

**MONTGOMERY COUNTY PLANNING COMMISSION
MARCH 12, 2014
SITE VISIT AGENDA**

3:00 PM **Depart Government Center**

3:20 PM **5480 Peterson Drive**

A request by the **City of Radford (Agent: Verizon Wireless)** for a Special Use Permit (SUP) on approximately 100 acres in an Agricultural (A-1) zoning district to allow a 199 ft. monopole telecommunications tower. The property is located at **5480 Peterson Drive** and is identified as Tax Parcel No. 102-A 16, 17 (Account No. 071097) in the Riner Magisterial District (District D). The property currently lies in an area designated as Rural in the 2025 Comprehensive Plan.

4:15 PM **4237 Prices Fork Road**

A request by **Montgomery County Board of Supervisors and Taylor Hollow Management (Agent: Balzer & Associates)** for rezoning of approximately 3.328 acres from Agriculture (A1) to Traditional Neighborhood Development-Infill (TND-I) and 5.00 acres from Agriculture (A1) to Residential Multi-Family (RM-1), with possible proffered conditions, to allow multi-family residential, residential, and limited commercial uses. In addition, a special use permit (SUP) is requested in the Traditional Neighborhood Development-Infill (TND-I) District to allow senior housing and a farm market. The property is known as the former Prices Fork Elementary School and is located at **4237 Prices Fork Road**, identified as Tax Parcel No. 052-A-50, (Acct No. 070688), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Village Expansion in the Comprehensive Plan and Mixed Use in the Prices Fork Village Plan with a maximum density of four (4) dwelling units per acre.

5:00 PM **3963 South Main Street**

A request by **P&G Ventures (Agent: Meade Tractor)** for a Special Use Permit (SUP) on approximately 4.65 acres in a General Business (GB) zoning district to allow farm machinery sales and service. The property is located at **3963 South Main Street** and is identified as Tax Parcel No. 67-A 161 (Account No. 006298) in the Shawsville Magisterial District (District B). The property currently lies in an area designated as Urban Expansion in the 2025 Comprehensive Plan.

5:30 PM **Dinner at El Gran Rodeo, 200 Laurel St., Christiansburg, VA**

6:30 PM **Return to Government Center**

MONTGOMERY COUNTY PLANNING COMMISSION
MARCH 12, 2014 @ 7:00 P.M.
Board Room, Government Center
755 Roanoke Street, Christiansburg, VA

A G E N D A

CALL TO ORDER:

DETERMINATION OF A QUORUM:

APPROVAL OF AGENDA:

APPROVAL OF CONSENT AGENDA:

PUBLIC ADDRESS:

OLD BUSINESS:

- Kennel Ordinance Amendments (Dari Jenkins)

NEW BUSINESS:

LIAISON REPORTS:

- Board of Supervisors – Chris Tuck
- Agriculture & Forestal District – Joel Donahue
- Blacksburg Planning Commission – Coy Allen
- Christiansburg Planning Commission – Cindy Disney
- Economic Development Committee – Bryan Rice
- Public Service Authority – Joel Donahue
- Parks & Recreation – Scott Kroll
- Radford Planning Commission – Frank Lau
- School Board – Bryan Katz
- Tourism Council – Vacant
- Planning Director’s Report – Brea Hopkins

MEETING ADJOURNED:

UPCOMING MEETINGS:

- | | | |
|------|----------|---|
| Mar. | 19, 2014 | Planning Commission Regular meeting (To be determined) |
| Apr. | 9, 2014 | Planning Commission Site Visit (To be determined)
Planning Commission Public Hearing (7:00 PM) |
| Apr. | 16, 2014 | Planning Commission Regular meeting (To be determined) |

**MONTGOMERY COUNTY PLANNING COMMISSION
CONSENT AGENDA
MARCH 12, 2014**

A. APPROVAL OF MINUTES

- February 19, 2014

ISSUE/PURPOSE:

The above listed minutes are before the Planning Commission for approval.

