

# Town of Christiansburg Planning Commission

100 East Main Street  
Christiansburg, Virginia 24073-3029  
Telephone: (540) 382-6128  
Fax: (540) 382-7338  
October 14, 2015

To all concerned parties:

## Planning Commission

Chairperson  
Craig Moore

Vice-Chairperson  
Jennifer D. Sowers

Secretary <sup>Non-Voting</sup>  
Nichole Hair

Other Members  
Matthew J. Beasley  
Ann H. Carter  
Harry Collins  
David Franusich  
Steve Huppert  
Hil Johnson  
T.L. Newell  
Virginia Peeples  
Joe Powers

## Planning Director

Nichole Hair

## Town Manager

Barry D. Helms

## Town Attorney

Guynn &  
Waddell, P.C.

Notice is hereby given that the Christiansburg Planning Commission will be meeting in the Christiansburg Town Hall located at 100 E. Main Street, Christiansburg, Virginia on **Monday, October 19, 2015 at 7:00 p.m.** for the purpose of allowing the full Commission to review the following:

### PLEDGE OF ALLEGIANCE

- 1) Public comments – 5 minute limit per citizen.
- 2) Approval of Planning Commission Minutes for September 14, 2015 meeting
- 3) Discussion by Planning Commission regarding urban chickens.
- 4) Other business.

*The next regular Planning Commission meeting date is scheduled for Monday, November 2, 2015 at 7:00 p.m.*

For a description of the preceding items or to view the Town's Zoning Map, Zoning Ordinance, and Future Land Use Map contact the Planning Department in the Christiansburg Town Hall, 100 East Main Street, Christiansburg, VA 24073-3029 during normal office hours of 8:00 a.m. - 5:00 p.m. Monday through Friday. Written comments may be sent to the preceding address; please allow adequate mailing time.

Sincerely,



Nichole Hair, Secretary  
Christiansburg Planning Commission

**Christiansburg Planning Commission**  
**Minutes of September 14, 2015**

Present: Matthew J. Beasley

Ann Carter

Harry Collins

David Franusich

Craig Moore, Chairperson

T.L. Newell

Virginia Peeples

Joe Powers

Jennifer D. Sowers, Vice-Chairperson

Nichole Hair, Secretary Non-Voting

Absent: Steve Huppert

Hil Johnson

Staff/Visitors: Sara Morgan, staff

Cindy Wells-Disney, Montgomery County Planning Commission Liaison

Sachin Kalbag, Michael Baker International

Vlad Gavrilovic, Renaissance Planning

Matt Ucci, Michael Baker International

Gary Coggins, Montgomery County Health Department

Will Drake

Chairperson Moore called the meeting to order at 7:00 p.m. in the Christiansburg Town Hall at 100 E. Main Street, Christiansburg, Virginia.

Public Comment.

Ms. Hair introduced Will Drake as the new Planner on staff with the Planning Department.

Chairperson Moore opened the floor for public comment. With no comments, Chairperson Moore closed the floor for public comment.

Presentation by Michael Baker International. regarding UDA study in Christiansburg.

Chairperson Moore invited the consultants to begin their presentation.

Sachin Kalbag, Michael Baker International provided an overview of the presentation then introduced Michael Baker International and Renaissance Planning. Mr. Kalbag noted that the consultant team met with the Mayor, Town Manager, Assistant Town Manager, department heads and stakeholders earlier in the day. The Urban Development Area Technical Grant Program is offered through the Virginia Office of Intermodal Planning & Investment.

Presentation by Michael Baker International, regarding UDA study in Christiansburg - (continued).

The Town of Christiansburg was awarded \$65,000 for professional consultation for Technical Assistance. This technical assistance is for the adoption of Urban Development Areas. Urban Development Areas are designated by a locality in their comprehensive plan for higher density development that incorporates the principles of Traditional Neighborhood Development. The grant is an opportunity for Christiansburg to develop a vision for future growth. The UDAs are designated areas appropriate for higher density development due to proximity to transportation facilities, availability of water and sewer, or proximity to a developed area. Boundaries of UDAs must be shown on land use maps of the Comprehensive Plan. The concentration of future development should be where public infrastructure can be provided with the greatest fiscal efficiency.

The design guidelines for Urban Development Areas were discussed in the terms of Traditional Neighborhood Development principles. Traditional Neighborhood Design principles include pedestrian-friendly road design, street interconnection, connectivity of road and pedestrian networks, natural area preservation, mixed-use neighborhoods and housing types, reduced building setbacks, and reduced subdivision street width/turning radii.

There are three main benefits of UDAs. Those benefits can be broken up into benefits for the developer, homeowners and public. Developers benefit through reductions in infrastructure cost due to the Traditional Neighborhood Design Development patterns. Homeowners have increased property values due to above-average levels of walkability. The public has less of a tax burden for infrastructure, preserved rural areas and improved water and air quality. Lastly, compact growth can be as much as 70% cheaper for governments.

Mr. Kalbag provided an overview of the work program and schedule this grant will follow. The four tasks were detailed for completion of the UDA study. The Planning Commission and stakeholders will be engaged in each of these tasks.

The consultants have referenced both the Comprehensive Plan and the Vision 2020. In the Comprehensive Plan, population growth is expected to be roughly 17% between 2010 and 2020. The Vision 2020 plan provided the consultant with an idea of what areas the UDAs can support. This will be important in seeing the vision for future growth.

Mr. Kalbag noted the importance of the Neighborhood Planning public comments. The comments regarding history, sidewalks, parks, safety, convenience and community allow the consultants to gain a perspective on the citizens' interests.

Presentation by Michael Baker International, regarding UDA study in Christiansburg - (continued).

The next steps for the consultants will be to analyze the potential areas for UDAs and draft alternatives. These will be presented to the Planning Commission in late October.

Commissioner Collins inquired who required the UDAs and why the requirement changed. Mr. Kalbag stated the Virginia Department of Transportation required the UDA designations. This change came in 2012 when the UDAs were made non-mandatory. Mr. Kalbag then introduced other representatives of the consultant team including Vlad Gavrilovic of Renaissance Planning and Matt Ucci of Michael Baker International. Mr. Gavrilovic explained the UDAs have a longer history when the General Assembly adopted UDAs in State Code as optional in 2005 or 2006. In 2011, UDAs became mandatory for high growth localities. VDOT provided technical assistance for localities to adopt UDAs. Then UDAs became optional again in 2012. The incentive now is more transportation funding through House Bill 2.

Commissioner Powers inquired if the UDAs can apply to redevelopment of underutilized sites like schools or shopping centers. Mr. Kalbag confirmed UDAs can apply to redevelopment. There is a lot of flexibility for UDAs and there is not a one size fits all approach. Main Street could be used for redevelopment of existing parcels or new development could be used for the vacant shopping centers. The UDAs could even house both new and redevelopment. The consultants are using a flexible approach to UDAs to find the highest and best use for the areas.

Commissioner Powers inquired if the transportation funding has to be tied directly to the development or redevelopment of a UDA. Mr. Kalbag stated the funding needs to be tied to the boundaries of the UDA. Mr. Gavrilovic explained the rating and scoring program used in House Bill 2. The qualifications are either being located on a corridor of state-wide significance, within an MPO or having UDAs. The Town of Christiansburg qualifies by being a part of the MPO. The funding itself is not tied to UDAs.

Commissioner Powers asked for an example of a similar locality that has been able to use UDAs over the years. Mr. Gavrilovic noted Montgomery County created UDAs between the Town of Christiansburg and Town of Blacksburg, and at the Carillion interchange. The technical assistance resulted in quantitative planning and at that time the UDAs need to accommodate 10-20 years of growth and density. For the Carillion site in Montgomery County, there was a master plan for future transportation improvements and how to bring walkability to the area. Mr. Gavrilovic noted there is a lot of flexibility in how the technical assistance can be used.

Commissioner Powers asked if the assistance could look at a particular area, such as Downtown Christiansburg's walkability.

Presentation by Michael Baker International, regarding UDA study in Christiansburg - (continued).

Mr. Kalbag confirmed. Mr. Gavrilovic noted the assistance would not be used to design sidewalks but rather develop strategies to increase walkability. Mr. Kalbag explained this can be done through the Zoning Ordinance.

Commissioner Powers stated this would be an opportunity for the consultant to guide the Town in where to take these UDAs in the future. Mr. Gavrilovic added the meetings with Town Staff and stakeholders pointed to opportunities such as that.

Commissioner Collins asked, after the consultants toured the town today, what was the number one item that stuck out as something the Town needs to correct. Mr. Kalbag stated there are a lot of opportunities with Main Street but it will be a completely different approach compared to the Peppers Ferry Road - Route 114 area. The Peppers Ferry Road - Route 114 area provides regional connectivity. The consultants will be doing a massing study for the areas chosen. The Cambria area also has great opportunities with the historic fabric. Commissioner Collins asked what one item Mr. Kalbag would do for the Downtown. Mr. Kalbag stated the consultants do not have those answers at this time. There are many pieces to build from and a lot of other communities cannot say that.

Commissioner Powers asked for Mr. Kalbag to clarify what a massing study is. Mr. Kalbag stated a massing study shows how to fit something into the streetscape. This would incorporate the growth rate and how square footages would be accommodated. The massing study could be used for infill or new development.

Mr. Gavrilovic noted from walking around downtown after 5:00 pm, there is no one of the sidewalks. He sees this as an opportunity and challenge for housing in the Downtown area. Mr. Gavrilovic stated there is a chicken and the egg situation of whether the housing will bring a market for the restaurants or vice versa. Mr. Gavrilovic added successful downtown revitalization is those that include housing. Mr. Gavrilovic touched on his experience in Charlottesville. Commissioner Collins complimented the Charlottesville Mall. Mr. Gavrilovic noted ownership of the downtown area is gained through housing.

