

Planning Commission

Regular Session Agenda

Cape Charles Civic Center

August 5, 2014

6:00 P.M.

1. Call to Order – Planning Commission Regular Session
 - a. Roll Call – Establish a quorum
2. Invocation and Pledge of Allegiance
3. Public Comments
4. Consent Agenda
 - a. Approval of Agenda Format
 - b. Approval of Minutes
 - c. Reports
5. Old Business
 - a. Backyard Chickens – Review comments from legal and set a public hearing
 - b. Floodplain Ordinance – Discuss model floodplain ordinance
6. New Business
 - a. September Planning Commission Regular Meeting – Discuss possible date change
7. Announcements
8. Adjourn



DRAFT
PLANNING COMMISSION
Regular Meeting
Town Hall
July 8, 2014

At 6:00 p.m. in the Town Hall, Chairman Dennis McCoy, having established a quorum, called to order the Regular Meeting of the Planning Commission. In addition to Chairman McCoy, present were Commissioners Dan Burke, Sandra Salopek and Mike Strub. Commissioner Joan Natali arrived at 6:02 p.m. Commissioners Andy Buchholz and Bill Stramm were not in attendance. Also present were Town Planner Rob Testerman and Town Clerk Libby Hume. There were no members of the public in attendance.

A moment of silence was observed followed by the Pledge of Allegiance.

PUBLIC COMMENTS

There were no comments from the public nor any comments submitted in writing prior to the meeting.

CONSENT AGENDA

Motion made by Joan Natali, seconded by Mike Strub, to accept the agenda format as presented. The motion was unanimously approved.

The Commissioners reviewed the minutes for the June 9, 2014 Regular Meeting and the June 30, 2014 Comprehensive Plan Work Session.

Motion made by Joan Natali, seconded by Mike Strub, to approve the minutes from the June 9, 2014 Regular Meeting, and the June 30, 2014 Comprehensive Plan Work Session as presented. The motion was unanimously approved.

REPORTS

Town Planner Rob Testerman reported the following: i) The Historic District Review Board met on June 17th and approved an application for a siding replacement for 209 Jefferson Avenue; ii) A land reclamation and beach nourishment project at Bay Vistas was completed. The project's intention was to reclaim land that was lost to erosion as well as provide beach nourishment in the vicinity. He visited the property on July 7th to determine how the work weathered the storm. Some sand was displaced but it was fine overall. A new house was being planned in the development and Code Official Jeb Brady was reviewing the plans for a building permit; iii) He was still awaiting a response from the legal review of the chicken ordinance; and iv) Site plans were resubmitted for the Cape Charles Lofts project addressing comments from VDOT as well as erosion and sediment control issues. He should be completed with his review by the end of the week. He would contact Dale Pusey of VDOT to find out their status.

Dennis McCoy stated that staff had done a great job regarding the chicken ordinance but costs still needed to be determined for the chicken permits. If a conditional use permit was required, the initial cost to the applicant was \$300 and the Commissioners needed to discuss whether this fee could and/or should be reduced for the purposes of a chicken permit. Joan Natali added that more research was needed regarding whether the Town Council had the ability to change fees because costs needed to be part of the Planning Commission's recommendation.

Town Clerk Libby Hume stated that at the June 30th Planning Commission Comprehensive Plan meeting, a question arose regarding the level of medical training received by the Town's police officers. Libby Hume spoke to Chief Pruitt who told her that the officers were not trained as paramedics but were certified in CPR, basic first aid and in using a defibrillator. This information had been provided to Elaine Meil of the A-NPDC and she would adjust the language for review by the Commissioners at the July Comprehensive Plan work session.

OLD BUSINESS

A. *Floodplain Ordinance – Discuss model floodplain ordinance*

Rob Testerman stated that a sample ordinance, received from the Department of Conservation and Recreation (DCR) was included in the June 9th regular meeting packet. As a community participating in the Community Rating System (CRS) program, the Town was encouraged to go beyond the minimum requirements as outlined in the sample ordinance. The Commissioners reviewed the sample ordinance and noted that Section 2.1.A of the sample ordinance should show the "Town Manager or designee" vs. chief executive officer. The Commissioners continued to review the suggested Higher Standards and requested language be added from the following sections: i) Higher Standards and Manufactured Homes; ii) Higher Standards and Freeboard; iii) Higher Standards and Building Foundations; and iv) Higher Standards Critical Facilities.