B. SCHEDULE THE FOLLOWING ITEMS FOR PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION ON WEDNESDAY APRIL 9, 2014 AND BOARD OF SUPERVISORS ON APRIL 28, 2014:

1. A request by **Montgomery County Board of Supervisors and Taylor Hollow Management (Agent: Balzer & Associates)** for rezoning of approximately 3.328 acres from Agriculture (A1) to Traditional Neighborhood Development-Infill (TND-I) and 5.00 acres from Agriculture (A1) to Residential Multi-Family (RM-1), with possible proffered conditions, to allow multi-family residential, residential, and limited commercial uses. In addition, a special use permit (SUP) is requested in the Traditional Neighborhood Development-Infill (TND-I) District to allow senior housing and a farm market. The property is known as the former Prices Fork Elementary School and is located at **4237 Prices Fork Road**, identified as Tax Parcel No. 052-A-50, (Acct No. 070688), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Village Expansion in the Comprehensive Plan and Mixed Use in the Prices Fork Village Plan with a maximum density of four (4) dwelling units per acre.
2. A request by the **City of Radford (Agent: Verizon Wireless)** for a Special Use Permit (SUP) on approximately 100 acres in an Agricultural (A-1) zoning district to allow a 199 ft. monopole telecommunications tower. The property is located at **5480 Peterson Drive** and is identified as Tax Parcel No. 102-A 16, 17 (Account No. 071097) in the Riner Magisterial District (District D). The property currently lies in an area designated as Rural in the 2025 Comprehensive Plan.
3. A request by **P&G Ventures (Agent: Meade Tractor)** for a Special Use Permit (SUP) on approximately 4.65 acres in a General Business (GB) zoning district to allow farm machinery sales and service. The property is located at **3963 South Main Street** and is identified as Tax Parcel No. 67-A 161 (Account No. 006298) in the Shawsville Magisterial District (District B). The property currently lies in an area designated as Urban Expansion in the 2025 Comprehensive Plan.

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON FEBRUARY 19, 2014 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Rice, Chair, called the meeting to order.

DETERMINATION OF A QUORUM:

Ms. Puckett established the presence of a quorum.

Present: Bryan Rice, Chair
Joel Donahue, Member
Sonia Hirt, Member
Bryan Katz, Member
Scott Kroll, Member
Chris Tuck, Board of Supervisors Liaison
Brea Hopkins, Development Planner
Dari Jenkins, Planning & Zoning Administrator
Erin Puckett, Senior Program Assistant

Absent: Frank Lau, Vice-Chair
Cindy W. Disney, Secretary
Coy Allen, Member

APPROVAL OF AGENDA:

On a motion by Mr. Donahue, and seconded by Ms. Hirt, and unanimously carried the agenda was approved.

APPROVAL OF CONSENT AGENDA:

On a motion by Mr. Donahue, and seconded by Mr. Kroll, and unanimously carried the consent agenda was approved.

PUBLIC ADDRESS:

Mr. Rice opened the public address, however, there being no comments the public address was closed.

OLD BUSINESS:

Joint Planning Commission Meeting

Mrs. Hopkins asked for feedback on last month's joint Planning Commission meeting with the Town of Blacksburg.

The Commission was in general agreement that it went well.

Mr. Kroll asked what the process is to request a corridor study from the MPO. He added that any opportunity to meet with the Town is great, as we need to understand their planning process. He commented that we will need to know what they are planning for the Prices Fork area.

Mrs. Hopkins said that she can contact Dan Brugh at the MPO to ask about the process for applying for a study.

Mr. Rice commented that there needs to be more cohesion at the County/Town border. For example, current plans indicate a connector road that ends at the Merrimac interchange.

Mr. Donahue added that better coordination could also provide a foundation for the proposed MPO study.

Mr. Katz added that in addition to the long-term 460 connector, there needs to be more coordination and consideration of short-term projects such as the collector road near the high school and the Merrimac area.

Mrs. Hopkins commented that the possible MPO study could help to facilitate that coordination.

Mr. Katz said that the potential MPO study should include the intermediary road.

Mr. Kroll added that there seems to be a concern that such a road could dump more traffic on Merrimac Road. The study should also include an analysis of traffic on Prices Fork as well as anticipated traffic.

