

TOWN COUNCIL AND PLANNING COMMISSION

Joint Work Session

Cape Charles Civic Center

September 25, 2014

6:00PM

1. Call to Order: Roll Call

2. Order of Business
 - a. Proposed Chicken Ordinance

3. Motion to Adjourn

Backyard Chicken Keeping In Cape Charles

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Why are we discussing backyard chickens?

- In recent years, across the country, the backyard chicken movement has been growing.
- An extension of the “urban farming movement” that has gained popularity nationwide.

Benefits of Backyard Chickens

- Source of fresh eggs
- Provide companionship as pets
- Manure is a valuable fertilizer
- Chickens eat insects
- Chickens help build community

Concerns Regarding Backyard Chickens

- Noise
- Odor
- Disease
- Property Values
- Slaughter
- Chickens running wild
- Predators
- Lot sizes and proximity to neighbors

How do other Eastern Shore towns regulate chickens?

- Exmore- Not allowed
- Eastville- Small flocks allowed on 1 acre lots
- Onancock- Allowed with no restrictions, other than they must be properly housed
- Wachapreague- Not allowed
- Chincoteague- Allowed, must be penned and waste must be controlled

When hens are no longer wanted

- Staff has been in contact with the local 4H who has indicated that a program could be set up to handle unwanted chickens.

Enforcement

- Staff does not envision that it would be any greater burden than other zoning ordinances on the books.
- Coops would be inspected annually, upon complaint, or if a possible violation is observed.
- Of the localities researched, very few complaints have been filed.

Goats? Pigs? What's next?

- The simple answer is, it is up to you.
- If Town Council directs staff to research the feasibility of allowing any other type of livestock in town, then staff will do the research and the Planning Commission will make a recommendation.

What do Cape Charles residents and property owners think?

- Town issued a survey on the matter, we received 81 responses from Cape Charles property owners.
- Also received were 10 responses from non-property owners, 2 anonymous and 3 duplicates. These responses were omitted from the results as the goal was to gauge interest of people who would be directly affected.
- 75 of 81 respondents live in town (55 in the historic district and 20 in Bay Creek). Six respondents live outside of town, but own property within town.

Survey Responses

- 35 (43.2%) of respondents were in favor of allowing backyard chickens
- 7 (8.6%) may support backyard chickens, but would need more information
- 39 (48.1%) were opposed to allowing backyard chickens

Conclusion

- As evidenced by our neighboring communities, as well as small towns and big cities across the country, a successful backyard chicken ordinance in Cape Charles is feasible, and can work.
- Boils down to “what do we want?”

Urban Chicken Survey Responses

Totals:

Responses – 81 from Cape Charles property owners.

10-from non-property owners, 2-anonymous & 3-duplicates. (These have been omitted.)

Live in Cape Charles – 75

Live in Historic District – 55

Live in Bay Creek – 20

Own property in Town – 6

In support – 35

Maybe, need more information – 7

Not in support – 39

Comments:

In Support:

1. As the dollar is increasingly undermined, raising food will become paramount.
2. I have concerns about the portion of the population that is allergic or highly allergic to chicken feathers, but this is balanced by my support of vegetable gardening and other sustainable homesteading practices.
3. 3-4 chickens... NO ROOSTERS... must be housed in a clean, movable, at least partially covered coop.
4. We have worse eye sores in this town than clean, egg-producing chickens.
5. At this point a fairly large number of urban communities throughout Virginia and the United States allow residents to keep a few hens. They have done this for a number of good reasons. It's great to know where your food is coming from. Chickens provide natural fertilizer. Chickens eat insects. I encourage Cape Charles to allow owners to raise a few chickens. On a separate note, there seem to be a number of folks in Cape Charles that just let their dog wander around the city. Dogs should be with their owner when they are outside, unless they are in a fenced yard.
6. I feel that chickens are fine but a limit to 6 per lot should be enforced. Chickens have proven to be a great way to control bugs and ticks. Chickens are very interesting and make great pets while providing a variety of benefits.
7. There is no harm in keeping a few chickens as pets or whatever you prefer to call them, or rabbits as long as they have enough room and do not disturb the immediate neighbors.
8. Having observed 'up close and personal' chicken keeping in a fenced residential setting I wholeheartedly support the idea and the practice as long as the guidelines set by the town are followed. I built my little 'granny cottage' on the rear of my daughter's home and was interested to learn about and interact with her six hens. My grandsons helped care for the chickens, helping to build and paint their very artistic chicken coop, changing their bedding every day, helping to feed and water them every day and gathering the daily fresh eggs. The chickens naturally went into their coop at sundown every day and were in general very quiet. They did come to 'visit' me as I sat on my swing in good weather. They got along well with my two cats...the kitties did not chase the hens. I observed the hens pecking at and eating bugs out of my garden and would settle under a bush to rest. Occasionally they

