for sale or in return for compensation. A Kennel shall be allowed only as an accessory use to a Single Family Detached Dwelling and shall be located not more than 200 feet from such a dwelling.

#### KENNEL, Commercial Boarding

A place designed or prepared to house, board, handle or otherwise keep or care for canine and/or feline animals in return for compensation. A Commercial Boarding Kennel shall be allowed only as an accessory use to a Single Family Detached Dwelling and shall be located not more than 200 feet from such a dwelling.

#### KENNEL, Breeding

A place designed or prepared to house or handle canine animals for the purpose of breeding for sale in return for compensation. A Breeding Kennel shall be allowed only as an accessory use to a Single Family Detached Dwelling and shall be located not more than 200 feet from such a dwelling. \*(See Animal Shelter)

### Warren

#### KENNEL, BOARDING

Any commercial kennel available to the general public where the operator takes control of an animal(s) from the animal owner; and, where the animal(s) may be provided individual confinement accommodations, fed, exercised and/or provided general care on a short-term basis, usually by the day, week or a specified length of time not to exceed 30 days for compensation, trade, barter or other commercial gain. Further, boarding kennels shall comply with the supplementary regulations in § 180-48.3 of this chapter.

#### KENNEL, COMMERCIAL

Any place equipped and/or used to house, board, breed, handle, train, show, groom, or otherwise care for dogs in exchange for any form of compensation, trade, barter or other commercial gain. The animal(s) may be provided individual confinement accommodations. Further, commercial kennels shall comply with the supplementary regulations in § 180-48.2 of this chapter.

**KENNEL, NONCOMMERCIAL**

Any place equipped and/or used to house or otherwise care for five or more dogs that are kept for personal use or enjoyment and which does not meet the definition of "commercial kennel" or "boarding kennel." Further, noncommercial kennels shall comply with the supplementary regulations in § 180-48.1 of this chapter.

**Fauquier**

**AGRICULTURALLY RELATED USES, COMMERCIAL-2 ZONING DISTRICTS:**

The following uses are considered to be agriculturally-related when located within a Commercial-2 zoning district:

- h. Animal shelter.
- j. Kennel/Animal shelter.

**ANIMAL SHELTER (GOVERNMENTAL):**

As differentiated from a KENNEL as defined herein, any place so designed to provide for the temporary accommodations and/or disposal of five (5) or more common household pets which are stray or not wanted by their owner(s) until appropriate disposition of such pets can be effectuated, and operated by a governmental agency.

**KENNEL:**

Any place so designed that dogs cannot escape where any number of dogs are kept for the purpose of sale, rental, boarding, breeding, hire as guard dogs on other property, or for any commercial purpose or economic venture or dogs in excess of those permitted in Section 2-512 to include a pet shop, or an ANIMAL SHELTER as defined herein.

**VETERINARY CLINIC:**

A facility rendering surgical and medical treatment to animals and having no limitation on overnight accommodations for such animals. Crematory facilities shall not be allowed in a veterinary hospital.

**Shenandoah**

**KENNEL**

A place prepared to house, board, breed, handle or otherwise keep or care for five or more dogs over six months of age.

**Rappahannock**

**ANIMAL SHELTER (GOVERNMENTAL)**

As differentiated from a "kennel," as defined herein, any place so designed and operated by the governmental agency to provide for the temporary accommodations and/or disposal of five or more common household pets which are stray or not wanted by their owner(s) until appropriate disposition of such pets can be effectuated.

**KENNEL**

Any place so designed that dogs, cats and other household pets cannot escape and where any number of animals are kept for the purpose of sale, rental, boarding, breeding, hire as guard dogs

on other property or for any commercial purpose or economic venture, or for animals in excess of five over one year in age in a pet shop or an animal shelter as defined herein.

**Culpeper**

Kennel:

Any structure, lot, premises or other facility where more than five (5) household animals (pets), five (5) months of age or older, are kept, housed, groomed, bred, boarded, trained or sold for compensation. This may include commercial breeding, boarding, training and selling of animals, and facilities for the breeding, training and sale (or contract service) for guard and security dogs. Specifically excluded are agricultural animals integral to agriculture, as defined.

**Frederick**

KENNEL

A place prepared to house, board, breed, handle or otherwise keep or care for dogs for sale or in return for compensation.

**Loudoun**

(A) Kennels.

