

ORDINANCE NO. 23-07-42

AN ORDINANCE TO AMEND SECTION 11.3.4, "FOR THE KEEPING OF RESIDENTIAL CHICKENS AS A CONDITIONAL USE", OF THE BERKELEY COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (NO. 01-8-35), AS AMENDED, TO ADJUST ALLOWANCES FOR THE KEEPING OF RESIDENTIAL CHICKENS WITHIN SUBURBAN RESIDENTIAL ZONING DISTRICTS (R-1, R-2, AND R1-MM).

WHEREAS, Berkeley County Council adopted a Zoning and Development Standards Ordinance, including Official Zoning and Development Standards Maps, 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, Sec. 11.3.4 limits the keeping of residential chickens within suburban residential zoning districts to lots that are a minimum of 30,000 square feet in size; and

WHEREAS, the Berkeley County Council has determined that the following amendments are necessary in order to respond to the changing needs of the County and its citizens; and

WHEREAS, the Berkeley County Council has determined that the amendment contained 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, As Amended.

NOW, THEREFORE, BE IT ORDAINED that Section 11.3.4, *For the Keeping of Residential Chickens*, is hereby amended in its entirety and revised as follows:

- 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 eight female domestic chickens (hens) in accordance with the standards contained herein.
 - 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 10,000 square feet of any residential parcel is required for the keeping of up to two (2) chickens; and

Certified True and Correct Copy of Original Record



Clerk to Council
County Council Berkeley County SC

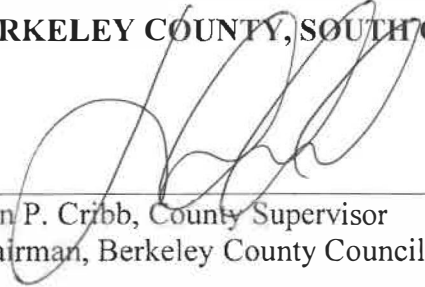
- b. For each additional 4,500 square feet of any residential parcel, one additional hen may be kept up to a maximum of eight.
- C. *Specific standards for chickens.*
 - a. No male chickens (roosters) over the age of three months are permitted.
 - b. No chickens may run at large. All chickens must be contained within the property boundary.
 - c. The property's occupant shall provide the chickens with a covered, predator-proof chicken house that is thoroughly ventilated, and 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 20 feet to any structure inhabited by someone other than the chicken owner, custodian, or keeper, and not closer than ten feet to any property line. Chicken houses may be movable but must comply with all standards of this section.
 - j. 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 owner's 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.

23-07-42

ADOPTED this 24th day of July, 2023.

BERKELEY COUNTY, SOUTH CAROLINA

[SEAL]



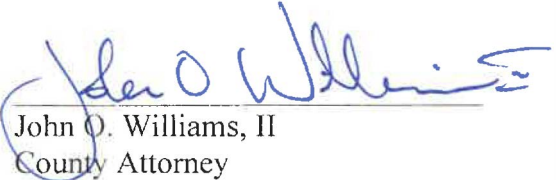
John P. Cribb, County Supervisor
Chairman, Berkeley County Council

ATTEST:



Amanda D. Turner
Clerk to County Council

Approved as to form:



John O. Williams, II
County Attorney

First Reading: May 22, 2023
Second Reading: June 26, 2023
Public Hearing: July 24, 2023
Third Reading: July 24, 2023

MEMBERS OF BERKELEY COUNTY COUNCIL

Thomas D. Owens

District 1
THOMAS D. OWENS

Voting

No

District 5
AMY STERN

Voting

Aye

Joshua S. Whitley

District 2
JOSHUA S. WHITLEY

Voting

Aye

District 6
MARSHALL WEST

Voting

Aye

Phillip Obie II

District 3
PHILLIP OBIE, II

Voting

Aye

District 7
CALDWELL PINCKNEY, JR.

Voting

Aye

Joe T. Newell

District 4
JOE T. NEWELL

Voting

Aye

District 8
STEVE C. DAVIS

Voting

Aye