

MOTION:

**November 17, 2020
Regular Meeting
Ord. No. 20-**

SECOND:

RE: ZONING TEXT AMENDMENT #DPA2021-00005, CATTLE – COUNTYWIDE

ACTION:

WHEREAS, in accordance with Section 15.2-2283 of the Code of Virginia states that zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public; and

WHEREAS, the Board of County Supervisors initiated a zoning text amendment to amend Article III, Part 300, of the Prince William County Zoning Ordinance, to allow greater flexibility in allowing cattle as an accessory use to a residential principal use in the A-1, Agricultural, zoned district; and

WHEREAS, on October 7, 2020, the proposed Zoning Text Amendment was presented to the Planning Commission for discussion during a Work Session; and

WHEREAS, the Prince William County Planning Commission held a public hearing on the Zoning Text Amendment on October 21, 2020, recommending approval as stated in Resolution Number 20-072; and

WHEREAS, the Prince William County Board of County Supervisors duly ordered, advertised, and held a public hearing on November 17, at which time the merits of the above-referenced zoning text amendment were considered; and

WHEREAS, amending the Zoning Ordinance for the above-referenced issue is required by public necessity, convenience, general welfare and good zoning practice, and is consistent with Section 15.2-2283 of the Code of Virginia, Ann.;

NOW, THEREFORE, BE IT ORDAINED that the Prince William County Board of County Supervisors does hereby adopt Zoning Text Amendment #DPA2020-00005, Cattle, Option A.

ATTACHMENT: Text Amendment

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

ATTEST: _____

Clerk to the Board

Sec. 32-300.02. - Accessory uses.

Accessory uses shall be permitted in all agricultural and residential districts, subject to the following limitations:

6. Farm animals (such as ~~cows~~-cattle, pigs, hogs, goats, sheep, and other livestock, horses, mules and other equines, and similar utilitarian animals) shall not be permitted as an accessory use in any residential district or on lots of less than ten acres with a residential principal use in any agricultural district, except as follows:
 - (a) Horses, and other domesticated equines, shall be permitted as an accessory use to a residential principal use in the A-1, Agricultural, zoning district on lots of two acres or greater in size at the rate of one such animal per acre over one.
 - (b) Horses, and other domesticated equines, shall be permitted as accessory use to a residential use in all SR zoning districts on lots of two acres or greater in size at the rate of one such animal per acre over one.
 - (c) Chickens and other fowl shall be permitted on all A-1 zoned lots on one acre or larger with or without a principal residence within the Domestic Fowl Overlay District (see Part 508) and on A-1 lots of ten acres or larger outside the Domestic Fowl Overlay District.
 - (d) Chickens and other fowl may be permitted by Special Use Permit on SRR zoned lots of one acre or larger with or without a principal residence within the Domestic Fowl Overlay District.
 - (e) Cattle shall be permitted as an accessory use to a residential principal use in the A-1, Agricultural, zoning district within the Domestic Fowl Overlay District, on lots of two acres or greater in size at the rate of one such animal per acre over one.



STAFF REPORT

**The Board of County
Supervisors**

Ann B. Wheeler, Chair
Victor S. Angry, Vice Chair
Andrea O. Bailey
Kenny A. Boddye
Pete Candland
Margaret Angela Franklin
Jeanine M. Lawson
Yesli Vega

BOCS Meeting Date:	November 17, 2020
Agenda Title:	Zoning Text Amendment #DPA2021-00005, Cattle
District Impact:	County Wide
Requested Action:	Approve Zoning Text Amendment #DPA2021-00005, Cattle
Department:	Planning
Staff Lead:	Stephen Donohoe, AICP, Acting Planning Director

EXECUTIVE SUMMARY

This is a request to provide greater flexibility in allowing cattle as an accessory use to a residential principal use in the A-1, Agricultural, zoning district.

It is the recommendation of staff that the Board of County Supervisors approve Option A Zoning Text Amendment #DPA2021-00005, Cattle.

