



**MEMORANDUM**

**TO:** Timothy J. Baroody, City Manager  
**FROM:** James D. Newman, Zoning Administrator  
Brian Layton, Chief of Police  
**SUBJECT:** Kennels and the City Code  
**DATE:** May 17, 2022 (for the May 24, 2022 Council Meeting)

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**ISSUE**

Shall the City Council harmonize provisions of the City Code, to permit dog kennels in those places where permitted by the zoning ordinance?

**RECOMMENDATION**

Yes. At this time, City Code Chapter 72, the Unified Development Ordinance, permits the use type “kennel” as a by-right use in the Commercial Highway, Creative Maker, Industrial-1, Industrial-2, Planned Development-Commercial, and Planned Development-Mixed Use zoning districts; and as a special use in the Commercial Shopping-Center zoning district. The UDO also provides use standards for kennels. However, City Code §14-185, which predates the UDO, simply prohibits dog kennels everywhere in the City. This contradiction in the City Code makes implementation of the zoning regulations very difficult, or simply impossible.

The owner of an existing kennel in the City is interested in relocating her business to a new location within the City, but her plan is stymied at this point because of the contradiction in the City Code. The proposed new location is zoned to permit the kennel use; but for the general prohibition of kennels, the relocation would be permissible. The Council can accommodate the interests of business retention and compatible land uses by amending Chapter 14 to allow kennels only where permitted by zoning.

**DISCUSSION**

The City Code addresses kennels in two places – in Chapter 14, “Animals and Fowl,” and in Chapter 72, “Unified Development Ordinance” -- with contradictory results. Chapter 14 simply prohibits all kennels throughout the City, while Chapter 72 permits kennels in certain zoning districts, under certain conditions.

- Chapter 14 – definition and prohibition:

A “kennel” is defined in [Chapter 14, §14-1](#) as:

Any establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling or showing, or in which five or more canines over four months of age are kept for any purpose.

[Section 14-185](#) states:

No person shall own or operate a dog kennel within the City.

The prohibition was adopted by City Council in April 1997, by adoption of Ordinance 96-26, which is now codified in Chapter 14 of the City Code.<sup>1</sup> Chapter 14 of the City Code accommodates (permits) a typical situation where one or two dogs are kept for breeding purposes, where the puppies are sold or adopted before they are four months of age (puppies are ready to leave their dam after about the age of eight to ten weeks). It also accommodates a situation where a person might conduct a home business of dog sitting in their residence for four or fewer canines. However, a larger scale commercial “day care” or boarding establishment is prohibited throughout the City under this Code section.

The Police Department or Animal Control officer enforce §14-185 from time to time, typically when too many dogs are kept in a single family residence either as pets or for other purposes. This situation can give rise to health and sanitation issues, as well as problems of noise, in residential neighborhoods. The prohibition serves a purpose, but a narrower prohibition, that permits kennels through the zoning regulations, would likewise serve this purpose.

- Chapter 72- Unified Development Ordinance:

The [Use Table in §72-40.2](#) prohibits kennels in all residential zoning districts, as well as the Commercial-Transitional and Commercial-Downtown zoning districts. They are permitted by special use permit in the Commercial-Shopping Center zoning district, and then by right in all the other commercial and industrial zoning districts, and the PD-MU zoning district.<sup>2</sup> Wherever the use is permitted, it is subject to the standards set forth in [§72-41.3\(B\)](#):

- (1) The animal care use shall be sufficiently insulated so no noise or odor can be detected off the premises.
- (2) Any open runs or pens used to house animals shall be located at least 75 feet from any lot line.

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<sup>1</sup> At that time, the situation was reversed. The zoning ordinance prohibited kennels and the City Code permitted them. The City Code was amended to conform to the zoning ordinance prohibition. There were no kennels in the City at the time, to the staff’s knowledge. The Council was not acting in response to any specific problem with kennels at the time.

<sup>2</sup> Prior to the adoption of the UDO in 2013, kennels were permitted in the Commercial Highway and General Industrial (I-2) zoning districts.

(3) Accessory uses to a kennel or veterinary clinic may include retail sales and grooming services, as long as the accessory uses do not occupy more than 25% of the total gross floor area of the principal building.

- Proposed City Code amendment:

The proposed City Code amendment would leave the general prohibition in place, but permit kennels to be established in accordance with the zoning regulations:

**Sec. 14-185. Dog kennels prohibited.**

No person shall own or operate a dog kennel within the City *except as permitted under Chapter 72, the Unified Development Ordinance.*

**FISCAL IMPACT**

The proposed amendment would accommodate business retention and new business attraction. The [United States Census Bureau reports](#):

Over the decade ending in 2017, sales of pet care services doubled, to a total of \$5.8 billion, according to the latest Economic Census statistics. The pet care services industry (NAICS code 812910) includes services such as grooming, boarding, training and pet sitting. It does not include veterinary services, boarding horses, transporting pets, pet food or other pet supplies.

With over 100,000 pet care service businesses, this industry increased its number of establishments by more than 60% since 2007, for both employer businesses and self-employed (nonemployer) businesses.

The number of people employed in pet care services rose sharply from 2007 to 2017. Excluding the self-employed, the number of workers grew from 52,855 paid employees to 111,384, a 111% increase, according to County Business Patterns data.

This substantially outpaces other pet-affiliated businesses, including pet and pet supply stores and veterinary establishments, and far exceeds not only the totals for all industry sectors (7%) but also the U.S. population growth (8%) during the same period.

Attachments:

Draft Ordinance 22-\_\_



May 24, 2022  
Regular Meeting  
Ordinance No. 22-\_\_

**MOTION:**

**SECOND:**

**RE: Harmonizing Provisions of the City Code Related to Kennels, to Allow Them Where Permitted by the Zoning Ordinance**

**ACTION: APPROVED: Ayes: 0; Nays: 0**

**FIRST READ: \_\_\_\_\_ SECOND READ: \_\_\_\_\_**

**Sec. I. Introduction.**

City Code Chapter 14, §14-185, prohibits dog kennels everywhere in the City. However, Chapter 72, the “Unified Development Ordinance,” including the City’s zoning regulations, permits a kennel use to be established in commercial zoning districts, subject to reasonable regulations for noise and odor. This contradiction in the City Code makes the implementation of the zoning regulations very difficult or impossible. In adopting this ordinance, the City Council intends to retain the general prohibition of dog kennels throughout the City, but to permit them in locations and under the conditions permitted in the zoning regulations.

**Sec. II. City Code amendment.**

City Code section 14-185 is amended as follows:

**Sec. 14-185. Dog kennels prohibited.**

No person shall own or operate a dog kennel within the City *except as permitted under Chapter 72, the Unified Development Ordinance.*

**Sec. III. Effective date.**

This ordinance shall take effect immediately upon adoption.

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

Approved as to form:

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Kathleen Dooley, City Attorney

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***Clerk's Certificate***

*I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 22-\_\_ duly adopted at a meeting of the City Council meeting held Date, 2022 at which a quorum was present and voted.*

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***Tonya B. Lacey, MMC  
Clerk of Council***