Commissioner Newell asked about defining housing in the Downtown area. Ms. Newell noted she could point out over 400 residential units in the downtown area. Mr. Gavrilovic noted loft conversions are the first opportunities, but there is not that opportunity here. Commissioner Newell asked if the consultants visited the Montgomery Museum property on Pepper Street. The tour did not include the Montgomery Museum property. Commissioner Newell noted the Crestview apartments and Dee Dee Lane housing provide walkability to Downtown.

Presentation by Michael Baker International, regarding UDA study in Christiansburg - (continued).

Mr. Gavrilovic noted there are opportunities for new housing types with infill and new development. Mr. Gavrilovic added there are emerging demographics and every economic model is looking to build a workforce first. Mr. Gavrilovic stated the workforce is looking for the characteristics the Downtown already has but needs to expand on. Mr. Gavrilovic added this demographic looks for the five minute walkable urbanism in which they can walk to their amenities. Mr. Gavrilovic noted the building height of the original Downtown buildings. Mr. Kalbag stated those buildings had active use on the ground floor.

Commissioner Powers asked if the consultants were able to look at the old middle school site. Ms. Hair confirmed the school property was included in the tour.

Ms. Hair encouraged input from the Development Subcommittee and anyone else that wishes to participate in this project.

Commissioner Collins asked how the Charlottesville mall project worked as far as a timeline. Mr. Gavrilovic stated in 1976 Charlottesville closed the street to create the mall area which was met with much opposition. Mr. Gavrilovic stated the mall was pretty dead for a while due to the old uses like auto parts. Mr. Gavrilovic added turnover of the properties started with the changing generations. Mr. Gavrilovic stated new housing came with the entertainment venues such as the hotel, pavilion and revitalization of the Paramount theatre. Commissioner Collins asked about parking for the mall. Mr. Gavrilovic explained the City of Charlottesville invested in parking garages "book ending" the downtown. Mr. Gavrilovic stated he believes the garages were financed by general obligation bonds. Commissioner Collins inquired about the cost of the parking garage. Mr. Kalbag noted above grade parking garages cost \$10-12,000.

Commissioner Powers noted the advantage with Christiansburg is the Downtown property owners are still living in town. Commissioner Powers went on to ask if the private sector would be included in these efforts. Ms. Hair confirmed the private sector would be included once the boundaries are determined.

Commissioner Newell discussed 10+ Public Policy for Public Places. Commissioner Newell explained the power of ten as needing ten assets and ten destinations in an area. Commissioner Newell stated this is where you get your critical mass. Commissioner Newell stated she will give this information to Ms. Hair as she sees some overlap between this approach and the UDAs. Commissioner Newell added the ten assets pull people in. Commissioner Newell noted there is already a positive direction happening in Christiansburg.

Presentation by Michael Baker International, regarding UDA study in Christiansburg - (continued).

Commissioner Franusich agreed, indicating the Central Business District Committee was recently formed and is meeting tomorrow. Ms. Hair stated she will plan to attend tomorrow and relay information to the consultants. Commissioner Newell stated the committee is just getting started and would benefit from having this information shared with them.

Commissioner Powers requested the consultants' presentation be sent out to the Planning Commission. Ms. Hair confirmed this was possible.

Commissioner Powers stated he sees the value in the consultants guiding the Town on how to amend the Zoning Ordinance. Commissioner Powers added the recent Stateson Homes rezoning was referenced as an area in which their help would have been appreciated. Mr. Gavrilovic noted the goal of this project is to identify targeted growth areas with policy and design guidelines for the Town.

Mr. Gavrilovic asked about the population projection and target growth areas and whether the Planning Commission sees multiple areas or one area for the population growth. Commissioner Franusich stated he sees multiple areas. Commissioner Franusich added there are different areas in town such as the Downtown and Rt. 114 Corridor. Commissioner Franusich stated the Downtown area is traditional and has cozy storefronts which can support infill development. Commissioner Franusich added the areas around the mall are already developing but need to be steered in a better direction. Commissioner Franusich added those that seek housing in the mall area are looking for an affordable housing option and often commute to Blacksburg or Virginia Tech for work. The Stateson Homes requests for apartments and single family homes were discussed along with the business property located in front of this property.

Commissioner Franusich and Commissioner Newell discussed the opportunities in the Roanoke Street area such as the Food Lion. Commissioner Powers noted three important nodes of transportation within the Town of Christiansburg. They are Downtown, mid-county area and Roanoke Street. Commissioner Powers stated these areas could be redeveloped and interconnectivity would be important.

Commissioner Collins asked if the consultants were only working with the Town of Christiansburg or if they were also working with the Town of Blacksburg and Montgomery County. Mr. Gavrilovic stated they are only working with the Town of Christiansburg and the closest locality they are working with in Vinton.

Commissioner Powers asked Cindy Wells-Disney to provide the Planning Commission with some insight into Montgomery County's UDAs. Ms. Disney noted there have been no conversations at this point but she will bring the topic up to them at their next meeting.

Presentation by Michael Baker International, regarding UDA study in Christiansburg - (continued).

The UDAs were established before Ms. Disney joined the Montgomery County Planning Commission. Mr. Gavrilovic stated, not speaking for Montgomery County, the establishment of the County's UDAs were in response to the legislation.

Commissioner Powers reiterated the importance of utilizing the infrastructure the Town already has. Commissioner Powers stated this includes transportation, water and sewer. Commissioner Powers added this concept can tie into the development of the three nodes previously discussed.

Commissioner Newell and Commissioner Collins stated they attended the last Town Council meeting and they listened to a presentation by the Public Works department. Commissioner Newell noted the relationship between the roadways handled by the Public Works department and cost savings with increased density as well as utilization of existing infrastructure. Commissioner Collins praised the Public Works department.

Mr. Gavrilovic noted their earlier meeting with department heads and how their comments are similar to that of the Planning Commission.

Chairperson Moore closed the discussion.

Presentation by Gary Coggins, Montgomery County Senior Environmental Health Manager, regarding urban chickens.

Chairperson Moore invited Mr. Coggins to begin his presentation.

Mr. Coggins noted the Planning Commission has heard the benefits of urban chickens and the Health Department does not have a stance for or against. The Health Department would like everyone to be aware of the potential risks of keeping urban chickens.

There are two respiratory diseases associated with fowl that develop from the fowl droppings. Additionally, chickens are a common reservoir for salmonella and other bacteria including E.coli. The chicks common at Easter are associated with salmonella outbreaks. This is due to the chicks being covered in feces and people do not always remember to wash their hands after handling them. The coops and keeping of chickens can cause additional issues. Chicken coops can become rodent harborage due to the feed, litter, and eggs. This can lead to issues with critters such as mice, rats, groundhogs, raccoons, and skunks. This leads to a threat of rabies. Neighborhood cats and dogs can also be attracted. Property damage disputes can result when neighborhood pets get into the coops.

Presentation by Gary Coggins, Montgomery County Senior Environmental Health Manager, regarding urban chickens - (continued).

Chicken coops can also result in a nuisance and noxious odors. This can develop when the coops or chickens are not maintained well. Flies can also become an issue.

The various diseases associated with the keeping of chickens were discussed, including avian flu, can spread from an animal to a human. Avian flu has not done this in the United States but it is possible.

There are many strategies associated with urban chickens as they are becoming a popular topic.

When urban chickens are introduced they are not a big issue at the beginning since those that were a proponent of its adoption are more likely to follow the regulations associated with its allowance. Those urban chicken owners are more courteous about the coops in relation to their neighbors and disease. The issue arises later down the road when people who are not as invested in its allowance have urban chickens.

Complaints about urban chickens first go to the local health department. While the Health Department is glad to take those complaints however this is not one of their primary functions. If enforcement is needed then the Health Department would need to have another conversation with the Town of Christiansburg. Typically they request local code enforcers to handle those inspections.

Commissioner Franusich asked what some of the mitigating factors are. Mr. Coggins listed the following: no roosters, limit on number of hens (many localities cap at 6), minimum lot sizes, setback requirements for coops, limited to the rear yard, requiring a full enclosure with roof, prohibit the slaughter of chickens, prohibit the outdoor slaughter of chickens, and regulate the disposal of chicken litter. These regulations help mitigate the impact on the neighbors and provide a buffer. Localities with the by-right use of keeping chickens tend to have stricter regulations.

Commissioner Powers inquired about the number of chickens in relation to egg production and its classification of a commercial use. Mr. Coggins indicated that this was no longer the case. The threshold has been raised to 10,000 chickens. He does not foresee this being an issue for the Town of Christiansburg. The Health Department does encourage the ordinance to indicate the urban chickens are for personal use only not commercial.

Commissioner Carter noted that chickens live to be 10 years old and laying chickens only produce 2-3 years. Mr. Coggins confirmed Commissioner Carter's statements.

Presentation by Gary Coggins, Montgomery County Senior Environmental Health Manager, regarding urban chickens - (continued).

Commissioner Newell asked Mr. Coggins to clarify the avian flu is not specific to chickens. Mr. Coggins confirmed any bird litter can cause avian flu. Commissioner Newell noted one could expose themselves to avian flu by working in their garden where a bird has defecated. Mr. Coggins stated the concentration of feces becomes an issue.

Commissioner Newell asked if 6 chickens are permitted and the owner adds the chicken litter to their compost, would this create an issue or would an issue result over a number of years? Mr. Coggins stated the potential is there but it depends on if the composting is done correctly. Risk can be lowered by an educational brochure.

Commissioner Newell discussed the permitting required by Virginia Department of Health inspection for restaurants and vendors at local farmers markets. She went on to ask if any Virginia municipalities require this type of permit. Mr. Coggins is not sure at this time. Permitting is done in other parts of the country. The Health Department is open to discuss this option with the Town. There was further discussion of code enforcement.

