

Town of Christiansburg Planning Commission

100 East Main Street
Christiansburg, Virginia 24073-3029
Telephone: (540) 382-6128
Fax: (540) 382-7338
October 28, 2015

To all concerned parties:

Planning Commission

Chairperson
Craig Moore

Vice-Chairperson
Jennifer D. Sowers

Secretary ^{Non-Voting}
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, November 2, 105 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 October 19, 2015 meeting.
- 3) Review of Conditional Use Permit for a bed and breakfast at 305 E. Main Street. The Conditional Use Permit was approved by Town Council on October 14, 2014.
- 4) Discussion by Planning Commission regarding of urban chickens.
- 5) Other business.

The next regular Planning Commission meeting date is scheduled for Monday, November 16, 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 October 19, 2015

Present: Matthew J. Beasley
Ann Carter
Harry Collins
David Franusich
Hil Johnson
Craig Moore, Chairperson
T.L. Newell
Virginia Peebles
Joe Powers
Nichole Hair, Secretary Non-Voting

Absent: Steve Huppert
Jennifer D. Sowers, Vice-Chairperson

Staff/Visitors: Sara Morgan, staff
Will Drake, staff
Cindy Wells-Disney, Montgomery County Planning Commission
Tawanna Blassingame, 465 Cherokee Drive

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.

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

Approval of meeting minutes for September 14, 2015.

Chairperson Moore introduced the discussion. Commissioner Beasley made a motion to approve the September 14, 2015 Planning Commission meeting minutes. Commissioner Carter seconded the motion. Chairperson Moore opened the floor for discussion. Commissioner Collins noted on page 5 of the meeting minutes, the parking garages should be \$10,000-12,000 per space instead of \$10,000-12,000 overall. Commissioner Beasley made a motion to approve the Planning Commission meeting minutes as amended. Commissioner Collins seconded the motion, which passed 8-0. Commissioner Johnson abstained, as he was not present for the meeting.

Discussion by Planning Commission regarding urban chickens.

Chairperson Moore asked staff to explain the interest in urban chickens.

Discussion by Planning Commission regarding urban chickens (continued).

Ms. Hair noted that staff has had issues with citizens bringing chickens and rooster into residential areas.

Staff has been handling those complaints and having those animals removed. There have been a few requests from private property owners to allow chickens in residential areas. One property owner asked Town Council to revisit this idea. Town Council has directed Planning Commission and staff to revisit the urban chicken topic. Ms. Hair turned it over to Planner, Will Drake, who gathered research regarding surrounding localities allowing urban chickens.

Will Drake detailed the document provided to the Planning Commission including the benefits, concerns, and best practices of allowing urban chickens.

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.

Discussion by Planning Commission regarding urban chickens (continued).

- 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.

Mr. Drake detailed the localities in the surrounding area that allow urban chickens. The zoning requirements included allowance of urban chickens, bird limit, setbacks, minimum lot size, enclosure (pen and coop), sanitation standards, and administration. Some localities have an annual permit/inspection process which is detailed in Mr. Drake's research. The appendix includes the code sections that were referenced for his research. There is a lot of repetition within the zoning code in regards to the sanitation standards. Vinton's ordinance was used as a model by Salem, Roanoke County, and Narrows.

When Mr. Drake contacted the localities, he specifically asked how their urban chicken program was going. Salem mentioned a single complaint that dealt with chicken odor or noise. If localities have had trouble, they have seen an issue with dogs trying to get into the pens. Most of the complaints are for roosters which are against the code.

Participation is noted on the second page of the document. Salem has 21 permits while the other localities have had single digit participants. Roanoke County had 15 permits in the first year but have since only had three permits. Overall the localities have had a small number of participants.

Commissioner Collins asked about the number of complaints. Mr. Drake indicated that the complaints were in the single digits. Salem had one related to noise while Roanoke County had two-three complaints where dogs were involved.