NEW BUSINESS:

Annual Report

Mrs. Hopkins explained that the annual report would be submitted to the Board of Supervisors, and would also be posted online and shared with the Towns. She further stated that applications for rezonings, special use permits, and subdivisions were light in 2013 but the number of zoning permits issued held steady.

Mr. Rice asked what was included under zoning permits.

Mrs. Hopkins explained that all construction in the County required a zoning permit.

Mr. Kroll asked for an explanation of Land Development Office (LDO).

Mrs. Hopkins explained that it is the land development software used by multiple departments. Bob Pearsall is the LDO administrator and Mrs. Hopkins is that lead trainer and maintains the "front end" of the software.

Mrs. Hopkins stated that the report would go to the Board in their next packet.

WORK SESSION:

On a motion by Mr. Donahue and seconded by Mr. Katz and unanimously carried, the Commission entered into work session.

Comprehensive Plan Discussion – Route 603

Mrs. Hopkins reminded the Planning Commission that they had requested to review the Elliston Village Plan based on potential changes along Route 603. She presented a map of the Village Plan area and future land use, and noted that the corridor plan and village plan do not always "match up" in terms of uses. The Commission may want to discuss this generally.

Mr. Kroll agreed that this is a good opportunity to clean up some of those designations and make them less confusing, while better coordinating some of the disjointed uses. He reminded the Commission that Mr. Donahue had previously described the expansion of PSA infrastructure, which could warrant a change.

Mr. Donahue asked if the conflict is an issue of definitions or designations.

Mrs. Hopkins said that it is an issue of designations. The original concept was that the Village Plan would be an overlay district but the issue now is that there are multiple layers of uses that do not always match up. This presents an opportunity for several possible revisions. The Commission could revise the Village Plan to accurately reflect the changes adopted in the area/corridor plan, or additional language could be added to create design standards, or an overlay district could be added in the Zoning Ordinance for the Elliston-Lafayette Village Plan. This may also be a question for the new Planning Director when she comes on.

Mr. Kroll commented that the language needs to be more consistent overall.

Mrs. Hopkins explained that some of the Village Plans were prepared by an outside consultant, which are not always as detailed as those plans and chapters prepared by the former Comprehensive Planner.

Mr. Donahue asked if staff could check with David Clark in regards to getting a copy of the alignment plan for Route 603.

Mrs. Hopkins suggested that it may also be online. It may be possible to work with GIS staff and/or VDOT to create a visual overlay of the corridor. She added that she expects that much of the impact will come from the temporary right of way during construction.

Mr. Katz commented that the Planning Commission is generally reactionary, and asked what be done to encourage development.

Mr. Kroll suggested engaging with Economic Development, the PSA, VDOT, and others, especially in looking to update the Comprehensive Plan.

Mrs. Hopkins suggested that a joint meeting with the Economic Development Committee may be a possibility.

Mr. Donahue stated that the Comprehensive Plan should encourage and/or discourage infrastructure in specific areas.

Mr. Kroll added that the Planning Commission needs to ensure that the plans are encouraging development where desired, and making sure to remove all impediments when a development proposal fits those plans well.

Comprehensive Plan Discussion – Potential Amendments

Mrs. Hopkins stated that staff have recently spoken with two property owners regarding potential Comprehensive Plan amendments. One of those is in the Rolling Hills subdivision and is zoned Residential (R-2). Public sewer is not available, and it currently has a future land use designation of urban expansion, which would not allow a rezoning to Rural Residential (R-R) or Agricultural (A-1). Staff have encouraged her to go in with adjoining property owners for a potential future land use amendment to Residential Transition. The property owner had indicated to staff that the Board of Supervisors would refer the amendment to the Planning Commission.

Mr. Tuck said that he is aware of this property owner. The Board members who she has spoken to advised her to request a Comprehensive Plan Amendment in February. He added that she did not do a title search or use a lawyer to purchase the property and since buying it has already indicated that she is in a dispute with a neighbor. He said that he does not believe that the Board will request the amendment on her behalf.