Commissioner Powers asked staff how other localities handle permitting. Do they have an annual permit fee that covers the cost of the inspections? Ms. Hair is not sure at this time. She believes permits are required for the original inspections of lot sizing and setbacks. After that initial inspection it may be complaint based. Mr. Coggins noted that a lot of the localities that allow chickens by-right handle enforcement by complaint basis. Enforcement results in a misdemeanor or civil penalty. Within the New River Valley, the County of Pulaski allows chickens by-right.

Commissioner Collins inquired about Mr. Coggins' colleagues feelings regarding the allowance of chickens in their locality. Mr. Coggins is not sure how they feel as he does not believe the Environmental Health Managers have been actively involved in the enforcement process.

Commissioner Newell discussed the egg producers at the farmers market. She believes they receive inspections from the Virginia Department of Agriculture and Consumer Services. Mr. Coggins noted that VDACS has extended exemptions for small producers. He would be surprised if they are getting annual inspections. VDACS merely conducts compliance inspections.

Chairperson Moore inquired if there have been any health issue in other localities due to chickens. Mr. Coggins stated that once a year the Health Department will deal with a salmonella outbreak due to chickens. Education is an easy correction for this type of issue. Commissioner Power noted that it would likely be operator error for a salmonella outbreak. Mr. Coggins confirmed that would likely be the case for a salmonella outbreak. The more practical problems are managing of nuisances.

Presentation by Gary Coggins, Montgomery County Senior Environmental Health Manager, regarding urban chickens - (continued).

Commissioner Collins asked if any localities have approved urban chickens and then restricted them. Not to Mr. Coggins' knowledge. Those that allow it are very proactive and put regulations in place to mitigate any issues.

Commissioner Newell asked which Planning Commissioners were present for the original vote. Four of the current Planning Commissioners were present for the original vote. Commissioner Powers noted that Town Council asked the Planning Commission to study chickens and they developed the best approach in their minds. There was a split vote.

Chairperson Moore thanked Mr. Coggins for his presentation.

Approval of meeting minutes for August 31, 2015.

Chairperson Moore introduced the discussion. Commissioner Carter made a motion to approve the Planning Commission meeting minutes. Commissioner Collins seconded the motion, which passed 8-0. Commissioner Sowers abstained, as she was not present for the last meeting.

Other Business.

Ms. Hair provided an update on the Obesity Prevention Grant and the Bike Art Competition winner. The winning art piece of the Bike Art Competition can be seen outside Town Hall. Two plaques for the art piece have been ordered. The artist Nikki Pynn, titled the art piece "Wings and Wheels." The plaques will take three weeks before they are installed. There will be a press release regarding the art. The Obesity Prevention Grant efforts have been completed. Ms. Hair praised the Public Works Department for coming in under budget. The grant committee has tried to spend the last of the funding from the state as we could be eligible for further funding to look at the sustainability of the grant. The crosswalks and bike racks installed would be evaluated for public use. Ms. Hair noted the bike rack at Union Bank in Downtown Christiansburg fronting Main Street.

Chairperson Moore discussed the grading at the Aquatics Center. Chairperson Moore went on to note the grading of the area near Sheetz on 460- Business. This project is being applied for House Bill 2 funding. Mr. Moore praised Public Works for their competency on the projects we have seen and how this may work in their favor for applying for funding.

The Development Subcommittee meeting will be next week at 8:30am on September 23<sup>rd</sup>.

Other Business - (continued).

Commissioner Powers asked if UDAs would be discussed. Ms. Hair does not know if there will be anything to provide to the subcommittee at that time. When staff has that information available, it would be good to invite the rest of the Planning Commissioners. The consultants will be back in town in October to discuss their findings.

The Comprehensive Plan Subcommittee met Wednesday, September 9<sup>th</sup>.

Commissioner Franusich brought up the carports being installed violating the setback requirements. Commissioner Franusich asked if the contractors installing the carports know about the requirements. Ms. Hair confirmed those installing have been notified in writing by the Building Official regarding the requirements. Ms. Hair stated the Planning Department has become aware of a carport installed over the weekend on Overhill Drive. Ms. Hair added the department will be looking into the complaint on Tuesday and pursuing a violation. Commissioner Franusich asked what recourse the homeowner has in that situation. Ms. Hair stated luckily this issue is early enough that it can be moved and the homeowner would reference their contract with the carport company. Commissioner Newell added the Board of Zoning Appeals has seen them as an issue. Commissioner Newell asked that business licenses be revoke for violators. Commissioner Newell praised Ms. Hair and Jerry Heinline, Building Official for educating the public. Commissioner Newell stated ultimately it falls on the home owner to do their due diligence in working with the contractor. Ms. Hair added inspections are performed by her staff and the Building Department. Commissioner Carter appreciated the educational piece included in the water billing. Ms. Hair noted she has presented at Town Council regarding permit requirements.

The Wilderness Trail festival is this Saturday, September 19<sup>th</sup> downtown and the Food Truck Rodeo is the following Friday, September 25<sup>th</sup> from 5 to 10pm. An Open House will be held at the Rescue Building this Saturday afternoon during the Wilderness Trail festival.

Commissioner Powers inquired about next steps for the chicken discussion. Ms. Hair stated staff will bring back information, including a comparison of different localities, to a future meeting. Ms. Hair noted preliminary research shows other localities require a larger minimum lot size. The previous information collected and drafted by the Planning Commission is also an item to be revised or reviewed at this time. Commissioner Carter noted that she does not believe it is fair to put the responsibility on the enforcement officer when complaints arise. Ms. Hair referenced the permitting process that was drafted the last time chickens were discussed by the Planning Commission. Commissioner Franusich added his neighbors had illegal chickens and they did not bother his family.

There being no more business, Chairperson Moore adjourned the meeting at 8:26 p.m.

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Craig Moore, Chairperson

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Nichole Hair, Secretary Non-Voting

DRAFT

# Urban Chickens – Comparison Report

## October 2015

### **Summary**

The popularity of raising chickens in urbanized areas for the purpose of personal egg consumption (i.e., *urban chickens, backyard chickens*) has grown in recent years. At the request of the Christiansburg Planning Commission, staff prepared a comparison of urban chicken ordinances in neighboring localities. This brief report summarizes some common practices for urban chicken husbandry and compares key ordinance requirements across neighboring localities. Staff also contacted several participating localities and their thoughts on the matter are summarized below. The appendix includes the relevant ordinances from the comparison localities.

### **Benefits**

- Sustainable source of chicken eggs.

### **Concerns**

- Noise/odor from improperly maintained chicken coops.
- Coops may attract rodents (e.g., rats and mice) or other animals, including common carriers of rabies (e.g., raccoons, skunks, groundhogs, foxes, dogs, and cats).
- Chickens can carry several infectious diseases, including *Salmonella*, *Histoplasmosis*, avian influenza (bird flu), *E. coli*, and *Campylobacter*. Improper handling of chickens, eggs and bedding/waste – especially among children – can lead to illness and the spread of disease.
- Improper disposal of chicken waste, carcasses, or their slaughter can produce unsanitary conditions.

### **Best Practices**

- Limit the number of chickens (six is a common limit) a resident may possess. Comments from the Montgomery County Health Department indicated that six chickens can easily meet the needs of a family.
- Do not allow residents to keep roosters (males). Roosters are prone to make loud noise throughout the day. Hens (females) do not need a rooster to produce eggs.
- Do not allow chickens to roam free (free-range).
- Require chickens be kept in a fully-enclosed pen and/or coop. The pen and coop should be of sufficient construction to deter animals that may be attracted to the birds and the eggs. The coop should have a roof to keep the living space dry and be well ventilated.
- Require that exterior feed be kept in sealable containers that are insect and rodent-proof.
- Promote safe handling/disposal of the birds, eggs and waste, especially among children. Chicken waste should be composted on-site or deposited at the appropriate solid waste facility. It should not be placed into trash containers for street pick-up.
- If necessary, implement a fee-based inspection/permit program to ensure compliance.

## Additional Notes

The summary table does not reflect all of the conditions unique to each locality. There is a great deal of overlap in the standards of sanitation. Many localities require participants to maintain sanitary conditions that do not create a nuisance or health hazard and which follow the general guidelines for the proper care of animals outlined in both the local and state codes. General guidelines are given to ensure the coop and pen enclosure are of sound and sturdy construction and that the welfare and living conditions of the chickens are of acceptable standards. Further, many localities cite the presence of rodents on the property or the presence of chicken odor from the property line as *prima facie* evidence of a violation.

Several localities also include language that protects any dog or cat that kills a chicken from being considered a dangerous or aggressive animal.

## Feedback from Participating Localities

Staff contacted several participating localities to survey their experience with urban chickens. Feedback was generally positive. Noise/odor complaints were very low to non-existent. However, dogs were an issue. Several localities reported incidents of dogs entering the coop and killing chickens. They stressed the importance of sturdy, well-built enclosures. All were satisfied with the specific requirements of their ordinances, although Salem did indicate a desire to increase the minimum pen size for the well-being of the chickens. Along these lines, Salem mentioned that most of the pre-built chicken coops available for purchase in stores like Tractor Supply are too small to meet the minimum size requirements.

Overall, the localities indicated that the allowance of chickens had not produced any problematic conditions, outside of a few dog-related issues. It should be noted that participation among their citizenry has been low:

- Salem – Chicken ordinance adopted in 2012. Twenty-one permits issued.
- Roanoke City – Chicken ordinance adopted in 1978. No permit required.
- Roanoke County – Chicken ordinance adopted in 2012. 15 permits issued during the first year of the program, but only three active permits presently.
- Vinton – Chicken ordinance adopted in 2011. Four active permits presently.
- Pulaski County – Chicken ordinance adopted in 2014. Three permits issued.
- Narrows – Chicken ordinance adopted in 2014. No citizens have applied for a permit.

The localities indicated citizens who are committed to chicken husbandry understand the resource requirements and that they do a good job of taking care of the birds and maintaining the pen. Educational materials can be an important tool to inform perspective applicants on the amount of effort that goes into keeping chickens. As demonstrated by the low participation rates, the localities indicated that most residents decide that the activity is not worth their time.