Commissioner Carter noted there are few complaints and few participants. Commissioner Powers noted Salem had the most participants. Mr. Drake reiterated, Roanoke County had 15 permits in the first year but have since only had three permits.

Commissioner Johnson thanked Mr. Drake for his research. Commissioner Johnson went on to note the closer localities (i.e. Blacksburg, Radford, Dublin and Montgomery County) do not have urban chicken ordinances. Mr. Drake added Roanoke County is now allowing more chickens with a sliding scale. Mr. Drake stated if a property has over an acre of land, 12 chickens are allowed. Commissioner Power stated the majority of Montgomery County is zoned Agriculture; therefore there is not a need for an urban chicken ordinance.

Discussion by Planning Commission regarding urban chickens (continued).

Commissioner Collins asked about the Town of Christiansburg's Agriculture zoned properties. Ms. Hair stated any Agriculture properties are allowed to have chickens by right but not roosters.

Commissioner Powers referenced Salem stating the pen sizes to be too small. Mr. Drake confirmed the pen size gets into the welfare of the bird. From Mr. Drake's research of articles from the Virginia Extension office, two square feet per bird is an acceptable size.

Commissioner Johnson asked if Mr. Drake knew of any localities expanding the ordinance to include more than chickens. Mr. Drake stated he discussed this with many planning staff members and this was the initial but there are few citizens interested in keeping chickens.

Commissioner Powers noted covenants may restrict newer subdivisions.

Commissioner Carter noted the average life expectancy of a chicken is ten years and they lay only two-three years. Commissioner Carter stated this is a lot of work if only allowed a few chickens.

Commissioner Powers asked Mr. Drake to detail the application for Salem. Mr. Drake noted many localities do not monitor the chickens and enforcement is complaint driven. Mr. Drake noted when applying for the urban chicken permit a sketch required would be required to show the location of the chicken coup on the property. Mr. Drake stated the planning staff would verify the setbacks are met. Commissioner Powers discussed the renewal process and fee.

Commissioner Newell wondered if citizens still have chickens and chose not to renew in Roanoke County. Commissioner Newell would like to know the number of dogs properly registered in Montgomery County.

Commissioner Collins discussed the health concerns associated with chickens. Commissioner Collins spoke to the respiratory issues discussed by Mr. Coggins. Commissioner Collins stated it is not in his best interest to vote in favor of urban chickens. Commissioner Collins added while respiratory issues can be caused by birds flying overhead, those birds are not in one concentrated area. Commissioner Franusich noted many of those diseases can be mitigated through proper care of the chickens and coop. Commissioner Carter noted the planning departments are only monitoring the participants on a complaint basis. Commissioner Powers stated the health impacts can be mitigated through setback requirements. Commissioner Collins stated wind could spread the diseases. Commissioner Powers stated the same could happen with gardens. Commissioner Franusich stated one would have to be actively involved in the chicken operation to be exposed to the diseases. Commissioner Collins stated he does not want to take that risk.

Discussion by Planning Commission regarding urban chickens (continued).

Commissioner Newell stated she thinks there is an allure with urban agriculture. Commissioner Newell stated she would like to add more benefits to the list such as chickens are known for eating fleas and ticks and can be an educational asset for children. Commissioner Newell added she would not take urban chickens on due to medical concerns within her family but she knows where to get the free range eggs. Commissioner Collins added that there is an issue with flies associated with chickens. Commissioner Newell stated she does not think chicken would create more of a nuisance than dogs.

Chairperson Moore stated the Planning Commission could address dogs another time; right now the issue is chickens. Commissioner Franusich noted dogs were brought up for comparison sake. Chairperson Moore would like to stay focused on the pros and cons of the urban chickens.

Commissioner Powers recalled the previous draft ordinance for urban chickens had a split vote from Planning Commission and Town Council voted the draft ordinance down.

Commissioner Johnson asked how big of an issue is the urban chickens. Ms. Hair provided a history of violations and citizen discussions from staff's perspective. Ms. Hair added most of the violators remove the chickens but staff did have to pursue court in one instance. Ms. Hair stated she has been informed citizens who have asked to be updated with any discussions regarding urban chickens.

