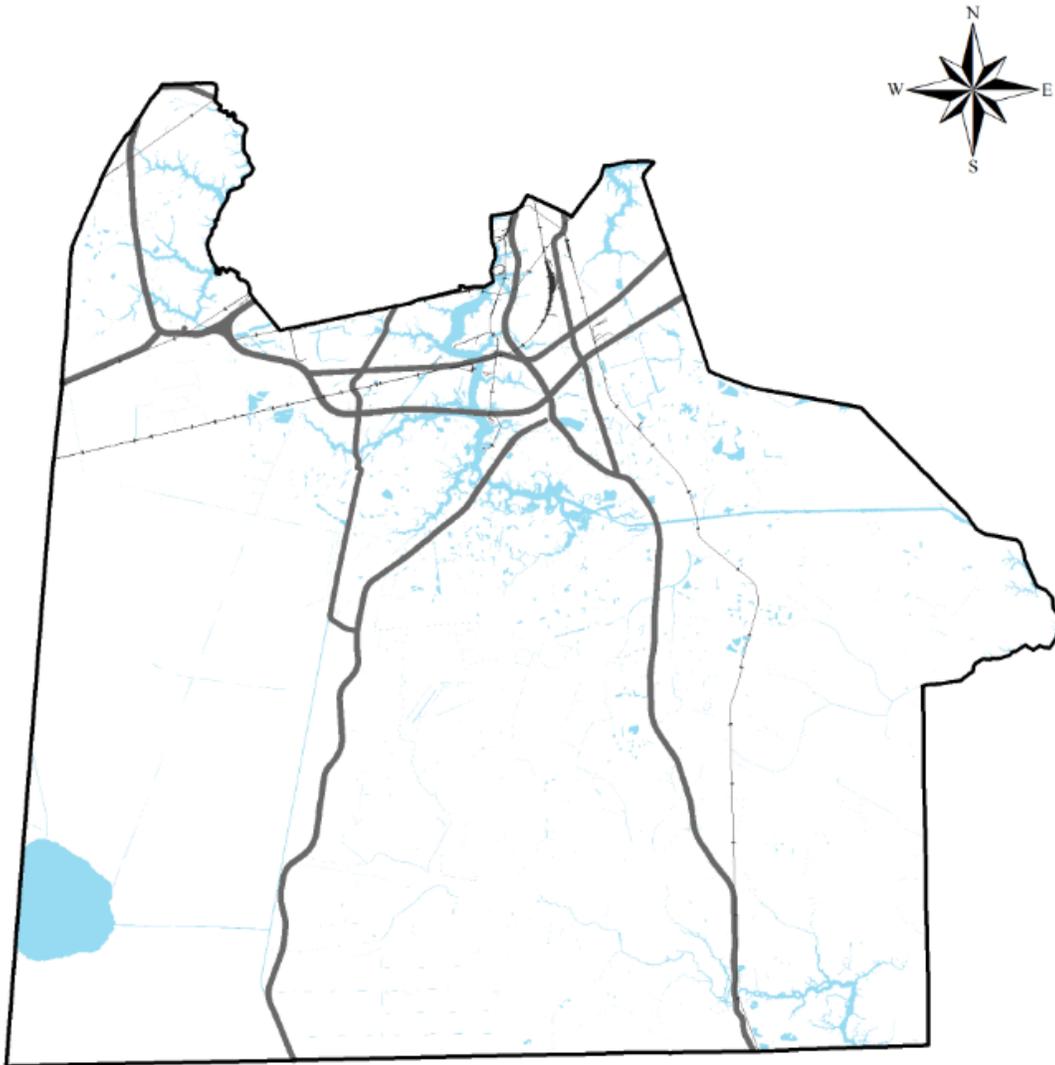


PLN-TXT-2022-009

Kennels



Proposal: An Ordinance amending Appendix A of the City Code, entitled “Zoning,” Article 7, Section 7-602, to conditionally allow all kennels other than those providing daytime service in all business districts.

Public Hearing Date: September 14, 2022 | **Staff Report Date:** August 29, 2022

Project Planner: Mark Hobbs, Principal Planner

STAFF RECOMMENDATION

APPROVED version dated July 21, 2022 CONTINUED DENIED

FINDINGS:

1. The inclusion of full-service kennels as a conditional use in all Business Districts, provides a valuable community service, provided that the setbacks and buffering from residential areas required by Section 13-800 et seq. are followed and is consistent with the 2035 Chesapeake Comprehensive Plan Quality of Life objective as it mitigates undesired impacts between adjacent uses through good design practices to help ensure compatibility.
2. The proposed text amendment supports one of City Council's desired outcomes as it promotes economic prosperity, and provides a valuable service which contributes to an improved quality of life for the community.
3. This text amendment follows good zoning practices.

STAFF RECOMMENDATION:

Based on the findings contained in this staff report, staff recommends that **PLN-TXT-2022-009** version dated **July 21, 2022** be **APPROVED**.

TEXT AMENDMENT DESCRIPTION:

The proposed amendment will allow kennels as a conditional use in all Business Districts. A kennel, as defined by the Chesapeake Zoning Ordinance, is a facility for the breeding, boarding, or keeping of 5 or more dogs over the age of 4 months.

BACKGROUND:

The proposed amendment was initiated by City Council who adopted a resolution on May 24, 2022, requesting the Planning Commission to consider and make recommendation concerning the proposed amendment.