## Locality Comparison - Summary Table\*

Locality	Urban Chickens Allowed?	Bird Limit	Setbacks	Minimum Lot Size	Enclosure (Pen & Coop)	Sanitation Standards	Administration
Floyd County & Town	Yes (no permit required)	Non specified	Non specified	Non specified	Property must be fenced	Non specified	No chicken-specific administration section
Pulaski County (2014)	RR, R and R1 (zoning permit required)	0.5-2 acres: 10 hens 2+ acres: 30 hens (no roosters allowed)	<ul style="list-style-type: none"> <li>Rear yard only</li> <li>Less than 20 chickens: 25 ft. (side &amp; rear)</li> <li>More than 20 chickens: 40 ft. (side &amp; rear)</li> </ul>	One-half (0.5) acre	<ul style="list-style-type: none"> <li>Height maximum: eight (8) ft.</li> </ul>	<ul style="list-style-type: none"> <li>No outdoor slaughtering of chickens</li> <li>Must dispose of chicken feces in sanitary manner</li> <li>Storage of feed must not attract rodents</li> </ul>	No chicken-specific administration section
Narrows (2014)	As accessory use to single-family dwellings in R1, R2 and R3 district (permit required)	6 hens (no roosters allowed)	<ul style="list-style-type: none"> <li>Rear yard only</li> <li>Accessory structure setbacks apply</li> <li>20 ft. from adjacent principal structure</li> </ul>	One-quarter (0.25) acre	<ul style="list-style-type: none"> <li>Height maximum: ten (10) ft.</li> <li>Pen: max area of 128 sq. ft.</li> <li>Must include coop with 1.5 sq. ft. per hen and open run with 8 sq. ft. per hen</li> </ul>	<ul style="list-style-type: none"> <li>Must take action to reduce attraction to predators and infestation</li> <li>All feed must be kept in rodent-proof containers</li> <li>A reasonable level of chicken waste composting is encouraged</li> <li>Must be located away from drainage areas that could allow fecal matter to enter storm drain or stream</li> </ul>	<ul style="list-style-type: none"> <li>Annual permit &amp; inspection (\$24)</li> <li>Must submit sketch of pen location and dimensions along with property dimensions and setbacks</li> <li>Inspection &amp; permit issued by Town Manager or designee</li> <li>Provisions enforced by Zoning Administrator</li> </ul>
City of Salem (2012)	As accessory use to single-family dwellings (permit required)	6 hens (no roosters allowed)	<ul style="list-style-type: none"> <li>Rear yard only</li> <li>Accessory structure setbacks apply</li> <li>50 ft. from adjacent principal structure</li> </ul>	One-quarter (0.25) acre	<ul style="list-style-type: none"> <li>Pen: max area of 128 sq. ft.</li> <li>Must include coop with 1.5 sq. ft. per hen and open run with 8 sq. ft. per hen</li> </ul>	<ul style="list-style-type: none"> <li>No slaughtering of chickens.</li> <li>Must be located away from drainage areas that could allow fecal matter to enter storm drain or stream</li> <li>Must take action to reduce attraction to predators and infestation.</li> </ul>	<ul style="list-style-type: none"> <li>Annual permit &amp; inspection (\$25)</li> <li>Must submit sketch of pen location and dimensions along with property dimensions and setbacks</li> <li>Permit issued by Zoning Administrator</li> <li>Inspection conducted by Animal Control</li> </ul>
City of Roanoke (1978)	Yes (no permit required)	Less than 20,000 sq. ft.: 10 chickens Greater than 20,000 sq. ft.: 40 chickens	<ul style="list-style-type: none"> <li>50 ft. from adjacent principal structure</li> </ul>	See 'Bird Limit'	All poultry shall be kept in securely and suitably fenced areas	All feed must be kept in rodent-proof containers	No chicken-specific administration section
Roanoke County (2012)	As accessory use to single-family dwellings (permit required)	6 hens (no roosters allowed)	<ul style="list-style-type: none"> <li>Enclosure behind front building line</li> <li>10 ft. (side and rear)</li> <li>35 ft. from adjacent dwellings</li> </ul>	Non specified	<ul style="list-style-type: none"> <li>Height maximum: ten (10) ft.</li> <li>Pen: max area of 150 sq. ft.</li> <li>Must include pen with 10 sq. ft. per hen and coop with 2 sq. ft. per hen</li> </ul>	<ul style="list-style-type: none"> <li>No outdoor slaughtering of chickens</li> <li>All feed must be kept in rodent/insect/predator-proof containers</li> </ul>	No chicken-specific administration section.
Vinton (2011)	As accessory use to single-family dwellings (permit required)	6 hens (no roosters allowed)	<ul style="list-style-type: none"> <li>Permanent coops: 25 ft. (side and rear) and 50 ft. from adjacent dwelling</li> <li>Portable coops: 20 ft. (side and rear) and 25 ft. from adjacent dwelling</li> </ul>	One (1) acre	<ul style="list-style-type: none"> <li>Enclosure (pen/coop) with 4 sq. ft. per hen</li> </ul>	<ul style="list-style-type: none"> <li>No outdoor slaughtering of chickens</li> <li>Must be located away from drainage areas that could allow fecal matter to enter storm drain or stream</li> <li>All feed must be kept in rodent-proof containers</li> <li>Compost waste or take to waste facility</li> </ul>	<ul style="list-style-type: none"> <li>Annual permit &amp; inspection (\$25)</li> <li>Must submit sketch of pen location and dimensions along with property dimensions and setbacks</li> <li>Permit issued by Zoning Administrator</li> <li>Inspection conducted by Animal Control</li> </ul>

\*All localities in the New River Valley were reviewed, along with Roanoke County, the Town of Vinton, and the cities of Roanoke and Salem. If a locality is not detailed above, urban chickens are not allowed within residential zoning districts or no information was available at the time of review.

## Appendix: Locality Ordinances

### Town of Floyd

#### CHAPTER 4

##### ANIMALS AND FOWL

###### ARTICLE I. IN GENERAL

Section 4-1. Keeping livestock, hogs, and fowl in the town.

It shall be unlawful for any person to keep livestock, fowl, or hogs stabled, penned, housed, or otherwise confined within the limits of the town in such a manner as to be offensive to the general public, or a menace to the public health, or prejudicial to the general welfare of the town; but no prosecution shall be instituted under this section until after the expiration of three day's notice from the mayor, when approved by the council, to the owner, custodian, or keeper of such livestock, fowl or hogs to remedy the manner in which same constitutes a nuisance. (Floyd Town code, Chapter 4, Animals and Fowl, Page 20.

Sec. 10-5. - Lawful fence law.

Pursuant to Code of Virginia, § 55-310, the boundary lines of each lot and tract of land in the county, and each stream in the county, shall be a lawful fence as to any and all of the animals mentioned in Code of Virginia, § 55-306.

(Ord. of 6-9-1975)

State law reference— Lawful fence law, Code of Virginia, § 55-299 et seq.; watercourses are lawful fences, Code of Virginia, § 55-303.

Sec. 10-6. - Animals other than dogs, cats, and fowl running at large.

(a)

As set forth in Code of Virginia, § 15.2-1218, no person may allow a domesticated farm animal, to specifically include, but not to be limited to, horses, swine, cattle, oxen, sheep, goats, and llamas, and whether the farm animal is owned by him or situated upon his land and subject to his control, to trespass upon the lands of another or to trespass and run at large upon the public highways, whether such highways be enclosed by fence or not. Any person violating this subsection shall be deemed to have committed a class 4 misdemeanor and shall be subject to such penalties as are set forth in section 1-15, and may, in addition thereto, be subject to a civil penalty of \$25.00 for each offense.

(b)

For the purposes of this section, each occasion on which a person allows a domesticated farm animal to trespass upon the lands of another or to trespass and to run at large upon the public highways shall be deemed to be a separate offense.

(c)

In addition to the other provisions of this section, the county may obtain injunctive relief from a court of competent jurisdiction to prevent any person from allowing their domesticated farm animals to specifically include, but not to be limited to, cattle, oxen, sheep, goats, and llamas, or such domesticated

farm animals as are under their control to trespass upon the lands of another or to trespass and to run at large upon the public highways, whether such highways be enclosed by fences or not.

(d)

This section shall specifically not apply to dogs, cats, or fowl of any description.

(Ord. of 4-30-1991, § 4)

### **Floyd County**

No mention against it. Other codes imply it is legal and largely unregulated.

## Chapter 10 – ANIMALS

### **Pulaski County**

Residential Chicken Keeping: In the Rural Residential (RR), Residential (R), and (R-1) districts, the keeping of chickens shall meet the following standards: This use is permitted by right.

For personal use only;

Male chickens (roosters) or any crowing hens are prohibited;

A minimum lot size of one-half (0.5) acre is required;

For less than 20 chickens, chicken coops and enclosures shall be located in the rear yard only, shall be setback at least 25 feet from the side and rear property lines, and cannot exceed eight (8) feet in height;

For 20 or more chickens, chicken coops and enclosures shall be located in the rear yard only, shall be setback at least 40 feet from the side and rear property lines, and cannot exceed eight (8) feet in height.

Up to 10 chickens can be kept on the property between one-half (0.5) acre and two (2.0) acres;

Up to 30 chickens can be kept on property larger than two (2.0) acres;

Feed storage shall be done in a manner that does not attract rodents;

Chicken feces shall be disposed of in a sanitary manner;

Outdoor slaughtering of chickens is prohibited; and

The chickens shall not be kept in a manner that constitutes a nuisance, health hazard, or in violation of any other laws or ordinances.

Chickens shall have adequate shelter.

Source: Pulaski County Zoning Ordinance, page 24.

### **Town of Narrows**

17-302.24.2 Chicken. A domestic fowl, Gallus domesticus. (zoning ordinance, page 5).