Commissioner Newell inquired about the number of residents requesting urban chickens in Town. Ms. Hair noted there were only a few. Ms. Hair added the original study took around 9 months to complete.

Commissioner Carter stated she attended the Town Council meeting where the gentleman asked Town Council to revisit urban chickens. Commissioner Carter noted there was not an outcry from the community but from a single man. Commissioner Carter stated she believes the research done four years ago by the Planning Commission went in depth and there was a lot of work that went in the draft ordinance. Commissioner Carter added it would not be beneficial to the Planning Commission's time to redo the draft ordinance.

Ms. Hair reviewed the ordinance that was denied by Town Council. Commissioner Franusich asked if there were any lot size restrictions in the denied ordinance. Commissioner Powers stated the Planning Commission chose to regulate through setbacks rather than lot size. Commissioner Newell asked if any language was included regarding covenants or home owners associations. Ms. Hair stated that language was not included as the Town does not regulate covenants.

Discussion by Planning Commission regarding urban chickens (continued).

Commissioner Carter noted the Health Department may help us. Ms. Hair added it is her understanding any help would require compensation and she does not know what that fee would be. Ms. Hair stated she felt staff would perform the inspections.

Commissioner Powers stated he supports having a fee associated with the permit as it shows the seriousness of the applicant. Ms. Hair stated she would like to see an annual renewal with fee.

Commissioner Franusich noted Salem's program seems to be successful. Mr. Drake stated Salem has a minimum and maximum coop size.

Chairperson Moore provided an overview of the recent discussion, noting the Planning Commission would like to see a renewable application and fee. Commissioners Powers and Franusich would also like to see a coop size regulation.

Chairperson Moore and Commissioner Franusich would like educational information regarding chickens to be included in the application process.

Commissioner Collins asked Mr. Drake if Blacksburg provided a reason for not adopting an urban chicken ordinance. Mr. Drake did not contact Blacksburg and only contacted localities that had urban chicken ordinances. Commissioner Powers asked Ms. Wells-Disney where the Montgomery County Planning Commission stood on urban chickens. Ms. Wells-Disney stated their Planning Commission is still researching urban chickens.

Chairperson Moore noted that the Vinton ordinance states "no cat or dog that kills a chicken, would not be considered a vicious animal." He would like to include hen and chicks.

Commissioner Powers stated Ms. Hair would be able to deny a permit if the sketch and permit does not look like a lot of thought has gone into it. Ms. Hair confirmed this would be within her powers as the Zoning Administrator.

Chairperson Moore brought up the idea of a portable coop. Ms. Hair would be willing to work with applicants who would like to have a portable coop while still meeting the requirements of the ordinance. Commissioner Carter expressed concern with regulating coops that are moving all over the yard. Ms. Hair stated she would receive a complaint from neighbors if the coop is no longer meeting the requirements.

Commissioner Collins discussed the aesthetics of the coop and its relation to property values. Ms. Hair stated the Town cannot regulate the aesthetics. Ms. Hair stated she also receives complaints about metal storage buildings and carports; however those structures serve a need.

Discussion by Planning Commission regarding urban chickens (continued).

Commissioner Powers noted that some Home Owners Associations regulate this. Commissioner Johnson stated some of the nicer subdivisions have a limit on the number of structures a property can have and this might regulate the chicken coops.

Ms. Hair asked the Planning Commission if they would like to keep the regulations regarding the beehives in the proposed ordinance. Commissioner Powers stated the original intent was to include the beehives so they were not left to interpretation. Chairperson Moore stated adequate shelter was addressed by another locality's ordinance and he would like to see this addressed in the proposed ordinance. Commissioner Carter stated she would like the proposed ordinance to require covered coops so the chickens do not become free roaming. Commissioner Carter added she would like "adequate" to be defined. Commissioner Powers stated these regulations would aid staff in approving permits and inspecting the properties.