- (1) General. Kennel shall mean any place in or at which, for a fee, six or more dogs, cats, or other household pets over the age of six months are trained, boarded, including day care services, or handled.
- (2) Not Applicable to Animal Hospital/Grooming Use. This Section shall not apply to any establishment whose principal use is grooming or any animal hospital.

(B) Indoor Kennel.

- (1) General. Indoor kennel shall mean any place that is within a completely enclosed commercial facility with no outdoor activity in which dogs, cats or other household pets are confined or penned in close proximity to each other, except for the primary purpose of grooming, or wherein any owner engages in boarding, breeding, letting for hire, training for a fee, or selling dogs, cats, or other household pets.

Animal care business:

An enterprise that provides care and services for livestock or other farm animals, such as animal grooming or training, but which is not a kennel, a veterinary service, or an animal hospital.

Animal Hospital:

A place for the medical care of animals; a veterinary hospital. The boarding of animals at an animal hospital is limited to that incidental to the hospital use.

Animal Services:

Animal service uses related to the provision of medical services and treatment to animals, including veterinary services, animal hospitals and the boarding of animals related to the provision of these services.

## USE STANDARDS

### **Clarke**

Veterinary Services, Animal Hospitals, Commercial Boarding Kennels, Breeding Kennels, Animal Shelters:

1. Companion animals shall be confined in an enclosed building, which shall be climate controlled and be constructed of sound absorbing materials so as to mitigate animal noise at adjacent property lines. Such an enclosed facility may also include a fenced exercise area. Such enclosed facilities and exercise areas shall be at least 200 feet from any property line. Areas of confinement not fully enclosed (such as dog runs) shall be at least 500 feet from any property line.
2. The hours of operation for kennels and shelters shall not be earlier than 7:00 a.m. or later than 9:00 p.m. In all cases, companion animals shall be confined in an enclosed building from 9:00 p.m. to 6:00 a.m. In exceptional cases, a companion animal may be briefly escorted outside by kennel staff during the hours of enclosed confinement.
3. A Breeding Kennel or Commercial Boarding Kennel is allowed only as an accessory use to a Single family Detached Dwelling. Enclosed facilities and exercise areas shall be at least 200 feet from any property line. Areas of confinement not fully enclosed (such as dog runs) shall be at least 500 feet from any property line.

### **Warren**

§ 180-48.1 Kennel, noncommercial.

- A. Any structure and/or area occupied by animals (runs, training areas, pens and/or dwelling) shall be no closer than 200 feet from any neighboring residence, and set back 100 feet from any property lines.
- B. Any exterior structure and/or area occupied by animals (runs, training areas, pens, etc.) shall be enclosed by a solid fence not less than six feet in height; located within 50 feet of the structure; composed of materials approved by the Zoning Administrator; and installed within 60 days of approval. If individual cages or enclosures are used to separate individual dogs from other animals, the cage shall accommodate no more than one dog and shall be sized to allow adequate space for movement as following: The length and width shall be a minimum of three times the dog's length (nose to tail) and a minimum of four feet high.
- C. Animals shall be confined within an enclosed soundproofed, heated and air-conditioned building from 10:00 p.m. to 7:00 a.m. Noise emitting from the enclosure shall be measured at the nearest property line and shall not exceed 55 decibels.
- D. Animals may be kept outside between 7:00 a.m. and 10:00 p.m. Such noise emitting from animals outside shall be measured at the nearest property line and shall not exceed 60 decibels.

E. When adjoining a residential use, landscaping separation buffers and screens shall be provided along the property line as described in § 180-18. Such landscaping plan shall be prepared and submitted with the CUP application and installed 90 days after Board approval.

F. The kennel shall be cleaned of animal waste on a daily basis, double-bagged and disposed of at County collection sites. The kennel floor shall be made of poured concrete and hosed off and disinfected daily.

G. The total number of dogs, over six months old, shall be determined by lot sizes as follows:

(1) Agricultural and Rural Residential Districts.

(a) Lots less than five acres in size shall have no more than six dogs.

(b) Lots five acres to less than 10 acres in size shall have no more than eight dogs.

(c) Lots 10 acres or more in size shall have no more than 15 dogs.

H. Upon request, the kennel owner shall provide to the Zoning Administrator copies of inoculation and/or vaccination certificate, including rabies, issued for each dog. Additionally, copies of dog licenses are required as noted under Warren County Code § 66-17.

I. The applicant shall meet all Virginia Department of Transportation, Warren County Health Department and Warren County Sheriff's Office (Animal Control) requirements.

