

Policy Committee Government Center Complex Conference Room, Building D

January 16, 2014 - 3 p.m.

1. Roll Call

2. Minutes

- a. December 2, 2013
- b. December 3, 2013
- c. December 5, 2013

3. Old Business

- a. Case No. Z0-0007-2013, Zoning Ordinance Amendment to Consider the Keeping of Chickens in Residentially Zoned Areas of the County (Memorandum) (Poquoson) (York)

4. New Business

- a. Planning Commission Organizational Items for 2014

5. Adjournment

MEMORANDUM

DATE: January 16, 2014
TO: The Policy Committee
FROM: W. Scott Whyte, Senior Landscape Planner II
SUBJECT: ZO-0007-2013-Chicken Keeping in Residential Areas

In early 2013, the concept of creating a chicken keeping ordinance was considered by the Policy Committee and Planning Commission. At a joint work session with the Board of Supervisors in May 2013, the Planning Commission recommended that the Board not pursue the creation of a chicken keeping ordinance at that time. On July 23, 2013, the Board chose not to take up consideration of an ordinance on this topic.

At its December 11, 2013 meeting, the Board of Supervisors approved an initiating resolution and requested staff revisit the creation of a residential chicken keeping ordinance that would define policy and specify development standards within the Zoning Ordinance. Currently, chicken keeping is permitted by-right in A-1, General Agricultural, R-6, Low Density Residential, and R-8, Rural Residential zoning districts. Approximately 49% of the county is zoned A-1, R-6, or R-8, meaning that chickens can be kept by-right with no special regulations and no special permits are needed.

As a precursor to any ordinance changes, staff has (1) engaged interested citizens, HOAs and other key stakeholder groups and (2) evaluated adjacent locality ordinances to help determine best practices for keeping chickens in residentially zoned areas of the county. Staff reviewed several localities in the area that allow chickens in residential areas including York, Poquoson, Charlottesville, Albermarle, Loudon, and New Kent. Many have limits on the number of birds, as well as regulations for the construction of the coops and pens. Most restrict roosters, and York, Poquoson, and Loudoun require setbacks for coops as well as a permitting process. Ordinance examples from York and Poquoson have been attached for your information.

A survey has been posted on the County's website since December 19th, 2013, which seeks to gather opinions on chicken keeping in residential areas. The results will help determine how the Zoning Ordinance should be amended to allow for the keeping of chickens on residentially zoned property in the County. The survey results will be tabulated and provided to the committee by January 14, 2014, giving the committee a few days to analyze the materials before the meeting on January 16, 2014.

The purpose of this committee meeting will be to gather input from interested citizens, answer questions about other jurisdictions' regulations, and use the survey results to determine the initial direction and next steps for staff to take concerning creating a residential chicken keeping ordinance.


W. Scott Whyte, Senior Landscape Planner

Attachments:

1. York County ordinance
2. Poquoson ordinance

City of Poquoson

Section 1-17. - Keeping of farm animals.

(a)

Farm animals, i.e., horses, cows, pigs, chickens, etc., may be kept in the city, subject to obtaining a use permit and subject to the following conditions:

(1)

Farm animals will be allowed only in conservation districts and in single-family residential districts. They will not be allowed in any other districts.

(2)

The following shall apply to hooved animals, i.e., horses, cows, goats, etc., except pigs:

a.

There shall be required a minimum of two acres, for one animal, and one acre, per each additional animal, of open space (pasture) in addition to the lot size requirements of the residential zone in which the animals will be kept. Properties belonging to another party cannot be used in meeting area and setback requirements, unless a copy of a written agreement, valid for the duration of the time the animal will be kept, is presented at the time of application for issuance or renewal of a use permit.

b.

All stables and pastures shall be kept in a sanitary condition. No storage or accumulation of manure shall be kept on the premises except in completely enclosed and screened structures. Stables and pasture areas must be kept in a dry and well drained condition in order to prevent bog or muddy areas.

c.

Stables adequate as to size and physical condition must be provided for all animals. Stables must not be allowed to fall into disrepair or to become unsightly. All stables shall be at least 300 feet from any residence belonging to a person other than an applicant and at least 50 feet from any adjoining property line. Pasture fencing shall be at least 50 feet from any property line (other than city right-of-way) and at least 100 feet from any residence. No stable shall be nearer than 200 feet to any public right-of-way or thoroughfare. All stables and fencing must be completed prior to an animal being placed on the property.

(3)

The following shall apply to pigs:

a.

Pigs shall be maintained in pens with at least a 36-inch high perimeter fence enclosed with wire mesh or wooden boards close enough to prevent small animals from escaping according to the following footage allowances:

Sows:

25—40 pounds: 12 square foot allowance per animal

40—100 pounds: 16 square foot allowance per animal

100—150 pounds: 25 square foot allowance per animal

150—200 pounds: 68 square foot allowance per animal

Boars require the same footage per animal until 150 pounds

150—210 pounds: 32 square foot allowance per animal

Boars with sows: 100 square foot allowance per animal

Pigs per pen while weaning: 75 pounds: 16 animals maximum; 16 square foot allowance per animal

Pigs per pen from weaning to market: Over 75 pounds: 8 animals maximum; 24 square foot allowance per animal

b.