Commissioner Franusich asked if the slaughter of chickens is addressed in the draft ordinance. Ms. Hair replied the slaughter of chickens is addressed.

Commissioner Powers stated the Planning Commission can go further in depth in issues much easier than Town Council can and this has been noted by Commissioner Huppert many times in the past.

Chairperson Moore explained any concern from a citizen is important to the Planning Commission. Ms. Hair stated a public hearing would be held if Town Council wished to pursue the ordinance. Chairperson Moore thanked citizens attending the meeting.

Ms. Hair stated a 2015 draft ordinance will be created with a draft application. Ms. Hair stated the Planning Commission will review the documents and make a recommendation to Town Council. Ms. Hair stated the Town Council will make the decision to hold public hearings.

Chairperson Moore closed the discussion.

Other Business.

Mr. Collins expressed concerns over the length of the median at N. Franklin St and Patrick's Way. Ms. Hair indicated the Town has applied for funding to improve that intersection.

There will not be a Development Subcommittee meeting this month. The UDA consultant will present for the Planning Commission meeting on November 2nd. Commissioner Collins thanked the Planning Department for their work on obtaining the UDA Grant.

There being no more business, Chairperson Moore adjourned the meeting at 8:01 p.m.

Craig Moore, Chairperson

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"> Rear yard only Less than 20 chickens: 25 ft. (side & rear) More than 20 chickens: 40 ft. (side & rear) 	One-half (0.5) acre	<ul style="list-style-type: none"> Height maximum: eight (8) ft. Must provide adequate shelter 	<ul style="list-style-type: none"> No outdoor slaughtering of chickens Must dispose of chicken feces in sanitary manner Storage of feed must not attract rodents 	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"> Rear yard only Accessory structure setbacks apply 20 ft. from adjacent principal structure 	One-quarter (0.25) acre	<ul style="list-style-type: none"> Height maximum: ten (10) ft. Pen: max area of 128 sq. ft. Must include coop with 1.5 sq. ft. per hen and open run with 8 sq. ft. per hen 	<ul style="list-style-type: none"> Must take action to reduce attraction to predators and infestation All feed must be kept in rodent-proof containers A reasonable level of chicken waste composting is encouraged Must be located away from drainage areas that could allow fecal matter to enter storm drain or stream 	<ul style="list-style-type: none"> Annual permit & inspection (\$24) Must submit sketch of pen location and dimensions along with property dimensions and setbacks Inspection & permit issued by Town Manager or designee Provisions enforced by Zoning Administrator
City of Salem (2012)	As accessory use to single-family dwellings (permit required)	6 hens (no roosters allowed)	<ul style="list-style-type: none"> Rear yard only Accessory structure setbacks apply 50 ft. from adjacent principal structure 	One-quarter (0.25) acre	<ul style="list-style-type: none"> Pen: max area of 128 sq. ft. Must include coop with 1.5 sq. ft. per hen and open run with 8 sq. ft. per hen 	<ul style="list-style-type: none"> No slaughtering of chickens. Must be located away from drainage areas that could allow fecal matter to enter storm drain or stream Must take action to reduce attraction to predators and infestation. 	<ul style="list-style-type: none"> Annual permit & inspection (\$25) Must submit sketch of pen location and dimensions along with property dimensions and setbacks Permit issued by Zoning Administrator Inspection conducted by Animal Control
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"> 50 ft. from adjacent principal structure 	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)	<20,000 sq ft: 6 hens 1 acre: 9 hens 1+ acres: 12 hens (no roosters allowed)	<ul style="list-style-type: none"> Enclosure behind front building line 10 ft. (side and rear) 35 ft. from adjacent dwellings 	Non specified	<ul style="list-style-type: none"> Height maximum: ten (10) ft. Pen: max area of 250 sq. ft. Must include pen with 10 sq. ft. per hen and coop with 2 sq. ft. per hen 	<ul style="list-style-type: none"> No outdoor slaughtering of chickens All feed must be kept in rodent/insect/predator-proof containers 	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"> Permanent coops: 25 ft. (side and rear) and 50 ft. from adjacent dwelling Portable coops: 20 ft. (side and rear) and 25 ft. from adjacent dwelling 	One (1) acre	<ul style="list-style-type: none"> Enclosure (pen/coop) with 4 sq. ft. per hen 	<ul style="list-style-type: none"> No outdoor slaughtering of chickens Must be located away from drainage areas that could allow fecal matter to enter storm drain or stream All feed must be kept in rodent-proof containers Compost waste or take to waste facility 	<ul style="list-style-type: none"> Annual permit & inspection (\$25) Must submit sketch of pen location and dimensions along with property dimensions and setbacks Permit issued by Zoning Administrator Inspection conducted by Animal Control