Rob Testerman stated that he would incorporate the language and provide the updated ordinance for review at the August meeting. The draft ordinance needed to be sent to the DCR in September for their review. Once the letter of determination was issued, the Town had six months to finalize the ordinance.

B. *Tourism Zone – Resume discussion on the draft ordinance*

Rob Testerman stated that he called the Town of Pocahontas regarding questions about their tourism zone, but had not yet received a response. Several other ordinances were included in the packet which were more general in regards to the business types listed, such as listing "recreation businesses" vs. kayaking, etc.

The Commissioners reviewed the various ordinances and pointed out language to include in the Cape Charles tourism zone ordinance. The Commissioners especially liked language from Carroll County which stated that "If a Qualified Tourism Business leaves the County to conduct business in another location within three years of completing any three-year incentive period, it will be required to repay the County the total amount of Tourism Zone incentives received." The definitions of a Tourism Business and Tourism Products, Processes or Related Services from James City County would be used in the Town's ordinance. Several business categories noted were provisioning services, concierge services, conference center/services, galleries, recreational facilities/services, and special events/services. Rob Testerman added that the Town's Technology Zone ordinance contained language such as "as included in any other Technology Zone in the State of Virginia."

There was some discussion regarding including incentives for existing businesses similar to language included in the Technology Zone.

There was much discussion regarding possible criteria and incentives. It was suggested to use the same criteria as the Technology Zone but it was pointed out that the numbers in the Technology Zone were fairly high and would be difficult for a tourism-related business to meet.

Dennis McCoy suggested meeting with representatives from the Cape Charles Business Association, Eastern Shore of Virginia Tourism Commission, Virginia Tourism Corporation and

the Cape Charles B&B Association to discuss the possible criteria. Representatives could be invited to a future Planning Commission meeting to discuss the issue.

Joan Natali stated that the ordinance needed to focus on full-time jobs. Libby Hume noted that most of the retail shops in Town closed for the winter or had very reduced hours and would have difficulty maintaining full-time employees but the incentives could be reduced for seasonal businesses. Dennis McCoy added that year-round businesses could qualify for an incentive of 50% of a tax or other item rebated and a seasonal business could qualify for 25%. Joan Natali stated that the Town needed to target year-round tourism businesses but would consider the different incentive amounts for a seasonal business.

Rob Testerman stated that he would contact the various associations discussed earlier, draft some criteria separating the full-time and seasonal businesses using incentives similar to how the Technology Zone differentiates manufacturing and non-manufacturing businesses.

Dan Burke suggested including incentives for machinery & equipment, as done in the Technology Zone, since many tourism businesses have machinery and equipment, i.e., jet skis, kitchen equipment, etc.

NEW BUSINESS

There was no new business to review.

OTHER

Dan Burke stated that Elaine Meil's presentation given at the June 30 meeting was very informative. Joan Natali agreed and suggested that it be presented to the Town Council as well, if Ms. Meil was agreeable.

ANNOUNCEMENTS

There were no announcements.

Motion made by Joan Natali, seconded by Dan Burke, to adjourn the Planning Commission meeting. The motion was unanimously approved.

Chairman Dennis McCoy

Town Clerk



DRAFT
PLANNING COMMISSION
COMPREHENSIVE PLAN WORK SESSION WITH
ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION
Town Hall
July 28, 2014

At 6:00 p.m. in the Town Hall, Chairman Dennis McCoy, having established a quorum, called to order the Work Session of the Planning Commission with Ms. Elaine Meil, Executive Director of the Accomack-Northampton Planning District Commission (A-NPDC). In addition to Chairman McCoy, present were Commissioners Joan Natali, Bill Stramm and Mike Strub. Commissioner Andy Buchholz arrived at 6:06 p.m. Commissioners Dan Burke and Sandra Salopek were not in attendance. Also present were Town Planner Rob Testerman and Town Clerk Libby Hume. There were no members of the public in attendance.

A moment of silence was observed followed by the Pledge of Allegiance.

Dennis McCoy stated that the business for the evening would be to continue discussion regarding the Comprehensive Plan update and turned the meeting over to Ms. Elaine Meil of the A-NPDC.