J. The applicant shall allow agents of the Warren County Planning Department and Warren County Sheriff's Office to inspect the property to ensure compliance.

§ 180-48.2 Kennel, commercial.

A. Any structure and/or area occupied by animals (runs, training areas, pens and/or dwelling) shall be no closer than 200 feet to any neighboring residence and set back 100 feet from any property lines.

B. Any exterior structure and/or area occupied by animals (runs, training areas, pens, etc.) shall be enclosed by a solid fence not less than six feet in height; located within 50 feet of the structure; composed of materials approved by the Zoning Administrator; and, installed within 60 days of approval. If individual cages or enclosures are used to separate individual dogs from other animals, the cage shall accommodate no more than one dog and shall be sized to allow adequate space for movement as follows: The length and width shall be a minimum of three times the dog's length (nose to tail) and a minimum of four feet high.

C. Animals shall be confined within an enclosed soundproofed, heated and air-conditioned building from 10:00 p.m. to 7:00 a.m. Noise emitting from the enclosure shall be measured at the nearest property line and shall not exceed 55 decibels.

D. Animals may be kept outside between 7:00 a.m. and 10:00 p.m. Such noise emitting from animals outside shall be measured at the nearest property line and shall not exceed 60 decibels

E. When adjoining a residential use, landscaping separation buffers and screens shall be provided along the property line as described in § 180-18. Such landscaping plan shall be prepared and submitted with the CUP application and installed 90 days after Board approval.

F. The kennel shall be cleaned of animal waste on a daily basis, double-bagged and disposed of at the County transfer station or by a disposal company on a weekly basis. The kennel floor shall be made of poured concrete and hosed off and disinfected daily.

G. The total number of dogs over six months old shall be determined by lot sizes as follows:

(1) Agricultural and Rural Residential Districts.

(a) Lots less than five acres in size shall have no more than 10 dogs.

(b) Lots five acres to less than 10 acres in size shall have no more than 15 dogs.

(c) Lots 10 acres or more in size shall have no more than 25 dogs.

H. Upon request, the kennel owner shall provide to the Zoning Administrator copies of inoculation and/or vaccination certificates, including rabies, issued for each dog. Additionally, copies of dog licenses are required as noted under Warren County Code § 66-17.

I. The kennel shall meet all Virginia Department of Transportation, Warren County Health Department and Warren County Sheriff's Office (Animal Control) requirements.

J. The applicant shall allow agents of the Warren County Planning Department and Warren County Sheriff's Office to inspect the property for compliance.

K. The applicant will be required to obtain and maintain a Warren County business license.

§ 180-48.3 Kennel, boarding.

Boarding kennels shall comply with the supplemental regulations of § 180-48.2, except for Subsection G.

A. The total number of dogs in boarding kennels shall be determined by lot sizes as follows:

(1) Agricultural and Rural Residential Districts.

(a) Lots less than five acres in size shall have no more than 10 individual confinements not to exceed two dogs per cage.

(b) Lots five acres to less than 10 acres in size shall have no more than 15 individual confinements not to exceed two dogs per cage.

(c) Lots 10 acres or more in size shall have no more than 25 individual confinements not to exceed two dogs per cage.

§ 180-58 Veterinary services; animal hospital.

A. No structure or area occupied by animals shall be closer than 50 feet to any agricultural or residential property line.

B. For soundproofed confinements, noise measured at the nearest agricultural or residential property line shall not exceed 60 decibels.

C. Nonsoundproofed animal confinements (runs) shall be surrounded by a solid fence not less than six feet in height and located within 50 feet of the confinement. Such fence shall



be composed of concrete block, brick or other equivalent material approved by the Zoning Administrator.

- D. From 10:00 p.m. to 7:00 a.m., all animals shall be confined in an enclosed building and noise measured at the nearest agricultural or residential property line shall not exceed 55 decibels and noise measured at the nearest agricultural or residential property line shall not exceed 60 decibels from 7:00 a.m. to 10:00 p.m.