*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)

Resolution of the Town of Christiansburg Planning Commission

Conditional Use Permit Application

WHEREAS the Christiansburg Planning Commission, acting upon a request by the Christiansburg Town Council to study a Conditional Use Permit (CUP) request made by Glenn and Karen Smith for a bed and breakfast inn at 305 E. Main Street (tax parcel 527 – ((A)) – 125) in the R-3 Multi-Family Residential District, has found following a duly advertised Public Hearing that the public necessity, convenience, general welfare and good zoning practices (~~permit / do not permit~~) the issuance of a CUP to Glenn and Karen Smith for a bed and breakfast inn at 305 E. Main Street (tax parcel 527 – ((A)) – 125) in the R-3 Multi-Family Residential District.

THEREFORE be it resolved that the Christiansburg Planning Commission (~~recommends / does not recommend~~) that the Christiansburg Town Council approve the issuance of the Conditional Use Permit with the following condition(s):

1. The bed and breakfast inn shall be in conformance with the “305 E. Main Street Inn the Park Bed and Breakfast Site Plan”, dated September 3, 2014.
2. This permit shall be valid for the applicant only and is nontransferable.
3. No commercial lighting of any kind is to be placed anywhere on the property.
4. The building shall be in conformance with state and local Building and Fire Regulations to the satisfaction of the Christiansburg Building Official and Fire Marshall.
5. The bed and breakfast inn is limited to 6 guest rooms.
6. Breakfast is only to be served.
7. This permit shall be revocable for violations of Chapter 4 “Advertising” of the Christiansburg Town Code occurring on the property.
8. The Planning Commission shall review this permit in one year.

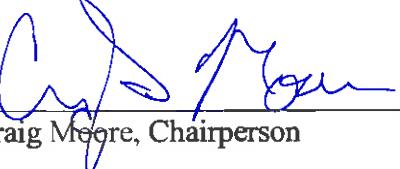
Dated this the 15th day of September 2014.



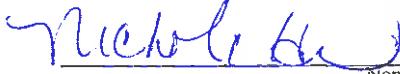
Craig Moore, Chairperson
Christiansburg Planning Commission

The above Resolution was adopted on motion by Franusich seconded by Beasley at a meeting of the Planning Commission following the posting of a public hearing notice upon the property and a duly advertised Public Hearing on the above request on September 2, 2014. Upon a call for an aye and nay vote on the foregoing resolution, the Commission members present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

<u>MEMBERS</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Matthew J. Beasley	X			
Ann H. Carter	X			
Harry Collins	X			
M. H. Dorsett, AICP				X
David Franusich	X			
Jonathan Hedrick	X			
Steve Huppert	X			
Craig Moore, Chairperson	X			
Joe Powers, Vice-Chairperson				X
Jennifer D. Sowers	X			



