

MOTION:

**April 19, 2011
Regular Meeting
Ord. No. 11-**

SECOND:

RE: ADOPT ZONING TEXT AMENDMENT #PLN2010-00283, ARTICLE III AND ARTICLE V – TO ALLOW FOR KEEPING OF CHICKENS AND OTHER FOWL ON A-1 AND SRR ZONED PROPERTIES WITH A PRINCIPAL RESIDENCE

ACTION:

WHEREAS, in accordance with Title 15.2-2285 of the Code of Virginia, Ann., the Board of County Supervisors may amend the zoning ordinance whenever it determines that public necessity, health, safety, convenience, general welfare and good zoning practice necessitate such change; and

WHEREAS, this is a request to amend the following sections/articles of the zoning ordinance:

- (i) Section 32-300.02 to provide for the keeping of chickens, pigeons, doves, and other domestic fowl on A-1 and SRR zoned lots, with a principal residence within the Domestic Fowl Overlay District;
- (ii) Section 32-500.01 to add the keeping of fowl as an overlay district;
- (iii) Sections 32-508.01 through 32-508.07 to establish the criteria for the Domestic Fowl Overlay District, the uses and regulations for the keeping of domestic fowl within the overlay district, and the procedures for establishing the map of the overlay district; and

WHEREAS, on February 9, 2010 and August 3, 2010, the Board of County Supervisors directed staff to draft language for a zoning text amendment to address the above referenced issue; and

WHEREAS, amending the zoning ordinance, relating to the above-referenced issue, is required by public necessity, convenience, general welfare, and good zoning practice, and is consistent with the intent of Title 15.2-2283 of the Code of Virginia, Ann.; and

WHEREAS, staff recommends that the keeping of fowl be permitted on A-1 zoned lots by right within the Domestic Fowl Overlay District, on SRR zoned lots by special use permit within the Domestic Fowl Overlay District, and on A-1 zoned lots, of 10 acres and larger, outside of the Domestic Fowl Overlay District; and

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WHEREAS, the Prince William County Planning Commission held public hearings on April 21, 2010, July 7, 2010, September 1, 2010, November 17, 2010, and March 16, 2011. The Prince William County Planning Commission recommends the keeping of fowl on A-1 and SR zoned lots of any size within the rural area as defined in the comprehensive plan, on A-1 lots of any size, and SR zoned lots of two acres or larger outside the rural area; and

WHEREAS, the Prince William Board of County Supervisors duly ordered, advertised, and held a public hearing on April 19, 2011, at which time public testimony was received and the merits of the above referenced zoning text amendment were considered; and

WHEREAS, the Prince William Board of County Supervisors believes that public general welfare, as well as good planning practices are served by the adoption of this zoning text amendment;

NOW, THEREFORE, BE IT ORDAINED that the Prince William Board of County Supervisors does hereby adopt zoning text amendment #PLN2010-00283 to establish a Domestic Fowl Overlay District and allow for keeping of chickens and other fowl on A-1 zoned properties by right within the Domestic Fowl Overlay District, on SRR zoned properties by Special Use Permit within the Domestic Fowl Overlay District and on A-1 zoned properties of 10 acres and larger outside of the Domestic Fowl Overlay District, Article III, Section 32-300.02., Article V, Sections 32-500.01 and 32-508.01 through 32-508.07.

ATTACHMENT: Proposed Text Amendments

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

For Information:

Planning Director

County Attorney

ATTEST: _____
Clerk to the Board



Melissa S. Peacor
County Executive

COUNTY OF PRINCE WILLIAM

OFFICE OF EXECUTIVE MANAGEMENT
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BOARD OF COUNTY SUPERVISORS

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April 13, 2011

TO: Board of County Supervisors

FROM: Christopher M. Price *CWP*
Director of Planning

THRU: Melissa S. Peacor
County Executive

RE: Zoning Text Amendment #PLN2010-00283 - To Allow for Keeping of Chickens and Other Fowl on A-1 and SRR Zoned Properties with a Principal Residence – **Countywide**

I. Background is as follows:

- A. Current Ordinance Language - Section 32-300.02.6 prohibits farm animals, including chickens and other fowl, as an accessory use in any residential district or on agriculturally zoned lots with a residential principal use. Residents have requested that provisions be included in the zoning ordinance to allow for the keeping of chickens and other fowl on lots with a principal residential use.
- B. Zoning Text Amendments Initiated - On February 9, 2010 the Board of County Supervisors (BOCS) initiated an amendment to the Zoning Ordinance pursuant to Resolution No. 10-118 to amend language in Sections 32-300.02 to permit the raising of chickens and other fowl on properties over two acres with a principal residence. Due to the fact that the Planning Commission (PC) hearing on this issue was open for more than 90 days, the BOCS re-initiated the zoning text amendment on August 3, 2010.
- C. Zoning Ordinance Review Committee Review – On March 8, 2010 the proposed amendment pertaining to the raising of chickens and other fowl was reviewed by the Zoning Ordinance Review Committee (ZORC). The ZORC recommends approval of the zoning text amendments, with the additional provision that the dispatch (slaughter) of fowl be allowed on any lot two acres or larger.

II. Current Situation is as follows:

- A. Proposed Zoning Text Amendment – Under current ordinance language, livestock (including chickens and fowl) are permitted on A-1 lots over two acres in size that do not have a residential dwelling, but are not permitted on lots with a residential principal use. Based upon meetings between staff and Supervisors, the draft text amendment proposes that the keeping of fowl be permitted within a defined Overlay District on A-1 Agriculture zoned properties of a minimum size of one acre and by special use permit (SUP) on SR-1, SR-3 and SR-5 properties of one acre and larger within the Overlay District. The keeping of domestic fowl is also proposed to be permitted outside the Overlay District only on A-1 Agriculture zoned properties of ten acres or larger. The proposed text includes an allocation methodology based upon the size of the fowl and the size of the parcel and incorporates standards for setbacks, maintenance, and waste management for surface and groundwater protection.
- B. PC Recommendation - Public hearings before the PC were held on April 21, July 7, September 1, and November 17, 2010 and on March 16, 2011. The PC recommended the creation of an Overlay District to follow the lines of the Rural Crescent, as it currently exists and reflected on County maps. The PC proposes the following policies for the keeping of chickens and other fowl:
1. Permitted on Agriculture and Semi-Rural Residential zoned parcels of any size with a principal residence within the Overlay District.
 2. Permitted on Agricultural zoned parcels on lots of any size outside of the Overlay District.
 3. Permitted on Semi-Rural Residential zoned parcels on lots of a minimum size of one acre outside the Overlay District.
 4. If a special use permit is required by the BOCS, the associated application fee does not exceed \$25.
 5. Recommends adoption of the allocation of fowl by acreage and type as identified in Sec. 32-508.06.1 of the draft language and associated development standards. However, the PC does propose the removal of any setback standards from the principal dwelling associated with cages, coops and runs.
 6. Recommends the application of best management practices for waste removal rather than the requirement that waste be removed by trash pickup.

ZTA #PLN2010-00283, To Allow for Keeping of Chickens and Other Fowl on A-1 and SRR Zoned Properties with a Principal Residence

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- C. Staff Recommendation - Staff has drafted text language that incorporates an Overlay District that encompasses most of the Rural Crescent but also includes rural and semi-rural areas outside of the Rural Crescent. The draft text provides for the keeping of fowl on A-1 parcels of one acre or larger by-right within the Overlay District and on SRR zoned parcels of one acre or larger within the Overlay District by SUP. The only location proposed for the keeping of fowl outside of the overlay district is on A-1, Agriculture parcels on 10 or more acres.

In addition, staff language clarifies that livestock can be kept on A-1 parcels of ten acres and larger with a principal residence. The following table compares existing standards, PC and staff recommendations.

Current Standards	Planning Commission Recommendation	Staff Recommendation
Keeping of chickens not permitted on any lot with a principal residence	Permitted on A-1 and SRR lots of any size in the Overlay District. Permitted on A-1 lots of any size and on SRR lots of 1+ acres outside the Overlay District.	Permitted on A-1 lots of 1+ acres by right and on SRR lots of 1+ acres by SUP within the Overlay District. Permitted only on A-1 lots of 10+ acres outside of the Overlay District.
	Overlay District to reflect Rural Crescent.	Overlay District to include areas outside of Rural Crescent.
	If SUP is required by BOCS, the maximum application fee cannot exceed \$25	Apply current lowest fee on SUP application schedule -\$115.95. Cost of staff processing would exceed \$25.
	No setback required between cages/coops/runs and dwelling.	Apply standard used for all accessory structures on residential lots – 5 ft. separation between structure and dwelling.
	Replace requirement in Sec. 32-508.06.4 for removal of waste by trash pickup with utilization of best management practices.	Proposed staff language standard is derived from VA. Health Department policies. Staff recommends adding best management practices as an option.

- D. Board of County Supervisors Public Hearing – A public hearing before the Board of County Supervisors has been advertised for April 19, 2011.

III. Issues in order of importance are:

- A. Policy Impact – Will adoption of the amendment implement the Comprehensive Plan or other BOCS policies?
- B. Legal Issues – Is the recommended amendment allowed under the Virginia Code?
- C. Community Input – Have members of the community raised any issues?
- D. Timing – Is action needed by a certain time or is timing critical?
- E. Fiscal Impacts – Will there be any requirements for additional funding?

I. IV. Alternatives beginning with the staff recommendation are as follows:

- A. Adoption of Zoning Text Amendment #PLN2010-00283, To Allow For Keeping of Chickens and Other Fowl on A-1 And SR Zoned Properties with a Principal Residence. (Staff Recommendation)
 - 1. Policy Impact – This zoning text amendment will modify a policy of not allowing the keeping of chickens and other fowl on any property that contains a principal residence. The proposed language will enable residents who are interested in raising backyard chickens and/or other fowl to do so on larger parcels with specified regulations that should reasonably minimize negative impacts on neighboring properties. Establishment of the provision to permit livestock on A-1 parcels of 10 acres or more with a principal residence is included in the proposed text amendment.
 - 2. Legal Issues - The permitting of chickens on A-1 parcels with a principal residence is consistent with Title 3.2, Chapter 3 of the Code of Virginia (Right to Farm). Other legal issues are appropriately addressed by the County Attorney's office.
 - 3. Community Input – The proposed amendment has been reviewed by ZORC and has been properly advertised. Interested parties have commented on the proposed amendment, with opposing viewpoints on the necessity and benefits of the amendments.

