ORDINANCE NO. 15 - 01 - 01

AN ORDINANCE TO AMEND AND CLARIFY CERTAIN SECTIONS OF ORDINANCE NO. 01-8-35 THE BERKELEY COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE, AS AMENDED, RELATING TO THE PROPOSED REGULATION OF RESIDENTIAL CHICKENS IN URBAN RESIDENTIAL ZONING DISTRICTS AND CHANGES TO THE PERMITTED USE TABLE AND OTHER MATTERS RELATING THERETO.

WHEREAS, Berkeley County Council adopted a Zoning and Development Standards Ordinance, including Official Zoning and Development Standards Maps, on April 26, 1999, pursuant to Title 6, Chapter 29, of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, Berkeley County Council adopted such regulations for the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the County; and

WHEREAS, the Berkeley County Council has determined that the following amendment herein is for the public good, the morals and the general welfare of the County of Berkeley and its citizens, and that it is consistent with the Berkeley County Comprehensive Plan, which was adopted on April 26, 1999;

NOW, THEREFORE, BE IT ORDAINED that Ordinance No. 01-8-35, as amended, and is hereby further amended and revised as follows:

Section 4.3.1: Use Table (Residential Chickens) to be amended to provide for: the provision to keep chickens in certain urban zoning districts as a conditional use, and to modify the use definition in following particulars:

								4.3.	1: Us	e Tab	le						
USE PERMISSION p - Permitted Use x - Prohibited Use C - Conditional Use a - Accessory Use Use						s – Special Exception									USE		
	Districts									DEFINITION							
Land Use	R-1	R-1MM	R-2	R-3	R-4	R-5	R-1R	R-2R	R-2RF	R-15	Flex1	RNC	25	Ю	LI	HI	
INSTIT	UTIC	NAI	USE	S		I STATE OF			74114	333	105 48		a istori			400	100 mg
Poultry	С	С	С	х	x	х	С	С	С	р	р	x	x	x	x	x	1. The common domestic fowl (Gallus domesticus) or its young.
																	or

Section 5.1.5: (R1) Single Family Residential District Uses Permitted with Conditions is hereby amended to add a provision for the keeping of urban chickens as a Conditional Use:

5.1.5 Uses Permitted With Conditions

The following uses are permitted as conditional uses within the R1 Single Family District. All listed conditions shall be demonstrated prior to permit approval. See Article 11 for the procedure for approval of conditional uses.

Agricultural Uses.

Residential Chickens

All conditions and regulations found in Article 11.3.4 shall be met prior to permit approval.

Institutional Uses.

Family Daycare Home

All conditions and regulations found in Article 11.6 shall be met prior to permit approval.

Residential Uses.

Home Occupation

Permitted as accessory use only.

All conditions and regulations found in Article 11.9 shall be met prior to permit approval.

Section 5.2.5: (R1-MM) Multi-Section Manufactured Residential District Uses Permitted with Conditions is hereby amended to add a provision for the keeping of poultry as a Conditional Use:

5.2.5 Uses Permitted With Conditions

The following uses are permitted as conditional uses within the R1-MM Multi-Section Manufactured Residential District. All listed conditions shall be demonstrated prior to permit approval. See Article 11 for the procedure for approval of conditional uses.

Agricultural Uses.

Residential Chickens

All conditions and regulations found in Article 11.3.4 shall be met prior to permit approval.

Institutional Uses.

Family Daycare Home

All conditions and regulations found in Article 11.6 shall be met prior to permit approval.

Section 5.3.5: (R2) Manufactured Single Family Residential District Uses Permitted with Conditions is hereby amended to add a provision for the keeping of poultry as a Conditional Use:

5.3.5 Uses Permitted With Conditions

The following uses are permitted as conditional uses within the R2 Manufactured Single Family Residential District. All listed conditions shall be demonstrated prior to permit approval. See Article 11 for the procedure for approval of conditional uses.

