



Legislation Text

File #: 20-0161, **Version:** 1

Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia Amending Sections 3-2 Entitled, "Table of Uses Permitted" and Section 3-3 Entitled, "Additional Standards On Uses," to Modify Regulations Pertaining to Home Occupation, Kennel, and Veterinarian Office/Hospital Uses and to Add New Uses Of Animal Day Care, Animal Shelter, and Home Based Rescue

Background Statement:

This amendment is accompanied by a separate, related amendment to Chapter 2 (Item # 20-0143), which modifies and establishes related definitions.

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 amendment would update the "Table of Uses Permitted" to add animal day care, animal shelter, and home based rescue to the table and indicate the zoning districts in which these new uses are permitted. It would also expand the kennel use to be permitted in M-1 and with a use permit in C-3 with additional standards applied to all the districts where kennels are permitted. The veterinarian office or hospital use would also be expanded to be permitted in M-1 with additional standards applied to all districts where veterinarian offices and hospitals are permitted.

The additional standards proposed for regulating animal day care, veterinary office or hospital, and kennel uses include a condition that the use be conducted inside an enclosed building with reference to the noise standards within the city code chapter 22, a condition that the use shall comply with city code chapter 5 for increased enforcement opportunity, and standards for an outdoor run if provided, including hours of utilization, fencing, and screening and setbacks when abutting a residential zone.

In order to address how residents may sell, foster, board, or hold for adoption companion animals from their homes, the home occupation additional standards are being updated. The update allows for residents to operate a home occupation which boards, fosters, sells, or adopts companion animals as long as they have four or fewer animals and meet all other additional standards within home occupation. It does not permit the animal day care use as a home occupation, as it has the potential for more turnover and customer visits leading to a greater daily impact on neighboring residences. The home occupation standards for noise, odor, and size limitations would constrain this sort of home occupation to a level staff believes is appropriate for the residential neighborhood.

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

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 Council of the City of Hampton, Virginia that Sections 3-2 and 3-3 of the Zoning Ordinance of the City of Hampton, Virginia, be amended to read as follows:

Sec. 3-2. Table of uses permitted.

(a) Table of Uses Permitted in Standard Zoning Districts.

[See attached use table for changes.]

(b) Table of Uses Permitted in Special Zoning Districts.

[See attached use table for changes.]

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Section 3-3. - Additional standards on uses.

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(7) Home occupation. In the R-R, R-LL, R-43, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, MD-1, MD-2, MD-3, MD-4, R-M, C-1, C-2, LFA-5, RT-1, BB-1, BB-2, BB-3, BB-4, BB-5, PH-1, PH-2, PH-3, DT-1, DT-2, DT-3, FM-1, FM-2, and FM-3 districts, home occupations shall be permitted only as an accessory use and only where the character of such use is such that it is clearly subordinate and incidental to the principal residential use of a dwelling. Home occupations that have the following general characteristics are permitted:

(a) Only those persons who are bona fide residents of the premises may participate in the home occupation. There shall be no on-site employment or use of labor from persons who are not bona fide residents of the dwelling.

(b) No mechanical or electrical equipment shall be employed within or on the premises other than machinery or equipment customarily found in a home; except that computer systems, fax machines and equipment customarily associated with home office equipment shall be permitted.

(c) No outside display of goods and no outside storage of any equipment or materials used in the home occupation shall be permitted.

- (d) There shall be no audible noise, or any detectable vibration or odor from activities or equipment of the home occupation beyond the confines of the dwelling, or any accessory building, including transmittal through vertical or horizontal party walls.
- (e) The storage of biohazardous waste, hazardous waste or materials not otherwise and customarily associated with home use is prohibited.
- (f) The home occupation must be conducted entirely within the dwelling or an accessory structure, or both. Not more than two hundred (200) square feet of floor area shall be used in the conduct of the home occupation, including storage of stock-in-trade or supplies.
- (g) All parking in connection with the home occupation (including, without limitation, parking of vehicles marked with advertising or signage for the home occupation) must be in driveway and garage areas on the premises, or in available on-street parking areas.
- (h) Except for the sign authorized by Chapter 10, there shall be no evidence or indication visible from the exterior of the dwelling that the dwelling is being used for any purpose other than as a residential dwelling.
- (i) Home occupation shall not include the following uses, as defined by Chapter 2:
 - (i) any vehicle repair, vehicle sales, or vehicle storage for vehicles other than the owner/occupant's personal vehicle(s);
 - (ii) motor vehicle display for purposes of sale or lease other than the owner/occupant's personal vehicle;
 - (iii) machine shop/metal working;
 - (iv) body piercing and/or tattoo parlor; and
 - (v) kennel, home based rescue, animal shelter, and animal day care.

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(23) Animal Day Care in R-R, C-1, C-2, C-3, M-1, M-2, M-3, BB-3, BB-4, BB-5, HRC-1, HRC2, LBP, DT-1, DT-2, PH-1, PH-2, PH-3, FM-2, FM-3, and FM-4 districts shall comply with the following minimum conditions:

- (a) In the R-R district, all buildings and areas used for such purposes shall be located at least one hundred (100) feet from all side and rear property lines.
- (b) In all districts, the use shall be conducted wholly within an enclosed building except with respect to an outdoor run complying with the below standards. In all cases, animal-related noises shall comply with City Code Sec 22-9, as amended.
- (c) The use shall comply with all requirements of City Code Chapter 5, as amended, including but not limited to requirements regarding licensing and care of the animals.