4. Timing – The keeping of fowl as pets (backyard chickens) is a growing trend. Approval of the text amendment would allow for residents who are interested in raising fowl to do so legally upon adoption. In addition, citizens who have requested an amendment have been engaged in this process for over nine months.
 5. Fiscal Impacts - There are no perceived requirements for additional funding, as the enforcement of the proposed regulations would be integrated into Property Code Enforcement responsibilities. Any fee attached to the processing of a SUP for the keeping of chickens should cover the costs incurred by the County.
- B. Adoption of the Zoning Text Amendment #PLN2010-00283, To Allow For Keeping of Chickens and Other Fowl on A-1 and SRR properties of any size within the Overlay District and on A-1 properties of any size and SRR properties of one acre and larger outside the Rural Area. (PC Recommendation)
1. Policy Impact – The proposed zoning text amendment is intended to reflect general consistency with the Comprehensive Plan. The amendment, which will provide for the keeping of chickens and other fowl on A-1 and SRR lots of any size with a principal residence in the Overlay District (Rural Crescent) and on A-1 lots of any size and SRR lots one acre or larger with a principal residence outside the Overlay District, is intended to remedy the restriction within the zoning ordinance that such animals cannot be kept on lots with a principal residence, even in rural areas. However, the PC’s recommendation does not take into consideration those SRR properties outside of the Overlay District that are not amenable to the raising of chickens, but which would nevertheless be required to permit them by-right. In addition, the permitting of fowl on parcels less than one acre would be incompatible with higher density development and likely result in a substantial number of complaints.
 2. Legal Issues – The permitting of chickens on A-1 parcels with a principal residence is consistent with Title 3.2, Chapter 3 of the Code of Virginia (Right to Farm). The permitting of chickens and other domestic fowl on SRR zoned properties by right may increase instances of nuisance complaints between neighbors. Other legal issues are appropriately addressed by the County Attorney’s office.
 3. Community Input – The proposed amendment has been reviewed by ZORC and has been properly advertised. Interested parties have commented on the proposed amendment, with opposing viewpoints on the necessity and benefits of the amendments.

4. Timing – The keeping of fowl as pets (backyard chickens) is a growing trend. Approval of the text amendment would allow for residents who are interested in raising fowl to do so legally upon adoption. Also, citizens who have requested an amendment have been engaged in this process for over nine months.
5. Fiscal Impacts - There are no perceived requirements for additional funding, as the enforcement of the proposed regulations would be integrated into Property Code Enforcement responsibilities. The PC's recommendation that the application fee for a special use permit associated with the keeping of fowl be limited to \$25 would not cover the County administrative cost of processing the application.

C. Take No Action.

1. Policy Impact – The current provisions of the Zoning Ordinance would remain. No lot with a residential dwelling, regardless of lot size, would be able to retain chickens and other fowl.
2. Legal Issues – Legal issues are appropriately addressed by the County Attorney's office.
3. Community Input - The proposed amendment has been reviewed by ZORC, and has been properly advertised. The PC has solicited public comment during five PC public hearings.
4. Timing – Should the BOCS take no action, the keeping of fowl on properties with a principal residence would remain unlawful and residents who retain fowl would be issued violation notices accordingly.
5. Fiscal Impact – No additional fiscal impacts, including funding, would be incurred as a result of taking no action.

V. Recommendation is that the Board of County Supervisors concur with Alternative A and approve the attached Ordinance.

Staff: Nick Evers, x6861

Attachments:

ZTA #PLN2010-00283, To Allow for Keeping of Chickens and Other
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- A. Proposed Text Amendments
- B. Map – Proposed Domestic Fowl Overlay District
- C. BOCS Initiating Resolutions
- D. PC Resolutions
- E. BOCS Resolution (Refer to PC)
- F. PC Resolutions (Overlay District)

ARTICLE III. AGRICULTURAL AND RESIDENTIAL DISTRICTS

PART 300. GENERAL REGULATIONS

Sec. 32-300.02. Accessory Uses.

Accessory uses shall be permitted in all agricultural and residential districts, subject to the following limitations:

6. Farm animals (such as cows, pigs, hogs, goats, sheep, and other livestock, horses, mules and other equines, ~~chickens and other fowl~~ and similar utilitarian animals) shall not be permitted as an accessory use in any residential district or on lots of less than ten (10) acres with a residential principal use in any agricultural district, except as follows:

(a) Horses, and other domesticated equines, shall be permitted as an accessory use to a residential principal use in the A-1, Agricultural, zoning district on lots of two (2) acres or greater in size at the rate of one such animal per acre over one.

(b) Horses, and other domesticated equines, shall be permitted as accessory use to a residential use in all SR zoning districts on lots of two (2) acres or greater in size at the rate of one such animal per acre over one.

(c) Chickens and other fowl shall be permitted on all A-1 zoned lots on one (1) acre or larger with or without a principal residence within the Domestic Fowl Overlay District (see Part 508) and on A-1 lots of ten (10) acres or larger outside the Domestic Fowl Overlay District.

(d) Chickens and other fowl may be permitted by Special Use Permit on SRR zoned lots of one (1) acre or larger with or without a principal residence within the Domestic Fowl Overlay District.

8. The noncommercial keeping or breeding of exotic birds and miniature animals (other than dogs) shall be permitted in the A and SRR districts; provided that no retail sales shall be permitted except by Special Use Permit; no signs or customers relating to such activities shall be permitted on the premises; ancillary shipping shall be permitted; and no outside facilities or structures relating to such activities shall be permitted. These provisions shall not apply to a petting farm use approved by Special Use Permit.

SEC. 32-301.02. Uses Permitted by Right.

The following uses shall be permitted by right in the A-1 district:

1. Except for the keeping of domestic fowl as regulated in Part 508, agricultural uses, the keeping of livestock and fishery uses, on lots two (2) acres or greater. For lots principally used for agricultural purposes, the limits on the number of horses and other domesticated equines provided for in subsection 32-300.02.6 shall not apply for lots ten (10) acres or ~~greater~~ larger in size. Accessory structures such as, but not limited to, barns, sheds and stables shall be permitted as required for bona-fide agricultural uses.

ARTICLE V. OVERLAY DISTRICTS

**PART 500. SPECIAL PUBLIC INTEREST OVERLAY DISTRICTS,
GENERALLY**

Sec. 32-500.01 Purpose and Intent.

The purpose of the special public interest overlay districts established in the following sections is to protect and enhance certain specific lands and structures which, by virtue of their type or location, have characteristics which are distinct from lands and structures outside such overlay districts. It is the intent of the Board of County Supervisors to permit, insofar as possible, those uses and structures which would otherwise be permitted, provided that reasonable and necessary conditions are met which insure the protection and enhancement of said lands and structures. It is the further intent of the Board of County Supervisors to specifically protect and enhance the following:

1. Flood hazard areas.
2. Historic areas
3. Designated highway corridors.
4. Chesapeake Bay preservation areas.
5. Airport safety.
6. Institutes of higher education.
7. Redevelopment (No. 95-94, Apps. A, A-1, 7-11-95)
8. Keeping of domestic fowl.

PART 508. DOMESTIC FOWL OVERLAY DISTRICT

Sec. 32-508.01. Purpose and Intent.

The purpose of creating a domestic fowl overlay district is to permit the keeping of chickens, pigeons, doves and other domestic fowl on lots with a rural and semi-rural character that also contain a dwelling unit as a principal use. The keeping of domestic fowl is permitted by right on A-1 zoned properties and on SRR zoned properties by Special Use Permit on a lot with or without a principal residence within this district. To ensure reasonable protection of health, safety and welfare associated with the keeping of domestic fowl, development regulations specific to this district are provisioned. The keeping of domestic fowl is not permitted outside of the Domestic Fowl Overlay District, except on A-1 zoned lots of ten (10) acres or larger.

Sec. 32-508.02. Establishment of Domestic Fowl Overlay District.

1. A Domestic Fowl Overlay District may be established by the Board of County Supervisors on properties of a minimum size of one acre that are zoned agriculture or rural residential.

2. A Domestic Fowl Overlay District shall be created and amended by ordinance upon resolution of the Board of County Supervisors. The boundaries shall be set using a map. Such map shall display the properties contained in the district and its boundaries shall follow property lines.

3. Said district shall overlay the existing zoning district. The regulations and requirements of the underlying zoning district and the Domestic Fowl Overlay District shall both apply, provided however, that when the regulations applicable to the Domestic Fowl Overlay District conflict with the regulations of underlying zoning district, the Domestic Fowl Overlay district regulations shall apply.

4. Areas within the district that are not zoned A-1, SR-1, SR-3, or SR-5 are excluded from the district.

Sec. 32-508.03. Uses Permitted by Right

All uses permitted by right in the underlying zoning district shall be permitted in the Domestic Fowl Overlay District.

Sec. 32-508.04. Secondary Uses

All permitted secondary uses in the underlying zoning district shall be permitted in the Domestic Fowl Overlay District.

Sec. 32-508.05. Uses Permitted by Special Use Permit.

All permitted special uses in the underlying zoning district shall be permitted in the Domestic Fowl Overlay District.

Sec. 32-508.06. General Regulations and Development Standards.

1. The keeping of chickens, pigeons, doves, and other domestic fowl shall be permitted by right on any A-1 zoned property of a minimum size of one (1) acre and by Special Use Permit on any SR-1, SR-3 or SR-5 zoned property of a minimum size of one (1) acre where the restrictions set forth in subsections 2 through 7 below can be maintained. The maximum number of fowl permitted shall be proportional to the size of the parcel at the rate of one (1) bird unit per acre for parcels from 1 – 4.99 acres and three (3) bird units per acre from 5 – 9.99 acres. There will be no limit on the number of bird units per acre on parcels 10 acres or larger in size. For the purposes of this section, one “bird unit” is defined as follows:

- (a) 20 pigeons, doves, quail, or similar bird, or
- (b) 10 chickens, or
- (c) 6 ducks, or
- (d) 4 turkeys, geese, or pea fowl, or
- (e) 1 ostrich or emu

Note: permitted units apply only to fowl six (6) weeks and older. In determining the number of fowl permitted, combinations of birds are allowed, provided that the ratios of bird units per acre as established above are maintained.