17-302.34.1 Coop. A building or enclosed structure that houses chickens and provides shelter from the elements and from predators. (Zoning ordinance, page 6).

17-302.82.1 Hen. A female chicken. (Zoning Ordinance, page 9).

17-302.150.1 Rooster. A male chicken usually kept for breeding. (Zoning Ordinance, page 15).

17-602.04-10 Keeping of chickens, provided that the owner is in compliance with all the standards and requirements of Section 17-714. (Zoning ordinance, page 28).

## KEEPING OF CHICKENS

17-714.01 Intent.

The keeping of chickens supports a local, sustainable food system by providing an affordable, nutritious food source of fresh eggs. These regulations are to provide appropriate standards for the keeping of chickens within an urban residential environment, while protecting the residential integrity of the surrounding neighborhood and the health and safety of the chickens.

17-714.02 General Standards.

Keeping of chickens, as defined herein, shall be permitted as an accessory use to single family dwellings if (i) the use is conducted at the applicant's place of residence, (ii) the use is conducted for personal household consumption only, and (iii) subject to the following conditions:

1. Each parcel shall contain one single family dwelling and must have a minimum lot size of one-quarter acre (10,890 square feet).
2. Chickens are defined herein as domestic female chicken hens. Roosters are prohibited.
3. Chickens shall be kept for the household's personal consumption only. Commercial use such as selling eggs or selling chickens for meat shall be prohibited.
4. No more than six chickens shall be allowed.
5. Adequate shelter, care and control of the chickens are required. Any person allowed to keep chickens under this section shall comply with all of the provisions and requirements of the Town and state code regarding care, shelter, sanitation, health, rodent control, cruelty, neglect, noise, reasonable control and any other requirements pertaining to, but not limited to, the adequate care and control of animals in the Town.
6. The owner of the chickens shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions may be removed by the Town Manager or his designee.
7. Chickens shall not be allowed to roam free. They shall be kept in an enclosed secure area not to exceed a total of 128 square feet, hereinafter known as a pen. Pens shall include a coop (enclosed structure) containing a minimum of one and one-half square foot per hen and an open run area containing a minimum of eight square feet per hen. Pens may be portable.
8. The materials used for pens shall be uniform and kept in good condition in order to protect the safety of the chickens.
9. All pens shall be deemed accessory structures and shall comply with the setback requirements as provided in Section 17-701 herein, and shall be no closer than 20 feet from any adjacent principal structure, situated on an adjacent parcel, other than that of the owner of the chickens. Portable pens shall be moved on a regular basis. Neither the coop nor the pen shall exceed ten (10) feet in height.

10. All pens shall be located in the rear yard only.
11. All pens shall be located out of any drainage areas that could allow fecal matter to enter a storm drainage system or stream.
12. All pens shall be constructed and maintained so as to be impermeable to rodents, wild birds, and predators, including dogs and cats, and to prevent such animals or other pests from being harbored underneath, inside, or within the walls of the enclosure. All pens must be kept dry, well-ventilated, and in sanitary condition at all times, and must be cleaned on a regular basis to prevent offensive odors. All manure not used for composting or fertilizing shall be removed promptly. Odors from chickens, manure, or other chicken-related substances shall not be detectable at the property boundaries.
13. All feed or other material intended for consumption by the chicken shall be kept in containers impenetrable by rats or other rodents, and such container shall be equipped with tightly fitting caps or lids. All feeding shall be conducted in a manner so as to prevent unconsumed food from being accessible to other animals or rodents. The presence of rodents in an area used for the keeping of chickens shall be *prima facie* evidence that such area is maintained in violation of this section.
14. A reasonable level of composting of chicken litter and waste on site is encouraged. Provision shall be made by the owner for the removal and disposal of chicken litter and waste. Such waste shall not create a nuisance or health hazard to adjoining property owners. The owner shall also be responsible for proper disposal of any dead chickens.
15. Disposal of litter, waste, and dead chickens on public land or in the sewage or stormwater collection system is strictly prohibited.
16. Residents who rent or lease a dwelling and wish to keep chickens on the property shall provide, along with a completed permit application, a letter signed by the owner of the property which identifies the property and indicates the owner's permission to keep chickens on the property.

#### 17-714.03 Administration.

1. Persons wishing to keep chickens pursuant to this section must file an application with the Town Office. The application shall include a sketch showing the area where the chickens will be housed and all types and size of enclosures in which the chickens will dwell along with a \$24.00 fee. The sketch must show all property dimensions and setbacks. Once the site and enclosures have been inspected and approved by the Town Manager or his designee, a permit will be issued. The permit shall be valid for one year. Each existing permit must be renewed annually in January by filing an application with the Town Office, along with payment of a \$24.00 renewal. The Town Manager or his designee shall make another inspection of the site, prior to the approval of the renewal application.
2. Any violations found may subject the owner to revocation of his or her permit and to penalties as provided in Section 17-1003 herein. Each day a violation continues shall constitute a separate offense.
3. The provisions of this section shall be enforced by the zoning administrator and such enforcement authority may be delegated by the administrator to other Town staff.
4. The keeping of chickens in the Agricultural/Residential (AR-1) District shall conform with the requirements of Section 17-601 herein, and shall not be subject to the provisions of Section 17-714.

#### 17-714.04 Existing Use at Time of Enactment.

Notwithstanding the foregoing provisions of this section, places of residences where chickens (roosters not being permitted under any circumstances) are currently being kept at the time of enactment of this

ordinance shall have a period of two years from such date of enactment to comply with the requirements herein. However, those eligible hereunder shall, within 90 days of adoption of this ordinance by the Town Council, declare and certify such existing use to the satisfaction of the Town and make application as required by Section 17-714.03.

Source: Town of Narrows Zoning Ordinance 95-96

## **City of Salem**

### **Sec. 106-318.1. - Keeping of chickens**

**Intent.** The keeping of chickens supports a local, sustainable food system by providing an affordable, nutritious food source of fresh eggs. These regulations are to provide appropriate standards for the keeping of chickens within an urban residential environment, while protecting the residential integrity of the surrounding neighborhood and the health and safety of the chickens.

**General standards.** Keeping of chickens, as defined herein, shall be permitted as an accessory use to single family dwellings if (i) the use is conducted at the applicant's place of residence, (ii) the use is conducted for personal household consumption only, and (iii) subject to the following conditions:

1. Each parcel shall contain one single family dwelling and must have a minimum lot size of one-quarter acre (10,890 square feet).
2. Chickens are herein as domestic female chicken hens. Roosters are prohibited.
3. Chickens shall be kept for the household's personal consumption only. Commercial use such as selling eggs or selling chickens for meat shall be prohibited.
4. There shall be no slaughtering or processing of chickens.
5. No more than six chickens shall be allowed.
6. Adequate shelter, care and control of the chickens are required. Any person allowed to keep chickens under this section shall comply with all of the provisions and requirements of the city and state code regarding care, shelter, sanitation, health, rodent control, cruelty, neglect, noise, reasonable control and any other requirements pertaining to, but not limited to, the adequate care and control of animals in the city.
7. The owner of the chickens shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions may be removed by an animal control officer.
8. Chickens shall not be allowed to roam free. They shall be kept in an enclosed secure area not to exceed a total of 128 square feet, hereinafter known as a pen. Pens shall include a coop (enclosed structure) containing a minimum of one and one-half square foot per hen and an open run area containing a minimum of eight square feet per hen. Pens may be portable.
9. The materials used for pens shall be uniform and kept in good condition in order to protect the safety of the chickens.
10. All pens shall be deemed accessory structures and shall comply with the setback requirements as provided in section 106-202.3(B)(2) herein, and shall be no closer than 50 feet from any adjacent principal structure, situate on an adjacent parcel, other than that of the owner of the chickens. Portable pens shall be moved on a regular basis.
11. All pens shall be located in the rear yard only.

12. All pens shall be located out of any drainage areas that could allow fecal matter to enter a storm drainage system or stream.
13. All pens shall be constructed and maintained so as to be impermeable to rodents, wild birds, and predators, including dogs and cats, and to prevent such animals or other pests from being harbored underneath, inside, or within the walls of the enclosure. All pens must be kept dry, well-ventilated, and in sanitary condition at all times, and must be cleaned on a regular basis to prevent offensive odors. All manure not used for composting or fertilizing shall be removed promptly. Odors from chickens, manure, or other chicken-related substances shall not be detectable at the property boundaries.
14. All feed or other material intended for consumption by the chicken shall be kept in containers impenetrable by rats or other rodents, and such container shall be equipped with tightly fitting caps or lids. All feeding shall be conducted in a manner so as to prevent unconsumed food from being accessible to other animals or rodents. The presence of rodents in an area used for the keeping of chickens shall be *prima facie* evidence that such area is maintained in violation of this section.
15. Composting of chicken litter and waste on site is highly encouraged. If any litter and/or waste is to be disposed of, it must be double bagged and securely closed and deposited in either a city approved receptacle or taken to the city transfer station. Also, any dead chickens shall also be double bagged and securely closed and deposited in either a city approved receptacle or taken to the city transfer station.
16. Disposal of litter, waste, and dead chickens on public land or in the sewage or stormwater collection system is strictly prohibited.

(C) Administration.

1. Persons wishing to keep chickens pursuant to this subsection must file an application with the city zoning department. The application shall include a sketch showing the area where the chickens will be housed and all types and size of enclosures in which the chickens will dwell along with a \$25.00 fee. The sketch must show all property dimensions and setbacks. Once the site and enclosures have been inspected and approved by the city's animal control officer, a permit will be issued. The permit shall be valid for one year. Each existing permit must be renewed annually in July by filing an application with the city zoning department, along with payment of a \$25.00 renewal. The animal control officer shall make another inspection of the site, prior to the approval of the renewal application.
2. Any violations found may subject the owner to revocation of their permit and to criminal charges as provided herein.
3. The provisions of this section shall be enforced by the zoning administrator and such enforcement authority may be delegated by the administrator to the animal control office or other departments of the city.
4. Any person violating any of the provisions of this section shall be deemed guilty of a class 4 misdemeanor. Each day a violation continues shall constitute a separate offense.
5. The keeping of chickens in AG—Agriculture district shall conform with the requirements of section 106-302 herein, and shall not be subject to the provisions of section 106-316.3 and section 106-318.