### **Fauquier**

#### 5-1301 Additional Standards for Kennels

1. The minimum lot size requirement shall be two (2) acres, except in the R-1 zoning district, where the minimum lot size shall be twenty (20) acres.
2.
  - a. In all zoning districts other than R-1/Residential, no structure for the confinement, care or breeding of dogs, and no associated structure shall be located closer than 75 feet to any lot line, except that this requirement shall not apply to structures which are completely enclosed, adequately soundproofed, constructed, and maintained so that there will be no emission of odor or noise detrimental to other properties in the area.
  - b. In the R-1/Residential zoning district, all dog confinement areas and dog runs shall be located within enclosed structures, adequately soundproofed, constructed, and maintained so that there will be no emission of odor or noise detrimental to other properties in the area, and no such structure shall be located closer than 200 feet to any lot line.
3. All dogs shall be kept in pens designed and maintained for secure confinement.
4. In consideration of an application for a permit, the BZA shall take into account the numbers and kinds of dogs proposed to be kept and the characteristics thereof and may prescribe conditions with respect thereto.
5. Maximum of ten (10) dogs per acre.
6. Waste from operations must be collected and contained so as not to pollute the environment.

#### 5-1302 Additional Standards for Veterinary Clinics

1. All such facilities shall be within a completely enclosed building, such building being adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties in the area.
2. In a Residential or Rural District, the facility shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

### **Shenandoah**

No use standards

## **Rappahannock**

Category 5, Commercial, Retail and Business Uses, shall be regulated as follows:

### **A.** Additional standards for kennels.

- (1)** The minimum lot size requirement shall be two acres.
- (2)** No structure for the confinement, care or breeding of dogs and no associated structure shall be located closer than 75 feet to any lot line, except that this requirement shall not apply to structures which are completely enclosed, adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties in the area.
- (3)** All dogs shall be kept in pens designed and maintained to secure confinement.
- (4)** In consideration of an application for a permit, the BZA shall take into account the numbers and kinds of dogs proposed to be kept and the characteristics thereof and may prescribe conditions with respect thereto.
- (5)** Maximum of 10 dogs per acre.

**B.** Additional standards for veterinary clinics. In commercial zoning districts, all such facilities shall be within a completely enclosed building, such building being adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties in the area.

## **Culpeper**

No use standards

## **Frederick**

### § 165-204.10 Kennels.

Where allowed separately or as a part of a veterinary clinic or hospital, kennels shall meet the following requirements:

- A.** All dogs shall be confined to secure pens or structures.
- B.** Where kennels are allowed, zoning district separation buffers and screens, Category C as described by this chapter, shall be provided in relation to surrounding properties containing residential uses.

## **Loudoun**

For indoor kennels –

- (2)** No Opening to Outside. Indoor Kennels shall not be housed in a structure with any opening to the outside except required ingress/egress and ventilation equipment, shall have an animal waste handling plan, and shall conform to any other requirements that the Planning Commission and/or Board of Supervisors may impose pursuant to special exception review (Section 6-1300).
- (3)** Accessory Uses. Indoor Kennels may include accessory uses to an indoor kennel: up to 10% of gross floor area for retail sales, up to 10% of gross floor area for veterinary service, up to 10% of gross floor area for animal hospital, and up to 10% of gross floor area for grooming; provided, however, that accessory uses may not exceed 25% of the total gross floor area.

For kennels –

- (1) Location on Site/Dimensional Standards. An outdoor kennel shall be set back 100 feet from a lot line.
- (2) Roads/Access.
  - (a) All kennels shall comply with the road access standards of Section 5-654.
  - (b) There shall be no more than one point of access from a kennel to a public road. This requirement shall not preclude an additional access for emergency vehicles only.
- (3) Landscaping/Buffering/Screening.
  - (a) The use shall comply with the landscaping and screening standards of Section 5-653(A).
  - (b) Parking areas shall be screened to comply with the requirements of Section 5-653(B).
- (4) Exterior Lighting Standards. All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (5) Noise. 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) Parking.
  - (a) General. Parking and loading shall be provided as required by Section 5-1102.
  - (b) Surface. All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standard Manual.

**Clarke County****bstidham@clarkecounty.gov**

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**Draft Kennel ordinance changes for discussion**

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**From :** Robina <robina5@verizon.net>

Fri, Mar 28, 2014 08:12 AM

**Subject :** Draft Kennel ordinance changes for discussion**To :** Anne Caldwell <rvfllc@gmail.com>, Chip Steinmetz, II <Chip@TeamRootsandWings.com>, Cliff Nelson <clunydh@gmail.com>, Doug Kruhm <dmkruhm@gmail.com>, George L. Ohrstrom, II <gohrstrom2@aol.com>, John Staelin <jstaelin@clarkecounty.gov>, Jon Turkel <jmturkel@gmail.com>, Randy Buckley <rbuckley73@earthlink.net>, Scott Kreider <skreider557@comcast.net>, 'Tom McFillen' <mcfillen@comcast.net>**Cc :** Brandon Stidham <bstidham@clarkecounty.gov>

All –

I have been working on some changes for the kennel ordinances, and am attaching a 5 page draft for discussion at our next week meetings.