- (d) If an outdoor run is included, the following additional conditions shall also apply:
- (i) Animals shall not be kept unattended in the outdoor run during the hours of 10 pm to 7 am;
 - (ii) The outdoor run shall be fenced with a minimum fence height of six (6) feet; and
 - (iii) If the lot upon which the establishment is located abuts any lot zoned R or MD district, any outdoor run shall comply with the following:
 - (a) The outdoor run shall not be located closer than twenty (20) feet of the residentially zoned lot's abutting lot line.
 - (b) If the outdoor run is located within one hundred (100) feet of any residentially zoned lot, any fencing used for the perimeter of the enclosure shall be opaque and at least six (6) feet in height. Barbed wire and electric fences are expressly prohibited.
 - (c) If the outdoor run is located within one hundred (100) feet of any residentially zoned lot, it shall have screening per the City of Hampton Landscape Guidelines.

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(27) Silviculture/plant nursery, including retail sales in all districts. The following minimum conditions shall be met:

- (a) The minimum lot size for such a use shall be two (2) acres;
- (b) The owner and operator of the premises occupy a residence on site;
- (c) The rental, repair, or sale of motorized equipment or tools other than hand tools shall be prohibited;
- (d) The operations of such a use, including storage, but excluding outside plant production storage and sale shall be conducted within a completely enclosed structure;
- (e) The sale or storage of liquid or dry chemicals unless same is pre-packaged by the manufacturer shall be prohibited;
- (f) There may be only one (1) unlighted exterior sign in accordance with local zoning ordinances; and
- (g) Off-street parking on site is provided in conformance with chapter 11 of the zoning ordinance.

(28) Veterinarian office/hospital in R-R, C-2, C-3, M-1, M-2, M-3, RT-1, LBP, PH-1, PH-2, and PH-3 shall comply with the following minimum conditions:

- (a) In the R-R district, all buildings and areas used for such purposes shall be located at least one hundred (100) feet from all side and rear property lines.
- (b) In all districts, the use shall be conducted wholly within an enclosed building except with respect to an outdoor run complying with the below standards. In all cases, animal-related

noises shall comply with City Code Sec 22-9, as amended.

(c) The use shall comply with all requirements of City Code Chapter 5, as amended, including but not limited to requirements regarding licensing and care of the animals.

(d) If an outdoor run is included, the following additional conditions shall also apply:

(i) Animals shall not be kept unattended in the outdoor run during the hours of 10 pm to 7 am;

(ii) The outdoor run shall be fenced with a minimum fence height of six (6) feet; and

(iii) If the lot upon which the establishment is located abuts any lot zoned R or MD district, any outdoor run shall comply with the following:

(a) The outdoor run shall not be located closer than twenty (20) feet of the residentially zoned lot's abutting lot line.

(b) If the outdoor run is located within one hundred (100) feet of any residentially zoned lot, any fencing used for the perimeter of the enclosure shall be opaque and at least six (6) feet in height. Barbed wire and electric fences are expressly prohibited.

(c) If the outdoor run is located within one hundred (100) feet of any residentially zoned lot, it shall have screening per the City of Hampton Landscape Guidelines.

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(38) Kennel in the R-R, C-3, M-1, M-2, M-3, and LBP shall comply with the following minimum conditions:

(a) In the R-R district, kennels shall have all buildings and areas used for such purposes located at least one hundred (100) feet from all side and rear property lines.

(b) In all districts, the use shall be conducted wholly within an enclosure as defined in City Code Chapter 5, as amended. In all cases, animal-related noises shall comply with City Code Sec 22-9, as amended.

(c) The use shall comply with all requirements of City Code Chapter 5, as amended, including but not limited to requirements regarding licensing and care of the animals.

(d) If an outdoor run is included, the following additional conditions shall also apply:

(i) Animals shall not be kept unattended in the outdoor run during the hours of 10 pm to 7 am;

(ii) The outdoor run shall be fenced with a minimum fence height of six (6) feet; and

(iii) If the lot upon which the establishment is located abuts any lot zoned R or MD district, any outdoor run shall comply with the following:

(a) The outdoor run shall not be located closer than twenty (20) feet of the residentially

zoned lot's abutting lot line.

(b) If the outdoor run is located within one hundred (100) feet of any residentially zoned lot, any fencing used for the perimeter of the enclosure shall be opaque and at least six (6) feet in height. Barbed wire and electric fences are expressly prohibited.

(c) If the outdoor run is located within one hundred (100) feet of any residentially zoned lot, it shall have screening per the City of Hampton Landscape Guidelines.

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The attached Tables, entitled, "Table of Uses Permitted - Standard Zoning Districts" and "Table of Uses Permitted - Special Zoning Districts" are hereby declared to be a part of this ordinance as if fully set forth herein.