



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:**

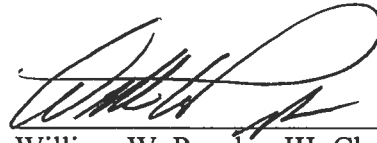
- A. Keeping of chickens lawful. Subject to the standards in this article, it shall be lawful to keep of up to 8 female domestic chickens (hens).
- B. Number of Chickens. The number of chickens authorized per parcel shall comply with the following, subject to all other standards in this article:
  - 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 within 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.
  - 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 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.

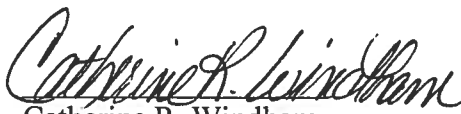
ADOPTED this 26th day of January, 2015.

BERKELEY COUNTY, SOUTH CAROLINA



William W. Peagler, III, Chairman  
Berkeley County Council

ATTEST:



Catherine R. Windham,  
Clerk of Council

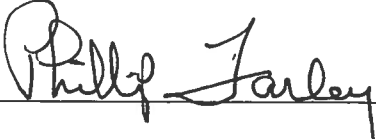
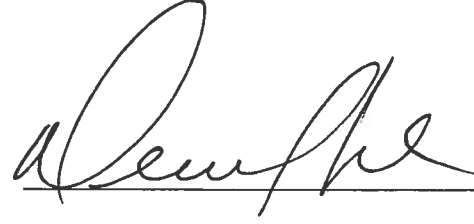
Approved as to form:





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

	
PHILLIP FARLEY	DENNIS L. FISH
Voting <u>YES</u>	Voting <u>YES</u>

VACANT	
Voting _____	JACK H. SCHURLKNIGHT
	Voting <u>YES</u>

	
KENNETH E. GUNN, JR.	CALDWELL PINCKNEY, JR.
Voting <u>YES</u>	Voting <u>YES</u>

	
THOMAS NEWELL	STEVE C. DAVIS
Voting <u>NO!</u>	Voting _____