

**ORDINANCE NO. 1582**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE BY REVISING  
APPENDIX A, SECTION 1-17, KEEPING OF FARM ANIMALS**

**BE IT ORDAINED** by the Council of the City of Poquoson, Virginia:

**Section 1:** That the Zoning Ordinance of the City of Poquoson, Virginia be amended by modifying Appendix A, Section 1-17, Keeping of Farm Animals, to read as follows:

**Section 1-17 - Keeping of farm animals.**

(a) Farm animals are defined as animals typically kept on farms (e.g. horses, cattle, sheep, goats, swine, poultry, and bees) for productive uses or commodities such as eggs, meat, milk or wool. Up to two farm animals smaller than 300 pounds, excluding roosters, which are not kept for commercial or productive use, may be kept in single-family residential areas without a use permit. All other farm animals, i.e., horses, cows, pigs, chickens, etc., may be kept in the city, subject to obtaining a use permit and subject to the following conditions:

(1) Farm animals will be allowed only in conservation districts and in single-family residential districts. They will not be allowed in any other districts.

(2) The following shall apply to hooved animals, i.e., horses, cows, goats, etc., except pigs:

a. There shall be required a minimum of two acres, for one animal, and one acre, per each additional animal, of open space (pasture) in addition to the lot size requirements of the residential zone in which the animals will be kept. Properties belonging to another party cannot be used in meeting area and setback requirements, unless a copy of a written agreement, valid for the duration of the time the animal will be kept, is presented at the time of application for issuance or renewal of a use permit.

b. All stables and pastures shall be kept in a sanitary condition. No storage or accumulation of manure shall be kept on the premises except in completely enclosed and screened structures. Stables and pasture areas must be kept in a dry and well drained condition in order to prevent bog or muddy areas.

c. Stables adequate as to size and physical condition must be provided for all animals. Stables must not be allowed to fall into disrepair or to become unsightly. All stables shall be at least 300 feet from any residence belonging to a person other than an applicant and at least 50 feet from any adjoining property line. Pasture fencing shall be at least 50 feet from any property line (other than city right-of-way) and at least 100 feet from any residence. No stable shall be nearer than 200 feet to any public right-of-way or thoroughfare. All stables and fencing must be completed prior to an animal being placed on the property.

(3) The following shall apply to pigs:

a. Pigs shall be maintained in pens with 36-inch high perimeter fences enclosed with wire mesh or wooden boards close enough to prevent small animals from escaping according to the following footage allowances:

Sows:

25--40 pounds: 12 square foot allowance per animal

40--100 pounds: 16 square foot allowance per animal

100--150 pounds: 25 square foot allowance per animal

150--200 pounds: 68 square foot allowance per animal

Boars require the same footage per animal until 150 pounds

150--210 pounds: 32 square foot allowance per animal  
 Boars with sows: 100 square foot allowance per animal  
 Pigs per pen while weaning: 75 pounds: 16 animals maximum;  
 16 square foot allowance per animal  
 Pigs per pen from weaning to market: Over 75 pounds: 8 animals  
 maximum;  
 24 square foot allowance per animal

b. All pens and yards shall be kept in a sanitary condition. No storage or accumulation of manure shall be kept on the premises, except in completely enclosed and screened structures. Pens and yard areas must be kept in a dry and well drained condition in order to prevent bog or muddy areas.

c. Pens shall not be allowed to fall into disrepair or to become unsightly. All such pens shall be at least 300 feet from any residence belonging to a person other than the applicant and at least 50 feet from any adjoining property line. Fencing for such pens shall be at least 50 feet from any property line (other than city right-of-way) and 100 feet from any residence. No pen shall be nearer than 200 feet to any public right-of-way or thoroughfare. All pens and fencing shall be completed prior to an animal being placed on the property. If concrete is used in the pens, it should slope one-half inch per foot and include bedding.

(4) ~~Reserved.~~ The following shall apply to chickens or fowl:

a. For the keeping of chickens or other fowl the application and renewal procedures and sanitary conditions used for keeping hooved animals will be followed.

b. No roosters are allowed to be kept in the City, excepting estates of 3 acres or more. For properties less than 3 acres a Conditional Use Permit would be required for the keeping of rooster(s).

(5) The following shall apply to beekeeping:

a. In no case shall a hive be placed closer than 3 feet from a property line.

b. A beekeeper who places hives less than 25 feet from a property line, with the entrance facing said property line, shall do so only if there is a barrier between the hive and the property line, or if the hive is elevated with its entrance no less than six feet above the ground. Barriers should be of sufficient density, length, and height to establish bee flyways six feet or higher above ground level at the property line and may include dense vegetation, an accessory structure, or a privacy fence.

c. Beekeepers shall maintain a water source within 50 feet of a hive or less than one-half the distance to the nearest unnatural source of water which is not on their property, whichever is closest. Unnatural sources of water include swimming pools and pet or livestock watering receptacles.

d. The Public Works Department shall maintain a list of contact information for beekeepers who wish to be notified of insect control measures performed by government entities which are harmful to bees. Listed beekeepers shall be notified at least 48 hours prior to aerial application of control measures. The Public Works Department shall exercise prudence near known hive locations when performing ground-based control measures.

e. In cases where beehives are located more than 40 feet from a public right of way, enforcement of beekeeping regulations shall only be initiated based on complaints of an affected adjacent property owner.

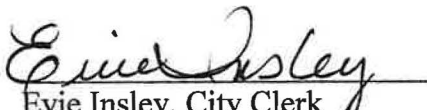
(b) All use permits for the keeping of farm animals shall be issued for a period of one year from January 1 to December 31. All use permits shall be subject to revocation upon violation of

any of the conditions set forth in the permit. The grant of a use permit shall not vest in the recipient an unqualified right of renewal for the permit. Renewal of all use permits issued shall be subject to the imposition of additional restrictions as land uses in the area change. Individuals wishing to keep farm animals shall make application for a use permit on such forms as the city manager may require. A nonrefundable fee of \$15.00 shall accompany the initial application, with an additional \$15.00 fee for annual renewals, if applicable. Prior to issuance of a use permit, the city manager shall notify all property owners adjacent to and across the street from the location at which the animals are proposed to be kept of the request for a permit and shall ensure that the applicant is capable of meeting all of the requirements imposed by this section. Each year, prior to renewal of the use permit, the city manager shall notify all adjacent property owners of the renewal and shall review the permit for compliance with all conditions imposed either by ordinance or by the terms of the permit itself. No fee shall be charged for the renewal permit, and adjacent property owners will not be notified, unless the number of the permitted animals has increased. Renewal permits for beekeeping are also not subject to fees or notifications to adjacent property owners.


(c) ~~For the keeping of non-hooved animals, i.e., chickens, fowl, the application and renewal procedures and sanitary conditions used for keeping hooved animals will be followed. However~~ the For the keeping of farm animals, the zoning administrator shall establish appropriate setbacks and other stipulations as necessary to preserve the residential nature and tranquility of the neighborhood.

**Section 2:** That this ordinance shall be in effect on and after 30 days from its adoption.

ATTESTE:

  
Evie Insley, City Clerk

ADOPTED: January 8, 2018

  
W. Eugene Hunt, Jr., Mayor

The foregoing resolution was adopted by the affirmative roll call vote of a majority of the members in attendance, the ayes and nays recorded in the minutes of the meeting as shown below:

Councilman Green  
Councilman Cannella  
Councilwoman Andrews

Councilman Hux  
Councilman Southall  
Vice Mayor Freeman