The Commissioners reviewed the following text revisions and additions resulting from the July 28, 2014 Comprehensive Plan Work Session:

1. Emergency Services – text addition. The language from § III-D.5 Public Services and Programs was reviewed and the following items were noted: i) Clarification was requested regarding the mileages to the medical facilities across the bay and Riverside Shore Memorial Hospital to state the distance from the Town; and ii) The language in the third bullet item was revised to include the addition of emergency care services. Ms. Meil read the revised language which was approved by the Commissioners.
2. Parking Reform – text revision and addition. The proposed language for § III-C.x Street Improvements was reviewed with several minor changes. There was much discussion regarding Mason and Bay Avenues in regards to the Town’s priority, the lots behind the Library to be used for parking and evaluation of parking in the Harbor area. This section would be renamed Street Improvements and Parking and language would be added regarding the lots behind 201 Mason Avenue. The next priority, after Mason and Bay Avenues, would be the evaluation of Harbor area parking.
3. Great Place to Raise a Family – text addition. The proposed language for III.B.5.7 Goal: Attract Families with Children was reviewed with several minor changes as follows: i) Reference to the available recreation programs, through the Town and other organizations, would be added; ii) The sentence regarding the renovation of the former school into apartments would be moved to another section; and iii) The language regarding the creation of a Chesapeake Bay Bolide Impact Museum would be moved to a more tourism-focused section.
4. Water. The proposed language for § III-C.5 Water, Wastewater and Storm Water was reviewed and several corrections/changes were made as follows: i) The opening sentence was corrected to show that the Town had constructed a replacement wastewater treatment plant ...; and ii) Although the saltwater intrusion issue was not an immediate threat over the

next 5-10 years, language would be included regarding the possibility of reverse osmosis or desalination processes as alternates.

5. Town Facilities. (Please see attached Town of Cape Charles Comprehensive Plan Update Staff Briefing #3 presentation.)
 - a. Historic Entrance/Gateway Planning. The recently purchased lots along Fig Street and Randolph Avenue were discussed as a possible location for a message board for announcements and a welcome area with a kiosk and several parking spaces for visitors to obtain a variety of rack cards, maps, etc. regarding the Town and events, etc. There was also discussion regarding designation of the area as Open Space and including it as part of the planned Arts Walk and eventually the Master Trail Plan.
 - b. 201 Mason Avenue. There was much discussion regarding this facility and language would be included regarding using the lots behind the building to be used for parking, and the third floor which could be used for possible expansion of the Library or other Town use for offices, etc.
6. Port Research. The proposed language for § III-B.5.3 Goal: Facilitate Business Start-Up, Expansions and Relocations was reviewed and discussed as follows: i) The second bullet was reworded to state that the Town should pursue opportunities to conduct a study to determine markets for the Cape Charles Harbor; and ii) Language regarding the HUB Zone would be added.
7. Tourism.
 - a. The proposed language for § III-B.5.4 Goal: Attract Tourists, Vacation and Second Homeowners was discussed as follows: i) The internet would be included as a method used by vacationers and second homeowners to find Cape Charles; ii) In the first bullet, reference would be added stating that the Town would work with the Eastern Shore of VA Tourism “and others as appropriate” to enhance ...; and iii) Billboard signage was deleted from the second bullet. Ms. Meil read the revised language which was approved by the Commissioners.
 - b. Southern Tip Bicycle Trail. There was much discussion regarding the feasibility study, the proposed path up to Route 184, and the possibility of construction of a connection into Town. The Commissioners discussed whether the path should be a widened shoulder or a shared-use path similar to the existing path in the southern portion of the County. The Commissioners felt it was important to include language regarding the bike trail and agreed that a wide shoulder would be a more prudent choice over the shared-use path.
8. Affordable Housing. Ms. Meil presented statistics from the 2010 Census regarding i) median incomes; ii) median costs of housing for mortgages and rentals and the percentage of residents who were cost burdened (paying more than 30% of household income on housing); There was much discussion regarding affordable housing and the amount of research and work which would be necessary in order to draft a plan. Many localities appointed task forces for this purpose. The Commissioners agreed that language be included stating that the Town would investigate alternatives appropriate for the Town, reconsideration of accessory dwellings, and the possible creation of a task force to better research this issue to draft a plan.

9. Year Round Job Statistics. Ms. Meil presented jobs statistics from the 2010 Census and IRS regarding i) sources of income and expenditures; ii) percentage of the population in the labor force either employed or unemployed; iii) the top three industries for employment; and iv) strategies to increase household revenues and decrease expenditures.

OTHER MATTERS

There were no other matters to discuss.

The next Comprehensive Plan Work Session was scheduled for Monday, August 25, 2014, beginning at 6:00 PM.

Motion made by Joan Natali, seconded by Andy Buchholz, to adjourn the Planning Commission work session. The motion was unanimously approved.