Craig Moore, Chairperson

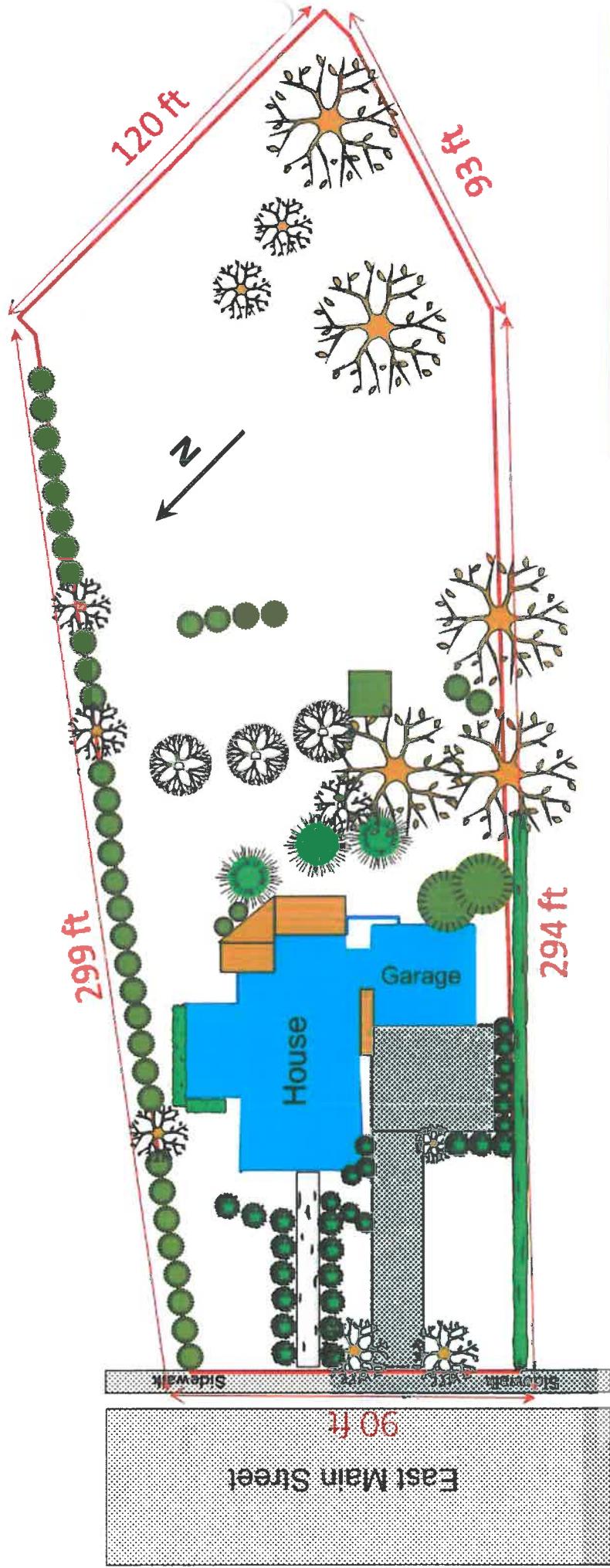


Nichole Hair, Secretary Non-voting

305 E Main St. Front Detail (Showing Additional Parking Improvement)



305 E Main St. Lot (Existing)



- Note: All dimensions approximate using GIS web tool
 - No recorded lot size or description exists in city/county archives
- The following 2 pages describe parking space upgrades to be implemented
 - No building changes that would alter the outside appearance are planned
 - Lot green space upgrades limited to plant growth control
 - No green space coverage reductions
 - No large shrubs or trees to be removed or locations changed
 - We do intend to implement additional backyard landscaping in the form of small paver walkways and additional plants to enhance outdoor living space (including a small self supporting garden)

- * Lot Size: ~1 acre
- * House, Garage & Porch Footprint: ~2100 sq ft
- * House Living Space: ~3500 sq ft
- * Existing Driveway: ~1800 sq ft
- * Additional Parking (to add) ~500 sq ft
- * 3 ea, 9' x 18' parking spaces 4" wide marking stripes >15 ft from Public Sidewalk

