

ZONING DOCKETS FROM AUGUST 22, 2012 GCPC

Docket Number	Applicant	CC DIST.	STAFF REC.	GCPC REC.	P&D REC.	COUNCIL ACTION
CZ-2012-35	Greenville County Council Text Amendment to permit the raising of chickens under specific conditions in certain districts	N/A	A	D		
Public Comments	<p>Some of the general comments made by Speakers at the Public Hearing on August 20, 2012 were:</p> <p><u>Speakers For</u></p> <ul style="list-style-type: none"> (1) Want to keep hens and chickens and get healthy eggs (2) Have had chickens for generations and shouldn't have to stop now (3) Would like to be allowed to have as many chickens as possible and to slaughter on site <p><u>Speakers Against</u></p> <ul style="list-style-type: none"> (1) None 					<p>Petition/Letter</p> <p>For –</p> <p>Against –</p>
Staff Report	<p>Requests to permit chickens to be kept in single-family and multifamily residential zoning districts have increased in the past few years not only in Greenville County, but in various areas across the country. Numerous jurisdictions are dealing with the requests or have dealt with the requests in various ways. County Council dealt with a related issue in the past with the creation of the R-20A, Single-Family Residential, zoning district in 2006. This decision came after years of deliberation and research. Due to this case and continuous inquires about permitting chickens to be kept in residential districts, Staff has researched the issue for the last few years.</p> <p>The Planning and Development Committee directed Staff to research and submit a proposal about the issue. Staff formed a committee to formally discuss the issue. The committee is comprised of the Assistant County Administrator for Community Planning, Development and Public Works, the Director of Planning and Code Compliance, the Code Enforcement Supervisor, the Animal Control Supervisor, the Zoning Administrator, and a Code Enforcement Officer. The committee reviewed the various issues involving complaints from the land use and animal control perspective. Staff submitted a memorandum to the Planning and Development Committee listing various items to address in a text amendment. On June 18, 2012, the Planning and Development Committee forwarded the request to County Council who initiated the text amendment process on July 17, 2012.</p> <p>Staff consulted with various professionals about the issue including and not limited to: Clemson University Extension, South Carolina Department of Agriculture – Animal Health Division, proponents and opponents of the request, as well as numerous regulations from both local jurisdictions and nationwide. Some of the main complaints the Code Enforcement and Animal Control Departments receive involving chickens are noise from roosters, chickens running at large, and an excessive number of chickens on site. These issues are addressed in the proposal. For instance, the allowance of the number of chickens based on the size of the parcel was deliberated as an option. However, farm animals are permitted with no restrictions in approximately 71% of the County in the Unzoned, R-S, R-R1, and the R-R3 districts and with conditions in the R-20A district.</p> <p>The following statistics are Code Enforcement and Animal Control cases in Greenville County:</p> <p>2010-Present: Total of 17,098 animal control cases with 62 cases involving chickens running at large in the County (this includes the Unzoned areas).</p> <p>2011-Present: Total of 65 zoning violations involving chickens in the zoned areas that do not permit chickens.</p>					
GCPC	<p>The Planning Commission is of the opinion an ordinance of this type is not necessary based on the amount of area in the County that permits farm animals with no restrictions. Concerns also arose about residential subdivisions and amending covenants and deed restrictions if approved and the effects on adjacent parcels.</p>					

Planning Report

DOCKET NUMBER: CZ-2012-35

APPLICANT: Greenville County Council

TEXT AMENDMENT: Proposed Text Amendment to Allow Chickens as a Conditional Use in Specified Zoning Districts

BACKGROUND:

Requests to permit chickens to be kept in single-family and multifamily residential zoning districts have increased in the past few years not only in Greenville County, but in various areas across the country. Numerous jurisdictions are dealing with the requests or have dealt with the requests in various ways. County Council dealt with a related issue in the past with the creation of the R-20A, Single-Family Residential, zoning district in 2006. This decision came after years of deliberation and research. Due to this case and continuous inquiries about permitting chickens to be kept in residential districts, Staff has researched the issue for the last few years.

The Planning and Development Committee directed Staff to research and submit a proposal about the issue. Staff formed a committee to formally discuss the issue. The committee is comprised of the Assistant County Administrator for Community Planning, Development and Public Works, the Director of Planning and Code Compliance, the Code Enforcement Supervisor, the Animal Control Supervisor, the Zoning Administrator, and a Code Enforcement Officer. The committee reviewed the various issues involving complaints from the land use and animal control perspective. Staff submitted a memorandum to the Planning and Development Committee listing various items to address in a text amendment. On June 18, 2012, the Planning and Development Committee forwarded the request to County Council who initiated the text amendment process on July 17, 2012.