Chairman Dennis McCoy

Town Clerk

DRAFT

Town of Cape Charles Comprehensive Plan Update

Staff Briefing #3

July 28, 2014

Historic Entrance

201 Mason Avenue

Feasibility Study – Southern Tip Bicycle Trail

Affordable Housing

Economic Characteristics

Historic Entrance/Gateway

Historic Entrance/Gateway Planning



- * The Town has purchased seven contiguous lots, pictured left, that are adjacent to the historic entrance into town. The property is used for a welcome sign, plantings and open space.
- * The current comprehensive plan calls for consideration of a traffic roundabout at the intersection of Randolph and Fig.
- * However, at the March 20, 2014 Town Council meeting the properties were purchased with deletion of the roundabout language in the acquisition resolution.
- * Staff recommends the Commission consider the area and its future land use(s). Possible deletion of the traffic roundabout language should also be considered.

201 Mason Avenue

201 Mason Avenue Background



- * The Town authorized the purchase of 201 Mason Avenue (formerly used as a Bank of America) at the July 19, 2012 Special meeting of Town Council.
- * The building is approximately 6,600 square feet and has three stories.
- * The upper stories of the building are not fully used. The third floor is configured for office space.

Long Term Planning of the Space



- * The initial use was relocation of the Library. However, the Town Council indicated this is an interim step for the Library. Construction of a potential extension of the building was also briefly discussed.
- * The third floor is not used by the Library and municipal office space was suggested as a possible use.
- * Discussion of provision for an alley was also mentioned.
- * Additional property on Randolph is also part of the purchase. In the past, these lots were discussed as potential parking lots for the downtown area.
- * Staff recommends the Commission consider whether guidance should be included in the Comprehensive Plan regarding future use of 201 Mason Avenue.

Southern Tip Bicycle Trail Connection to Cape Charles

Southern Tip Hike & Bike Trail



The Eastern Shore of Virginia Wildlife Refuge owns and maintains the Southern Tip Hike & Bike Trail. This trail is 2.6 miles long and runs along a former railroad bed. It currently ends at Cedar Grove Drive but the railroad bed continues north where it ends close to the Town of Cape Charles.

Former Railroad Bed

A study has been funded to examine whether an extension of the Southern Tip Bicycle Trail is feasible.

The picture, at right, shows that the former rail bed runs up and intersects the existing railroad immediately adjacent to Stone Road.



Southern Tip Bicycle Trail

- * The Existing Plan does not mention connecting to the Southern Tip Bicycle Trail (Phase I construction is completed and Phase II Engineering Drawings are almost complete).
- * Does the Commission want to recommend connecting to the trail?
- * If a connection is desired, does the Commission want to offer any guidance regarding location or other details?

Affordable Housing

Affordable Housing Definition

- * According to U.S. Housing and Urban Development (HUD), families who pay more than 30% of their income for housing are cost burdened.
- * HUD considers all housing costs as part of the 30% of income, including utilities.
- * According to the 2010 Census, the median household income in Cape Charles was \$29,904 (+/- 10,742).

Cape Charles, Selected 2010 Census Statistics

- * The median monthly cost of houses with a mortgage was \$1,663 (+/-725).
- * The median monthly cost of housing without a mortgage was \$580 (+/-98).
- * The median monthly cost of rental units was \$632 (+/-279).
- * 61% of houses with a mortgage were cost burdened (paying more than 30% of household income on housing).
- * 30% of houses without a mortgage were cost burdened.
- * 34% of rental units were cost burdened.

Taken together, 41% of Cape Charles households are cost burdened.

Provincetown, MA Case Study

- * The plan was developed by a volunteer task force following a Housing Summit in September 2006, in which residents brainstormed ideas for increasing the supply of housing affordable to year-round residents. Affordability is compromised by the loss of rental housing stock to seasonal residents, the high cost of home ownership, and limited year-round job prospects.
- * The target population was year round residents making under 120% of area median income.

Selected Strategies:

Identification of privately- and publicly-owned sites and buildings appropriate for the development of affordable housing.

Encouragement of the use of accessory dwelling units by easing affordability restrictions and simplifying regulatory processes by giving the Building Commissioner special permit granting authority for applications that meet a set of clear requirements.

Expansion of a full property tax exemption for year-round rentals affordable to households earning 60 percent of the area median income (AMI), to include a partial exemption for year-round rentals affordable to households earning 80 percent of the AMI.

Extension of an existing growth management bylaw requiring inclusion of a minimum of 33 percent affordable units in any new housing development, to include commercial properties undergoing conversion to residential units.