2. Coops or cages and runs for chickens, pigeons, doves, ducks, geese, turkeys and similar birds shall be required on any lot less than five (5) acres when the number of fowl equals one or more bird units. Such coops, cages or runs shall be enclosed with a minimum four (4) feet high chicken wire fence and shall be kept clean and free from excess feed, excrement, and such substances that may attract rodents or other predators. Runs provided for emus, ostriches and similar fowl shall be enclosed with a fence of a minimum height of six (6) feet. Structures for housing permitted fowl shall be located only in the rear or side yard and shall adhere to the same setbacks as non-commercial kennels. Such structures shall also be set back at least five (5) feet from the principal dwelling on the property and at least one hundred (100) feet from an RPA stream and fifty (50) feet from all other streams. A zoning permit must be obtained for all structures required under this subsection.

3. Runs and cages for chickens shall be sized to accommodate a maximum density of four (4) square feet per bird. For larger fowl, such as geese or turkey, the maximum run or cage density per bird is fifteen (15) square feet. For emus, ostriches and similar large birds, the maximum run or cage density is one hundred (100) square feet per bird.

4. Cages, coops and runs on properties not served by public water shall be located so that such structures are separated from the private well head on the property. If the well is a class 3A or B well, then the minimum separation distance is 50 feet. If the well is a class 3 C

or class 4 well, then the minimum separation distance is 100 feet. If the chicken coop is enclosed, has a concrete floor and the chicken manure is removed and placed for trash pick-up, or other best management practices are applied, then the separation distance for a class 3 C or 4 well can be reduced to 50 ft.

5. Roosters and guinea fowl shall be permitted at the rate of one (1) rooster or two (2) guinea fowl per acre, in addition to the allocation of fowl listed in subsection 1 above. Roosters and guinea fowl shall be confined between sunset and sunrise within a caged area on any lot less than ten (10) acres, and such caged area shall be setback not less than one hundred fifty (150) feet from neighboring dwellings.

6. Waste management for surface and groundwater protection must be established using Prince William Soil and Water Conservation District guidelines.

7. Fowl raised on properties less than five (5) acres in size may only be used for production of eggs. No dispatch of fowl may take place on the premises.

8. Fowl raised on properties five (5) acres or larger but less than ten (10) acres may be dispatched for domestic use only.

9. Fowl raised on parcels of ten (10) acres or larger shall be under the same provisions for dispatch as any other livestock.

Sec. 32-508.07. Mapping of Domestic Fowl Overlay District.

1. Upon approval by the Board of County Supervisors, a map of the district boundaries shall be incorporated into the Zoning Maps of the County.

2. Should a dispute concerning the district boundary arise, resolution of such dispute shall be made by the Zoning Administrator.

ATTACHMENT A
Proposed Text Amendments

ARTICLE III. AGRICULTURAL AND RESIDENTIAL DISTRICTS

PART 300. GENERAL REGULATIONS

Sec. 32-300.02. Accessory Uses.

Accessory uses shall be permitted in all agricultural and residential districts, subject to the following limitations:

6. Farm animals (such as cows, pigs, hogs, goats, sheep, and other livestock, horses, mules and other equines, ~~chickens and other fowl~~ and similar utilitarian animals) shall not be permitted as an accessory use in any residential district or on lots of less than ten (10) acres with a residential principal use in any agricultural district, except as follows:

(a) Horses, and other domesticated equines, shall be permitted as an accessory use to a residential principal use in the A-1, Agricultural, zoning district on lots of two (2) acres or greater in size at the rate of one such animal per acre over one.

(b) Horses, and other domesticated equines, shall be permitted as accessory use to a residential use in all SR zoning districts on lots of two (2) acres or greater in size at the rate of one such animal per acre over one.

(c) Chickens and other fowl shall be permitted on all A-1 zoned lots on one (1) acre or larger with or without a principal residence within the Domestic Fowl Overlay District (see Part 508) and on A-1 lots of ten (10) acres or larger outside the Domestic Fowl Overlay District.

(d) Chickens and other fowl may be permitted by Special Use Permit on SRR zoned lots of one (1) acre or larger with or without a principal residence within the Domestic Fowl Overlay District.

8. The noncommercial keeping or breeding of exotic birds and miniature animals (other than dogs) shall be permitted in the A and SRR districts; provided that no retail sales shall be permitted except by Special Use Permit; no signs or customers relating to such activities shall be permitted on the premises; ancillary shipping shall be permitted; and no outside facilities or structures relating to such activities shall be permitted. These provisions shall not apply to a petting farm use approved by Special Use Permit.

ATTACHMENT A
Proposed Text Amendments

SEC. 32-301.02. Uses Permitted by Right.

The following uses shall be permitted by right in the A-1 district:

1. Except for the keeping of domestic fowl as regulated in Part 508, agricultural uses, the keeping of livestock and fishery uses, on lots two (2) acres or greater. For lots principally used for agricultural purposes, the limits on the number of horses and other domesticated equines provided for in subsection 32-300.02.6 shall not apply for lots ten (10) acres or ~~greater~~ larger in size. Accessory structures such as, but not limited to, barns, sheds and stables shall be permitted as required for bona-fide agricultural uses.

ARTICLE V. OVERLAY DISTRICTS

**PART 500. SPECIAL PUBLIC INTEREST OVERLAY DISTRICTS,
GENERALLY**

Sec. 32-500.01 Purpose and Intent.

The purpose of the special public interest overlay districts established in the following sections is to protect and enhance certain specific lands and structures which, by virtue of their type or location, have characteristics which are distinct from lands and structures outside such overlay districts. It is the intent of the Board of County Supervisors to permit, insofar as possible, those uses and structures which would otherwise be permitted, provided that reasonable and necessary conditions are met which insure the protection and enhancement of said lands and structures. It is the further intent of the Board of County Supervisors to specifically protect and enhance the following:

1. Flood hazard areas.
2. Historic areas
3. Designated highway corridors.
4. Chesapeake Bay preservation areas.
5. Airport safety.
6. Institutes of higher education.
7. Redevelopment (No. 95-94, Apps. A, A-1, 7-11-95)
8. Keeping of domestic fowl.

ATTACHMENT A
Proposed Text Amendments

PART 508. DOMESTIC FOWL OVERLAY DISTRICT

Sec. 32-508.01. Purpose and Intent.

The purpose of creating a domestic fowl overlay district is to permit the keeping of chickens, pigeons, doves and other domestic fowl on lots with a rural and semi-rural character that also contain a dwelling unit as a principal use. The keeping of domestic fowl is permitted by right on A-1 zoned properties and on SRR zoned properties by Special Use Permit on a lot with or without a principal residence within this district. To ensure reasonable protection of health, safety and welfare associated with the keeping of domestic fowl, development regulations specific to this district are provisioned. The keeping of domestic fowl is not permitted outside of the Domestic Fowl Overlay District, except on A-1 zoned lots of ten (10) acres or larger.

Sec. 32-508.02. Establishment of Domestic Fowl Overlay District.

1. A Domestic Fowl Overlay District may be established by the Board of County Supervisors on properties of a minimum size of one acre that are zoned agriculture or rural residential.

2. A Domestic Fowl Overlay District shall be created and amended by ordinance upon resolution of the Board of County Supervisors. The boundaries shall be set using a map. Such map shall display the properties contained in the district and its boundaries shall follow property lines.

3. Said district shall overlay the existing zoning district. The regulations and requirements of the underlying zoning district and the Domestic Fowl Overlay District shall both apply, provided however, that when the regulations applicable to the Domestic Fowl Overlay District conflict with the regulations of underlying zoning district, the Domestic Fowl Overlay district regulations shall apply.

4. Areas within the district that are not zoned A-1, SR-1, SR-3, or SR-5 are excluded from the district.

Sec. 32-508.03. Uses Permitted by Right

All uses permitted by right in the underlying zoning district shall be permitted in the Domestic Fowl Overlay District.

Sec. 32-508.04. Secondary Uses

All permitted secondary uses in the underlying zoning district shall be permitted in the Domestic Fowl Overlay District.

ATTACHMENT A
Proposed Text Amendments

Sec. 32-508.05. Uses Permitted by Special Use Permit.

All permitted special uses in the underlying zoning district shall be permitted in the Domestic Fowl Overlay District.

Sec. 32-508.06. General Regulations and Development Standards.

1. The keeping of chickens, pigeons, doves, and other domestic fowl shall be permitted by right on any A-1 zoned property of a minimum size of one (1) acre and by Special Use Permit on any SR-1, SR-3 or SR-5 zoned property of a minimum size of one (1) acre where the restrictions set forth in subsections 2 through 7 below can be maintained. The maximum number of fowl permitted shall be proportional to the size of the parcel at the rate of one (1) bird unit per acre for parcels from 1 – 4.99 acres and three (3) bird units per acre from 5 – 9.99 acres. There will be no limit on the number of bird units per acre on parcels 10 acres or larger in size. For the purposes of this section, one “bird unit” is defined as follows:

- (a) 20 pigeons, doves, quail, or similar bird, or
- (b) 10 chickens, or
- (c) 6 ducks, or
- (d) 4 turkeys, geese, or pea fowl, or
- (e) 1 ostrich or emu

Note: permitted units apply only to fowl six (6) weeks and older. In determining the number of fowl permitted, combinations of birds are allowed, provided that the ratios of bird units per acre as established above are maintained.

2. Coops or cages and runs for chickens, pigeons, doves, ducks, geese, turkeys and similar birds shall be required on any lot less than five (5) acres when the number of fowl equals one or more bird units. Such coops, cages or runs shall be enclosed with a minimum four (4) feet high chicken wire fence and shall be kept clean and free from excess feed, excrement, and such substances that may attract rodents or other predators. Runs provided for emus, ostriches and similar fowl shall be enclosed with a fence of a minimum height of six (6) feet. Structures for housing permitted fowl shall be located only in the rear or side yard and shall adhere to the same setbacks as non-commercial kennels. Such structures shall also be set back at least five (5) feet from the principal dwelling on the property and at least one hundred (100) feet from an RPA stream and fifty (50) feet from all other streams. A zoning permit must be obtained for all structures required under this subsection.

3. Runs and cages for chickens shall be sized to accommodate a maximum density of four (4) square feet per bird. For larger fowl, such as geese or turkey, the maximum run or cage density per bird is fifteen (15) square feet. For emus, ostriches and similar large birds, the maximum run or cage density is one hundred (100) square feet per bird.