The first part relates to the definitions.

The second part to the uses.

The 5<sup>th</sup> page simply has the definitions from the current Code of Virginia.

I will look forward to a lively discussion. J

Robina

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Clarke County Zoning Ordinance, Chapter 188 of the Code of Clarke County  
Definitions - **Current** and **Proposed**

KENNEL: A place designed prepared to house, board, breed, handle, or otherwise keep or care for dogs and cats for sale or in return for compensation. A Kennel shall be allowed only as an accessory use to a Single Family Detached Dwelling and shall be located not more than 200 feet from such a dwelling.

9-B-103

KENNEL: Any place in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing in return for compensation.

(A kennel permit is required. See .....)

KENNEL, Private

NEW

A non-commercial facility designed to house, breed, hunt, train or show five or more proprietor-owned canines, felines, or hybrids of either, without compensation and not for sale. A private kennel shall be allowed only as an accessory use to a Single Family Detached Dwelling and shall be located not more than 200 feet from such a dwelling.

KENNEL, Commercial Boarding

9-B-104

A place designed or prepared to house, board, handle or otherwise keep or care for canine and/or feline animals in return for compensation. A Commercial Boarding Kennel shall be allowed only as an accessory use to a Single Family Detached Dwelling and shall be located not more than 200 feet from such a dwelling.

KENNEL, Commercial Boarding

A place designed or prepared to house, board, train, handle or otherwise keep or care for five or more non-proprietor-owned canine and/or feline animals or hybrids of either, in return for compensation.

A maximum of 25 canine and/or feline animals or hybrids of either is allowed.

(A kennel permit is required. See .....)

KENNEL, Breeding

9-B-105

A place designed or prepared to house or handle canine animals for the purpose of breeding for sale in return for compensation. A Breeding Kennel shall be allowed only as an accessory use to a Single Family Detached Dwelling and shall be located not more than 200 feet from such a dwelling. \*(See Animal Shelter)

KENNEL, Commercial Breeding

A place designed or prepared to house or handle more than five adult canine animals for the primary purpose of breeding them for the sale of their offspring as companion animals.

## Current

**9-B-12 - ANIMAL SHELTER:** A facility or facilities (public, private, or non-profit) used to house or contain companion animals and operated for the purpose of finding permanent adoptive homes for such animals. Further, an animal shelter is a facility housing more than:

- a. five companion animals older than six months, on parcels of up to five acres, or
- b. one companion animal older than six months for each acre of a parcel, if the parcel is greater than five acres, or
- c. 20 companion animals older than six months on parcels of 20 acres or more.

## Proposed

**ANIMAL SHELTER:** A facility that is used to house or contain five or more companion animals and that is owned, operated, or maintained by a nongovernmental entity including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other non-profit organization operating for the **sole** purpose of finding permanent adoptive homes for companion animals. Animal shelters shall not house more than:

- a. 5 companion animals older than six months on parcels of up to five acres,
- b. One additional companion animal older than six months for each additional acre of parcels sized between 5.01 acres and 20 acres;
- c. 25 companion animals older than six months on parcels of 20.01 acres or more.

## 3-A-1 & #-A-2 – AOC & FOC

3-A-1&2-a-3. Special Uses and Structures (u. and q.)

## Current

u./q. Veterinary Services, Animal Hospitals, Commercial Boarding Kennels of more than five canine or feline animals, Breeding Kennels of more than 15 canine animals, Animal Shelters

## Proposed

u. Veterinary Services and Agricultural Animal Hospitals, Private Kennels and Animal Shelters of up to 20 companion animals.

### 3-C-2 Uses in Various Districts

#### Current

3-C-2kk – Veterinary Services, Animal Hospitals, Commercial Boarding Kennels, Breeding Kennels, Animal Shelters:

- a. Companion animals shall be confined in an enclosed building, which shall be climate controlled and be constructed of sound absorbing materials so as to mitigate animal noise at adjacent property lines. Such an enclosed facility may also include a fenced exercise area. Such enclosed facilities and exercise areas shall be at least 200 feet from any property line. Areas of confinement not fully enclosed (such as dog runs) shall be at least 500 feet from any property line.
- b. The hours of operation for kennels and shelters shall not be earlier than 7:00 a.m. or later than 9:00 p.m. In all cases, companion animals shall be confined in an enclosed building from 9:00 p.m. to 6:00 a.m. In exceptional cases, a companion animal may be briefly escorted outside by kennel staff during the hours of enclosed confinement.
- c. A Breeding Kennel or Commercial Boarding Kennel is allowed only as an accessory use to a Single family Detached Dwelling. Enclosed facilities and exercise areas shall be at least 200 feet from any property line. Areas of confinement not fully enclosed (such as dog runs) shall be at least 500 feet from any property line.