BACKGROUND

- A. Purpose of the Zoning Ordinance – Section 15.2-2283 of the Code of Virginia states that zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public.
- B. Current Zoning Ordinance Language – The purpose and intent of the County Code Sec. 32-300.02(6) is to prohibit the keeping of farm animals as an accessory use in any residential district or on lots of less than ten acres with a residential principal use in any agricultural district. It currently provides exceptions for horses, other domestic equine, chickens, and other fowl on lots zoned agricultural or semi-rural residential lots barring they meet additional conditions. At this time, there are no exceptions for the keeping of cows or cattle on A-1 property on lots smaller than 10 acres accessory to a residential use.
- C. Current Language Impacts – The current zoning regulations for cattle restricts the keeping of cattle to 10 acres for lots with a principal residential use in the A-1, Agricultural, zoning district.
- D. Proposed Remedy – The purpose and intent stated in the Zoning Ordinance for the A-1, Agricultural, zoning district includes encouraging the proper use of large tracts of real property in order to assure available sources of agricultural products. The intent is to encourage private landowners to create an environment favorable for the continuation farming and other agricultural pursuits.
 - i. Option A: While understanding the interest to broaden the acceptance of cattle for agricultural zoned property, staff has provided option A, that continues to support cattle on A-1 Agricultural, property, but utilizes the Domestic Fowl Overlay District map as a guide. Essentially option A allows cattle on lots less than 10 acres for properties that have already been recognized for their rural characteristics by being included with the overlay map for domestic fowl. Option A appropriately limits new agricultural uses on land not planned for agriculture, while acknowledging the agricultural features of specific areas of the county. The overlay map consists of the majority of the Rural Area of the County, and select areas that are designated as Semi-Rural Residential in the Comprehensive Plan (see Attachment).
 - ii. Option B: A work session with the Planning Commission was held October 7, 2020, and feedback was provided to bring forward alternative language for recommendation. Option B is reflective of this request. The proposed zoning text amendment allows for the by-right keeping of cattle on A-1, Agricultural, zoned parcels of 2 acres or larger, accessory to a principal residential use. At the October 21, 2020 Planning Commission public hearing, the commission voted unanimously to recommend approval of this option.

- E. Zoning Text Amendment Initiated – On September 8, 2020, the BOCS initiated Zoning Text Amendment #DPA2021-00005, Cattle to Article III, Part 300, of the Prince William County Zoning Ordinance, to allow greater flexibility in allowing cattle as an accessory use to a residential principal use in the A-1, Agricultural, zoned district. (See BOCS Initiating Resolution No. 20-628)
- F. Development Ordinance Review Advisory Committee (DORAC) – The committee reviewed the proposed Zoning Map Amendment on September 18, 2020. The committee had no recommended changes. At that time, the committee discussed the merits of an option that is no longer recommended (described below in subsection H).
- G. Planning Commission Recommendation: At the October 21, 2020 public hearing, the Planning Commission recommended approval of Zoning Text Amendment #DPA2021-00005 Option B. Seven people spoke at the public hearing in favor of option B. The Planning Commission made the following additional recommendations:
- i. Proposed Language Option B, add “and cattle” to paragraph 6A.
 - ii. Staff review the rural area zoning concerns/comments process as requested in the Farm Bureau Letter submitted on October 21, 2020. The intent is to make the current process more citizen friendly. It is requested that staff process improvements would be shared via letter response to the Farm Bureau leadership, and brief the Planning Commissioners and the Board of County Supervisors by year end of 2020.
 - iii. Emphasis should also be placed on fast-track/expedite Zoning Text Amendments, where appropriate.
- H. Previously proposed option: Staff originally proposed a method for a landowner with adjacent A-1, Agricultural, properties to utilize their combined properties to meet the existing 10-acre requirement for the accessory keeping of cattle. This option would require landowners to meet five criteria to be eligible for participation. This option was considered during the DORAC meeting and the Planning Commission work session and public hearing.
- I. Updated Proposal: After hearing from the Planning Commission and the public, staff developed a revised Option A. Option A achieves the goals of the planning Commission as well as the members of the public who spoke at the Planning Commission Public Hearing. Option A, as stated above, strikes an appropriate balance between expanding the ability to the keep cattle and limiting that expansion to areas of the county with agricultural features.