Mrs. Hopkins next explained a possible amendment to the Riner Village Plan. A potential applicant wanted to rezone a property to General Business (GB) for a general retail store. The property is currently designated Medium Density Residential in the Village Plan, but is adjacent to a Mixed Use-designated area. She added that staff will need more detail as to what he wishes to construct there before accepting an application.

Mr. Rice commented that the property owner may need to get water and/or sewer access from the Cloverlea property.

Kennel Ordinance

Ms. Jenkins explained that the Planning Commission had numerous kennel discussions in 2012, from which they proposed a number of regulations to the Board. There had been some issues distinguishing between private and commercial kennels.

Ms. Hirt asked what the difference is between commercial and private kennels.

Ms. Jenkins explained that private kennels are currently not regulated under the Zoning Ordinance so they can only be regulated under the animal control section of the County Code. The Commission had agreed on several ordinance amendments and voted to recommend those amendments to the Board. The Board held a public hearing but no action was ever taken. Ms. Jenkins added that Mr. McMahon reviewed the issue with the Board again in January 2014, at which time they voted to send the issue back to the Planning Commission for further review. Ms. Jenkins reviewed the proposed changes by zoning district.

Mr. Donahue asked if these amendments differed from those previously recommended to the Board in 2012.

Ms. Jenkins explained that they have not been changed; the Board has tasked the Planning Commission with taking another look at those proposed amendments.

Mr. Tuck said that one Supervisor wanted to ensure that a kennel owner does not pen animals closer to a neighbor than to his or her own home. There were also concerns with impacts on people who hunt with more than five personal dogs. He added that the Board was not concerned with the commercial aspect of kennels, but wants to make sure that the ordinance amendments to address private kennels are enforceable.

Ms. Jenkins stated that setbacks of these uses need to be a measurable distance from property lines, not dwelling units, in order to be enforceable.

Mr. Kroll asked if the nuisance ordinance could deal with some of the issues caused by kennels.

Ms. Jenkins answered that Mr. McMahon has made that suggestion.

Mr. Donahue commented that these proposed ordinance amendments are to address kennels only, and if the Board wants the Commission to address penned animals, that is a different request.

Mr. Rice suggested increasing the proposed setback of private kennels from 25 feet to 50.

Mr. Kroll commented that there is most likely a negligible difference in dogs barking 25 feet away and 50 feet away.

Mr. Katz proposed allowing private kennels by right with a 100 foot setback (or some similar distance) and by SUP if a landowner wants it closer to the property line.

Mr. Rice agreed, and recommended changing the originally proposed setback distance of 25 feet to 50, with any lesser setback allowed by SUP.

Mr. Katz suggested adding private kennel by SUP in the Community Business zoning district.

Mr. Kroll asked what the difference was between a commercial kennel and a vet.

Ms. Jenkins read the definition of "veterinary hospital" or "animal hospital" from the zoning ordinance. Currently this use does not allow boarding; she commented that we may need to modify that definition as most vets in the area do board. She then expressed her intent to update the amendments with the Commissioners' comments.

On a motion by Mr. Donahue and seconded by Mr. Katz and unanimously carried, the Commission came out of work session.

LIAISON REPORTS:

- Board of Supervisors – Mr. Tuck reported that the County has asked the Town of Blacksburg to meet about the old Middle School property. The Board will also be working with planning staff soon on the former Prices Fork Elementary School property rezoning.
- Agriculture & Forestal District – No report.
- Blacksburg Planning Commission – No report.
- Christiansburg Planning Commission – No report.
- Economic Development Committee – Mr. Rice reported that there was a presentation from a new business located in the Christiansburg Development Park.

Mr. Kroll asked if the Commission could coordinate with the Economic Development Committee to discuss some of the issues brought up earlier.

Mrs. Hopkins said that she would speak with Brian Hamilton about a possible joint meeting.

- Public Service Authority – Mr. Donahue reported that Bob Fronk, PSA Director, had sent surveys to residents in the Gingerbread Road area off of Route 460, but only three expressed an interest in having public water extended to them, and only one was willing to pay. For now, that expansion will not be going forward.
- Parks & Recreation – No report
- Radford Planning Commission – No report.

