

RESOLUTION

A RESOLUTION TO RECOMMEND APPROVAL OF A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLES 3, 5 AND 15 TO CHANGE THE APPROVAL PROCESS AND APPROVAL STANDARDS FOR KENNELS

WHEREAS, the Fauquier County Zoning Ordinance regulates Kennels; and

WHEREAS, the Board of Supervisors has received a number of requests from citizens to review the Kennel provisions within the Zoning Ordinance; and

WHEREAS, on August 11, 2016, the Board expressed its interest and intent to review the Zoning Ordinance provisions related to Kennels by initiating a Zoning Ordinance text amendment; and

WHEREAS, the Fauquier County Planning Commission held public hearings on the proposed amendments to the Kennel provisions on October 20, 2016 and November 17, 2016; now therefore be it

RESOLVED by the Fauquier County Planning Commission this 17th day of November 2016, That the Commission does hereby recommend approval of the following changes to the Fauquier County Zoning Ordinance:

3-313 Commercial Business and Personal Services (Category 13)																			
	Site Plan	RC	RA	RR-2	V	R-1	R-2	R-3	R-4	TH	GA	MDP	C-1	C-2	C-3	CV	BP	I-1	I-2
1a. Kennel, <u>Minor animal shelter</u>	X	SP	SP	SP		SP							SP	P /SP		SP/SE	P -SP		
<u>1.b. Kennel, Major</u>	<u>X</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>		<u>SE</u>							<u>SE</u>	<u>SE</u>		<u>SE</u>	<u>SE</u>		

15-300

KENNEL: Any establishment where dogs or cats are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, showing, grooming or any other commercial or economic venture. Additionally, dogs kept for non-economic purposes in excess of the number allowed pursuant to Section 2-512 shall also be classified as a KENNEL. Rescue operations shall also be classified as a KENNEL, except those run by a government entity or operated for the same purpose under a contract with a government entity shall be classified as an ANIMAL SHELTER.

KENNEL, MINOR: A KENNEL limited to the following activities: 1) Dogs kept as pets in excess of the 12 allowed by-right; 2) Dogs kept by hunts; 3) Training, boarding or grooming facilities where dogs or cats are not kept overnight; 4) pet stores; and 5) all other facilities where no more than ~~20~~ 30 dogs and ~~or~~ cats combined are kept at any one time ~~AND no more than 10 breeding females are maintained~~ AND no more than 10 litters

are produced in total in a single year. For purposes of this definition, dogs or cats less than 6 months in age shall not be counted.

KENNEL, MAJOR: Any Kennel not meeting the definition of KENNEL, MINOR.

5-1301.1

Additional Standards for Kennels in the Rural and Residential Districts

1. Minimum Lot Size:
 - a. RA/RC/RR-2 – 2 acres
 - b. R-1 – 20 acres

2. Maximum Number of Dogs: ~~a. 10 per acre; animals less than 4 months in age shall not be counted.~~ ~~b. Any kennel that breeds dogs for commercial purposes shall have no more than 30 breeding females and 50 total breeding animals. For purposes of this provision, any dog 6 months or older not spayed or neutered shall be considered a breeding dog.~~

3. All animals kept outside of a house shall be kept in pens designed and maintained for secure confinement. ~~In all cases, animals shall be confined in a closed building between the hours of 10:00 p.m. and 7:00 a.m.~~

4. The following minimum setbacks shall apply to all structures for the confinement, care or breeding of animals, as well as fenced areas where animals are contained and non-building structures utilized for training or other activities:
 - a. R-1: 200 feet from all property lines
 - b. RA/RC/RR-2: 200 feet from any property line adjoining a residential zoning district and 100 feet from all other property lines. ~~These setbacks~~ may be reduced by the BZA/Board in conjunction with approval of a Special Permit or Special Exception when all animals are kept entirely indoors in soundproofed structures or where the extent and character of the use is ~~so minimal~~ such that the BZA or Board find that the 100 foot setback is not needed to protect the health, safety and welfare of neighbors.
 - c. All Districts: 110 feet from the centerline of all streams and 100' from the edge of a 100-year floodplain.

5. Animal confinement areas and runs shall be constructed and maintained so that there will be no emission of odor or noise detrimental to other properties in the area. In the R-1 district all facilities shall be completely enclosed and soundproofed, except the permit approval may allow for outdoor exercise areas where dogs are accompanied.
6. All animal waste and run-off or discharge containing animal waste shall be captured and disposed of in a manner that controls odors and protects the environment. A waste management plan detailing the amount of waste projected and the specific means for managing the waste shall be provided with the application for review and approval. The plan shall also address disposal of dead animals. In no case shall the plan provide for allow on-site burial, compost piles, or manure spreaders. If on-site composting of the animal waste is proposed, the plan shall include detailed information about the proposed location and design of the composting facility, proposed monitoring and testing to assure the composting is reaching the temperatures necessary to destroy pathogens, and the plans for utilization of the final composted material.

5-1301.2

Additional Standards for Kennels in Commercial Districts

1. Kennels shall be limited to those providing only boarding, grooming, training and Pet Shops.
2. Facilities shall be completely enclosed and soundproofed, except the permit approval may allow for outdoor exercise areas where dogs are accompanied. Animal confinement areas and dog runs shall be constructed and maintained so that there will be no emission of odor or noise detrimental to other properties in the area. No outdoor areas shall be allowed within 100 feet of a floodplain or 110 feet of a stream.
3. All animal waste and run-off or discharge containing animal waste shall be captured and disposed of in a manner that controls odors and protects the environment. A waste management plan detailing the amount of waste projected and the specific means for managing the waste shall be provided with the application for review and approval. The plan shall also address disposal of dead animals. In no case shall the plan provide for on-site burial or composting.

~~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.~~

15-300 ~~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.