STAFF RECOMMENDATION

- A. The Planning Office recommends approval of Option A for Zoning Text Amendment #DPA2021-00005, Cattle for the following reasons:
- It provides increase flexibility in allowing the keeping of cattle on agricultural zoned land in areas of the county that have already been recognized for their rural characteristics.
 - The draft text is tailored to avoid potential conflicts with adjacent uses in areas of the county considered to have suburban, urban, or commercial characteristics.

Community Input

As required by § 15.2-2204, Code of Virginia, notice of the Zoning Text Amendment has been advertised and the proposed amendment has been published on the Prince William County government web site and has been available in the Planning Office. The Planning Office also received feedback at various times since initiation of the zoning text amendment.

Other Jurisdiction Comments

The subject site is not located within the required notification area for any adjacent jurisdictions.

Legal Issues

Legal issues are appropriately addressed by the County Attorney's Office.

Timing

There is no time requirement for the Board of County Supervisors to take action on zoning text amendments.

STAFF CONTACT INFORMATION

Alex Stanley | (703) 792-7359
AStanley@pwcgov.org

ATTACHMENTS

Staff Analysis
Domestic Fowl Overlay District Map
Existing Language
Proposed Language Options
BOCS Initiating Resolution

Summary of Impacts

Option A

The number of lots 2 acres or greater zoned A-1, Agricultural, parcels in the Domestic Fowl Overlay District are 6354. 40% (2,538) of those lots are 10 acres or larger and are allowed keep cattle as an accessory use to a residential principal use today.

The affected lots are located inside of the Domestic Fowl Overlay District. While this zoning text amendment does not pertain to domestic fowl, the overlay includes properties having shared rural characteristics that make them appropriately suited for accessory agricultural uses. A-1, Agricultural properties outside of the overlay may be adjacent to uses considered incompatible with the keeping of cattle.

	<i>Existing right to keep cattle (10+ Acre A-1 Parcels)</i>	<i>New right to keep Cattle (2-10 Acre A-1 Parcels)</i>	<i>Total</i>
<i>Inside of the Domestic Fowl Overlay District</i>	2538	3816	6354
<i>Outside of the Domestic Fowl Overlay District</i>	212	0	212
<i>Combined Total</i>	2750	3816	6566

Parcels were identified by the planning office GIS. Federal, State, and Local government properties were excluded.