Agricultural Uses.

Residential Chickens

All conditions and regulations found in Article 11.3.4 shall be met prior to permit approval.

Institutional Uses.

1. Family Daycare Home

a. All conditions and regulations found in Article 11.6 shall be met prior to permit approval.

Residential Uses.

2. Home Occupation

- a. Permitted as accessory use only.
- b. All conditions and regulations found in Article 11.9 shall be met prior to permit approval.

11.3 Uses Permitted With Conditions, Agricultural Uses

Section 11.3: Uses Permitted with Conditions, Agricultural Uses is hereby amended to add subsection 11.3.4 for the keeping of Residential Chickens as a Conditional Use:

- A. Keeping of chickens lawful. Subject to the standards in this article, it shall be lawful to keep of up to 8 female domestic chickens (hens).
- B. Number of Chickens. The number of chickens authorized per parcel shall comply with the following, subject to all other standards in this article:
 - a. Minimum lot size of 30,000 square feet of any residential parcel is required for the keeping of up to four chickens;
 - b. For each additional 1,500 square feet of any residential parcel, one additional hen may be kept up to a maximum of 8.
- C. Specific standards for chickens.
 - a. No male chickens (roosters) over the age of three months are permitted.
 - b. No chickens may run at large. All chickens must be contained with the property boundary.
 - c. The property's occupant shall provide the chickens with a covered, predator-proof chicken house that is thoroughly ventilated, of sufficient size to admit free movement of the chickens. The chicken house must be adjacent to and provide free access to the chicken enclosure. Any heat source or electrical facilities installed in a chicken house

- must comply with all adopted building and electrical codes of the county.
- d. Chickens shall be secured within the chicken house from sunset to sunrise.
- e. Chicken enclosures and houses must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors.
- f. Chickens shall have continuous access to adequate food and water.
- g. Stored feed must be kept in a rodent- and predator-proof container.
- h. Chickens shall be maintained in a healthy condition. Ill chickens shall either receive appropriate medical care or be culled.
- i. No chicken house shall be located closer than twenty (20) feet to any structure inhabited by someone other than the chicken owner, custodian, or keeper, and not closer than ten (10) feet to any property line. Chicken houses may be movable but must comply with all standards of this section.
- No chicken shall be kept in a manner so as to create noxious odors or noise of a loud, persistent and habitual nature.
- k. No chickens shall be slaughtered within the public view.
- D. Property Owners Consent. Where the party seeking to keep chickens is not the fee owner of the property upon which chickens will be kept, the applicant shall obtain the property owner's consent in writing to keep chickens on the property. The owner's consent shall be submitted with the permit application or renewal.
- E. Enforcement. Upon receiving a complaint of a possible violation, the code enforcement officer will investigate and determine if a violation of this section exists. If the animal control officer determines a violation exists, the officer may serve upon the permit holder or the owner or lessee of the property a written notice of violation and an order to take corrective action, may issue a warning, or may immediately issue a violation notice.

ADOPTED this 26th day of January, 2015.

BERKELEY COUNTY, SOUTH CAROLINA

William W. Peagler, III, Chairman

Berkeley County Council

ATTEST:

Catherine R. Windham,

Clerk of Council

Approved as to form:

John O. Williams County Attorney

First Reading:

November 24, 2014

Second Reading:

December 8, 2014

Public Hearing:

January 26, 2015

Third Reading:

January 26, 2015

MEMBERS OF COUNTY COUNCIL

Philly Farler	4	a Sew fr	2
PHILLIP FARLEY	Voting 1/55	DENNIS L. FISH	Voting 155
		All	
VACANT	Voting	JACK H. SCHURLKNIGHT	Voting 155
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KENNETH E. GUNN, JR.	Voting 1/E5	CALDWELL PINCKNEY, JR.	Voting V
JRU		excused	
THOMAS NEWELL	Voting NO!	STEVE C. DAVIS	Voting