- School Board – No report.
- Tourism Council – No report.
- Planning Director's Report – Mrs. Hopkins reported that a new Planning Director had been hired. Karen Drake, former Comprehensive Planner for the Town of Blacksburg, will begin on March 17. Mrs. Hopkins further reported that staff expects at least two applications in March – one for the Taylor Hollow rezoning of the Prices Fork property, and a SUP for a tower near Radford.
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MEETING ADJOURNED:

There being no further business the meeting was adjourned at 9:50 PM



MONTGOMERY COUNTY DEPARTMENT
OF PLANNING & GIS SERVICES

PLANNING
GIS & MAPPING

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM

TO: Montgomery County Planning Commission

FROM: Dari Jenkins, Zoning Administrator 

DATE: March 6, 2014

SUBJ: UPDATE: PROPOSED KENNEL ORDINANCE AMENDMENTS

Proposed Kennel Amendments:

During the Planning Commission meeting on February 19, 2014, the Commission discussed potential amendments to the Zoning Ordinance for dealing with the enforcement of kennels, both commercial and private. This review was specifically requested by the Board of Supervisors after their work session in January 2014.

Based on the concerns and discussion presented at our meeting, I have modified the proposed ordinance amendments, enclosed. The County Attorney has reviewed these proposed amendments and at this time has no concerns as to the legality of what is proposed.

Please review the updated enclosure in order that we may have a discussion during the meeting on March 12, 2014.

DJ/ep

Enclosure(s): Comparison Table for Kennel Regulations, Updated March 6, 2014

COMPARISON TABLE FOR KENNEL REGULATIONS – March 05, 2014

	CURRENT REGULATIONS		PROPOSED ORDINANCE AMENDMENTS	
ZONING DISTRICT	BY RIGHT	BY SUP	BY RIGHT	BY SUP WITH LIMITATIONS
Agricultural (A-1)	N/A	<p>Kennel, Commercial</p> <p>Kennels. No principal or accessory use or structure shall be within five hundred (500) feet of an existing dwelling, other than the owner's dwelling, nor within three hundred (300) feet of any adjacent lot.</p>	<p>Kennel, Private</p> <p>(1) <u>A private kennel shall be permitted only when accessory to a single-family dwelling on a minimum of one (1) acre.</u></p> <p>(2) <u>Exterior runs, pens and other confined areas designed to house five (5) or more animals-dogs shall be set back at least twenty-five (25) forty (40) feet from any property line. For the purposes of this section, perimeter fencing of a yard shall not be considered a confined area. A reduction in setback may be acquired upon approval of a Special Use Permit (SUP)</u></p> <p>(Zoning permit issued when applicant meets the criteria.)</p>	<p>Kennel, Commercial</p> <p>(1) Except where animals are confined in soundproofed, air-conditioned buildings, no principal or accessory use or structure or area occupied by animals shall be within five hundred (500) feet of an existing dwelling, other than the owner's dwelling, nor within three hundred (300) feet of any adjacent lot.</p> <p><u>No principal or accessory use or structure or confinement area occupied or utilized by animals shall be located closer than two hundred (200) feet to any lot line unless specifically granted with approval of a Special Use Permit (SUP) by the Board of Supervisors.</u></p> <p>(2) Soundproofed confinements shall not be located closer than two hundred (200) feet to any agricultural or residential lot line.</p> <p>(3) <u>Noise measured at the nearest agricultural or residential property line shall not exceed limits defined in Chapter 7, Article IV of Montgomery County Code.</u></p> <p>(4) <u>Animal waste shall be disposed of in a manner acceptable to the Virginia Department of Health.</u></p> <p>Kennel, Private – Reduced setback for exterior runs, pens and other confined areas if approved by SUP.</p>

ZONING DISTRICT	CURRENT REGULATIONS		PROPOSED ORDINANCE AMENDMENTS	
	BY RIGHT	BY SUP	BY RIGHT	BY SUP WITH LIMITATIONS
Conservation (C1)	N/A	N/A	<p>Kennel, Private</p> <p>(1) <u>A private kennel shall be permitted only when accessory to a single-family dwelling on a minimum of one (1) acre.</u></p> <p>(2) <u>Exterior runs, pens and other confined areas designed to house five (5) or more animals-dogs shall be set back at least twenty-five (25) forty (40) feet from any property line. For the purposes of this section, perimeter fencing of a yard shall not be considered a confined area. A reduction in setback would require a Special Use Permit (SUP)</u></p> <p>(Zoning permit issued when applicant meets the criteria.)</p>	N/A