Creation of an affordable housing trust fund capitalized with a 1.5 percent transfer fee on the sale of all property and/or room occupancy taxes collected on weekly rentals.

Building support for affordable housing initiatives through the establishment of a roundtable of regional partners and initiation of a regular communications with other community groups.

Financing Sources Identified:

1.5 percent transfer fee on sale of all property (proposed)

Room occupancy taxes from weekly rentals (proposed)

Existing state programs, including earmark request from the Department of Housing and Community Development and the Massachusetts Housing Partnership

Existing federal programs

Philanthropic donations

Fairfax, Virginia Case Study

- * This plan update was issued in September 2005, and prepared by the Affordable Housing Preservation Action Committee, which was appointed by the County's Board of Supervisors in August 2004. This phase of the plan focuses primarily on the preservation of existing affordable units. Many of the recommendations focus on refining existing programs.
- * The target was preserving existing affordable housing stock.

Selected Strategies:

Offer a tool box of incentives for the preservation of affordable housing, including regulatory flexibility, and form-based zoning options and overlay districts to facilitate design approvals.

Preserve long-term affordability by offering incentives to owners of existing Affordable Dwelling Units (ADU) to record a new covenant and extend the control period of the unit to 30 years and/or restart the control period upon sale to a new owner, and revise the ADU ordinance to extend the control period to 30 years for new ADUs.

Create a dedicated funding source for the preservation of affordable housing by setting aside one penny of the real estate tax, and train developers in how to access funds.

Assist in the preservation of affordable rental units in condominium conversions, by providing mortgage, closing cost, and down payment assistance for tenants who purchase their units, or allowing purchase of units by the housing authority for resale to non-profits, for rental as affordable units.

Create an advocacy and public education campaign to work with other agencies and promote the need for affordable and workforce housing, and resources to fund the Committee's recommendations

Create an affordable housing "SWAT" team to prevent the loss of at-risk homes.

Consider restructuring the State Low Income Housing Tax Credit (LIHTC), and increase use of the Federal LIHTC, to emphasize preservation.

Study the use of accessory dwelling units as a way of expanding the affordable housing stock while preserving neighborhood character.

Financing Sources Identified:

Affordable housing trust fund, capitalized by one penny of the real estate tax (proposed)

Fairfax County Redevelopment and Housing Authority resources

Federal and State Low Income Housing Tax Credit

Virginia Community Development Bank, initially capitalized with state appropriations (proposed)

Staff Summary & Recommendation

- * The existing plan has language to promote accessory dwelling use for the purpose of affordable housing.
- * Strategies to address affordability for households with a mortgage would impact the largest number of households with unaffordable housing.
- * The second largest number of cost burdened households are renters.
- * Since cost burdened households are such a large percentage of the Town's households (41%), staff recommends the Commission consider formulating an affordable housing strategy and determine the best mechanism to address this challenge.

Economic Characteristics

Cape Charles, Selected 2010 Census Statistics

- * 59.7% of the Town's population (over the age of 16) were in the labor force either employed (55.4%) or unemployed (4.3%).
- * The median earnings for workers was \$25,172.
- * Top three industries for employment.
 1. Educational services, and health care and social assistance (21% labor force)
 2. Arts, entertainment, and recreation, and accommodation and food services (18%)
 3. Professional, scientific, and management, and administrative and waste management services (12%)

Estimated Balance Sheet Of Households

IRS 2011 Zip Code 23310 Data, 2012 Consumer Expenditures (Bureau of Labor Statistics)

Household Revenues (2011 IRS Tax Returns)

Adj. Gross Income	\$62,328,000
Excess EITC	\$ 608,000

Largest Sources

1. Salaries and Wages (\$39,161,000)
2. Pensions/Annuities (\$8,329,000)
3. Social Security (\$3,251,000)
4. Ind. Retire. Distrib. (\$2,947,000)

Household Expenditures (BLS 2012)

\$59,086,000

Largest Expenditures

1. Housing (\$19,518,000)
2. Transportation (\$10,173,000)
3. Food (\$ 7,507,000)
4. Personal Insurance & Pensions (\$ 6,455,000)

Potential Town Strategies to Strengthen the Town's Overall Household Balance Sheet

