

**MOTION: NOHE**

**April 19, 2011  
Regular Meeting  
Ord. No. 11-22**

**SECOND: MAY**

**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 – 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**, 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

**April 19, 2011**  
**Regular Meeting**  
**Ord. No. 11-22**  
**Page Two**

**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 any lot, regardless of size, within the rural area as defined in the comprehensive plan and on A-1 zoned lots of any size and SRR zoned lots of one (1) acre or larger outside the rural area; and

**WHEREAS**, a Board of County Supervisors public hearing, duly advertised in a local newspaper for a period of two weeks, was held 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:** 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

## 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.