#### Proposed

Companion Animal Veterinary Services and Hospitals, Commercial Boarding and Daycare Kennels, Commercial Breeding Kennels, Animal Shelters:

- a. Companion animals shall be confined in an enclosed building, which shall be climate controlled and be constructed of sound absorbing materials so as to mitigate animal noise at adjacent property lines. Such an enclosed facility may also include a fenced exercise area. Such enclosed facilities and exercise areas shall be at least 200 feet from any property line. Areas of confinement not fully enclosed (such as dog runs) shall be at least 500 feet from any property line.
- b. The hours of operation for commercial kennels and animal shelters shall not be earlier than 7:00 a.m. or later than 9:00 p.m.
- c. In all cases, companion animals shall be confined in a fully enclosed building at all times, with the exception of the hours of 9 a.m. to 3 p.m. when they may be exercised in an outside fenced exercise area. No more than five companion animals may be outside at any one time in fenced exercise areas. In exceptional cases, a companion animal may be briefly escorted outside by kennel staff leashed during the hours of enclosed confinement.
- d. Commercial Breeding Kennels or Commercial Boarding & Daycare Kennels are not allowed in AOC or FOC districts.

### 3-C-2n – Home Occupations - **Reconcile**

#### Current

14. - A Breeding Kennel is allowed as a Home Occupation in the AOC and FOC Zoning Districts when such facility houses 10 or fewer canine animals older than 6 months. Kennels housing five to 10 animals older than 6 months shall be setback 175 feet from property lines.

15. - Commercial Boarding Kennel is allowed as a Home Occupation in the AOC and FOC Zoning Districts when such facility houses less than five canine and/or feline animals older than six months. **(delete)**.

#### Proposed

14. – A Private Kennel is allowed as a Home Occupation in the AOC and FOC Zoning Districts as an accessory use to a Single Family Detached Dwelling and shall be located not more than 200 feet from such a dwelling. It is limited to 10 or fewer canine animals older than 6 months. All kennel buildings shall be set back a minimum of 200 ft. from property lines, and any outside exercise yards a minimum of 500 ft. from property lines.

15. – Deleted.



## KENNELS

### Code of Virginia - Current

#### § 3.2-6500. Definitions:

"Animal shelter" means a facility, other than a private residential dwelling and its surrounding grounds, that is used to house or contain animals and that is owned, operated, or maintained by a nongovernmental entity including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other organization operating for the purpose of finding permanent adoptive homes for animals.

"Boarding establishment" means a place or establishment other than a pound or animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee.

"Commercial dog breeder" means any person who, during any 12-month period, maintains 30 or more adult female dogs for the primary purpose of the sale of their offspring as companion animals.

"Companion animal" means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

"Farming activity" means, consistent with standard animal husbandry practices, the raising, management, and use of agricultural animals to provide food, fiber, or transportation and the breeding, exhibition, lawful recreational use, marketing, transportation, and slaughter of agricultural animals pursuant to such purposes.

"Kennel" means any establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

"Livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in § [3.2-2600](#); enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.



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

**TO: Planning Commission members**

**FROM: Brandon Stidham, Planning Director**  
**Alison Teetor, Natural Resources Planner**

**RE: Formation of Recreation Plan Subcommittee**

**DATE: March 28, 2014**

Item #4 on your April 1 briefing meeting agenda is a discussion of forming the subcommittee to begin work on the new Recreation Component Plan. Work on this item is included in your 2014 Project Priorities List to begin this spring.

Since the Recreation Component Plan would include significant strategies pertaining to the County's Parks and Recreation program, Staff recommends that the Commission consider including a member of the Parks and Recreation Board on the subcommittee and include Parks and Recreation Director Lisa Cooke as a staff member. Staff also recommends that the subcommittee remain small (5 members) and potentially include an at-large member that has an interest in the County's outdoor recreation resources. Natural Resources Planner Alison Teetor will serve as the lead staff person for this effort.

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