



Request

An Ordinance to Amend Sections 501, 801, 901, 1001 and 1110 of the City Zoning Ordinance pertaining to Home-based Wildlife Rehabilitation

Summary of Request

At the request of Councilwoman Wooten, Staff has drafted an ordinance that would permit home-based wildlife rehabilitation in the residential districts, absent the R-2.5 district. Currently this use is a conditional use in these districts. All home-based wildlife rehabilitation facilities would be required to follow the regulations set forth in section 242.3 of the City Zoning Ordinance. A summary of those regulations is provided below:

- a. Each operator shall provide:
 1. Adequate food and water;
 2. Adequate and appropriate shelter;
 3. Adequate exercise;
 4. Adequate lighting; and
 5. Veterinary care as necessary.
- b. Each operator shall have valid permitting from the VA Dept. of Game and Inland Fisheries
- c. Operator may only hold species to which they are permitted for a period longer than 24 hours.
- d. Operator cannot hold more animals than available caging.
- e. No animal shall be held at facility for greater than 180 days.
- f. Animals must be kept such that there is no nuisance deemed by the Zoning Administrator to be detrimental to the community health (insects, noise, odor, dust, or similar)
- g. Removal of dead animals in accordance with City Code Section 5-14.
- h. Removal of all waste in accordance with City Code Section 31-7.
- i. All structures housing animals shall comply to zoning dimensional regulations and shall not occupy more than 20 percent of the lot or be greater than eight-feet in height.
- j. No signage is permitted.

Recommendation

Staff recommends approval of this ordinance. Home-based wildlife rehabilitation facilities are a necessary service that are in demand in the City of Virginia Beach. Although City facilities are available, the need for this service exceeds its capacity. This amendment would make the process easier and faster for property owners desiring to provide this service. City Council has approved many home-based wildlife rehab facilities in the past several years, and the Zoning Division has not received any complaints regarding their operation. This use is also highly regulated by the Virginia Department of Game and Inland Fisheries.

Requested by Councilmember Wooten

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AN ORDINANCE TO AMEND SECTIONS 501, AND 1110 OF THE CITY ZONING ORDINANCE PERTAINING TO HOME BASED WILDLIFE REHABILITATION FACILITIES

Sections Amended: §§ 501 and 1110 of the City Zoning Ordinance

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA BEACH, VIRGINIA:

That Sections 501, and 1110 of the City Zoning Ordinance is hereby amended and reordained to read as follows:

Sec. 501. – Use regulations.

(a) *Principal and conditional uses.* The following chart lists those uses permitted within the R-40 through R-2.5 Residential Districts. Those uses and structures in the respective residential districts shall be permitted as either principal uses indicated by a "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X" shall be prohibited in the respective districts. No uses or structures other than as specified shall be permitted.

Uses	Residential Districts										
	R-40	R-30	R-20	R-15	R-10	R-7.5	R-5D	R-5R	R-5S	R-2.5	
....											
Home-based wildlife rehabilitation facilities meeting the requirements of <u>Sec. 242.3</u>	CP	CP	CP	CP	CP	CP	CP	CP	CP	X	
....											

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30 **Sec. 1110. – Land use regulation.**

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(c) Within a PD-H1 District, all of the principal uses and structures permitted within an A-12 Apartment District other than hospitals and sanitariums, together with the following enumerated uses and structures, shall be permitted:

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(d) Within a PD-H1 District, the following uses shall be allowed as conditional uses:

(1) Communication towers;

(2) Family day-care homes;

(3) Group homes;

(4) Kennels, residential;

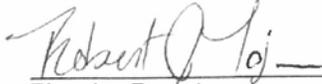
(5) Religious uses;

(6) Wind energy conversion systems, free standing and roof-mounted; and

- 74 (7) ~~Home-based wildlife rehabilitation facilities, provided that the principal~~
- 75 ~~structure is a single-family dwelling and the lot is greater than two thousand~~
- 76 ~~five hundred (2,500) square feet; and~~
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- 78 (8) Short term rentals.
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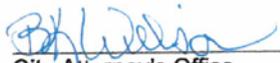
Adopted by the Council of the City of Virginia Beach, Virginia, on the _____ day
of _____, 2019.

APPROVED AS TO CONTENT:



Planning Department

APPROVED AS TO LEGAL SUFFICIENCY:



City Attorney's Office

CA14714
R-2
April 24, 2019