ZONING DISTRICT	CURRENT REGULATIONS		PROPOSED ORDINANCE AMENDMENTS	
	BY RIGHT	BY SUP	BY RIGHT	BY SUP WITH LIMITATIONS
Rural Residential (R-R)	N/A	N/A	Kennel, Private (1) <u>A private kennel shall be permitted only when accessory to a single-family dwelling.</u> (2) <u>Exterior runs, pens and other confined areas designed to house five (5) or more dogs shall be set back at least forty (40) feet from any property line. For the purposes of this section, perimeter fencing of a yard shall not be considered a confined area.</u> (3) <u>Minimum lot size of one (1) acre is required.</u>	N/A
Residential (R-1)	N/A	N/A	N/A	Kennel, Private (1) <u>A private kennel shall be permitted only when accessory to a single-family dwelling.</u> (2) <u>Exterior runs, pens and other confined areas designed to house five (5) or more animals dogs shall be set back at least twenty-five (25) forty (40) feet from any property line. For the purposes of this section, perimeter fencing of a yard shall not be considered a confined area.</u> (3) <u>Minimum lot size of one (1) acre is required.</u>
Residential (R-2)	N/A	N/A	N/A	Kennel, Private (1) <u>A private kennel shall be permitted only when accessory to a single-family dwelling.</u> (2) <u>Exterior runs, pens and other confined areas designed to house five (5) or more animals shall be set back at least twenty-five (25) forty (40) feet from any property line. For the purposes of this section, perimeter fencing of a yard shall not be considered a confined area.</u> (3) <u>Minimum lot size of one (1) acre is required.</u>

	CURRENT REGULATIONS		PROPOSED ORDINANCE AMENDMENTS	
ZONING DISTRICT	BY RIGHT	BY SUP	BY RIGHT	BY SUP WITH LIMITATIONS
Residential (R-3)	N/A	N/A	N/A	N/A
Residential Multi-Family (RM-1)	N/A	N/A	N/A	N/A

ZONING DISTRICT	CURRENT REGULATIONS		PROPOSED ORDINANCE AMENDMENTS	
	BY RIGHT	BY SUP	BY RIGHT	BY SUP WITH LIMITATIONS
General Business (GB)	N/A	Kennel, Commercial	N/A	<p>Kennel, Commercial</p> <p>(5) <u>No principal or accessory use or structure or confinement area occupied or utilized by animals shall be located closer than two hundred (200) feet to any agricultural or residential lot line unless specifically granted with approval of a Special Use Permit (SUP) by the Board of Supervisors.</u></p> <p>(6) <u>Shall be operated in such a way that does not produce any objectionable noise or odors or vermin outside its walls.</u></p> <p>(7) <u>Noise measured at the nearest agricultural or residential property line shall not exceed limits defined in Chapter 7, Article IV of Montgomery County Code.</u></p> <p>(8) <u>In all cases, animals shall be confined in an enclosed building from 10:00 p.m. to 6:00 a.m.</u></p> <p>(9) <u>In areas where such uses may be in proximity to other uses involving intensive activity such as shopping centers or other urban density locations, special attention is required to protect the public health and welfare. To these ends, there may be additional requirements such as:</u></p> <ul style="list-style-type: none"> • <u>Separate building entrance and exit to avoid animal conflicts.</u> • <u>Area for outside exercise to be exclusive from access by the public by fencing or other means.</u> • <u>For non-soundproofed animal confinements, an external solid fence composed of block, brick or other material to be located within fifty (50) feet of the animal confinement and shall be composed of concrete block, brick, or other material approved by the zoning administrator.</u> <p>(10) <u>Animal waste shall be disposed of in a manner acceptable to Virginia Department of Health.</u></p>