(D) Existing use at time of enactment. Notwithstanding the foregoing provisions of this section, places of residences where chickens (roosters not being permitted under any circumstances) are currently being kept at the time of enactment of this ordinance shall have a period of two years from such date of enactment to comply with the requirements herein. However, those eligible hereunder shall, on or before August 1, 2012, declare and certify such existing use to the satisfaction of the city and make application as required by section 106-318.1(C).

(Ord. of 6-25-2012(2))

## ARTICLE II. - POULTRY GENERALLY

Sec. 14-36. - Confinement; permitting to trespass on property of others.

All persons owning or having in their possession, under their control or on their premises chickens, ducks, guinea-fowl and any other like fowl shall strictly confine, keep up and pen the same so that they cannot get off the premises owned or controlled by any such person owning or having or in charge of such chickens, ducks, guineas and like fowl. If any chickens, ducks, guineas and like fowl are allowed, permitted, or in any way trespass upon the property of others, then the owner or the person having charge of such chickens, duck, guinea or other fowl on his premises shall be punished as provided in section 1-7. Each time any chickens, duck, guinea or other like fowl trespasses upon the property of another shall constitute a separate offense.

(Code 1969, § 4-4)

Sec. 14-37. - Keeping certain fowl as nuisance.

The keeping by any person of any chickens, turkeys, ducks or other poultry or fowl which either disturbs any citizen of the city in the reasonable use and enjoyment of his property or causes any person of ordinary sensibilities any actual physical discomfort, or creates or brings about an insanitary situation or condition detrimental to the health of any citizen of the city, shall constitute a nuisance abatable as such by a proper suit in equity in the circuit court for the city, but this shall be in addition to, and not in lieu of, the punishment provided.

Sec. 106-602.1. - Agricultural use types.

Agriculture. The use of land for the production of food and fiber, including farming, dairying, pasturage, agriculture, horticulture, viticulture, and animal and poultry husbandry. A garden accessory to a residence shall not be considered agriculture. The keeping of a cow, pig, sheep, goat, chicken or similar animal shall constitute agriculture regardless of the size of the animal and regardless of the purpose for which it is kept.

## City of Roanoke

### ARTICLE V – POULTRY

Sec. 6-93. - Definition. - The word "poultry," as used in this article, shall mean any domesticated birds raised for food, either meat or eggs, feathers or show, including, but not limited to chickens, ducks, geese, swans, turkeys, guinea fowl, and pigeons.

(Ord. No. 24443, Ch. 5, § 1, 12-11-78)

Sec. 6-94. - Violation of article as nuisance. - In addition to any penalty imposed for a violation of any provision of this article, such violation is hereby declared a public nuisance and any person suffering injury or damage therefrom may seek the correction, removal or abatement of such nuisance through appropriate suit in equity.

(Ord. No. 24443, Ch. 5, § 4, 12-11-78)

Sec. 6-95. - Limitations on keeping poultry. - The keeping of poultry on a lot shall be subject to these limitations:

(a) A maximum of ten (10) poultry animals may be kept on a parcel with less than twenty thousand (20,000) square feet.

(b) A maximum of forty (40) poultry animals may be kept on a parcel with twenty thousand (20,000) square feet or more.

(c) The limits on the number of poultry animals above shall not apply to any parcel on which such activity is permitted as of right, permitted by special exception, or permitted as a continuation of a nonconforming use, pursuant to chapter 36.2, zoning.

(Ord. No. 2443, Ch. 5, § 2, 12-11-78; Ord. No. 39514, § 1, 10-1-12)

Sec. 6-96. - Fencing; roaming at large. - All poultry shall be kept in securely and suitably fenced areas, and no fenced area or pen for poultry shall be permitted closer than fifty (50) feet to any house or other building used for residential purposes by anyone other than the person maintaining such poultry or his immediate family. No poultry shall be permitted to roam at large.

(Ord. No. 2443, Ch. 5, § 3, 12-11-78)

Charter reference— Authority of city to regulate or prohibit running at large of fowl, § 2(19).

State Law reference— Authority to prohibit fowl at large, Code of Virginia, § 15.1-870.

Sec. 6-97. - Maintenance of area where kept. - Every person maintaining any area for keeping poultry shall keep it clean, sanitary and free from refuse. All poultry feed or other material intended for consumption by poultry shall be kept in containers impenetrable by rats or other rodents, and such containers shall be equipped with tightly fitting caps or lids. The presence of rats in an area used for the keeping of poultry shall be *prima facie* evidence that such area is maintained in violation of this section.

(Ord. No. 24443, Ch. 5, § 3, 12-11-78)

## **Roanoke County**

Sec. 5-38. - Standards for residential chicken keeping.

The keeping of up to six (6) female chickens (hens) shall be permitted in non-agriculturally zoned areas of the county subject to the following standards:

(1)The principal use of the property is a single-family dwelling.

(2)The owner of the chickens must reside on the property on which the chickens are kept.

(3)Chickens shall be kept within a predator-resistant coop or chicken enclosure at all times and shall not be permitted to run at large.

(4)Coops and chicken enclosures shall be setback at least ten (10) feet from side and rear property lines and at least thirty-five (35) feet from any residential dwelling on an adjacent lot. Coops and chicken enclosures shall also be located behind the front building line of the principal structure.

(5)Coops shall provide at least two (2) square feet of interior space per chicken and chicken enclosures shall provide at least ten (10) square feet of exterior space per chicken with a maximum total area of one hundred fifty (150) square feet for both the coop and chicken enclosure. Neither the coop nor chicken enclosure shall exceed ten (10) feet in height.

(6)Coops and chicken enclosures shall be well-ventilated and kept in a clean, dry and sanitary condition at all times.

(7)Provision shall be made for the storage and removal of chicken waste (manure). Such waste shall not create a nuisance or health hazard to adjoining property owners.

(8) All chicken feed or other material intended for consumption by chickens shall be kept in containers impenetrable by rodents, insects or predators.

(9) The keeping of roosters, capons, and crowing hens is prohibited.

(10) The outdoor slaughtering of chickens is prohibited.

(Ord. No. 082812-7, § 1, 8-28-12)

#### Sec. 30-88-2 – Accessory Uses: Residential Use Types

10. Residential chicken keeping including coops and chicken enclosures provided that:

(a) Coops and chicken enclosures shall be setback at least ten (10) feet from side and rear property lines and at least thirty-five (35) feet from any residential dwelling on an adjacent lot. Coops and chicken enclosures shall be located behind the front building line of the principal structure.

(b) Coops shall provide at least two (2) square feet of interior space per chicken and chicken enclosures shall provide at least ten (10) square feet of exterior space per chicken with a maximum total area of one hundred fifty (150) square feet for both the coop and chicken enclosure. Neither the coop nor chicken enclosure shall exceed ten (10) feet in height.

(c) A zoning permit has been obtained by the owner of the chickens.

#### Sec. 30-29-1 – Agricultural and Forestry Use Types

Agriculture: The use of land for the production of food and fiber, including farming, dairying, pasturage, agriculture, horticulture, viticulture, and animal and poultry husbandry. A garden and residential chicken keeping, accessory to a residence, shall not be considered agriculture.

#### Sec 5-21 – Definitions

Capon: A neutered male chicken.

Chicken: A domestic fowl, *Gallus domesticus*.

Chicken enclosure: A fenced or wire area, in addition to a coop, that provides chickens with a predator-resistant, outside space.

Coop: A building or enclosed structure that houses chickens and provides shelter from the elements and from predators.

Hen: A female chicken.

Rooster: A male chicken usually kept for breeding.

Animal nuisance: Is created when any companion animal, dog, cat or other domestic animal unreasonably annoys humans, endangers the life or health of other animals or persons or substantially interferes with the rights of citizens, other than their owners, to the enjoyment of life or property. Such acts of nuisance shall include, but are not limited to, the following:

(1) Damages property other than that of the animal's owner;

(2) Attacks or disturbs other animals, persons or vehicles by chasing, barking or biting;

(3) Makes excessive noises including, but not limited to, barking, whining, howling, caterwauling or crying;

- (4) Creates noxious or offensive odors;
- (5) Defecates upon any public place or upon premises not owned or controlled by the owner unless promptly removed by the animal's owner; or
- (6) Creates an unsanitary condition or insect breeding site due to an accumulation of excreta or filth.

Poultry: All domestic fowl and game birds raised in captivity.

To run at large: A domestic or feral dog, exotic or poisonous animal or exotic bird or poultry shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.

#### Sec. 30-28 – Definitions

Residential chicken keeping: The keeping of up to six (6) female chickens (hens) in non-agriculturally zoned areas as an accessory use to a single family residence subject to the standards set out in chapter 5, animals and fowl, section 5-38, standards for residential chicken keeping.

Sec. 5-28. - Running at large—Prohibited. - It shall be unlawful for the owner of any domestic or feral dog, exotic or poisonous animal or exotic bird or poultry to permit such domestic or feral dog, exotic or poisonous animal or exotic bird or poultry to run at large in the county at any time during any month of the year.

#### **Vinton**

Sec. 10-97. - Fowl, chickens and other domestic birds.

Definitions. Fowl is defined as any various domestic birds by way of example but not limited to: Chickens, roosters, ducks, geese, turkeys, guinea fowl, emus, rheas, ostriches and pigeons.

It shall be unlawful for any person to keep, permit or allow any domesticated fowl within the corporate limits of the town, or to allow any domesticated fowl to run at large within the corporate limits of the town, except as specifically permitted below.