would hop up on my swing to say 'hello' and to softly 'talk' to with gentle clucks, and study, this human creature- which I enjoyed. The hens were definitely good pets and educational for the boys. And, the very fresh eggs they provided every day were delicious! We did not keep our hens for slaughter, only for the companionship and education they provided. At 74 years of age, my only prior interaction with chickens was when I was a child, observing my grandmother running after one of her chickens with a cleaver in her hand. So I was entranced by our fascinating chicken pets, their place in our family and in our fenced yard, and would recommend the practice of keeping a few hens to anyone.

9. We plan to retire to CC in a few short years and my answer will remain the same. Yes, I support the chickens! (FYI, we are having this exact same discussion in Lexington VA.)
10. The urban chicken trend is so widespread COSTCO is now selling upscale chicken coops. There is a sample on display in the Norfolk store plus two more versions online: <http://goo.gl/4250n5>. I think the rules as written are fair and enforceable.
11. Bring on the chickens!!
12. Living once in Key West the roosters wake the whole town up. As long as there are no roosters I favor the keeping of chickens as long as the no rooster portion is enforced.
13. As long as the chickens and property are kept up, than it should be no bodies business what they have or do on their property.
14. Mr. Testerman did a great job with this draft. I feel it is fair and unobtrusive, and should meet the approval of most residents.
15. Not a problem. Sounds like a really interesting way to enrich the town.

Maybe:

1. I think the town has more important things to worry about than chickens, but if allowing chickens will stop the squawking (pun intended) of those who need to have something to complain about, please move forward with the chicken study. Please do not hire an outside consultant or use town funds to study this somewhat frivolous issue.
2. Do they have to be full-time resident, or could part-timer do it and have someone come in to check-in/care for chickens when homeowner isn't here? What would coop requirements be? Would fence around property be required? How many chickens? Would people be required to sell eggs according to Dept of Health regulations or would we turn a blind eye and just let them sell if they want to? If they sell, will they be allowed to put sign on property? Will you have to have business license if you sell eggs? Will you be allowed to do by right or will you have to have permit/zoning approval? Will there be only so many permits/total number of chickens allowed within Town limits? I support no roosters. I'd like more information on my questions before I can make an informed decision.
3. I have two concerns: there would be run off into the Bay from badly managed chicken coops. Also, that people would let the chickens run loose. Absolutely, no roosters.

Not in Support:

1. I can't believe that you would allow such a dirty and loud animal in the city where the houses are so close together.
2. My greatest concerns are; (1) The burden of code enforcement for keeping chickens given that the average lot within town is less than 5000 square feet. (2) Code enforcement should be consistent for the common good of the community. Bay Creek residents cannot keep

chickens and neither should property owners within town. (3) The effect that chicken keeping would have on Tourism.