ZONING DISTRICT	CURRENT REGULATIONS		PROPOSED ORDINANCE AMENDMENTS	
	BY RIGHT	BY SUP	BY RIGHT	BY SUP WITH LIMITATIONS
General Business (GB)	N/A	N/A	N/A	<p>Kennel, Private</p> <p>(1) <u>A private kennel shall be permitted only when accessory to a single-family dwelling.</u></p> <p>(2) <u>Exterior runs, pens and other confined areas designed to house five (5) or more animals shall be set back at least twenty five (25) forty (40) feet from any property line. For the purposes of this section, perimeter fencing of a yard shall not be considered a confined area.</u></p> <p>(3) <u>Minimum lot size of one (1) acre is required.</u></p>

ZONING DISTRICT	CURRENT REGULATIONS		PROPOSED ORDINANCE AMENDMENTS	
	BY RIGHT	BY SUP	BY RIGHT	BY SUP WITH LIMITATIONS
Community Business (CB)	N/A	Kennel, Commercial	N/A	<p>Kennel, Commercial</p> <p>(1) <u>No principal or accessory use or structure or confinement area occupied or utilized by animals shall be located closer than two hundred (200) feet to any agricultural or residential lot line unless specifically granted with approval of a Special Use Permit (SUP) by the Board of Supervisors.</u></p> <p>(2) <u>Shall be operated in such a way that does not produce any objectionable noise or odors or vermin outside its walls.</u></p> <p>(3) <u>Noise measured at the nearest agricultural or residential property line shall not exceed limits defined in Chapter 7, Article IV of Montgomery County Code.</u></p> <p>(4) <u>In all cases, animals shall be confined in an enclosed building from 10:00 p.m. to 6:00 a.m.</u></p> <p>(5) <u>In areas where such uses may be in proximity to other uses involving intensive activity such as shopping centers or other urban density locations, special attention is required to protect the public health and welfare. To these ends, there may be additional requirements such as:</u></p> <ul style="list-style-type: none"> • <u>Separate building entrance and exit to avoid animal conflicts.</u> • <u>Area for outside exercise to be exclusive from access by the public by fencing or other means.</u> • <u>For non-soundproofed animal confinements, an external solid fence composed of block, brick or other material to be located within fifty (50) feet of the animal confinement and shall be composed of concrete block, brick, or other material approved by the zoning administrator.</u> <p>(6) <u>Animal waste shall be disposed of in a manner acceptable to Virginia Department of Health.</u></p>

ZONING DISTRICT	CURRENT REGULATIONS		PROPOSED ORDINANCE AMENDMENTS	
	BY RIGHT	BY SUP	BY RIGHT	BY SUP WITH LIMITATIONS
Community Business (CB)	N/A	N/A	N/A	<p>Kennel, Private</p> <p>(1) <u>A private kennel shall be permitted only when accessory to a single-family dwelling.</u></p> <p>(2) <u>Exterior runs, pens and other confined areas designed to house five (5) or more animals shall be set back at least twenty five (25) forty (40) feet from any property line. For the purposes of this section, perimeter fencing of a yard shall not be considered a confined area.</u></p> <p>(3) <u>Minimum lot size of one (1) acre is required.</u></p>

ZONING DISTRICT	CURRENT REGULATIONS		PROPOSED ORDINANCE AMENDMENTS	
	BY RIGHT	BY SUP	BY RIGHT	BY SUP WITH LIMITATIONS
Planned Industrial (PIN)	N/A	Kennel, Indoor	N/A	<p>Kennel, Commercial</p> <p>(1) <u>No principal or accessory use or structure or confinement area occupied or utilized by animals shall be located closer than two hundred (200) feet to any agricultural or residential lot line unless specifically granted with approval of a Special Use Permit (SUP) by the Board of Supervisors.</u></p> <p>(2) <u>Shall be operated in such a way that does not produce any objectionable noise or odors or vermin outside its walls.</u></p> <p>(3) <u>Noise measured at the nearest agricultural or residential property line shall not exceed limits defined in Chapter 7, Article IV of Montgomery County Code.</u></p> <p>(4) <u>In all cases, animals shall be confined in an enclosed building from 10:00 p.m. to 6:00 a.m.</u></p> <p>(5) <u>In areas where such uses may be in proximity to other uses involving intensive activity such as shopping centers or other urban density locations, special attention is required to protect the public health and welfare. To these ends, there may be additional requirements such as:</u></p> <ul style="list-style-type: none"> • <u>Separate building entrance and exit to avoid animal conflicts.</u> • <u>Area for outside exercise to be exclusive from access by the public by fencing or other means.</u> • <u>For non-soundproofed animal confinements, an external solid fence composed of block, brick or other material to be located within fifty (50) feet of the animal confinement and shall be composed of concrete block, brick, or other material approved by the zoning administrator.</u> <p>(6) <u>Animal waste shall be disposed of in a manner acceptable to Virginia Department of Health.</u></p> <p>(7) <u>The site shall front on or have direct access to a publicly owned and maintained street.</u></p>