ATTACHMENT A Proposed Text Amendments

4. Cages, coops and runs on properties not served by public water shall be located so that such structures are separated from the private well head on the property. If the well is a class 3A or B well, then the minimum separation distance is 50 feet. If the well is a class 3 C or class 4 well, then the minimum separation distance is 100 feet. If the chicken coop is enclosed, has a concrete floor and the chicken manure is removed and placed for trash pick-up, or other best management practices are applied, then the separation distance for a class 3 C or 4 well can be reduced to 50 ft.

5. Roosters and guinea fowl shall be permitted at the rate of one (1) rooster or two (2) guinea fowl per acre, in addition to the allocation of fowl listed in subsection 1 above. Roosters and guinea fowl shall be confined between sunset and sunrise within a caged area on any lot less than ten (10) acres, and such caged area shall be setback not less than one hundred fifty (150) feet from neighboring dwellings.

6. Waste management for surface and groundwater protection must be established using Prince William Soil and Water Conservation District guidelines.

7. Fowl raised on properties less than five (5) acres in size may only be used for production of eggs. No dispatch of fowl may take place on the premises.

8. Fowl raised on properties five (5) acres or larger but less than ten (10) acres may be dispatched for domestic use only.

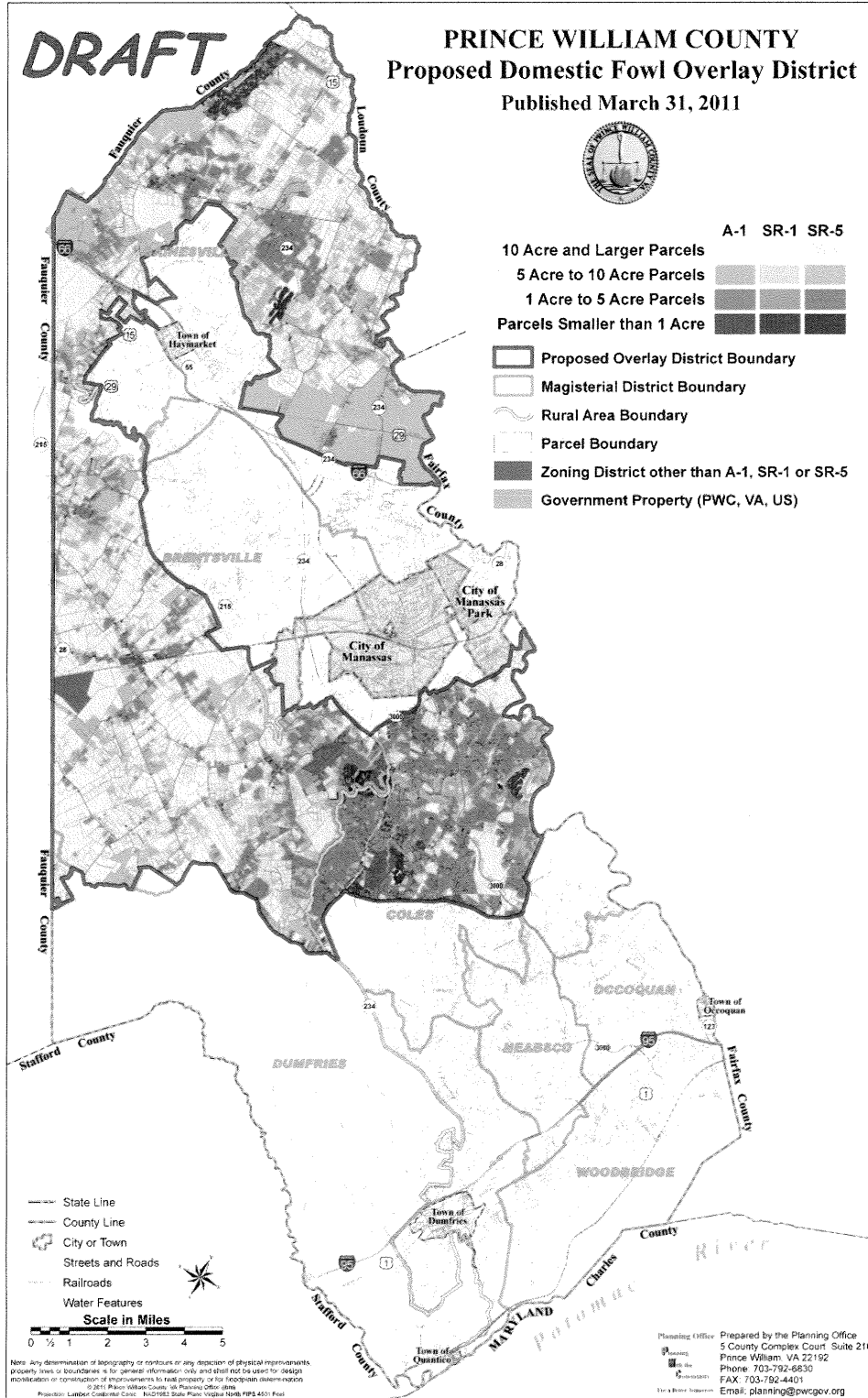
9. Fowl raised on parcels of ten (10) acres or larger shall be under the same provisions for dispatch as any other livestock.

Sec. 32-508.07. Mapping of Domestic Fowl Overlay District.

1. Upon approval by the Board of County Supervisors, a map of the district boundaries shall be incorporated into the Zoning Maps of the County.

2. Should a dispute concerning the district boundary arise, resolution of such dispute shall be made by the Zoning Administrator.

ATTACHMENT B Proposed Domestic Fowl Overlay District Map



ATTACHMENT C
BOCS Initiating Resolutions

MOTION: STIRRUP

February 9, 2010
Regular Meeting
Res. No. 10-118

SECOND: NOHE

RE: INITIATION OF ZONING TEXT AMENDMENTS TO PROVIDE FOR THE RAISING OF CHICKENS AND OTHER FOWL ON PROPERTIES OVER TWO ACRES WITH A PRINCIPAL RESIDENCE – COUNTYWIDE

ACTION: APPROVED

WHEREAS, the Virginia General Assembly has recently amended the Code of Virginia to provide the County with increased powers to enforce regulations associated with the zoning ordinance; and

WHEREAS, in accordance with Title 15.2-2285 of the Code of Virginia, Ann., the Board of County Supervisors may amend the zoning ordinance whenever it determines that public necessity, health, safety, convenience, general welfare and good zoning practice necessitate such change; and

WHEREAS, the Prince William Board of County Supervisors believes that public general welfare as well as good planning practices are served by the initiation of zoning text amendments;

NOW, THEREFORE, BE IT RESOLVED that the Prince William Board of County Supervisors does hereby initiate amendments to the Prince William County Zoning Ordinance for the following:

- To permit the raising of chickens and other fowl in rural areas.

Votes:

Ayes: Caddigan, Covington, Jenkins, May, Nohe, Principi, Stewart, Stirrup

Nays: None

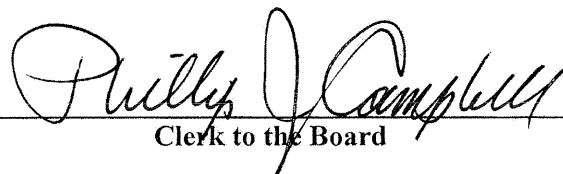
Absent from Vote: None

Absent from Meeting: None

For Information:

Planning Director
County Attorney

ATTEST: _____


Clerk to the Board

ATTACHMENT C
BOCS Initiating Resolutions

MOTION: STIRRUP

August 3, 2010
Regular Meeting
Res. No. 10-643

SECOND: NOHE

RE: RE-INITIATION OF ZONING TEXT AMENDMENTS TO PROVIDE FOR THE RAISING OF CHICKENS AND OTHER FOWL ON PROPERTIES OVER TWO ACRES WITH A PRINCIPAL RESIDENCE – COUNTYWIDE

ACTION: APPROVED

WHEREAS, the Virginia General Assembly has recently amended the Code of Virginia to provide the County with increased powers to enforce regulations associated with the zoning ordinance; and

WHEREAS, in accordance with Title 15.2-2285 of the Code of Virginia, Ann., the Board of County Supervisors may amend the zoning ordinance whenever it determines that public necessity, health, safety, convenience, general welfare and good zoning practice necessitate such change; and

WHEREAS, the Prince William Board of County Supervisors believes that public general welfare as well as good planning practices are served by the initiation of zoning text amendments; and

WHEREAS, on February 9, 2010, through Resolution No. 10-118, the Prince William Board of County Supervisors initiated amendments to the Prince William County Zoning Ordinance to permit the raising of chickens and other fowl in rural areas; and

WHEREAS, Section 32-700.42(2) of the Zoning Ordinance states that the Planning Commission shall have ninety (90) days from the date of the first public hearing to consider a text amendment to the Zoning Ordinance or it is deemed a recommendation of approval; and

WHEREAS, the Planning Commission opened the public hearing on ZTA #PLN2010-00283, To Allow for the Raising of Chickens & Other Fowl on Properties over one (1) acre on April 21, 2010 and did not make a recommendation to the Board of County Supervisors within the ninety (90) day time requirement; and

WHEREAS, ZTA#PLN2010-00283 must be re-initiated if the Board is to receive a timely recommendation from the Planning Commission on the merits of the proposed ZTA;

NOW, THEREFORE, BE IT RESOLVED that the Prince William Board of County Supervisors does hereby re-initiate a zoning text amendments to the Prince William County Zoning Ordinance to permit the raising of chickens and other fowl in rural areas.