PLN-TXT-2021-003 approved by City Council on October 19, 2021, version dated September 22, 2021, permits two (2) types of kennels (those used in conjunction with a Vet Service and those that provide only daytime services) as a permitted use in the B-2, District provided compliance with certain standards are met. If these standards cannot be met, then the use is conditionally allowed. The current text amendment will retain that framework, but also make general kennel use conditional in business districts.

COMMENTS:

AGENCIES NOTIFIED	RESPONSE REC'D DATE	AGENCIES NOTIFIED	RESPONSE REC'D DATE
D & P / Dev Engineering	No Objections	Public Works	No Objections
D & P / Zoning	No Objections	Economic Dev.	No Objections
Public Utilities	No Objections		

Received comments are attached.

STAFF ANALYSIS:

Article 13, Section 13-801 of the Supplemental Regulations requires a 500' setback from residential districts and uses, for commercial kennels, veterinarian clinics and animal hospitals.

This setback applies to any building or area, including outdoor runs, where animals are kept. The setback can be reduced to 200' if the building is sound proofed and air conditioned. The Planning Commission may approve a setback of less than 200' if additional soundproofing and buffering measures are provided as they may require. This section applies to all types of kennel uses and was not modified with the previous text amendment PLN-TXT-2021-003 and remains unchanged with this text amendment.

The ordinance requirements for the veterinarian clinic and daytime only kennels, as a permitted use, require the kennel to be located in a freestanding building. Additional standards apply to an outdoor run area; maintains a 50' setback from adjacent property lines, enclosed by an opaque fence, animals are supervised at all times and the area is sanitized daily.

The above standards would be used as a guide for an analysis of a condition use permit application for any 24-hour kennel. The standards could be modified as necessary to ensure compatibility with adjacent properties. This amendment is in response to stakeholder interest in operating a kennel that provides a range of services that include daytime and overnight keeping of animals. Below are some pictures of a typical facility operated by Pet Suites.





The expansion of kennels into commercial areas, with restrictions, responds to a community need to have kennel services conveniently located in close proximity to residential neighborhoods. Access to valuable services supports community quality of life standards and market values. As previously stated, Section 13-800 of the Supplemental Regulations, provides adequate setbacks and protection to adjacent residential areas. As a conditional use, the larger, full-service kennels that provide overnight boarding are appropriate in the Business Districts.

Staff recommends approval of this text amendment version dated July 21, 2022.

ATTACHMENTS:

- 1. Ordinance, dated July 21, 2022
- 2. Initiating Resolution, dated May 24, 2022

AN ORDINANCE AMENDING APPENDIX A OF THE CITY CODE, ENTITLED “ZONING,” ARTICLE 7, SECTION 7-602, TO CONDITIONALLY ALLOW ALL KENNELS OTHER THAN THOSE PROVIDING DAYTIME SERVICES IN ALL BUSINESS DISTRICTS.

BE IT ORDAINED by the Council of the City of Chesapeake, Virginia that Appendix A of the City Code, entitled “Zoning,” Article 7, entitled “Business Districts,” Section 7-602 be amended and reordained as follows:

ARTICLE 7. – BUSINESS DISTRICTS

Section 7-602. - Table of permitted and conditional uses in business districts.

SECTION 7-602. TABLE OF PERMITTED AND CONDITIONAL USES IN BUSINESS DISTRICTS

SIC	Use	Rural		Suburban		Urban			MXD/U	Condition*	Parking**
		B 1	B 2	B 1	B 2	B 1	B 2	B 5			
<i>Agricultural Uses</i>											
0752	Animal Services, Except Veterinary and Kennel	P	P	P	P	P	P	P		2	26
	Animal training and grooming	P	P	P	P	P	P	P	P	26	26
	Kennels, Only providing daytime services	C	P	C	P	C	P	C		1	26
	<u>Kennels, Except those only providing daytime services</u>	<u>C</u>		<u>1</u>	<u>26</u>						

ADOPTED by the Council of the City of Chesapeake, Virginia this ____ day of _____, 2022.

APPROVED:

Mayor

ATTEST:

Clerk of the Council

APPROVED AS TO FORM:

Deputy City Attorney

22-R-037

A RESOLUTION REQUESTING THE CHESAPEAKE PLANNING COMMISSION CONSIDER AND MAKE RECOMMENDATIONS CONCERNING PROPOSED AMENDMENTS TO THE CHESAPEAKE ZONING ORDINANCE TO PERMIT BOARDING KENNELS AS A CONDITIONAL USE IN BUSINESS DISTRICTS; PROVIDED CERTAIN REQUIREMENTS ARE MET.

WHEREAS, the public necessity, convenience, general welfare, and good zoning practice require that amendments to the Chesapeake Zoning Ordinance be considered by the Planning Commission and City Council to permit boarding kennels as a conditional use in Business Districts; provided certain requirements are met.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Chesapeake, Virginia that the Planning Commission is hereby requested to consider and make recommendations to City Council concerning proposed amendments to the Chesapeake Zoning Ordinance, and any necessary or correlating amendments, to permit boarding kennels as a conditional use in Business Districts; provided certain requirements are met.

ADOPTED by the Council of the City of Chesapeake, Virginia this 24th day of May, 2022.

APPROVED:


Mayor

ATTEST:


Clerk of the Council

APPROVED AS TO FORM:


Deputy City Attorney