Staff consulted with various professionals about the issue including and not limited to: Clemson University Extension, South Carolina Department of Agriculture – Animal Health Division, proponents and opponents of the request, as well as numerous regulations from both local jurisdictions and nationwide. Some of the main complaints the Code Enforcement and Animal Control Departments receive involving chickens are noise from roosters, chickens running at large, and an excessive number of chickens on site. These issues are addressed in the proposal. For instance, the allowance of the number of chickens based on the size of the parcel was deliberated as an option. However, farm animals are permitted with no restrictions in approximately 71% of the County in the Unzoned, R-S, R-R1, and the R-R3 districts and with conditions in the R-20A district.

The following statistics are Code Enforcement and Animal Control cases in Greenville County:

2010-Present: Total of 17,098 animal control cases with 62 cases involving chickens running at large in the County (this includes the Unzoned areas).

2011-Present: Total of 65 zoning violations involving chickens in the zoned areas that do not permit chickens.

AN ORDINANCE

AN ORDINANCE TO AMEND TABLE 6.1 USES PERMITTED AND SECTION 6:2 USE CONDITIONS OF THE GREENVILLE COUNTY ZONING ORDINANCE, RELATING TO PERMITTED CONDITIONAL USES.

BE IT ORDAINED BY THE GREENVILLE COUNTY COUNCIL:

Section 1. Findings. Greenville County Council finds that the citizens of Greenville County wish to include limited agricultural tasks within their communities; in particular, those activities pertaining to raising chickens. Improving economic activity and furthering community partnerships are consistent with the goals and objectives of the Comprehensive Plan of the County. And further, in order to implement this community agricultural activity and to allow for this use, it is necessary to amend the Greenville County Zoning Ordinance.

Section 2. Amendment. Table 6.1 and Section 6:2 of the Greenville County Zoning Ordinance, as amended, is hereby amended to read as follows:

PART 1 (Text Changes):

Amendment to Section 6.2:
Add Condition (29) to read:

“(29) Chickens on Properties Containing Single-Family Detached and Two-Family (Duplex) Dwellings

Chickens may be permitted on properties as an accessory use to single-family detached and two-family dwellings in the specified zoning districts listed below subject to the following conditions:

- A. No more than eight chickens shall be permitted on a single property.
- B. Roosters are prohibited.
- C. Chickens may not be allowed to roam free and must be enclosed in pens/coops/enclosures as follows:
 - a. A minimum of four square feet of floor space must be provided for each chicken if allowed access to a larger enclosure.
 - b. A minimum of ten square feet of floor space must be provided for each chicken if not allowed access to a larger enclosure.
- D. Pens/coops/enclosures must be maintained in a healthy and sanitary manner to avoid potential health hazards or offensive odors.
- E. Pens/coops/enclosures shall be considered accessory structures and shall meet the provisions of Section 7:3.4 of the Zoning Ordinance relating to accessory structures.
- F. Pens/coops/enclosures must be located in the rear or side yard not to extend beyond a line parallel with the rear of the primary dwelling.

- G. Pens/coops/enclosures must be screened from adjacent residential zoning districts and/or uses using the materials set forth in Section 12.9 of the Zoning Ordinance unless the pen/coop/enclosure is located a minimum of one-hundred feet from the property line or where such property abuts a railroad or watercourse at least one-hundred feet in width.
- H. Accessory structures for the purpose of this section shall not exceed sixteen feet in height.
- I. On-site slaughter of chickens is prohibited.
- J. Chickens may not be raised for commercial purposes and eggs may not be sold for profit.
- K. A permit fee of \$50.00 shall be administered to include the accessory building permit and an initial inspection to ensure compliance with the aforementioned requirements.”

PART 2 (Table Changes):

Amendment to Table 6.1:

Amend Table 6:1 Use Table to reflect the conditional use (C²⁹) for the use entitled “Farm Animals” as indicated in the specified districts.

R-6, R-7.5, R-10, R-12, R-15, and R-20, Single-Family Residential; R-M2 through R-M20, Multifamily Residential; R-MA, Multifamily Residential; O-D, Office District; C-1, C-2, and C-3, Commercial; S-1, Services; I-1, Industrial; ESD-PM, Environmentally Sensitive District-Paris Mountain

PART 3:

The changes set forth in this amendment shall be reflected in all applicable and affected sections of the GCZO.

Section 3. Effective Date. This ordinance shall become effective on the date of its adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2012.

Herman G. Kirven, Jr., Chairman
Greenville County Council

ATTEST:

Joseph Kernell
County Administrator

Theresa B. Kizer
Clerk to Council
First Reading _____
Second Reading _____
Third Reading _____
Public Hearing _____