

ADOPTION OF AN ORDINANCE TO AMEND TABLE 40.1-4.4(A) AND SECTIONS 40.1-4.4(C) AND 40.1-8.3 OF CHAPTER 40.1 OF THE CODE OF THE CITY OF PORTSMOUTH, VIRGINIA (2006) TO ALLOW THE KEEPING OF CHICKENS AS AN ACCESSORY USE TO A DETACHED SINGLE FAMILY RESIDENCE.

BE IT ORDAINED by the Council of the City of Portsmouth, Virginia:

1. That Table 40.1-4.4(A) of Chapter 40.1 of the Code of the City of Portsmouth, Virginia be amended to show “Backyard Chickens” as a Permitted Use (P) in the NR, GR, UR, and URH Residential districts, the NMU Business district, and the HR, HLO, and HLB Special districts, subject to the additional requirements of Section 40.1-4.4(C)(18).

2. That Section 40.1-4.4(C) of the Code of the City of Portsmouth, Virginia (2006) be amended by the adoption of a new subsection (18) to read as follows:

Sec. 40.1-4.4. Accessory Use Standards.

(C) Specific Standards for Certain Accessory Uses

(18) Backyard Chickens

(a) Intent

With the increased awareness of self-sufficiency, sustainability and urban farming, the raising of a limited number of chickens is allowed as an accessory use to detached single family residential properties provided that the use meets certain minimum standards and does not pose a health hazard or become a nuisance to adjoining property owners.

(b) Standards

The keeping of backyard chickens is allowed in accordance with the following standards:

- (i) The use is an accessory use to a detached single family residence.
- (ii) The minimum lot size shall be 5,000 square feet. No more than one chicken for every 2,000 square feet of lot area is permitted.
- (iii) No more than six (6) chickens are permitted on any lot.
- (iv) All housing and fencing of chickens shall be located solely in the rear yard.
- (v) Housing and fencing of chickens must be located at least 15 feet from any side or rear property line. Chickens may not roam in other areas of the property or off the property.

- (vi) No roosters are allowed.
- (vii) Feed shall be stored and maintained in a secure container. Manure, and other waste products shall be properly handled and disposed of in accordance with best management practices so as to not create an odor, attract vermin, or create a nuisance for surrounding property owners. Evidence of vermin may be cause for revoking a zoning compliance permit.
- (viii) The sale of eggs shall be prohibited.

(c) Process for Approval

A request for a zoning compliance permit shall be submitted and reviewed by the Zoning Administrator. Once the request has been determined to comply with the requirements of this chapter, the Zoning Administrator shall notify the adjoining property owners, including all owners across any public right-of-way that a zoning compliance permit will be issued for the keeping of chickens. This notice must include a copy of the requirements for the keeping of chickens and information regarding the reporting of any code violations.

3. That Sec. 40.1-8.3 of the Code of the City of Portsmouth, Virginia (2006) be amended by the adoption of the definition "Chickens, backyard" to reads follows:

CHICKENS, BACKYARD

A domesticated fowl, not including turkeys, ducks, geese, or other types of poultry. Chickens (*Gallus gallus domesticus*) shall be considered as livestock and not household pets under the zoning ordinance.

4. That this ordinance shall take effect on the date of its adoption.

ADOPTED by the Council of the City of Portsmouth, Virginia at a meeting held on June 11, 2013.

Teste:

City Clerk