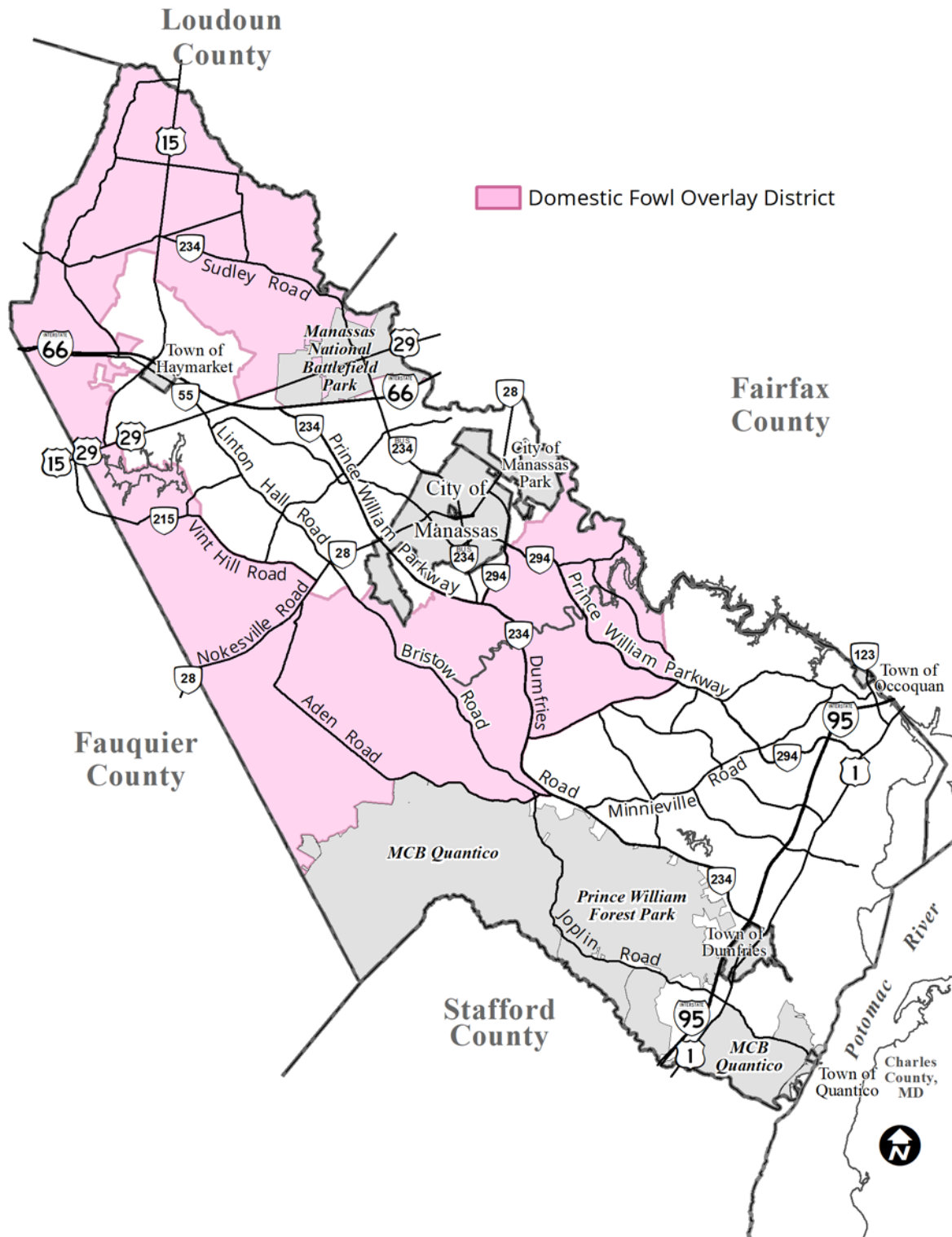
Option B

The number of lots 2 acres or greater zoned A-1, Agricultural parcels in the county are 7524. Approximately 69% (5,167) of the 2 acres+ A-1, Agricultural zoned parcels are in the Rural Area. Currently, 36% (2,750) of all 2 acres+ A-1, Agricultural zoned parcels are allowed keep cattle as an accessory use to a residential principal use.

	<i>Rural Area</i>	<i>Development Area</i>	<i>Total</i>
<i>10+ Acres A-1 Parcels</i>	2452	298	2750
<i>2-10 Acres A-1 Parcels</i>	2715	2059	4774
<i>2+ Acres A-1 Parcels</i>	5167	2357	7524

Parcels were identified by the planning office GIS. Federal, State, and Local government properties were excluded.

Domestic Fowl Overlay District Map



PART 300. - GENERAL REGULATIONS

Sec. 32-300.02. - Accessory uses.

Accessory uses shall be permitted in all agricultural and residential districts, subject to the following limitations:

6. Farm animals (such as cows, pigs, hogs, goats, sheep, and other livestock, horses, mules and other equines, and similar utilitarian animals) shall not be permitted as an accessory use in any residential district or on lots of less than ten acres with a residential principal use in any agricultural district, except as follows:
 - (a) Horses, and other domesticated equines, shall be permitted as an accessory use to a residential principal use in the A-1, Agricultural, zoning district on lots of two acres or greater in size at the rate of one such animal per acre over one.
 - (b) Horses, and other domesticated equines, shall be permitted as accessory use to a residential use in all SR zoning districts on lots of two acres or greater in size at the rate of one such animal per acre over one.
 - (c) Chickens and other fowl shall be permitted on all A-1 zoned lots on one acre or larger with or without a principal residence within the Domestic Fowl Overlay District (see Part 508) and on A-1 lots of ten acres or larger outside the Domestic Fowl Overlay District.
 - (d) Chickens and other fowl may be permitted by Special Use Permit on SRR zoned lots of one acre or larger with or without a principal residence within the Domestic Fowl Overlay District.