3. Go to Key West and check out the chicken problems there.
4. Salmonella could be a problem with chickens kept in an area with the density in the Historic District not to mention the odor from the waste from the chickens. In addition over time chicken coops will be maintained to varying standards some very good and some very poorly. This could turn out to be a real liability to the reputation of the town. The state of these coops, I am concerned could turn into an enforcement nightmare.
5. I feel that chickens should not be allowed in the town of Cape Charles. We start allowing people to have chickens, next it will be something else. I know that people have said that this is a little Mayberry and want to get the town to be their ideal place since moving here. I am sure that the areas where some of them moved from did not allow chickens. Please do not allow this town to become rural as it is out of town. For people who want chickens, I would suggest that they lease some property out of town in order to raise their chickens. Unfortunately, many of the decisions about this town are made on personal agendas. Plus people moving here realize that most of the things they ask for they usually get. This survey is unfair because many of the locals do not have a computer to complete such a survey. It is always said that people can go to the library. They should not have to do this when others have computers that they are using all the time. No! No! No!
6. Chickens don't belong in a town where houses are almost touching each other. And if they are not almost touching, the distance provided by property lines aren't far greater. Noise, smell and even loud conversations can travel far enough to be annoying. There are people who let their dogs run free or never clean up after them while in public. Chickens don't belong because raising them is not cost effective in an urban setting, it requires additional responsibility on a daily basis from the owner (I hope the owner is not the one who let's Fido run freely) and it imposes the ill-behaviors of a few so that all the citizens must endure the consequences. Chickens shouldn't be on the list of priorities for the Town of Cape Charles.
7. I'm concerned about vermin and predators being attracted by the chickens. I believe chickens should be kept on farms or larger plots of land than we typically see in the Historic District.
8. Chickens are not pets. They're poultry. Honestly, the town is already overrun with stray cats; I wish the town would address that problem before it permits more critters. Thanks for the survey. Nice to have input.
9. This is a terrible idea. Chickens are noisy and should not be allowed in a residential town like CC where the houses are in such close proximity to one another. They would disrupt the quiet enjoyment of the property owner's homes.
10. My opinion is if you wish to have barnyard animals live on a farm.
11. Chickens and other farm animals do not belong within city limits, which is what most towns follow. This is not Green Acres but a beach community!
12. I don't understand your questions, why it matters whether we "live" (supposing full time) or whether we simply own property (without a house I presume) within the town limit or historic district (zoning issues? - not explained in this survey). Property owners are property owners and should have equal status whether they live within the town limits full time, part-time or simply own property. As one property & home owner in the historic district who will be directly impacted by this proposed ordinance, and affected by an abut

property owner where chickens were illegally allowed for seven months and will no doubt be affected if an ordinance is allowed, we are against this wholeheartedly. There is an abundance of rural land in Northampton County where farms and associated animals are allowed. The founding fathers purposely made accommodations to not allow such activities within the Town of Cape Charles for those seeking an oasis from farm activity as evidenced by the current zoning ordinance. We the people of this town chose to live in a "TOWN" and not on or next to a farm and being exposed to farm animals and farm activities. Please keep Cape Charles a TOWN and don't turn it into a FARM!! What will you be asked to consider next pigs and then goats? Please, no Chickens!

13. Houses in Cape Charles are built on small lots. The noise & smell of chickens cannot be buffered. Even hens make noise. In many cases houses in town are very close together limiting air flow. People cannot be trusted to properly keep the chicken pens clean. If they don't the town would do nothing about it. We have ordinances now covering building maintenance & trash that are not enforced. One cannot expect any different if chickens were allowed.
14. I am strongly opposed to the maintenance of chickens within the historic district where I own my home. I believe the chickens pose both a health and noise problem. Additionally, I think livestock in town is inconsistent with the overall peace and enjoyment of living in a residential historic town.
15. This is a community with many vacation rentals, second homeowners and full time residents with very close proximity from house to house, especially within the town limits. We have enough challenges with owner's lack of responsibility with dogs and other pets. We have a significant population of feral cats in town. I do not think the potential "hobby" benefit of a small group that wishes to partake in the latest "fad" outweighs the potential (and probable) negative impact for others. If you are renting a beach house for a week - do you really want to be next door to farm animals? Not the right environment. Nothing against chickens or fresh eggs. It's usually the negligent owners cause issues. We already hear the neighbor's dogs constantly barking, running loose and their fecal matter on our property. We have feral cats invading our deck and backyard. While chickens are relatively quiet (I grew up on a farm) they do require proper housing & husbandry to keep odor away from close neighbors. Please - not another animal to deal with. Thank you!

To be added as a conditional use permit to the R-1, R-2, and RE zoning districts.

1. Keeping up to five (5) hens, provided the following requirements are met:
 - a. The principle use is a single-family dwelling.
 - b. The person raising the hens must own and 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.
 - i. The hens must be kept in the hen house or fenced outdoor enclosure at all times and shall not be allowed to roam free.
 - ii. The hen house shall be a covered, predator-resistant, well-ventilated structure providing a minimum of two (2) square feet per hen.
 - iii. The outdoor enclosure shall be adequately fenced to contain the hens and to protect the hens from predators.
 - iv. The hen house must be kept in a clean, dry, and sanitary condition at all times.
 - v. 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 property lines, AND at least thirty (30) feet from any dwelling on an adjacent lot.
 - h. Food for 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, as well as upon receiving a complaint.
 - m. Should the person raising chickens relocate, the Conditional Use Permit for raising chickens shall become null and void.
 - n. At such a time when the person raising chickens ceases from raising chickens, or relocates, the chicken coop and outdoor enclosure shall be dismantled. Should the Town be required to remove the structures, costs of removal shall be charged to the person previously raising chickens.