

Town of Lovettsville

PUBLIC HEARING

TO: Mayor and Town Council

FROM: Stephen E. McGregor, Zoning Administrator

DATE: May 13, 2010

SUBJECT: **LVZA 2010-0004 Veterinary Hospital Use** – Zoning Ordinance
Amendment

CONCURRENT WITH:

LVCU 2010-0001 Bernhart Corner Veterinary Hospital –
Conditional Use Permit

PURPOSE: To provide a staff report on the desirability of amending the Zoning Ordinance to permit Veterinary Hospital use conditionally in the non-residential zoning districts, including the Town Center Planned Development T-C district; and to provide recommendations for the ordinance amendment.

BACKGROUND and PROPOSAL: A prospective tenant for the existing building that formerly housed the US Postal Service facility wants to operate a veterinary hospital in the building. Bernhart Corner LLC has submitted an application for a Conditional Use Permit and requests that the Town amend the Zoning Ordinance to permit the Veterinary Hospital use conditionally in the C-1 zoning district, which is the district that applies to the subject property.

DISCUSSION: The building being requested for the veterinary hospital use is on land zoned under the C-1 Community Commercial district, which does not permit the use either as a permitted or conditionally permitted use. The use, however, complies with the stated purpose of the C-1 district, which is stated in part:

"This district is designed to accommodate general commercial business to which the public requires direct and frequent access, but which is not characterized by constant heavy trucking other than stocking and delivery of retail goods."

The activity of the veterinary hospital use should be defined as being almost entirely contained within the facility. The only outdoor activity should be limited to brief periodic airing of the dogs on leashes. The facility does not need a full dog run as would be required for a kennel in which animals are boarded and where

the dogs would not be leashed. The veterinary hospital houses some animals but for short periods of time. The outdoor dog walking area should be limited in its area and fenced. Details of any outdoor features should be determined by each set of circumstances and based upon any relevant Comprehensive Plan policies, such as on page 53 of the Town Plan in the Land Use chapter under Implementation Policies, where it states that landscaping and beautification should be encouraged for new and existing developments. Therefore, such a use can occur if it requires a conditional use permit. General conditions should be outlined in the Zoning Ordinance in order to guide decisions to be made on individual cases.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission held a public hearing on April 7 and agreed that the veterinary hospital use is appropriate in all the non-residential zoning districts (C-1, C-2, I-1 and T-C), if it is a conditionally permitted use so that each application is evaluated in terms of the particular site involved and so its compatibility with any residential area is assured. The use is permitted “by-right” in the C-2 and I-1 districts and conditionally in the Town Center Planned Development T-C district currently in the Zoning Ordinance. The Commission made an editorial change in the proposed text for a set of standards for veterinary hospital use.

CONCLUSION: Not only is the veterinary hospital use appropriate for the C-1 district but it is appropriate for the I-1 Light Industrial district, which permits a large variety of commercial and light industrial uses as long as they do not have an impact on residential areas. A veterinary hospital is currently permitted conditionally in the Town Center Fringe Area (Section 3-7, j, (iii), (A)). If a conditional use permit were required in the C-1, C-2 and I-1 districts it would allow the Town to exercise some control of the site development of any veterinary hospital use. The veterinary hospital use that is now permitted in the C-2 district “by-right” should be changed for the same reasons as stated above.

As a format issue, the terminology for the veterinary hospital use should be made uniform in the Zoning Ordinance. The term used in the T-C Town Center Planned Development district, Fringe Area, is “Veterinary and Animal Hospital Facilities.” In addition, there is no definition of the use in the Zoning Ordinance and there should be one.

The Planning Commission agrees with this assessment, as they voted to recommend approval of the item as brought forward by staff.

RECOMMENDATION: The staff and the Planning Commission are in agreement on the recommendations for this item, which are summarized as follows:

1. The Veterinary Hospital use should be conditionally permitted in the C-1, C-2 and I-1 zoning districts.

2. A set of standards should be established for the veterinary hospital use wherever it may be situated.
3. The term Veterinary Hospital should replace all similar terms found in the Zoning District, such as Veterinary Clinic.
4. A definition of the Veterinary Hospital use should be added to Article 13, Section 13-2 Definitions.

In order to implements these recommendations the following ordinance text amendments are recommended:

ADD: To Article 13, DEFINTIONS, Section 13-2 (in alphabetical order):

"VETERINARY HOSPITAL. A facility where pets and animals are given medical and/or surgical treatment and the indoor boarding of such animals is limited to short-term care incidental to the hospital use."

MODIFY: Article 3, Section 3-11, the title, to read:

COMMERCIAL AND LIGHT INDUSTRIAL ZONING DISTRICTS - GENERAL

ADD: To Article 3, Section 3-11, to read:

"(f) GENERAL STANDARDS FOR CERTAIN USES

The following identified uses, wherever permitted in a commercial or light industrial district, shall conform to the standards set forth in this section, unless otherwise specifically modified in the provisions authorizing such use in a district:

(i) VETERINARY HOSPITALS: This use shall be subject to the following development criteria:

(A) The entire business must be conducted wholly within a completely enclosed soundproofed, heated and air-conditioned building, except for a limited outdoor fenced dog walk area.