ATTACHMENT C
BOCS Initiating Resolutions

August 3, 2010
Regular Meeting
Res. 10-643
Page Two

Votes:

Ayes: Caddigan, Covington, Jenkins, May, Nohe, Principi, Stewart, Stirrup

Nays: None

Absent from Vote: None

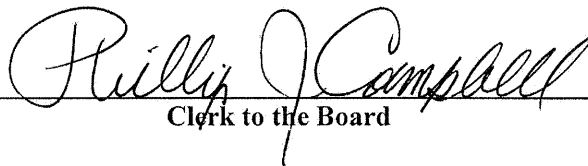
Absent from Meeting: None

For Information:

Planning Director

County Attorney

ATTEST: _____


Clerk to the Board

ATTACHMENT D
PC Resolutions

PLANNING COMMISSION RESOLUTION

MOTION: BURGESS **April 21, 2010**
Regular Meeting
Res. No. 10-066
SECOND: HOSEN
RE: **AMENDMENT TO MAIN MOTION OF ZONING TEXT AMENDMENT #2010-00283, TO ALLOW FOR RAISING OF CHICKENS AND OTHER FOWL ON PROPERTIES OVER TWO ACRES WITH A PRINCIPAL RESIDENCE - COUNTYWIDE**
ACTION: **APPROVED**

WHEREAS, in accordance with Title 15.2-2285 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare and good zoning practice necessitate such change; and

WHEREAS, this is a request to amend language in Section 32-300.02 to permit the raising of chickens and other fowl on properties over two acres with a principal residence; and

WHEREAS, by way of Resolution No. 10-118, the Board of County Supervisors initiated a zoning text amendment on February 9, 2010; and

WHEREAS, amending the Zoning Ordinance relating to chickens and other fowl is required by the public necessity, convenience, general welfare and good zoning practice, and is consistent with the intent of Title 15.2-2283 of the Code of Virginia, Ann.; and

WHEREAS, the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on April 21, 2010, at which time public testimony was received and the merits of the above-referenced zoning text amendment were considered; and

WHEREAS, the Planning Commission desires to amend the main motion to request that staff provide research starting at properties of one acre with a principal residence;

NOW, THEREFORE, BE IT RESOLVED, that the Prince William County Planning Commission does hereby approve the above amended language be added to the main motion for continuance on Zoning Text Amendment, #PLN2010-00283, To Allow the Raising of Chickens and Other Fowl on Properties Over Two Acres with a Principal Residence, to date uncertain.

Votes:

Ayes: Bryant, Burgess, Gonzales, Hendley, Holley, Hosen, Friedman

Nays: None

Absent from Vote: None

Absent from Meeting: Fry

MOTION CARRIED

CERTIFIED COPY M. Christie Thompson
Clerk to the Commission

**ATTACHMENT D
PC Resolutions**

PLANNING COMMISSION RESOLUTION

MOTION: FRIEDMAN **April 21, 2010**
Regular Meeting
Res. No. 10-067
SECOND: HENDLEY
RE: ZONING TEXT AMENDMENT #2010-00283, TO ALLOW FOR
RAISING OF CHICKENS AND OTHER FOWL ON PROPERTIES OVER
TWO ACRES WITH A PRINCIPAL RESIDENCE - COUNTYWIDE
ACTION: PUBLIC HEARING CONTINUED – DATE UNCERTAIN

WHEREAS, in accordance with Title 15.2-2285 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare and good zoning practice necessitate such change; and

WHEREAS, this is a request to amend language in Section 32-300.02 to permit the raising of chickens and other fowl on properties over two acres with a principal residence; and

WHEREAS, by way of Resolution No. 10-118, the Board of County Supervisors initiated a zoning text amendment on February 9, 2010; and

WHEREAS, amending the Zoning Ordinance relating to chickens and other fowl is required by the public necessity, convenience, general welfare and good zoning practice, and is consistent with the intent of Title 15.2-2283 of the Code of Virginia, Ann.; and

WHEREAS, the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on April 21, 2010, at which time public testimony was received and the merits of the above-referenced zoning text amendment were considered; and

WHEREAS, during the public hearing additional issues were identified which needed to be addressed; and

WHEREAS, the Planning Commission further requests staff to provide research starting with properties of one acre with a principal residence;

NOW, THEREFORE, BE IT RESOLVED, that the Prince William County Planning Commission does hereby continue the public hearing for Zoning Text Amendment #PLN2010-00283, To Allow for the Raising of Chickens and Other Fowl on Properties Over Two Acres with a Principal Residence, to date uncertain.

Votes:

Ayes: Bryant, Burgess, Gonzales, Hendley, Holley, Hosen, Friedman

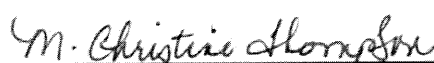
Nays: None

Absent from Vote: None

Absent from Meeting: Fry

MOTION CARRIED

CERTIFIED COPY


Clerk to the Commission

**ATTACHMENT D
PC Resolutions**

PLANNING COMMISSION RESOLUTION

MOTION: FRIEDMAN **July 7, 2010**
Regular Meeting
Res. No. 10-110
SECOND: HOLLEY
RE: ZONING TEXT AMENDMENT #2010-00283, TO ALLOW FOR
RAISING OF CHICKENS AND OTHER FOWL - COUNTYWIDE
ACTION: PUBLIC HEARING CONTINUED TO SEPTEMBER 1, 2010

WHEREAS, in accordance with Title 15.2-2285 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare and good zoning practice necessitate such change; and

WHEREAS, this is a request to amend language in Section 32-300.02 to permit the raising of chickens and other fowl on properties over two acres with a principal residence; and

WHEREAS, by way of Resolution No. 10-118, the Board of County Supervisors initiated a zoning text amendment on February 9, 2010; and

WHEREAS, amending the Zoning Ordinance relating to chickens and other fowl is required by the public necessity, convenience, general welfare and good zoning practice, and is consistent with the intent of Title 15.2-2283 of the Code of Virginia, Ann.; and

WHEREAS, the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on April 21, 2010 and July 7, 2010, at which time public testimony was received and the merits of the above-referenced zoning text amendment were considered; and

WHEREAS, during the public hearing additional issues were identified which needed to be addressed;

NOW, THEREFORE, BE IT RESOLVED, that the Prince William County Planning Commission does hereby continue the public hearing for Zoning Text Amendment #PLN2010-00283, To Allow for the Raising of Chickens and Other Fowl, to September 1, 2010.

Votes:

Ayes: Bryant, Fry, Gonzales, Hendley, Holley, Hosen, Friedman

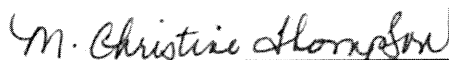
Nays: None

Absent from Vote: None

Absent from Meeting: Burgess

MOTION CARRIED

CERTIFIED COPY



Clerk to the Commission

ATTACHMENT D
PC Resolutions

PLANNING COMMISSION RESOLUTION

MOTION: BURGESS **September 1, 2010**
Regular Meeting
Res. No. 10-131
SECOND: GONZALES
RE: **AMENDMENT TO MAIN MOTION OF ZONING TEXT AMENDMENT**
#2010-00283, TO ALLOW FOR RAISING OF CHICKENS AND
OTHER FOWL – COUNTYWIDE
ACTION: **MOTION FAILED TO CARRY**

WHEREAS, in accordance with Title 15.2-2285 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare and good zoning practice necessitate such change; and

WHEREAS, this is a request to amend language in Section 32-300.02 to permit the raising of chickens and other fowl on properties over two acres with a principal residence; and

WHEREAS, by way of Resolution No. 10-118, the Board of County Supervisors initiated a zoning text amendment on February 9, 2010; and

WHEREAS, amending the Zoning Ordinance relating to chickens and other fowl is required by the public necessity, convenience, general welfare and good zoning practice, and is consistent with the intent of Title 15.2-2283 of the Code of Virginia, Ann.; and

WHEREAS, the Planning Commission desires to amend the main motion to request that A-1 and SR zoning districts in Rural Areas be included in this zoning text amendment;

NOW, THEREFORE, BE IT RESOLVED, that the Prince William County Planning Commission does hereby approve the amendment to the main motion for Zoning Text Amendment #PLN2010-00283, To Allow for the Raising of Chickens and Other Fowl.

Votes:

Ayes: Bryant, Burgess, Gonzales, Hosen

Nays: Fry, Hendley, Holley, Friedman

Absent from Vote: None

Absent from Meeting: None

MOTION FAILED TO CARRY

CERTIFIED COPY

M. Christie Thompson

Clerk to the Commission

**ATTACHMENT D
PC Resolutions**

PLANNING COMMISSION RESOLUTION

MOTION: FRIEDMAN **September 1, 2010**
Regular Meeting
Res. No. 10-132
SECOND: BRYANT
RE: ZONING TEXT AMENDMENT #2010-00283, TO ALLOW FOR
KEEPING OF CHICKENS AND OTHER FOWL - COUNTYWIDE
ACTION: RECOMMEND APPROVAL

WHEREAS, in accordance with Title 15.2-2285 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare and good zoning practice necessitate such change; and

WHEREAS, this is a request to amend language in Section 32-300.02 to permit the keeping of chickens and other fowl on properties over two acres with a principal residence; and

WHEREAS, by way of Resolution No. 10-118, the Board of County Supervisors initiated a zoning text amendment on February 9, 2010; and

WHEREAS, amending the Zoning Ordinance relating to chickens and other fowl is required by the public necessity, convenience, general welfare and good zoning practice, and is consistent with the intent of Title 15.2-2283 of the Code of Virginia, Ann.; and

WHEREAS, the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on April 21, 2010, July 7, 2010 and September 1, 2010, at which time public testimony was received and the merits of the above-referenced zoning text amendment were considered; and

NOW, THEREFORE, BE IT RESOLVED, that the Prince William County Planning Commission does hereby recommend approval of Zoning Text Amendment #PLN2010-00283, To Allow for the Keeping of Chickens and Other Fowl as outlined in the attached text (Planning Commission requested changes in **bold**).

Votes:

Ayes: Bryant, Burgess, Fry, Gonzales, Hendley, Holley, Hosen, Friedman

Nays: None

Absent from Vote: None

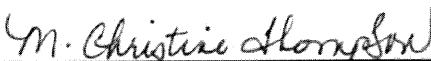
Absent from Meeting: None

MOTION CARRIED

Attachment: Amended Zoning Ordinance Text:

Sec. 32-300.02
Sec. 32-301.03
Sec. 32-302.03
Sec. 32-302.13
Sec. 32-302.33

CERTIFIED COPY



Clerk to the Commission

Planning Commission
Res. No. 10-132
September 1, 2010

Attachment

ARTICLE III. AGRICULTURAL AND RESIDENTIAL DISTRICTS

PART 300. GENERAL REGULATIONS

Sec. 32-300.02. Accessory Uses.

Accessory uses shall be permitted in all agricultural and residential districts, subject to the following limitations:

6. Farm animals (such as cows, pigs, hogs, goats, sheep, and other livestock, horses, mules and other equines, ~~chickens and other fowl~~ and similar utilitarian animals) shall not be permitted as an accessory use in any residential district or on lots with a residential principal use in any agricultural district, except as follows:

(a) Horses, and other domesticated equines, shall be permitted as an accessory use to a residential principal use in the A-1, Agricultural, zoning district on lots of two (2) acres or greater in size at the rate of one such animal per acre over one.