PART 300. - GENERAL REGULATIONS

Sec. 32-300.02. - Accessory uses.

Accessory uses shall be permitted in all agricultural and residential districts, subject to the following limitations:

6. Farm animals (such as ~~cows~~ cattle, pigs, hogs, goats, sheep, and other livestock, horses, mules and other equines, and similar utilitarian animals) shall not be permitted as an accessory use in any residential district or on lots of less than ten acres with a residential principal use in any agricultural district, except as follows:
 - (a) Horses, and other domesticated equines, shall be permitted as an accessory use to a residential principal use in the A-1, Agricultural, zoning district on lots of two acres or greater in size at the rate of one such animal per acre over one.
 - (b) Horses, and other domesticated equines, shall be permitted as accessory use to a residential use in all SR zoning districts on lots of two acres or greater in size at the rate of one such animal per acre over one.
 - (c) Chickens and other fowl shall be permitted on all A-1 zoned lots on one acre or larger with or without a principal residence within the Domestic Fowl Overlay District (see Part 508) and on A-1 lots of ten acres or larger outside the Domestic Fowl Overlay District.
 - (d) Chickens and other fowl may be permitted by Special Use Permit on SRR zoned lots of one acre or larger with or without a principal residence within the Domestic Fowl Overlay District.
 - (e) Cattle shall be permitted as an accessory use to a residential principal use in the A-1, Agricultural, zoning district within the Domestic Fowl Overlay District, on lots of two acres or greater in size at the rate of one such animal per acre over one.

PART 300. - GENERAL REGULATIONS

Sec. 32-300.02. - Accessory uses.

Accessory uses shall be permitted in all agricultural and residential districts, subject to the following limitations:

6. Farm animals (such as ~~cows~~ cattle, pigs, hogs, goats, sheep, and other livestock, horses, mules and other equines, and similar utilitarian animals) shall not be permitted as an accessory use in any residential district or on lots of less than ten acres with a residential principal use in any agricultural district, except as follows:
 - (a) Horses, ~~and~~ other domesticated equines, and cattle, shall be permitted as an accessory use to a residential principal use in the A-1, Agricultural, zoning district on lots of two acres or greater in size at the rate of one such animal per acre over one.
 - (b) Horses, and other domesticated equines, shall be permitted as accessory use to a residential use in all SR zoning districts on lots of two acres or greater in size at the rate of one such animal per acre over one.
 - (c) Chickens and other fowl shall be permitted on all A-1 zoned lots on one acre or larger with or without a principal residence within the Domestic Fowl Overlay District (see Part 508) and on A-1 lots of ten acres or larger outside the Domestic Fowl Overlay District.
 - (d) Chickens and other fowl may be permitted by Special Use Permit on SRR zoned lots of one acre or larger with or without a principal residence within the Domestic Fowl Overlay District.

BOCS Initiation Resolution

MOTION: LAWSON

September 8, 2020

SECOND: BAILEY

Regular Meeting

Res. No. 20-628

RE: INITIATE A ZONING TEXT AMENDMENT TO SECTION 32-300.02 TO ALLOW GREATER FLEXIBILITY IN ALLOWING CATTLE AS AN ACCESSORY USE TO A RESIDENTIAL PRINCIPAL USE IN THE A-1 ZONING DISTRICT

ACTION:

WHEREAS, in accordance with Sections 15.2-2285 and 15.2-2286 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare, and good zoning practice necessitate such change; and

WHEREAS, Section 32-300.02 of the Prince William County Zoning Ordinance currently does not permit cattle as an accessory use in on lots of less than ten acres with a residential principal use in the A-1, Agricultural, zoning district; and

WHEREAS, on July 14, 2020, the Board directed staff, via Directive Number 20-52, to prepare for the Board of County Supervisors' consideration, an initiation for a zoning text amendment to explore opportunities to allow greater flexibility in allowing cattle as an accessory use to a residential principal use in the A-1 zoning district; and

WHEREAS, this will authorize staff time and resources necessary for research, analysis, and to conduct public hearings with the Planning Commission and the Board of County Supervisors to gather public input; and

WHEREAS, the Board finds amending the Zoning Ordinance for the above-referenced issue is required by public necessity, convenience, general welfare, and good zoning practice, and is consistent with the intent of Section 15.2-2283 of the Code of Virginia, Ann.;

NOW, THEREFORE, BE IT RESOLVED that the Prince William Board of County Supervisors hereby initiates an amendment to the Prince William County Zoning Ordinance Section 32-300.02 to allow greater flexibility in allowing cattle as an accessory use to a residential principal use in A-1 zoning district.

