

Ordinance 1888

AN ORDINANCE AMENDING ZONING ORDINANCE SECTION 2103 AND TOWN CODE SECTION 5-204 (A) AND ADDING A NEW TOWN CODE SECTION 5-118 TO PERMIT THE KEEPING OF CHICKENS IN RESIDENTIAL AREAS

BE IT ORDAINED by the Council of the Town of Blacksburg:

That Section 2103 of the Zoning Ordinance is amended and re-ordained, and a new Section, 5-118, is added to the Town Code as follows:

Sec. 2103 - Definitions of terms and use types.

For the purposes of this ordinance, the words and phrases listed below in this section shall have the meanings described below:

AGRICULTURE—The use of land for the production of food and fibre, 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 horse, cow, pig, sheep, goat, or chicken shall constitute agriculture regardless of the size of the animal and regardless of the purpose for which it is kept. *Notwithstanding the foregoing, keeping six hens or less in accordance with the provisions of Town Code § 5-118 shall not be considered to be "agriculture."*

Chapter 5 - ANIMALS AND FOWL

ARTICLE I. - IN GENERAL

Section 5-118. – Urban chickens.

(a) Subject to the provisions of this section, it is lawful for a person to keep chickens within the corporate limits of the town on residential property, containing only single-family detached dwellings, in the R-4, RR-1 and RR-2 zoning districts. No chickens shall be allowed on townhouse, duplex, apartment, or manufactured housing park properties. Keeping chickens in these areas, which may be described as keeping "urban chickens," is subject to the following terms and conditions:

(1) No more than six (6) hens shall be allowed for each single-family dwelling.

(2) No roosters shall be permitted at any time.

(3) Chickens shall be kept in an enclosed area not to exceed a total of 128 square feet, hereinafter known as a "pen." Pens shall include a coop, an enclosed structure containing a minimum of four square foot per hen and an open run area containing a minimum of eight square feet per hen.

(4) Pens must be located in the rear yard and shall be situated at least fifteen (15) feet from all property lines and fifty (50) feet from dwellings on adjacent properties. In addition, all pens shall be located at least twenty (20) feet from streams, tributaries, ditches, swales, stormwater management facilities, drop-inlets, or other storm drainage areas that would allow fecal matter to enter any storm drainage system or stream.

(5) All pens must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors.

(6) All feed for the hens must be kept in a secure container in a garage, shed or the residence to prevent the attraction of rodents and other animals.

(7) Adequate shelter, care and control of the hens is required. Any person permitted to keep urban chickens pursuant to this section shall comply with all the provisions and requirements of the town and state code regarding care, shelter, sanitation, health, rodent control, cruelty, neglect, noise, and any other requirements pertaining to, but not limited to, the adequate care and control of animals.

(8) Application submission requirements and registration.

a. Persons wishing to keep hens pursuant to this subsection must file an application with the town's department of planning and building development, which application shall include:

i. A sketch showing the area where the chickens will be housed and the types and size of pens in which the chickens shall be housed. The sketch must show all dimensions and setbacks.

ii. A thirty dollar (\$30.00) application fee.

iii. Applicants are encouraged but not required to give notice to adjacent property owners. For purposes of this section, "adjacent property" means all parcels of privately owned land that the applicant's property comes into contact with at one or more points, except for parcels that are legally adjacent to but are separated from the applicant's property by a public or private street.

iv. Documentation that the property owner consents to keeping chickens on the property.

b. Once the application has been reviewed and approved, the department of planning and building development shall issue a registration, which shall be valid for one (1) year.

c. Each existing registration will be renewed on an annual basis by procedures developed by the town's department of planning and building.

(c) Hens currently kept in the R-4, RR-1 and RR-2 residential zoning districts in violation of the zoning ordinance shall not be "grandfathered" or permitted to remain after the effective date of this section without registering. Owners of such hens will have

forty-five (45) days from the effective date of this section to come into compliance with this section.

(d) It shall be unlawful to keep hens in town except as permitted by this section or as permitted as an "Agriculture" use in the Zoning Ordinance. 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.

Section 5-204. - Dangerous or vicious dogs.

(a) As used in this section:

Dangerous dog means a canine or canine crossbreed which has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. However, when a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous (1) if no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite, (2) if both animals are owned by the same person, (3) if such attack occurs on the property of the attacking or biting dog's owner or custodian, or (4) for other good cause as determined by the court. No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. *Furthermore, no dog or cat will be considered to be a vicious or dangerous animal based solely on harming or killing chickens kept pursuant to § 5-118.*

BE IT FURTHER ORDAINED that, as pilot program, urban chickens may also be kept on properties containing single-family detached dwellings, in the R-5 zoning district portion of the Bennett Hill/Progress Street area depicted on the attached map labeled "Pilot Program Area for Urban Chickens." This pilot program shall be re-evaluated one year after the adoption of this ordinance, which shall be effective on and after the date of its adoption.