(b) Horses, and other domesticated equines, shall be permitted as accessory use to a residential use in all SR zoning districts on lots of two (2) acres or greater in size at the rate of one such animal per acre over one.

8. The noncommercial keeping or breeding of exotic birds and miniature animals (other than dogs) shall be permitted in the A and SR districts; provided that no retail sales shall be permitted except by Special Use Permit; no signs or customers relating to such activities shall be permitted on the premises; ancillary shipping shall be permitted; and no outside facilities or structures relating to such activities shall be permitted. These provisions shall not apply to a petting farm use approved by Special Use Permit.

9. The **keeping** of chickens, pigeons, doves, and other domestic fowl shall be permitted **on any property** with a principal residence in the **Rural Area as defined in the comprehensive plan and attendant maps and on lots of two acres or larger within the A-1, SR-1, SR-3 and SR-5 zoning districts outside the Rural Area.** The maximum number of fowl permitted shall be proportional to the size of the parcel in conjunction with the following table (permitted maximum number applies only to fowl six months and older):

ATTACHMENT D PC Resolutions

Planning Commission
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September 1, 2010

Attachment

Maximum Number Per Acre

	0-1.99 acres	2.0 – 4.9 acres	5.0 – 9.9 acres	10+ acres
Chickens, Pigeons, Doves & Similar Birds	10	10	20	No limit
Ducks	0	6	10	No limit
Turkeys, Geese, Pea Fowl	0	4	6	No limit
Emu, Ostrich & Similar Birds	0	2	2	No limit

(a) Combinations of types of domestic fowl shall be allowed and the numbers of fowl in the table above are additive according to the following formula: the maximum number of permitted combined types of domestic fowl shall not exceed 50 percent of the per-acre allowance for each type of fowl kept on the property, multiplied by the number of acres (for example, for a 3 acre parcel, a maximum combination would be 15 chickens, 9 ducks, 6 turkeys and 3 ostriches). The permitted maximum number applies to fowl six months and older.

(b) Coops or cages and runs for chickens, pigeons, doves and similar birds shall be required on any lot less than five (5) acres, shall be enclosed with a minimum four (4) ft. high chicken wire fence, and shall be kept clean and free from filth, garbage and such substances which attract rodents. Fly traps shall be located adjacent to cages and runs. Structures for housing permitted fowl shall be located only in the rear yard and be located at least **fifty (50)** feet from any side or rear lot line and at least ten (10) feet from any dwelling on the property.

(c) Roosters and guinea fowl shall be confined within a caged area on any lot less than ten (10) acres, and such caged area shall be setback of not less than 150 feet from neighboring dwellings, at the rate of one (1) rooster or two (2) guinea fowl per acre. These may be in addition to the allocation of fowl listed in the table above.

(d) Fowl **kept** on properties less than 5 acres in size may only be used for production of eggs. No dispatch of fowl shall take place on the premises.

ATTACHMENT D
PC Resolutions

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September 1, 2010

Attachment

(e) Fowl **kept** on properties 5 acres or larger but less than 10 acres may be dispatched **on the premises** for domestic use only.

(f) Fowl **kept** on parcels of 10 acres or larger shall be under the same provisions for dispatch **on the premises** as any other livestock.

Sec. 32-301.03. Secondary Uses.

The following uses shall be permitted by right in the A-1 district only in conjunction with a permitted principal use, as specifically identified below, existing or proposed:

5. The **keeping** of chickens, pigeons, doves, and other domestic fowl on any **A-1** property **with a principal residence within the Rural Area as defined in the comprehensive plan and attendant maps and on lots within the A-1 zoning district outside the Rural Area** of a minimum size of two (2) acres with a principal residence pursuant to the standards of Sec. 32-300.02.9.

Sec. 32-302.03. Secondary Uses.

The following uses shall be permitted by right in the SR-1 zoning district only in conjunction with a permitted principal use as specifically identified below, existing or proposed:

3. The **keeping** of chickens, pigeons, doves, and other domestic fowl on any **SR-1** property **with a principal residence within the Rural Area as defined in the comprehensive plan and attendant maps and on lots within the SR-1 zoning district outside the Rural Area** of a minimum size of two (2) acres with a principal residence pursuant to the standards of Sec. 32-300.02.9.

Sec. 32-302.13. Secondary Uses.

The following uses shall be permitted by right in the SR-3 zoning district only in conjunction with a permitted principal use as specifically identified below, existing or proposed:

3. The **keeping** of chickens, pigeons, doves, and other domestic fowl on any **SR-3** property **with a principal residence within the Rural Area as defined in the comprehensive plan and attendant maps and on lots within the SR-3 zoning district outside the Rural Area** of a minimum size of two (2) acres with a principal residence pursuant to the standards of Sec. 32-300.02.9.

ATTACHMENT D
PC Resolutions

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September 1, 2010

Attachment

Sec. 32-302.33. Secondary Uses.

The following uses shall be permitted by right in the SR-5 zoning district only in conjunction with a permitted principal use as specifically identified below, existing or proposed:

3. The **keeping** of chickens, pigeons, doves, and other domestic fowl on any **SR-5 property with a principal residence within the Rural Area as defined in the comprehensive plan and attendant maps and on lots within the SR-5 zoning district outside the Rural Area** of a minimum size of two (2) acres with a principal residence pursuant to the standards of Sec. 32-300.02.9..02.9.

ATTACHMENT E
BOCS Resolution – Refer To PC

MOTION: NOHE

October 5, 2010
Regular Meeting

SECOND: STIRRUP

Res. No. 10-788

**RE: REFER TO PLANNING COMMISSION - ZONING TEXT
AMENDMENT #PLN2010-00283 –TO ALLOW FOR RAISING OF
CHICKENS AND OTHER FOWL IN THE RURAL AREA AND
INITIATE THE ESTABLISHMENT OF A ZONING OVERLAY
DISTRICT TO ACCOMMODATE THE RAISING OF CHICKENS AND
OTHER FOWL - ALL MAGISTERIAL DISTRICTS**

ACTION: APPROVED

WHEREAS, in accordance with Title 15.2-2285 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare and good zoning practice necessitate such change; and

WHEREAS, on February 9 and August 3, 2010 the Board of County Supervisors directed staff to draft language for a zoning text amendment to address the above referenced issue; and

WHEREAS, amending the Zoning Ordinance relating to the above-referenced issue is required by the public necessity, convenience, general welfare and good zoning practice, and is consistent with the intent of Title 15.2-2283 of the Code of Virginia, Ann.; and

WHEREAS, the Prince William Board of County Supervisors duly ordered, advertised, and held a public hearing on October 5, 2010, at which time public testimony was received and the merits of the above referenced zoning text amendment were considered; and

WHEREAS, the Prince William Board of County Supervisors believes that public general welfare as well as good planning practices are served by the adoption of a zoning text amendment to allow for the raising of chickens and other domestic fowl with certain defined restrictions; and

WHEREAS, staff recommends that the keeping of fowl be permitted on A-1 and SR zoned lots of two (2) acres or larger; and

WHEREAS, the Prince William County Planning Commission held public hearings on April 21, 2010, July 7, 2010 and September 1, 2010; and the Prince William County Planning Commission recommends the keeping of fowl on A-1 and SR zoned lots of any size within the rural area as defined in the Comprehensive Plan and on A-1 and SR zoned lots of two (2) acres or larger outside the rural area; and

ATTACHMENT E
BOCS Resolution – Refer To PC

October 5, 2010
Regular Meeting
Res. No. 10-788
Page Two

WHEREAS, the Prince William Board of County Supervisors believes the keeping of domestic fowl on properties with a principal residential use is best accommodated through the establishment of a zoning map amendment to include a poultry overlay district and consideration of accompanying standards for the raising of domestic fowl;

NOW, THEREFORE, BE IT RESOLVED that the Prince William Board of County Supervisors does hereby re-refer back to the Planning Commission Zoning Text Amendment #PLN2010-00283 to allow for raising of chickens and other fowl in the rural area and initiates the establishment of an overlay district to accommodate the raising of chickens and other fowl.

Votes:

Ayes: Covington, May, Nohe, Principi, Stewart, Stirrup

Nays: Caddigan, Jenkins

Absent from Vote: None

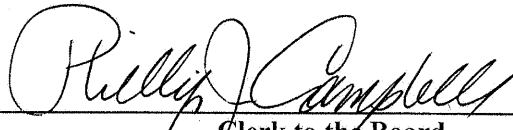
Absent from Meeting: None

For Information:

Planning Director

County Attorney

ATTEST: _____


Clerk to the Board

ATTACHMENT F
PC Resolutions – Overlay District

PLANNING COMMISSION RESOLUTION

MOTION: FRIEDMAN **November 17, 2010**
SECOND: BURGESS **Regular Meeting**
RE: ZONING TEXT AMENDMENT #2010-00283, TO ALLOW FOR KEEPING
OF CHICKENS AND OTHER FOWL - COUNTYWIDE **Res. No. 10-179**
ACTION: RECOMMEND APPROVAL

WHEREAS, in accordance with Title 15.2-2285 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare and good zoning practice necessitate such change; and

WHEREAS, this is a request to amend language in Section 32-300.02 to permit the keeping of chickens and other fowl on properties over two acres with a principal residence; and

WHEREAS, by way of Resolution No. 10-118, the Board of County Supervisors initiated a zoning text amendment on February 9, 2010; and

WHEREAS, amending the Zoning Ordinance relating to chickens and other fowl is required by the public necessity, convenience, general welfare and good zoning practice, and is consistent with the intent of Title 15.2-2283 of the Code of Virginia, Ann.; and

WHEREAS, the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on April 21, 2010, July 7, 2010 and September 1, 2010, at which time public testimony was received and the merits of the above-referenced zoning text amendment were considered; and

WHEREAS, at the September 1, 2010 hearing, the Prince William County Planning Commission recommended (Resolution No. 10-132) amendment language that would reflect permitting the keeping of fowl on A-1 and SR zoned lots of any size within the rural area and on A-1 and SR zoned lots of two acres or larger outside the rural area; and

WHEREAS, the Board of County Supervisors, at their October 5, 2010 public hearing referred the text amendment back to the Planning Commission to establish a zoning overlay district to accommodate the raising of fowl on residential properties; and

NOW, THEREFORE, BE IT RESOLVED, that the Prince William County Planning Commission does hereby recommend approval of Zoning Text Amendment #PLN2010-00283, To Allow for the Keeping of Chickens and Other Fowl as outlined in the planning staff report dated November 5, 2010.

