



## Legislation Text

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**File #:** 20-0143, **Version:** 1

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Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia by Amending Section 2-2 To Add New Definitions Of Animal Day Care, Animal Shelter, Home Based Rescue And Veterinarian Office Or Hospital, And To Modify Definitions Of Home Occupation, Kennel and Establishment

### **Background Statement:**

This amendment is accompanied by a separate, related amendment to Chapter 3 (Item # 20-0161), which includes the permitted uses table and additional standards.

Hampton Animal Response Team (HART, formerly known as Animal Control) recently amended Chapter 5 of the city code which prompted this review of the zoning ordinance to align with the HART definitions. Staff used the opportunity to take a close look at the existing related uses within the zoning ordinance so that we are working toward both aligning our efforts and modernizing the City's zoning ordinance.

The existing kennel definition within the zoning ordinance captures kennels with 2 or more dogs or cats, and does not include hunting kennels. The HART definition only includes kennels with 5 or more dogs or cats and does include hunting among other listed uses. This proposed ordinance amendment would align the zoning ordinance definition of kennel with the one used by HART.

Three similar uses to kennels which were not previously defined by the zoning ordinance are animal day care, home based rescue, and veterinary office or hospital. Staff believes that this is a prudent time to define and fully consider where these similar uses are most suitable within the City of Hampton.

The term animal shelter is being defined to clearly identify what is meant within the definition of animal day care. Animal day cares explicitly exclude animal shelters, but the zoning ordinance currently lacks a definition for animal shelter. Therefore, staff proposes adopting the definition from Chapter 5 of the city code that HART uses to avoid any future confusion or uncertainty in the application of the definition.

With respect to the term establishment, it is currently expressly limited in reference to apply to sign regulations. The term establishment is used within the proposed changes to the above animal related uses, and is currently used elsewhere in the zoning ordinance. Staff recommends amending the definition to apply generally for all uses of the word establishment within the zoning ordinance.

These new and amended definitions will better enable the City of Hampton to adequately, carefully, and consistently identify and regulate these animal-related uses.

As a result of the Planning Commission discussion, staff has added language clarifying that animals younger than four (4) months are not considered toward the number of animals of a home based

rescue or kennel.

**Recommendations:**

Staff Recommendation:

Approve

Planning Commission Recommendation:

Approve

**WHEREAS**, the public necessity, convenience, general welfare and good zoning practice so require;

**BE IT ORDAINED** by the City Council of the City of Hampton, Virginia that Section 2-2 of Chapter 2 of the Zoning Ordinance of the City of Hampton, Virginia be amended to read as follows:

Section 2-2. - Definitions

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Animal Day Care. A place or establishment, other than an animal shelter, where companion animals not owned by the proprietor are cared for a time limited to less than twenty-four (24) hours per day per client in exchange for a fee. The term shall include establishments commonly referred to as doggie daycares.

Animal Shelter. An establishment, other than a private residential dwelling and its surrounding grounds, which is used to house or contain animals for the purpose of finding permanent adoptive homes for animals which shall include, but not be limited to, a humane society, animal welfare organization, society for the prevention of cruelty to animals.

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Establishment. Any business, institutional, professional or religious entity which provides products or services, or any apartment, condominium, cluster home, townhouse for sale, or similar project. Only an entity which occupies a separate business space which is enclosed by walls and accessed and secured separately will be considered a single establishment. Any apartment, condominium, cluster home, townhouse for sale or similar project under single management or association will be considered a single establishment unless located on non-contiguous lots, in which case each non-contiguous grouping will be considered a separate establishment.

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Home Based Rescue. An occupied, detached, one or two-family residence in which five (5) or more companion animals over the age of four (4) months are kept for the purpose of facilitating adoption, including fostering or keeping animals which are not licensed as personal pets, excluding kennels.

Home occupation. Any occupation or activity which is clearly incidental and secondary to use of the premises as a dwelling and which is carried on wholly or in part within a main building or accessory building by a member of the family who resides on the premises.

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Kennel. Any establishment in which five (5) or more canines, felines, or hybrids of either, over the age of four (4) months are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

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Veterinarian office or hospital. An establishment used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals and preventive care for healthy animals under the supervision of a duly licensed veterinarian. The use may include animal grooming services, animal day care, animal kenneling, and limited retail sales of pet-related merchandise if they are clearly incidental and accessory in nature.

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