# 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 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 adopted; 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 _____, 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:

| | Aye | Nay | Abstain | Absent |
|---|---|---|---|---|
| Mayor Richard G. Ballengee* | | | | |
| D. Michael Barber | | | | |
| 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 | Richard G. Ballengee, Mayor |