Votes:

Ayes: Angry, Bailey, Boddye, Franklin, Lawson, Vega, Wheeler

Nays: None

Absent from Vote: Candland

Absent from Meeting: None

For Information:

Planning Director

County Attorney

ATTEST:



Clerk to the Board



PRINCE WILLIAM
COUNTY

Cattle

#DPA2021-00005

Countywide

Alexander Stanley
Planning Office



Cattle, #DPA2021-00005



Process:

- September 8, 2020 – BOCS initiated Zoning Text Amendment
- Development Ordinance Review Advisory Committee (DORAC) – September 18, 2020
- Planning Commission Work Session – October 7, 2020
- Planning Commission Public Hearing – October 21, 2020
- Board of County Supervisors Public Hearing – November 17, 2020

Cattle, #DPA2021-00005

Initiation

- Amend the Prince William County Zoning Ordinance Section 32-300.02 to allow greater flexibility in allowing cattle as an accessory use to a residential principal use in A-1, Agricultural, zoning district.



By Pohdudrah (Own work) [Public domain], via Wikimedia Commons



Previous option no longer being recommended

- e) Abutting lots with shared property lines are permitted to keep cows, provided they demonstrate compliance with subsections (1) through (5). Landowners shall demonstrate compliance with these subsections by affidavit or other suitable proof provided to the Planning Office. The use shall not commence until written approval is given by the Planning Director, or their designee. The decision of the director, or their designee shall be final.
1. All properties are zoned A-1, Agricultural.
 2. A minimum of 1 lot has a principal residential use.
 3. The combined acreage of the lots shall be 10 acres or more.
 4. All landowners shall be immediate family members.
 5. Upon transfer or sale of any properties to any people outside of immediate family members the use must cease immediately.

Cattle, #DPA2021-00005

Option B

- a) Horses, ~~and~~ other domesticated equines, and cattle, shall be permitted as an accessory use to a residential principal use in the A-1, Agricultural, zoning district on lots of two acres or greater in size at the rate of one such animal per acre over one.

Cattle, #DPA2021-00005



Projected Impacts of Option B

	10+ Acre A-1 Parcels	2-10 Acre A-1 Parcels	2+ Acre A-1 Parcels	Percent Change
Rural Area	2452	2715	5167	+111%
Development Area	298	2059	2357	+691%
Total	2750	4774	7524	+174%

Cattle, #DPA2021-00005



PRINCE WILLIAM
COUNTY

Staff Recommendation - Option A

- e) Cattle shall be permitted as an accessory use to a residential principal use in the A-1, Agricultural, zoning district on lots of two acres or greater in size at the rate of one such animal per acre over one within the Domestic Fowl Overlay District.

Cattle, #DPA2021-00005



Projected Impacts of Staff Recommendation - Option A

	Existing right to keep cattle (10+ Acre A-1 Parcels)	New right to keep Cattle (2-10 Acre A-1 Parcels)	Total	Percent Change
Inside of the Domestic Fowl Overlay District	2538	3816	6354	+150%
Outside of the Domestic Fowl Overlay District	212	0	212	0%
Combined Total	2750	3816	6566	+138%

Cattle, #DPA2021-00005



Planning Commission Recommendation: Recommends approval of Zoning Text Amendment, #DPA2021-00005, Cattle, Option B.

Recommendation: Staff recommends approval of Zoning Text Amendment, #DPA2021-00005, Cattle, Option A for the following reasons:

- It provides increase flexibility in allowing the keeping of cattle on agricultural zoned land in areas of the county that have already been recognized for their rural characteristics.
- The draft text is tailored to avoid potential conflicts with adjacent uses in areas of the county considered to have suburban, urban, or commercial characteristics.