Mayor

ATTEST:

Town Clerk

Introduction: _____

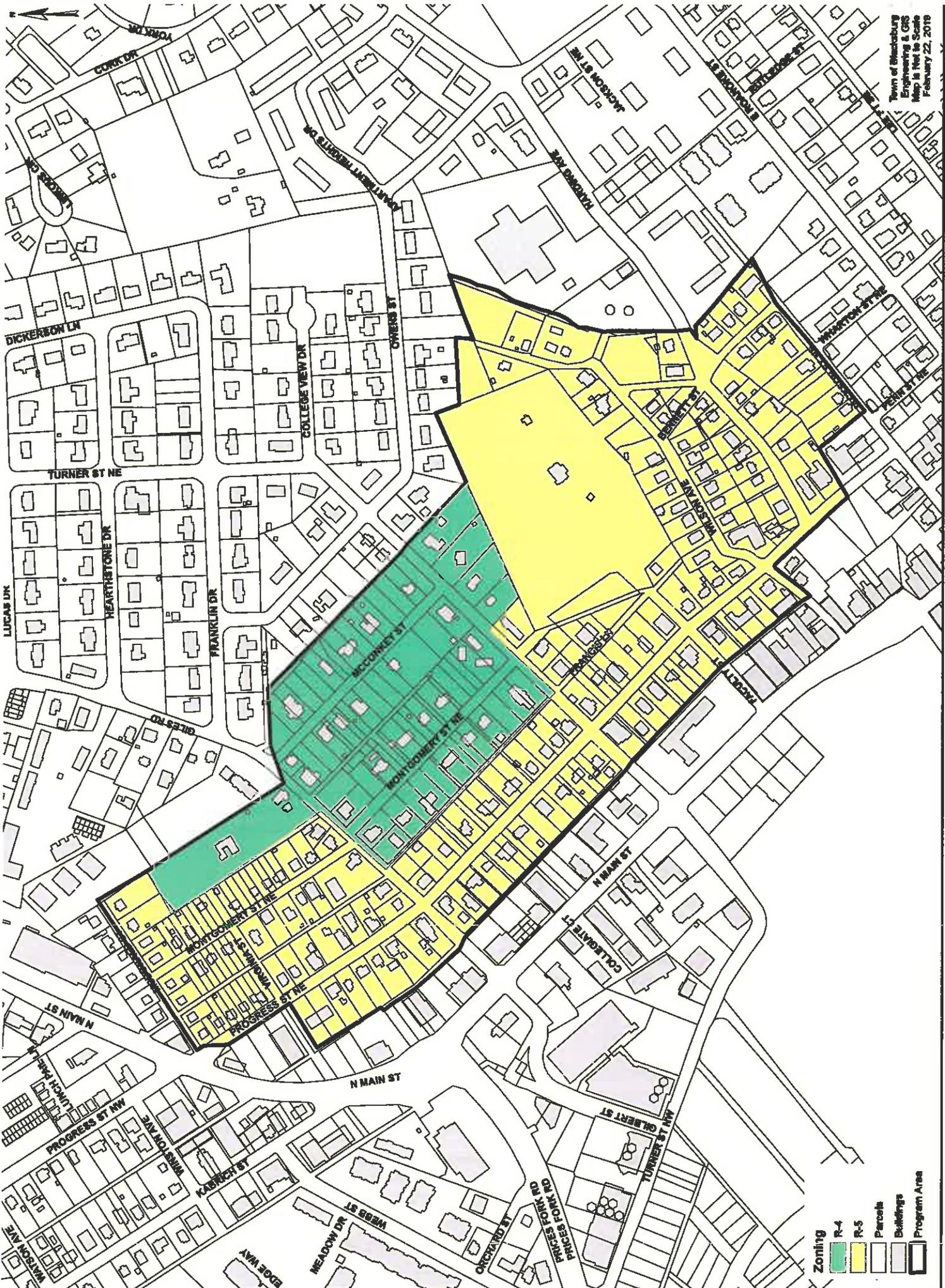
Public Hearing & Action: _____

APPROVED AS TO CONTENT:

Town Manager

APPROVED AS TO LEGAL SUFFICIENCY:

Town Attorney



Town of Shubertown
 Engineering & GIS
 Map is Not to Scale
 February 22, 2019

Pilot Program Area for Urban Chickens

Zoning R-4 R-5
 Parcels Buildings
 Program Area