ATTACHMENT F
PC Resolutions – Overlay District

BE IT FURTHER RESOLVED, that the Prince William County Planning Commission does hereby further recommend the following amendments:

- Creation of an Overlay District to follow the lines of the Rural Crescent as they currently exist and reflected on County maps.
- Any parcel in the Overlay District can keep fowl regardless of lot size (see unit chart).
- Ten or more acres within the overlay district – no limits
- Parcels within an overlay district should have no setback requirements from the dwelling.
- Development Area – Fowl allowed in A-1 regardless of lot size.
- Development Area, SR1, SR3 and SR5 – parcel must be at least one acre.

Votes:

Ayes: Bryant, Burgess, Fry, Gonzales, Hendley, Holley, Hosen, Friedman

Nays: None

Absent from Vote: None

Absent from Meeting: None

MOTION CARRIED

CERTIFIED COPY



Clerk to the Commission

ATTACHMENT F
PC Resolutions – Overlay District

PLANNING COMMISSION RESOLUTION

MOTION: BURGESS **March 16, 2011**
SECOND: HENDLEY **Regular Meeting**
Res. No. 11-132

RE: ZONING TEXT AMENDMENT #PLN2010-00283, ARTICLES III AND V – TO ALLOW FOR RAISING OF CHICKENS AND OTHER FOWL IN THE RURAL AREA AND THE ESTABLISHMENT OF A ZONING OVERLAY DISTRICT TO ACCOMMODATE THE RAISING OF CHICKENS AND OTHER FOWL - ALL MAGISTERIAL DISTRICTS

ACTION: AMENDMENT TO THE MAIN MOTION

WHEREAS, in accordance with Title 15.2-2285 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare and good zoning practice necessitate such change; and

WHEREAS, this is a request to amend the following section/article of the Zoning Ordinance:

- Section 32-300.02 to provide for the raising of chickens, pigeons, doves, and other domestic fowl on A-1 and SRR zoned lots with a principal residence within the Domestic Fowl Overlay District;
- Section 32–500.01 to add the keeping of fowl as an overlay district;
- Sections 32-508.01 through 32-508.07 to establish the criteria for the Domestic Fowl Overlay District, the uses and regulations for the keeping of domestic fowl within the overlay district, and the procedures for establishing the map of the overlay district; and

WHEREAS, on October 5, 2010 the Board of County Supervisors directed staff to draft language for a zoning text amendment to address the above referenced issue; and

WHEREAS, amending the Zoning Ordinance relating to the above-referenced issue is required by the public necessity, convenience, general welfare and good zoning practice, and is consistent with the intent of Title 15.2-2283 of the Code of Virginia, Ann.; and

WHEREAS, the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on November 17, 2010, the advertising for the public hearing did not contain a description of the proposed Domestic Fowl Overlay District, which necessitated that another public hearing be scheduled and heard with appropriate notice describing the proposed overlay district; and

ATTACHMENT F
PC Resolutions – Overlay District

WHEREAS, the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on March 16, 2011 at which time public testimony was received and the merits of the above-referenced zoning text amendment were considered; and

WHEREAS, the Prince William County Planning Commission amends the main motion to include:

Section 32-508.06. General Regulations and Development Standards; 4 – delete last sentence in its entirety, replacing with Use best management practices for waste removal.

NOW, THEREFORE, BE IT RESOLVED, that the Prince William County Planning Commission does hereby approve the above-referenced amendment to the main motion for Zoning Text Amendment #PLN2010-00283, Articles III and V – To Allow for Raising of Chickens and Other Fowl in the Rural Area and The Establishment of a Zoning Overlay District to Accommodate the Raising of Chickens and Other Fowl.

Votes:

Ayes: Bryant, Burgess, Friedman, Gonzales, Hendley, Holley, Hosen

Nays: None

Absent from Vote: None

Absent from Meeting: Fry

MOTION CARRIED

CERTIFIED COPY M. Christine Thompson
Clerk to the Commission

ATTACHMENT F
PC Resolutions – Overlay District

PLANNING COMMISSION RESOLUTION

MOTION: FRIEDMAN **March 16, 2011**
SECOND: BRYANT **Regular Meeting**
Res. No. 11-133

RE: ZONING TEXT AMENDMENT #PLN2010-00283, ARTICLES III AND V – TO ALLOW FOR RAISING OF CHICKENS AND OTHER FOWL IN THE RURAL AREA AND THE ESTABLISHMENT OF A ZONING OVERLAY DISTRICT TO ACCOMMODATE THE RAISING OF CHICKENS AND OTHER FOWL - ALL MAGISTERIAL DISTRICTS

ACTION: RECOMMEND ADOPTION

WHEREAS, in accordance with Title 15.2-2285 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare and good zoning practice necessitate such change; and

WHEREAS, this is a request to amend the following section/article of the Zoning Ordinance:

- Section 32-300.02 to provide for the raising of chickens, pigeons, doves, and other domestic fowl on A-1 and SRR zoned lots with a principal residence within the Domestic Fowl Overlay District;
- Section 32-500.01 to add the keeping of fowl as an overlay district;
- Sections 32-508.01 through 32-508.07 to establish the criteria for the Domestic Fowl Overlay District, the uses and regulations for the keeping of domestic fowl within the overlay district, and the procedures for establishing the map of the overlay district; and

WHEREAS, on October 5, 2010 the Board of County Supervisors directed staff to draft language for a zoning text amendment to address the above referenced issue; and

WHEREAS, amending the Zoning Ordinance relating to the above-referenced issue is required by the public necessity, convenience, general welfare and good zoning practice, and is consistent with the intent of Title 15.2-2283 of the Code of Virginia, Ann.; and

WHEREAS, the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on November 17, 2010, the advertising for the public hearing did not contain a description of the proposed Domestic Fowl Overlay District, which necessitated that another public hearing be scheduled and heard with appropriate notice describing the proposed overlay district; and

WHEREAS, the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on March 16, 2011 at which time public testimony was received and the merits of the above-referenced zoning text amendment were considered; and

ATTACHMENT F
PC Resolutions – Overlay District

WHEREAS, the Prince William County Planning Commission believes that public general welfare as well as good planning practices are served by the adoption of this zoning text amendment;

NOW, THEREFORE, BE IT RESOLVED, that the Prince William County Planning Commission does hereby recommend adoption of Zoning Text Amendment #PLN2010-00283 to provide for the establishment of a zoning overlay district to accommodate the keeping of chickens and other fowl and to define the regulations associated with the keeping of domestic fowl.

BE IT FURTHER RESOLVED, that the Prince William County Planning Commission does hereby recommend the following:

1. Any parcel in the Domestic Fowl Overlay District can keep fowl regardless of lot size.
2. Parcels within the Overlay District – no setback required from principal dwelling to the chicken coops.
3. Chickens are allowed in the Development Area on A-1 zoned properties, regardless of lot size.
4. Chickens are allowed in the Development Area on one-acre parcels of SR-1, SR-3, and SR-5.
5. If a special use permit is required by the Board of County Supervisors, recommend that the special use permit requirement cost associated with making that application not to exceed \$25 in aggregate.
6. Section 32-508.06. General Regulations and Development Standards; 4 – delete last sentence in its entirety, replacing with Use best management practices for waste removal.

Votes:

Ayes: Bryant, Burgess, Friedman, Gonzales, Hendley, Holley, Hosen

Nays: None

Absent from Vote: None

Absent from Meeting: Fry

MOTION CARRIED

CERTIFIED COPY 

Clerk to the Commission



Prince William County Government

Zoning Text Amendment

#PLN2010-00283

*To Allow for the Keeping of
Chickens and Other Fowl -
Countywide*

BOCS Public Hearing

04/19/2011

BACKGROUND

- Current ordinance language prohibits keeping of livestock on A-1 lots less than two acres and on A-1 lots of any size with a principal dwelling.
- Constituent requested that ordinance allow for the keeping of chickens and other fowl on lots with a residential use.
- BOCs initiated an amendment on February 9, 2010 to permit the raising of chickens and other fowl on lots greater than two acres with a principal use. Amendment was re-initiated on August 3, 2010.



BACKGROUND

- PC held public hearings on April 21, July 7 and September 1.
- BOCS held public hearing on October 5, 2010 and re-referred issue back to PC to include initiation of an Overlay District to accommodate raising of chickens and other fowl.
- At November 17 public hearing, PC recommended approval with creation of an overlay district with no minimum lot size for keeping of fowl and to permit keeping of fowl outside of overlay district on A-1 parcels and on SRR properties of 1+ acres.



BACKGROUND

- At the March 16, 2011 Public Hearing, PC re-iterated its November 17, 2010 resolution, with an Overlay District reflecting Rural Crescent and also recommended:
 - ◆ No minimum separation between cages/coops and dwelling;
 - ◆ If a SUP is required, the fee be limited to no more than \$25; and
 - ◆ Rather than require the removal of waste by trash pickup on lots with private wells, that the term “best management practices” for waste removal be instituted.



PROPOSED AMENDMENT

- Remove the language in Sec. 32-300.02.6 prohibiting chickens and other fowl in residential districts, and on lots with a residential principal use in the A-1 district.
- Add new subsection to Sec. 32-500.01 to allow for the creation of a new overlay district for the keeping of fowl.
- Add new Part 508 to establish the Domestic Fowl Overlay District, describe associated general regulations and development standards, and provide for the mapping of the district.



PROPOSED AMENDMENT

- Standards
 - ◆ Domestic fowl shall be permitted on any A-1 zoned property of 1+ acres and by SUP within the Overlay District and on any 10+ acre A-1 parcel.
 - ◆ A Bird Unit is applied and defined as follows:
 - (a) 20 pigeons, doves, quail, or similar bird, or
 - (b) 10 chickens, or
 - (c) 6 ducks, or
 - (d) 4 turkeys, geese, or pea fowl, or
 - (e) 1 ostrich or emu.



PROPOSED AMENDMENT

- Maximum density allowed:
 - ◆ One bird unit per acre for parcels from 1 – 4.99 acres;
 - ◆ Three bird units per acre from 5 – 9.99 acres;
 - ◆ No limit above 10 acres.

- Coops or cages and runs for smaller birds:
 - ◆ Required on any lot less than five acres when number of fowl exceeds one bird unit;
 - ◆ Enclosed with minimum four feet high fence.