All pens and yards shall be kept in a sanitary condition. No storage or accumulation of manure shall be kept on the premises, except in completely enclosed and screened structures. Pens and yard areas must be kept in a dry and well drained condition in order to prevent bog or muddy areas.

c.

Pens shall not be allowed to fall into disrepair or to become unsightly. All such pens shall be at least 300 feet from any residence belonging to a person other than the applicant and at least 50 feet from any adjoining property line. Fencing for such pens shall be at least 50 feet from any property line (other than city right-of-way) and 100 feet from any residence. No pen shall be nearer than 200 feet to any public

right-of-way or thoroughfare. All pens and fencing shall be completed prior to an animal being placed on the property. If concrete is used in the pens, it should slope one-half inch per foot and include bedding.

(b)

All use permits for the keeping of farm animals shall be issued for a period of one year from January 1 to December 31. All use permits shall be subject to revocation upon violation of any of the conditions set forth in the permit. The grant of a use permit shall not vest in the recipient an unqualified right of renewal for the permit. Renewal of all use permits issued shall be subject to the imposition of additional restrictions as land uses in the area change. Individuals wishing to keep farm animals shall make application for a use permit on such forms as the city manager may require. A nonrefundable fee of \$15.00 shall accompany the initial application. Prior to issuance of a use permit, the city manager shall notify all property owners adjacent to and across the street from the location at which the animals are proposed to be kept of the request for a permit and shall ensure that the applicant is capable of meeting all of the requirements imposed by this section. Each year, prior to renewal of the use permit, the city manager shall notify all adjacent property owners of the renewal and shall review the permit for compliance with all conditions imposed either by ordinance or by the terms of the permit itself. No fee shall be charged for the renewal permit.

(c)

For the keeping of nonhooved animals, i.e., chickens, fowl, the application and renewal procedures and sanitary conditions used for keeping hooved animals will be followed. However, the zoning administrator shall establish appropriate setbacks and other stipulations as necessary to preserve the residential nature and tranquility of the neighborhood.

York County

Sec. 24.1-414.1 Standards for Domestic Chicken-keeping as an Accessory Activity on Residential Property

Keeping and housing domestic chickens on residentially-zoned and occupied property in the R20, R13 and WCI Districts shall be solely for purposes of household consumption and shall be permitted only in accordance with the following terms and conditions. These provisions shall not be construed to allow the keeping of game birds, ducks, geese, pheasants, guinea fowl, or similar fowl/poultry.

- (a) Chickens allowed pursuant to this section shall be kept and raised only for domestic purposes and no commercial activity such as selling eggs or selling chickens for meat shall be allowed unless authorized as a home occupation through the issuance of a special use permit by the board of supervisors pursuant to the terms of Section 24.1-283(b) of this chapter.
- (b) The maximum number of chickens permitted on a residential lot shall be one (1) hen per 2,500 square feet of lot area, not to exceed a maximum of sixteen (16) hens.
- (c) No chickens shall be allowed on townhouse, duplex, condominium, apartment or manufactured housing park properties.
- (d) No roosters shall be allowed.
- (e) Pens, coops, or cages shall not be located in any front or side yard area.
- (f) All pens, coops, or cages shall be situated at least ten (10) feet from adjoining property lines and twenty-five (25) feet from any dwelling located on a property not owned by the applicant. Pens, coops, or cages shall not be located in a storm drainage area that would allow fecal matter to enter any storm drainage system or stream.
- (g) All chickens shall be provided with a covered, predator-proof shelter that is thoroughly ventilated, provides adequate sun and shade and protection from the elements, is designed to be easily accessed and cleaned. Such structures shall be enclosed on all sides and shall have a roof and at least one access door. Coops shall provide adequate space for free movement and a healthy environment for birds.
- (h) All pens, coops, or cages shall be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent odors perceptible at the property boundaries. All feed for the chickens shall be kept in a secure container or location to prevent the attraction of rodents and other animals.
- (i) No person shall store, stockpile or permit any accumulation of chicken litter and waste in any manner whatsoever that, due to odor, attraction of flies or other pests, or for any other reason diminishes the rights of adjacent property owners to enjoy reasonable use of their property. .
- (j) In the case of proposals for backyard chicken-keeping in the R20, R13 and WCI Districts, the property owner must file an application with the Division of Development and Compliance, Department of Environmental and Development Services, on such forms as the Division provides. Such application shall be accompanied by a \$15.00 processing fee. The application shall include

a sketch showing the area where the chickens will be housed and the types and size of enclosures in which the chickens shall be housed. The sketch must show all dimensions and setbacks. Upon review and determination that the proposed chicken-keeping complies with the standards set forth above, the Division of Development and Compliance shall issue a permit to document that the proposed activity has been reviewed and is authorized pursuant to the terms of this chapter. Accessory residential chicken- keeping operations shall be subject to periodic inspection to assure compliance with the performance standards established in this section.

- (k) Proposals for keeping more chickens than allowed by subsection (b) above, for observing setbacks of a lesser dimension than any of those set forth above, or for keeping roosters, may be considered and approved by Special Use Permit in accordance with all applicable procedural requirements.