

# Issue Analysis Form



**Date:** December 13, 2022  
Ordinance Amending  
Portions of the Zoning  
Ordinance to clarify private  
animal boarding places

**Item:**

**Lead Department(s):** County Attorney

**Contact Person(s):** Dan Whitten

## Description and Current Status

Staff is requesting to amend Sections 90-52, 90-53.1, 90-102, 90-103.1, 90-152, 90-153.1, 90-202, 90-203.1, 90-242, 90-243.1, 90-292, 90-293.1 and 90-985 of the Zoning Ordinance in order to clarify in which zoning districts Private Animal Boarding Places are permitted by-right vs. in which zoning districts they are permitted with a special exception from the Board of Zoning Appeals. The Amendment is intended to clarify the requirements that are already in place so that all parts of the County Code work together to specify the requirements accurately. A private animal boarding place is defined as a place where 4 or more dogs, more than 4 months old, are kept for private use.

A draft ordinance is attached for consideration; a motion approving the ordinance is requested.

This Ordinance shall be effective immediately.

Sample Motion: I move that the Board approve an Ordinance amending Sections 90-52, 90-53.1, 90-102, 90-103.1, 90-152, 90-153.1, 90-202, 90-203.1, 90-242, 90-243.1, 90-292, 90-293.1 and 90-985 to clarify the uses in the agricultural and certain residential zoning districts to allow by-right private animal boarding places on parcels of more than one acre and to allow by special exception from the Board of Zoning Appeals private animal boarding places on parcels of one acre or less in size.

## Government Path

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|---|---|--|
| <b>Does this require IDA action?</b>                  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>Does this require BZA action?</b>                  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>Does This require Planning Commission Action?</b>  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>Does this require Board of Supervisors action?</b> | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <b>Does this require a public hearing?</b>            | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>If so, before what date?</b>                       | <input type="checkbox"/> Yes            | <input type="checkbox"/> No            |

ORDINANCE TO AMEND "THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA", 2005, AS AMENDED, BY AMENDING §§ 90-52, 90-53.1, 90-102, 90-103.1, 90-152, 90-153.1, 90-202, 90-203.1, 90-242, 90-243.1, 90-292, 90-293.1 AND 90-985 TO CLARIFY THE USES IN THE AGRICULTURAL AND CERTAIN RESIDENTIAL ZONING DISTRICTS TO ALLOW BY-RIGHT PRIVATE ANIMAL BOARDING PLACES ON PARCELS OF MORE THAN ONE ACRE AND TO ALLOW BY SPECIAL EXCEPTION FROM THE BOARD OF ZONING APPEALS PRIVATE ANIMAL BOARDING PLACES ON PARCELS OF ONE ACRE OR LESS IN SIZE

BE IT ORDAINED by the Board of Supervisors of Prince George County:

*(1) That §90-52 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:*

Sec. 90-52. - Uses and structures permitted by right.

The following uses and structures are permitted by right in the A-1 general agricultural district:

**(21) Animal boarding place, private, on parcels of more than one acre in size.**

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*(2) That §90-53.1 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:*

Sec. 90-53.1. - Uses and structures permitted by special exception granted by the board of zoning appeals.

**(1) Animal boarding place, private, on parcels of one acre or less in size.**

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*(3) That §90-102 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:*

Sec. 90-102. - Uses and structures permitted by right.

The following uses and structures are permitted by right in the R-A residential agricultural district:

**(20) Animal boarding place, private, on parcels of more than one acre in size.**

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*(4) That §90-103.1 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:*

Sec. 90-103.1. - Uses and structures permitted by special exception granted by the board of zoning appeals.

(1) Animal boarding place, private, **on parcels of one acre or less in size.**

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*(5) That §90-152 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:*

Sec. 90-152. - Permitted uses.

The following are permitted uses in the R-E residential estate district:

**(9) Animal boarding place, private, on parcels of more than one acre in size.**

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*(6) That §90-153.1 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:*

Sec. 90-153.1. - Uses and structures permitted by special exception granted by the board of zoning appeals.

(1) Animal boarding place, private, **on parcels of one acre or less in size.**

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*(7) That §90-202 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:*

Sec. 90-202. - Permitted uses.

In the R-1 limited residential district, structures to be erected or land to be used shall be one or more of the following uses:

**(13) Animal boarding place, private, on parcels of more than one acre in size.**

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*(8) That §90-203.1 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:*

Sec. 90-203.1. - Uses and structures permitted by special exception granted by the board of zoning appeals.

(1) **Animal boarding place, private, on parcels of one acre or less in size.**

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*(9) That §90-242 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:*

Sec. 90-242. - Permitted uses.

In the R-2 limited residential district, structures to be erected or land to be used shall be for one or more of the following uses:

(14) **Animal boarding place, private, on parcels of more than one acre in size.**

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*(10) That §90-243.1 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:*

Sec. 90-243.1. - Uses and structures permitted by special exception granted by the board of zoning appeals.

(1) **Animal boarding place, private, on parcels of one acre or less in size.**

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*(11) That §90-292 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:*

Sec. 90-292. - Permitted uses.

In the R-3 general residential district, structures to be erected or land to be used shall be for one or more of the following uses:

(18) **Animal boarding place, private, on parcels of more than one acre in size.**

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*(12) That §90-293.1 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:*

Sec. 90-293.1. - Use and structures permitted by special exception granted by the board of zoning appeals.

- (1) Animal boarding place, private, **on parcels of one acre or less in size.**
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*(13) That §90-985 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:*

Sec. 90-985. – Powers and duties generally.

The board of zoning appeals shall have the power and duty:

- (8) **To hear and decide applications for special exceptions as may be authorized in the Zoning Ordinance.** ~~To grant special exceptions, upon conditions, to allow the keeping of more than three dogs on residentially zoned parcels, on business zoned parcels that allow residential uses, or any residentially used parcel, regardless of zoning, of an acre or less.~~
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*(14) That the Ordinance shall be effective immediately upon adoption.*

# Zoning Summary – Private Animal Boarding Places Ordinance Amendment # OA-22-03

## Zoning Districts

Land use	A-1	R-A	R-E	R-1	R-2	R-3	MHR	B-1	M-1	M-2	M-3	R-TH
Animal boarding place, private. (regardless of parcel size)							N/A	SE-BZA	SE-BZA	SE-BZA	SE-BZA	N/A
Animal boarding place, private, on parcels of more than one acre in size.	BR	BR	BR	BR	BR	BR						
Animal boarding place, private, on parcels of one acre or less in size.	SE-BZA	SE-BZA	SE-BZA	SE-BZA	SE-BZA	SE-BZA						

**Guide:** BR = Permitted by-right      SE-BZA = Permitted by special exception from BZA      N/A = Not permitted

## Definition of Private Animal Board Place

*Animal boarding place, private* means a place where four or more dogs, more than four months old, are kept for private use.

NOTE: This term is distinct from [a commercial] “Animal boarding place”:

*Animal boarding place* means any structure or any land or any combination of either used, designed and arranged for the boarding, breeding or care of dogs cats, pets, fowl, ponies, horses or other domestic animals for profit, but exclusive or animals used for agricultural purposes.