(B) Noise and odors created by activities within the facility shall not be perceptible beyond the property line or facility itself if the property has other buildings with human activity.

(C) No animals shall be housed outside the building at any time.

(D) Outdoor features shall comply with any appropriate design or amenity policies in the Town Comprehensive Plan.

(E) Additional buffering, screening or landscaping may be required under conditional use permits, especially to protect visual or other adverse impacts on residential areas."

DELETE: In Article 3, Section 3-13 Mixed Use Business District C-2, under (b)
Permitted Uses: (v) Veterinary Hospital. [renumber subsequent numerals]

ADD: To In Article 3, Section 3-13 Mixed Use Business District C-2, under (c)
Conditionally Permitted Uses:

(vii) Veterinary Hospital.

ADD: To Article 3, Section 3-12 Community Commercial District C-1, under (c)
Conditionally Permitted Uses:

(xiv) Veterinary Hospital.

ADD: To Article 3, Section 3-14 Light Industrial District I-1, under (g), Conditionally
Permitted Uses:

(viii) Veterinary Hospital.

DELETE: From Article 3, Section 3-14 Light Industrial District I-1, (f) (xiii) Veterinary
Clinics

MODIFY: In Article 3, Section 3-7 Town Center Planned Development District T-C, (j)
Conditionally Permitted Uses (iii) Town Center Fringe Area (A), to read:

~~Veterinary and Animal Hospital Facilities.~~ Veterinary Hospital.

DRAFT MOTION: "I move that the Town Council adopt the attached draft resolution to
amend the Zoning Ordinance as presented in the May 13, 2010 memorandum for item
LVZA 2010-0004 Veterinary Hospital Use and recommended by the Planning
Commission."

ATTACHMENT: Draft resolution to approve LVZA 2010-0004 Veterinary Hospital
Use Zoning Ordinance Amendment, Elizabeth Whiting,
Town Attorney, May 6, 2010.

Town of Lovettsville

DRAFT

Ordinance No. 2010-XX-XX:

APPROVE LVZA 2010-0004 AMENDING LOVETTSVILLE ZONING ORDINANCE SECTIONS 3-7 (Town Center Planned Development District T-C), 3-11 (COMMERCIAL AND LIGHT INDUSTRIAL ZONING DISTRICTS-GENERAL), 3-12 (COMMUNITY COMMERCIAL DISTRICT C-1), 3-13 (MIXED USE BUSINESS DISTRICT C-2), 3-14 (LIGHT INDUSTRIAL DISTRICT), and 13-2 (DEFINITION OF CERTAIN TERMS): VETERINARY HOSPITALS

MOTION:

SECOND:

WHEREAS, the Town Council referred a request by Bernhart Corner LLC for a zoning text amendment to establish a veterinary hospital on land zoned C-1 Community Commercial to the Planning Commission for its review and recommendation as to how such use should be accommodated within the Town and in which districts it should be allowed; and

WHEREAS, the Lovettsville Planning Commission conducted a public hearing on the proposed amendments April 5, 2010, pursuant to notice given in accordance with the requirements of Va. Code section 15.2-2204; and

WHEREAS, the Planning Commission recommended approval of the text amendments to allow veterinary hospitals as a conditional use in the C-1 (Community Commercial), C-2 (Mixed Use Business), I-1 (Light Industrial) and Town Center Fringe districts, together with a new definition of "Veterinary Hospital" as well as general conditions governing such uses; and

WHEREAS, following a public hearing on May 13, 2010, advertised in accordance with the aforesaid code provision, the Town Council has determined that the proposed amendments are consistent with good zoning practice and that the health, safety and welfare of the Town and its citizens will be promoted by adoption of the text revisions.

NOW, THEREFORE, BE IT ORDAINED by the Lovettsville Town Council that sections 3-7, 3-11, 3-12, 3-13, 3-14 and 13-2 of the Zoning Ordinance be repealed and reenacted as set forth in the text attached hereto.

VOTE:

Ayes:

Nays:

Abstentions:

Absent for vote:

APPROVED May __, 2010

Elaine Walker, Mayor

Judy L. Kromholz, Town Clerk

Town of Lovettsville

ADD: To Article 13, DEFINITIONS, Section 13-2 (in alphabetical order):

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REPEAL: In Article 3, Section 3-13 Mixed Use Business District C-2, under (b) Permitted Uses: (v) Veterinary Hospital. [renumber subsequent numerals]

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ADD: To In Article 3, Section 3-13 Mixed Use Business District C-2, under (c)
Conditionally Permitted Uses:

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DELETE: From Article 3, Section 3-14 Light Industrial District I-1, (f) (xiii) Veterinary
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MODIFY: In Article 3, Section 3-7 Town Center Planned Development District T-C, (j)
Conditionally Permitted Uses (iii) Town Center Fringe Area (A)

(A) ~~Veterinary and Animal hospital facilities~~ Hospital.