	CURRENT REGULATIONS		PROPOSED ORDINANCE AMENDMENTS	
ZONING DISTRICT	BY RIGHT	BY SUP	BY RIGHT	BY SUP WITH LIMITATIONS
Planned Unit Development/ Commercial PUD/COM	N/A	Kennel	N/A	<p>Kennel, Commercial</p> <p>(1) <u>No principal or accessory use or structure or confinement area occupied or utilized by animals shall be located closer than two hundred (200) feet to any agricultural or residential lot line unless specifically granted with approval of a Special Use Permit (SUP) by the Board of Supervisors.</u></p> <p>(2) <u>Shall be operated in such a way that does not produce any objectionable noise or odors or vermin outside its walls.</u></p> <p>(3) <u>Noise measured at the nearest agricultural or residential property line shall not exceed limits defined in Chapter 7, Article IV of Montgomery County Code.</u></p> <p>(4) <u>In all cases, animals shall be confined in an enclosed building from 10:00 p.m. to 6:00 a.m.</u></p> <p>(5) <u>In areas where such uses may be in proximity to other uses involving intensive activity such as shopping centers or other urban density locations, special attention is required to protect the public health and welfare. To these ends, there may be additional requirements such as:</u></p> <ul style="list-style-type: none"> • <u>Separate building entrance and exit to avoid animal conflicts.</u> • <u>Area for outside exercise to be exclusive from access by the public by fencing or other means.</u> • <u>For non-soundproofed animal confinements, an external solid fence composed of block, brick or other material to be located within fifty (50) feet of the animal confinement and shall be composed of concrete block, brick, or other material approved by the zoning administrator.</u> <p>(6) <u>Animal waste shall be disposed of in a manner acceptable to Virginia Department of Health.</u></p> <p>(7) <u>The site shall front on or have direct access to a publicly owned and maintained street.</u></p>

SECTION 10-61 DEFINITIONS

Kennel, commercial: An establishment in which two (2) or more canines, or canine hybrids, cats or other household pets are housed or kept for training, breeding, renting, handling, buying, selling, treating, boarding, grooming, or showing dogs, cats, or other household pets as a business, and/or for commercial gain. Does not include establishments in which the sole function is grooming.

Kennel, private: The keeping, fostering, breeding, raising, showing or training of ~~more than five (5)~~ **five (5) or more** dogs over twelve (12) weeks of age for personal enjoyment of the owner or occupants of the property and **not** for which commercial gain is ~~not the primary objective~~.

Pet, household: Small, domestic animals that are customarily kept in the house or residential yard for the company or enjoyment of the owner, such as but not limited to dogs, cats, rabbits, birds, rodents, fish and other such animals that pose no threat, harm or disturbance to neighboring residents or properties. (also see "kennel, private" and "Kennel, commercial")

Animal hospital: ~~See "Veterinary Hospital/Clinic" A facility for the provision of surgical or other medical treatment to animals. Such animals may be kept in the facility during the recovery period or while under medical treatment only.~~

Veterinary Hospital/Clinic: Any establishment rendering surgical and medical treatment of animals. Boarding of animals shall only be conducted indoors, on a short term basis, and shall only be incidental to such hospital/clinic use, unless also authorized and approved as a commercial kennel.

Veterinary hospital: See "Animal hospital."