PROPOSED AMENDMENT

- ◆ Chickens - shall be sized to accommodate a maximum density of four (4) square feet per bird;
- ◆ Geese, turkey, or similar birds, maximum run or cage density is fifteen (15) square feet per bird;
- ◆ Emus, ostriches and similar large birds, maximum run or cage density is one hundred (100) square feet per bird.
- Runs for larger birds enclosed with a minimum six foot high fence.



PROPOSED AMENDMENT

- Structures for housing permitted fowl:
 - ◆ Can locate only in the rear or side yard.
 - ◆ Setbacks:
 - Same as non-commercial kennels (25 ft. from all property lines);
 - At least five feet from principal dwelling;
 - At least one hundred feet from an RPA stream and fifty feet from all other streams.



PROPOSED AMENDMENT

- Cages, coops and runs, must be separated from:
 - ◆ Class 3A or B well by at least 50 feet;
 - ◆ Class 3C or class 4 well by at least 100 feet.
(Can be reduced to 50 ft. if coop is enclosed, has a concrete floor and chicken manure is removed and placed for trash pick-up or Best Management Practices (Soil and Water Conservation Service) are applied).



PROPOSED AMENDMENT

- Roosters and guinea fowl:
 - ◆ Permitted at rate of one rooster or two guinea fowl per acre;
 - ◆ Confined between sunset and sunrise within a caged area on any lot less than ten acres;
 - ◆ Caged area shall be setback at least one hundred fifty feet from neighboring dwellings.
- Waste management for surface and groundwater protection must be established using Prince William Soil and Water Conservation District guidelines.



PROPOSED AMENDMENT

- Dispatch (Slaughter):
 - ◆ Not allowed on less than 5 acres;
 - ◆ For domestic use only on lots between 5 and 10 acres.

 - Overlay District Map:
 - ◆ Approved by BOCs and incorporated into zoning map;
 - ◆ Resolution of boundary disputes by Zoning Administrator.

 - Livestock:
 - ◆ Permitted on 10+ acre parcels in A-1, Agriculture district with principal residence.
-
-

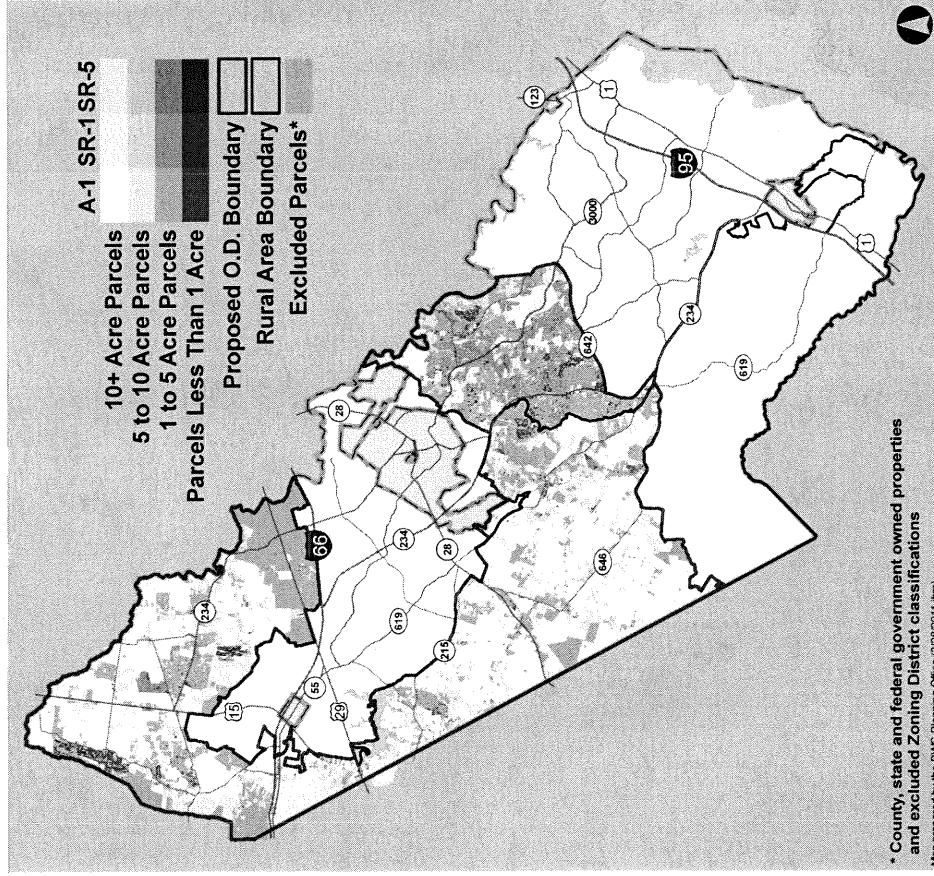


IMPACTS/ISSUES

- Proposed standards will provide for the keeping of chickens and other fowl on properties with a dwelling in rural areas.
- Proposed amendment will not permit chickens in higher density areas of the County.
- Standards are based upon reasonable densities as an initial effort to accommodate fowl within rural areas. Standards can be adjusted upward or downward as experience warrants.
- Clarifies standard for keeping of livestock on A-1 properties.



Overlay Boundary



Date: 4/19/11

STAFF RECOMMENDATION

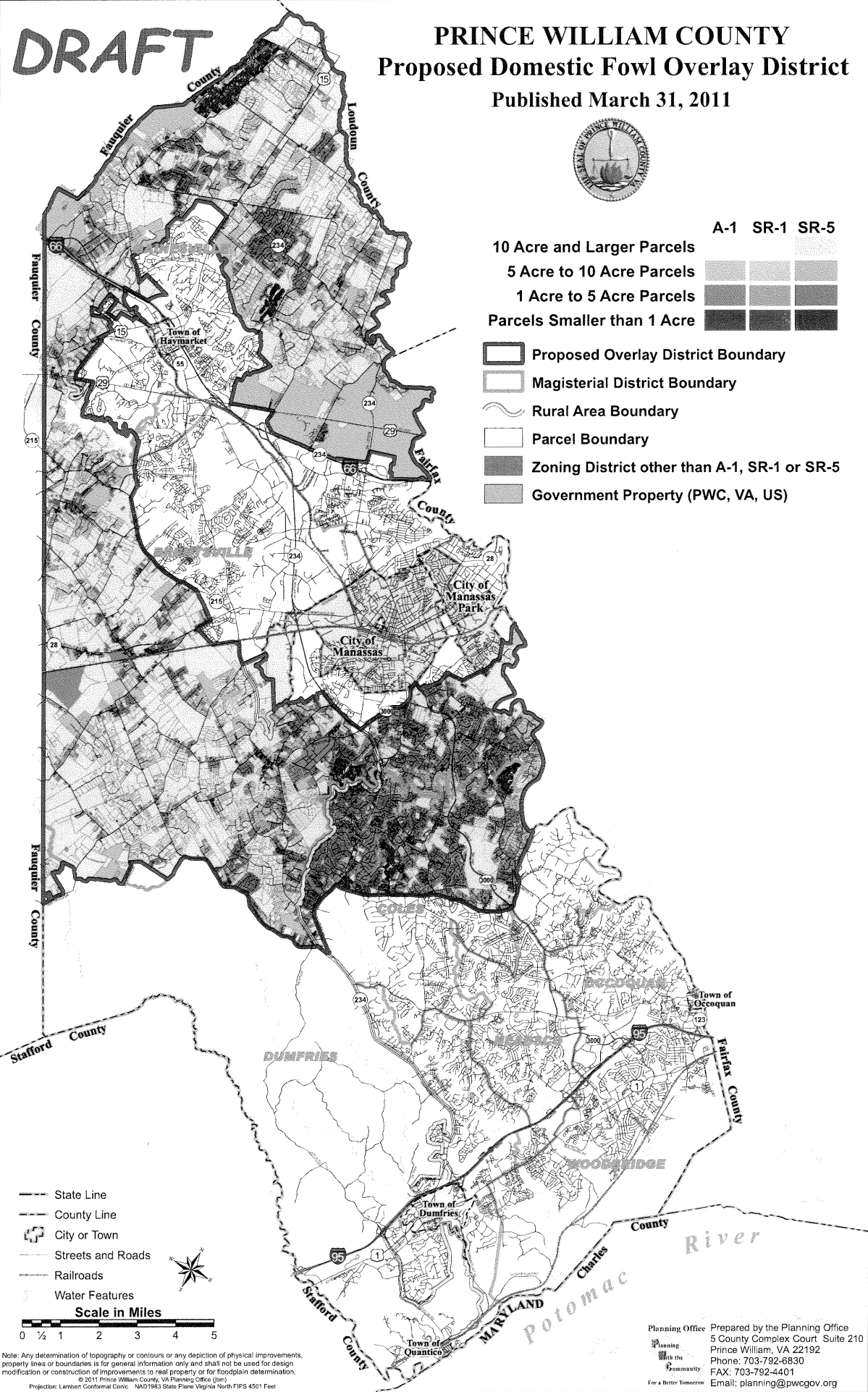
- Staff recommends approval of the proposed text amendment to allow chickens and other fowl by-right on:
 - ◆ A-1 lots of 1+ acres within the Domestic Fowl Overlay District;
 - ◆ SRR lots by SUP within the Overlay District; and
 - ◆ A-1 lots of 10+ acres outside of the Domestic Fowl Overlay District.



DRAFT

PRINCE WILLIAM COUNTY Proposed Domestic Fowl Overlay District

Published March 31, 2011



	A-1	SR-1	SR-5
10 Acre and Larger Parcels	[Lightest Gray]	[Light Gray]	[Medium Gray]
5 Acre to 10 Acre Parcels	[Medium-Light Gray]	[Medium Gray]	[Dark Gray]
1 Acre to 5 Acre Parcels	[Dark-Light Gray]	[Dark Gray]	[Darkest Gray]
Parcels Smaller than 1 Acre	[Darkest Gray]	[Darkest Gray]	[Darkest Gray]

- Proposed Overlay District Boundary
- Magisterial District Boundary
- Rural Area Boundary
- Parcel Boundary
- Zoning District other than A-1, SR-1 or SR-5
- Government Property (PWC, VA, US)

- State Line
- County Line
- City or Town
- Streets and Roads
- Railroads
- Water Features

Scale in Miles

Note: Any determination of topography or contours or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for design modification or construction of improvements to real property or for floodplain determination.
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Projection: Lambert Conformal Conic NAD1983 State Plane Virginia North FIPS 4501 Feet

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