**AN ORDINANCE AMENDING CHAPTER 42 “ZONING” OF THE
CHRISTIANSBURG TOWN CODE IN REGARDS TO PROVISIONS
FOR URBAN AGRICULTURE INCLUDING THE KEEPING OF
CHICKEN HENS, CHICKS, AND BEEHIVE STANDS**

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 (_____, 2015 and _____, 2015) 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 _____, 2015 and resulted in a recommendation by the Planning Commission that the following proposed ordinance revisions be adopted; and,

WHEREAS, Council deems proper so to do,

Be it ordained by the Council of the Town of Christiansburg, Virginia that Chapter 42 “Zoning” of the *Christiansburg Town Code* be amended by the addition of Sections 42-68(16), 42-93(16), 42-128(18), 42-155(26), and Sec. 42-663 Urban agriculture; permit required to Article XXII. Miscellaneous Provisions as follows:

ARTICLE III. RURAL RESIDENTIAL DISTRICT R-1A

Sec. 42-68. Permitted uses.

(16) Urban agriculture in accordance with Section 42-663.

ARTICLE IV. SINGLE-FAMILY RESIDENTIAL DISTRICT R-1

Sec. 42-93. Permitted uses.

(16) Urban agriculture in accordance with Section 42-663.

ARTICLE V. TWO-FAMILY RESIDENTIAL DISTRICT R-2

Sec. 42-128. Permitted uses.

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

ARTICLE VI. MULTIPLE-FAMILY RESIDENTIAL DISTRICT R-3

Sec. 42-155. Permitted uses.

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

ARTICLE XXII. MISCELLANEOUS PROVISIONS

Sec. 42-663. 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. Chickens shall be kept in a fully 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 two square foot per hen and an open run area containing a minimum of eight square feet per hen. The materials used for pens shall be uniform and kept in good condition in order to protect the safety of the chickens. Pens may be portable. 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. A permit shall be valid for one year and require a \$25.00 fee. 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 8-1 of Chapter 8 "Animals" of the Christiansburg Town Code be amended as follows:

ARTICLE I. IN GENERAL

Sec. 8-1. Vicious and wild animals.

It shall be unlawful for any person in the town to keep any vicious animal, or any wild or nondomestic animal, unless such vicious or wild nondomestic animal is confined. **No dog or cat that kills a chicken or chick will, for that reason alone, be considered a vicious animal.**

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 _____, 2015, 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>
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Mayor D. Michael Barber*

Samuel M. Bishop

Cord Hall

Steve Huppert

Henry Showalter

Bradford J. Stipes

James W. "Jim" Vanhoozier

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

SEAL:

Michele M. Stipes, Town Clerk

D. Michael Barber, 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

NOTE:

All applications must be accompanied by:

1. A sketch of the property (and adjoining properties, if necessary) showing:
 - Setbacks (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).
 - Location, dimensions, and materials of the proposed structures. It should be noted if the pen/coop is portable.
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.
2. Annual fee of \$25.00.

Applicant Name: _____ Phone: _____

Property Owner (if different from applicant): _____ Fax: _____

Site Address: _____

Property owner's address (if different): _____

Tax Map #: _____ Parcel Number: _____ Zoning District: _____

For Chickens:

Number of chicken hens or chicks: _____ (no more than 6 total)

Dimensions of pen: _____ ft. x _____ ft. Area _____ (sq. ft.) Weight _____ lbs. Material _____

Dimensions of coop: _____ ft. x _____ ft. Area _____ (sq. ft.) Weight _____ lbs. Material _____

Total Height above grade: _____ ft.

For Beehive Stands:

Number of beehive stands: _____ (no more than 2)

Dimensions of 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.**

Date

Applicant Signature / Acknowledgement of Conditions

FOR OFFICE USE ONLY:

Remarks: _____

Provided: Site Drawing(s): _____ Management Plan: _____

Call for Inspection: yes / no

Expiration Date: _____

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

Date

Town Manager / Zoning Administrator

TO ATTACH: Educational Materials