Strategies to Increase Households Revenues

- * Seek ten additional average salary and wage jobs for ten unemployed persons. (Estimated Benefit \$350,000)
- * Work with local businesses to increase net business revenue by 1% (Estimated Benefit \$290,000)
- * Convert five second homeowner households with a pension into year round residents. (Estimated benefit \$202,000 minus the revenue already spent within Town)
- * Attract five tech-savvy households that work from home. (Estimated benefit \$198,000)
- * Educate town residents, eligible for the Earned Income Tax Credit, on filing for the credit. Five individuals file and receive the refundable credit (Net Benefit \$11,000)

Strategies to Decrease Household Expenditures Spent Outside of Town and Increase Household Expenditures in Town

- * Reduce the cost of household utilities & fuels in Town by 1%. (Estimated Reduction \$17,000)

Planning Commission Staff Report

From: Rob Testerman
Date: July 30, 2014
Item: 5A – Backyard Chickens
Attachments: Draft Backyard Chicken Ordinance

Discussion

Legal review has been received for the draft backyard chicken ordinance. As noted in the attached letter from Frank Rennie, it is his recommendation that backyard flocks would require a conditional use permit, rather than getting approval by all adjacent neighbors.

In a follow up email with Mr. Rennie, he was also in agreement that the CUP for an urban flock be offered in the Residential Mixed (R-2) and Residential Estate (R-E) districts in addition to the Single Family Residential (R-1) district. The reasoning behind this is that the draft regulations state that in order to have an urban flock, the location must be at a single family residence. Single family residences are allowed in both the R-2 and R-E districts.

Recommendation

If the draft language is acceptable to the Planning Commission, staff recommends that the Commission schedule a public hearing. Due to time constraints regarding newspaper advertising, if a joint public hearing is desired, it should be scheduled on the Commission's scheduled second meeting date, Monday, September 15, followed by a special meeting to make a recommendation to Town Council.



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CowanGates.com

FRANK F. RENNIE, IV

(804) 320-9100
(804) 320-2950 *facsimile*

FRENNIE@COWANGATES.COM

July 22, 2014

Ms. Heather M. Arcos
Town Manager
Town of Cape Charles
2 Plum Street
Cape Charles, Virginia 23310

Re: Ordinance Regarding Chickens

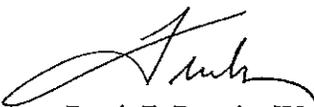
Dear Heather:

I have reviewed various ordinances throughout the state and have reviewed the Virginia Code. I am in agreement that the suggested Code revision for Cape Charles that you sent to me is an adequate amendment to your zoning ordinance. However, I would include a provision that requires the applicant to go through the conditional use permit process. I would not require the applicant to obtain written permission from adjacent property owners. Accordingly, I have included the revised ordinance which I believe is satisfactory to send to the Town Council for approval.

Please call me when you have reviewed this. Thank you very much.

Very truly yours,

COWANGATES



Frank F. Rennie, IV

FFR/sl
Enclosure

COWANGATES
In any case.

Section 3.2 Single Family Residential District R-1

C. Conditional Uses: The following uses may also be permitted, subject to securing a conditional use permit as provided for in this ordinance:

7. Keeping up to five (5) egg laying hens, provided the following requirements are met:
 - a. The principle use is a single-family dwelling.
 - b. The person raising the hens must occupy the residence.
 - c. No person shall keep any rooster, or hen that crows in a manner resembling a rooster.
 - d. No person shall slaughter any hens outdoors.
 - e. The hens shall be provided with both a hen house and a fenced outdoor enclosure.
 1. The hens must be kept in the hen house or fenced outdoor enclosure at all times and shall not be allowed to roam free.
 2. The hen house shall be a covered, predator-resistant, well-ventilated structure providing a minimum of 2 square feet per hen.
 3. The outdoor enclosure shall be adequately fenced to contain the hens and to protect the hens from predators.
 4. The hen house must be kept in a clean, dry, and sanitary condition at all times.
 5. The outdoor enclosure shall be cleaned on a regular basis to prevent the accumulation of animal waste.
 - f. Hen houses and outdoor enclosures may only be located in rear yards, in accordance with Town zoning regulations.
 - g. Hen houses and outdoor enclosures shall be located at least ten (10) feet from side and rear property lines, AND at least thirty (30) feet from any dwelling unit on an adjacent lot.
 - h. Food for the hens must be kept in a rodent-proof, metal container.
 - i. Eggs shall not be sold.
 - j. A permit must be obtained from the Zoning Administrator annually. An annual permit fee of \$15 shall be charged to the applicant.
 - k. Flocks must be registered with the Virginia Department of Agriculture and Consumer Services.
 - l. Backyard flocks and coops will be inspected annually to ensure continual compliance.