It shall only be lawful for a person to keep, permit or allow chickens within the corporate limits of the town on residential property only, under the following terms and conditions:

No more than six chicken hens shall be allowed for each single-family dwelling, with roosters prohibited. No chickens shall be allowed on townhouse, duplex, apartment or manufactured housing park properties.

Chicken hens allowed under this section shall only be raised for domestic purposes and no commercial use such as selling eggs or selling chickens for meat shall be allowed. There shall be no outside slaughtering of chickens.

Each single-family dwelling shall contain at a minimum an acre (43,560 square feet) of land.

Chicken hens shall be kept in an enclosed secure movable/portable pen/ tractor, stationary pen or a fenced enclosure (henhouse/coop) that contains at a minimum four square feet per bird. The size of the enclosed portable and/or stationary henhouse/coop shall not exceed 64 square feet in area. Birds shall not be allowed to roam free.

The materials used in making a henhouse/coop or chickens tractor shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar materials is prohibited. Henhouses and chicken tractors shall be well maintained.

All enclosed permanent henhouses/coops must be at least 25 feet from the adjoining property lines and no closer than 50 feet from any adjacent residential dwelling or to any other building used for residential purposes, other than that of the owner of the chicken hens. All enclosed permanent henhouses/coops shall not be located in the front yard, required street side yard, required side yard, nor shall be located in any drainage area that would allow fecal matter to enter any storm drainage system or stream.

Secure movable/portable henhouses/coops and chicken tractors must be located at least 20 feet from the adjoining property line and no closer than 25 feet from any adjacent residential dwelling or to any other building used for residential purposes, other than that of the owner of the chicken hens.

All enclosures for the keeping of chicken hens shall be constructed and maintained as to prevent rodents or other pests from being harbored underneath, inside, or within the walls of the enclosure. The henhouse/coop must be impermeable to rodents, wild birds, and predators, including dogs and cats. All enclosed pens must be kept dry, well-ventilated, and in sanitary condition at all times, and must be cleaned on a regular basis to prevent offensive odors. All manure not used for composting or fertilizing shall be removed promptly. Odors from chickens, chicken manure, or other chicken-related substances shall not be detectable at the property boundaries.

No dog or cat that kills a chicken hen will, for that reason alone, be considered a dangerous or aggressive animal.

Adequate shelter, care and control of the chicken hens are required. Any person allowed to keep chicken hens under this section shall comply with all of the provisions and definitions of the Code of Ordinances regarding care, shelter, sanitation, health, rodent control, cruelty, neglect, noise, reasonable control and any other requirements pertaining to the adequate care and control of animals in the town.

The chicken hen owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chicken hens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by an animal control officer.

All feed or other material intended for consumption by the chickens shall be kept in containers impenetrable by rats or other rodents, and such container shall be equipped with tightly fitting caps or lids. All feeding shall be conducted in a manner as to prevent unconsumed food from being accessible to other animals or rodents. The presence of rodents in an area used for the keeping of chickens shall be *prima facie* evidence that such area is maintained in violation of this section.

Chicken litter and waste shall not be deposited in any trash container that is collected by any public and shall be disposed of by either composting on site or disposed of at a permitted solid waste facility in accordance with the applicable permit. Also, any dead birds shall not be deposited in any trash container that is collected by any public waste collector but shall be taken to the permitted solid waste disposal facility and properly disposed of in accordance with the receiving facility's applicable permit.

Disposal of chicken litter, waste, and dead birds in the public wastewater collection system is strictly prohibited since this may cause backups and/or overflows.

Persons wishing to keep chickens pursuant to this subsection must file an application with the town's planning and zoning department. The application shall include a sketch showing the area where the chickens will be housed and all types and size of enclosures in which the chickens will be housed along with a twenty-five dollar fee. The sketch must show all property dimensions and setbacks. Once the site and enclosures have been inspected and approved by the town's animal control officer, a permit will be issued by the planning and zoning department. The permit shall be valid for one year. Each existing permit must be renewed annually in January by filing an application with the town's planning and zoning department, along with payment of a twenty-five dollar renewal. The town's animal control officer shall make another inspection of the site, prior to the approval of the renewal application.

The above subsection (c) shall not apply to indoor birds, such as, but not limited to parrots or parakeets, or to the lawful transportation of fowl through corporate limits of the town.

Any person found guilty of violating this section shall be guilty of a Class 3 misdemeanor and subsequent violations of this section by the same person shall constitute a Class 2 misdemeanor.

(Ord. No. 913, 4-5-2011)

**AN ORDINANCE AMENDING CHAPTER 30 “ZONING” OF THE  
CHRISTIANSBURG TOWN CODE IN REGARDS TO PROVISIONS  
FOR URBAN AGRICULTURE INCLUDING THE KEEPING OF  
CHICKEN HENS, CHICKS, AND BEEHIVE STANDS  
AND PROVISIONS FOR AGRICULTURE AND FORESTRY USES IN THE R-1A  
RURAL RESIDENTIAL DISTRICT INCLUDING THE KEEPING OF HORSES**

WHEREAS, the Planning Commission of the Town of Christiansburg, Virginia has recommended to the Council of the Town of Christiansburg amendments to the Zoning Ordinance of the Town of Christiansburg; and,

WHEREAS, notice of the intention of the Town Council to pass said ordinance was published two consecutive weeks (August 3, 2011 and August 10, 2011) in The Roanoke Times – New River Current, a newspaper published in and having general circulation in the Town of Christiansburg; and,

WHEREAS, a joint public hearing of Council and the Planning Commission of the Town was held August 16, 2011 and resulted in a recommendation by the Planning Commission that the following proposed ordinance revisions be denied; and,

WHEREAS, Council deems proper so to do,

Be it ordained by the Council of the Town of Christiansburg, Virginia that Chapter 30 “Zoning” of the *Christiansburg Town Code* be amended by the addition of Sections 30-23(o), 30-31 (o), 30-39(r), 30-48(aa), and Sec. 30-200 Urban agriculture; permit required. to Article XXII. Miscellaneous Provisions and the renumeration of Articles XXIII. and XXIV., Sections 30-200, 30-201, 30-202, 30-203, and 30-204 as Articles XXIV. and XXV., Sections 30-201, 30-202, 30-203, 30-204, and 30-205 as follows:

**ARTICLE III. RURAL RESIDENTIAL DISTRICT R-1A**

**Sec. 30-23. Permitted uses.**

- (o) Urban agriculture in accordance with Section 30-200.

**ARTICLE IV. SINGLE-FAMILY RESIDENTIAL DISTRICT R-1**

**Sec. 30-31. Permitted uses.**

- (o) Urban agriculture in accordance with Section 30-200.

**ARTICLE V. TWO-FAMILY RESIDENTIAL DISTRICT R-2**

**Sec. 30-39. Permitted uses.**

- (r) Urban agriculture in accordance with Section 30-200.

## ARTICLE VI. MULTIPLE-FAMILY RESIDENTIAL DISTRICT R-3

### Sec. 30-48. Permitted uses.

- (aa) Urban agriculture in accordance with Section 30-200.

## ARTICLE XXII. MISCELLANEOUS PROVISIONS

### Sec. 30-200. Urban agriculture; zoning permit required.

The Town of Christiansburg may allow the keeping of no more than a total of six chicken hens or chicks and no more than two beehive stands in association with each residence in Town as an allowed by right urban agriculture use with an approved urban agriculture zoning permit. The urban agriculture zoning permit shall be valid only for the keeping of no more than six chicken hens or chicks and no more than two beehive stands with setbacks of 15 feet from all property lines and 50 feet from dwellings on adjacent properties and no closer to the street right-of-way than the primary dwelling. Such permits shall be valid for chicken hens, chicks, and bees only and shall not be valid for the keeping of roosters, ducks, geese, quail, turkeys, ostriches, peacocks, or any other nondomesticated pet.

All approved urban agriculture uses are required to contain the hens and/or chicks and not allow them to roam at large. All approved urban agriculture uses shall maintain the premises in a clean and sanitary manner and are required to present measures for food storage and containment and disposal of waste prior to approval and shall maintain compliance with all presented measures. The operation of an urban agriculture use shall not include the slaughtering or butchering of chicken hens or chicks. All approved urban agriculture uses are subject to inspection by the Zoning Administrator and Health Department for compliance. All applicants for urban agriculture are responsible for obtaining permission of the property owner and approval of urban agriculture zoning permits does not constitute waiver of any restrictive covenants.

Applicants for an urban agriculture zoning permit shall submit the following for review and approval of the Zoning Administrator:

- 1) Site drawing showing the size and location of all proposed structures and use areas, the setback distances from street rights-of-way, property lines and nearby dwellings, and any provisions for screening;
- 2) Management plan addressing protection from predators, use of feeding and bedding materials, management and disposal of wastes, and other factors deemed relevant for the protection of the public health.

The Town Manager or Zoning Administrator shall have authority to approve urban agriculture zoning permits and may revoke such permits for noncompliance. Should the Town Manager or Zoning Administrator have questions regarding compliance with an urban agriculture zoning permit, the Town Manager or Zoning Administrator may seek an advisory opinion or recommendation from the Planning Commission regarding compliance with the permit. The keeping of a garden for the production of fruit or vegetables shall not require an urban agriculture zoning permit and shall be allowed by right in all Zoning Districts.

Be it further ordained by the Council of the Town of Christiansburg, Virginia that Section 30-1 be amended by the amendment of the definition of "domestic pet" and Section 30-23(b) of Chapter 30 "Zoning" of the *Christiansburg Town Code* be amended as follows:

## ARTICLE I. IN GENERAL

### Sec. 30-1. Definitions.

*Domestic pet.* An animal housed at a residence for family purposes as a household pet, including domesticated cats, dogs, fish, birds, and other similar animals as determined by the Zoning Administrator. Such use shall be deemed to be allowed by right on residential properties in accord with the provisions of Chapter 5 "Animals" and this chapter, but however shall not be deemed to include agricultural operations or the raising of non-domesticated animals **with the exception of approved zoning permits for urban agriculture and approved Conditional Use Permits for pygmy goats as domestic pets.** ~~Pygmy goats as domestic pets are allowed with a Conditional Use Permit.~~

## ARTICLE III. RURAL RESIDENTIAL DISTRICT R-1A

### Sec. 30-23. Permitted uses.

(b) ~~Agriculture and forestry, but not including pens as herein defined or the raising or keeping of swine or goats. Enclosures for horses of at least 4,000 square feet for each horse.~~

This ordinance shall become effective upon adoption. If any part of this ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts shall be deemed valid. Ordinances or parts of any ordinances of the Town whose provisions are in conflict herewith are hereby repealed.

Upon a call for an aye and nay vote on the foregoing ordinance at a regular meeting of the Council of the Town of Christiansburg, Virginia held September 6, 2011, the members of the Council of the Town of Christiansburg, Virginia present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Richard G. Ballengee*				
D. Michael Barber		X		
Cord Hall	X			
Steve Huppert		X		
Henry Showalter		X		
Bradford J. Stipes		X		
James W. "Jim" Vanhoozier		X		

\*Votes only in the event of a tie vote by Council.

SEAL:

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Michele M. Stipes, Town Clerk

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Richard G. Ballengee, Mayor



## TOWN OF CHRISTIANSBURG

100 East Main Street  
Christiansburg, VA 24073

Phone (540) 382-6120 Fax (540) 381-7238

### Application for Urban Agriculture Zoning Permit

Applicant Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Applicant Address: \_\_\_\_\_ Fax: \_\_\_\_\_

Property owner: \_\_\_\_\_ Property owner's address: \_\_\_\_\_

Location Address: \_\_\_\_\_

Tax Parcel(s): \_\_\_\_\_ Parcel ID(s): \_\_\_\_\_ Zoning District: \_\_\_\_\_

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Number of chicken hens or chicks: \_\_\_\_\_ Number of beehive stands: \_\_\_\_\_

Attachments: Site Drawing(s): \_\_\_\_\_ Management Plan: \_\_\_\_\_

Dimensions of coops/beehive stands: \_\_\_\_\_ ft. x \_\_\_\_\_ ft. Area \_\_\_\_\_ (sq. ft.) Weight \_\_\_\_\_ lbs. Material \_\_\_\_\_

Supports: Number \_\_\_\_\_ Size \_\_\_\_\_ Material \_\_\_\_\_ Total Height above grade: \_\_\_\_\_ ft.

\*\*\*\*\*  
The undersigned applicant hereby applies for Urban Agriculture Zoning Permit as stated above and/or within supplemental attachments and certifies that he/she is duly authorized by the owner(s) to make such application. Applicant further certifies that all relevant Building, Zoning, and Outdoor Advertising restrictions and regulations of the Town of Christiansburg and Commonwealth of Virginia pertaining to this application have or will be met. It shall be the responsibility of the applicant to notify the Building Official in advance of anticipated work to make or cause to be made any necessary inspections. Applicant shall be responsible for locating any and all underground utilities or structures, easements, and rights-of-way. Applicant certifies that the use shall comply with all private deed restrictions and/or covenants. All submitted materials shall be in compliance with regulations of the Virginia Statewide Uniform Building Code, the Christiansburg Town Code, and the Virginia Department of Transportation. By causing this permit to be issued applicant assumes all responsibility and liability for insuring that the enclosure and all supporting structures are constructed/installed in compliance with all applicable regulations. Omission or misrepresentation of relevant facts or materials by the applicant shall constitute a falsified permit application and shall be cause for revocation of any permits and/or approvals. Should any of the above information be incorrect or change, the applicant will notify the Town of Christiansburg immediately. Enclosures shall not be within 10 feet of the nearest overhead electrical wires. Enclosures as noted herein refer to the enclosure, supporting structures, footers, etc.. Applicant refers to the person(s) making application or persons representing the property owner(s) or the property owner(s) themselves. **Construction will not occur until final approval has been given. Miss Utility shall be contacted at (800) 552-7001 at least 48 hours prior to any underground work. This permit is invalid unless construction and operation is begun within 180 days of approval.**

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Date \_\_\_\_\_

Applicant Signature / Acknowledgement of Conditions

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Remarks: \_\_\_\_\_

Call for: Setback inspection \_\_\_\_\_

This application is approved / disapproved and Permit granted subject to the preceding requirements/conditions.

---

Date \_\_\_\_\_

Town Manager / Zoning Administrator



## RESIDENTIAL CHICKENS LICENSE APPLICATION

Date: \_\_\_\_\_

Applicant: \_\_\_\_\_

Property Owner (if different from applicant): \_\_\_\_\_

Site Address: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Evening Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Number of Chickens on Premises: \_\_\_\_\_ (up to 6 total hen chickens allowed)

Size of pen: Length \_\_\_\_\_ Width \_\_\_\_\_ Height: \_\_\_\_\_

Total square footage of coop: \_\_\_\_\_ Total square footage of open run: \_\_\_\_\_

- Pen shall comply with the City's Accessory Uses: Residential Use Types Ordinance Sec. 106-316.3.

Distance of pen from adjacent principal structures: \_\_\_\_\_

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### Declaration:

Are you declaring chicken ownership prior to the enactment of the Urban Agriculture Ordinance?

YES     NO    (Must be declared by August 1, 2012)

Number of Chickens on Premises: \_\_\_\_\_

I understand that I must be in full compliance with Section 106-318 by July 5, 2014. \_\_\_\_\_ (initial)

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The following must be submitted with the permit application:

1. A sketch of the property showing the following:
  - Location and size of the premises and the location, size and type of all structures and pens for the chickens
  - Setbacks of chicken pens from property lines
  - Setbacks and use of adjacent structures
  - Distance between chicken pen and adjacent principal structures (including neighbors) – Cannot be closer than 50 feet and must be at least 5 feet from the property lines.
  - Feces and waste removal plan (state if composting, disposal, direct fertilization, etc.)
  - Other information as required in the Accessory Uses: Residential Use Types Ordinance
2. An annual license fee of \$25.00. (checks made payable to the City of Salem)

**Agreement:**

By signing this statement, the applicant agrees that the premises may be inspected at all reasonable times so as to assure compliance with the conditions outlined herein, and in Code of the City of Salem, Chapter 106.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date of Application

\_\_\_\_\_  
Property Owner (if different from applicant)

\_\_\_\_\_  
Date of Application

-----  
OFFICE USE  
ONLY

Date Received: \_\_\_\_\_ Tax Map #: \_\_\_\_\_ Zoning: \_\_\_\_\_

Date Reviewed: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Approved By \_\_\_\_\_ Date: \_\_\_\_\_

Title \_\_\_\_\_ License Expiration Date: June 30, 20\_\_\_\_\_.  
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Notes/Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The limited keeping of chickens may be permitted as an accessory use to single family dwellings subject to the following conditions:

1. Each parcel shall contain one single family dwelling and must have a minimum lot size of one-quarter acre (10,890 square feet).
2. Chickens are defined herein as domestic female chicken hens. Roosters are prohibited.
3. Chickens shall be kept for the household's personal consumption only. Commercial use such as selling eggs or selling chickens for meat shall be prohibited.
4. There shall be no slaughtering or processing of chickens.
5. No more than 6 chickens shall be allowed.
6. Adequate shelter, care and control of the chickens are required. Any person allowed to keep chickens under this section shall comply with all of the provisions and requirements of the City and State Code regarding care, shelter, sanitation, health, rodent control, cruelty, neglect, noise, reasonable control and any other requirements pertaining to, but not limited to, the adequate care and control of animals in the city.
7. The owner of the chickens shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions may be removed by an animal control officer.
8. Chickens shall not be allowed to roam free. They shall be kept in an enclosed secure area not to exceed a total of 128 square feet, herein after known as a pen. Pens shall include a coop (enclosed structure) containing a minimum of 1.5 square foot per hen and an open run area containing a minimum of 8 square feet per hen. Pens may be portable.
9. The materials used for pens shall be uniform and kept in good condition to protect the safety of the chickens.
10. All pens must be at least 5 feet from the property lines and no closer than 50 feet from any adjacent principal structure, situate on an adjacent parcel, other than that of the owner of the chickens. Portable pens shall be moved on a regular basis.
11. All pens shall be located in the rear yard only.
12. All pens shall be located out of any drainage areas that could allow fecal matter to enter a storm drainage system or stream.
13. All pens shall be constructed and maintained so as to be impermeable to rodents, wild birds, and predators, including dogs and cats, and to prevent such animals or other pests from being harbored underneath, inside, or within the walls of the enclosure. All pens must be kept dry, well-ventilated, and in sanitary condition at all times, and must be cleaned on a regular basis to prevent offensive odors. All manure not used for composting or fertilizing shall be removed promptly. Odors from chickens, manure, or other chicken-related substances shall not be detectable at the property boundaries.
14. All feed or other material intended for consumption by the chicken shall be kept in containers impenetrable by rats or other rodents, and such container shall be equipped with tightly fitting caps or lids. All feeding shall be conducted in a manner so as to prevent unconsumed food from being accessible to other animals or rodents. The presence of rodents in an area used for the keeping of chickens shall be *prima facie* evidence that such area is maintained in violation of this section.
15. Composting of chicken litter and waste on site is highly encouraged. If any litter and/or waste is to be disposed of, it must be double bagged and securely closed and deposited in either a City approved receptacle or taken to the City Transfer Station. Also, any dead chickens shall also be double bagged and securely closed and deposited in either a City approved receptacle or taken to the City Transfer Station.
16. Disposal of litter, waste, and dead chickens on public land or in the sewage or storm water collection system is strictly prohibited.