

HOME AGRICULTURE: PROPOSED ORDINANCE AMENDMENTS

County staff are currently exploring proposed amendments to the Botetourt County Zoning Ordinance that could allow for increased opportunities for residential agriculture, while encouraging compatibility within neighborhoods.

What is home agriculture?

The use of residential land to raise plants and animals useful to humans, including fruits and vegetables, honeybees and domestic, small-lot animals, at a limited scale, when it occurs on the same parcel as the residence of the person primarily responsible for the plants and animals.

Where could it be allowed?

Home agriculture could be permitted on any residential lot that is zoned Rural Residential (RR), Residential R-1, Residential R-2, Residential R-3, Planned Unit Development (PUD) or Traditional Neighborhood Development (TND) that contains a **single-family detached home**. Home agriculture on lots with multifamily dwellings is prohibited.

HOWEVER, you may have Covenants, Conditions, and Restrictions (CC&R's) or a Homeowner's Association that may be more restrictive than these standards. To obtain a copy of these private restrictions, please consult the Botetourt Clerk's Office or your Homeowners Association.

If you live in a district where agriculture is already allowed, such as Agricultural A-1 or Forest Conservation (FC) the home agriculture use category does not apply to you.

What animals am I allowed to have?

- 1. Chickens and Domestic Fowl.** Up to twelve (12) of any combination of chickens (hens only) and domestic fowl. Domestic fowl includes quails, ducks, pigeons and doves. *Roosters, guinea fowl, geese, peacocks and turkeys are prohibited.*
- 2. Rabbits.** Up to six (6) over six months of age and up to fifteen (15) under four (4) months of age.
- 3. Honeybees.** Up to four (4) beehives on parcels twelve thousand (12,000) square feet in size and one (1) additional beehive for each two thousand (2,000) square feet of area in excess of twelve thousand (12,000) square feet.

What are the sanitation requirements?

Each stable, pen, coop or other place where any animal or fowl is kept shall be maintained at all times in a safe and sanitary condition. Solid and liquid waste matter shall be removed to prevent offensive odors or to prevent accumulations constituting a hazard to the health or safety of any person. (CODE § 4-4)

Am I required to provide fencing?

Yes, fencing is required if animals are permitted beyond the confinements of their enclosure. This does not apply to honeybees. Fencing must be designed and constructed to confine all animals on site. Animals are free to roam or graze up to the property line, as long as fencing keeps animals on the owner's property.

(CODE § 4-2)

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What about enclosures?

A predator resistant structure is required and must be roofed. Fenced-in areas where animals are permitted to roam and graze do not need to be roofed. Please review the regulations that dictate the size and placement of coops, pens and beehives.

Do I need a permit for the enclosure?

A building permit is not required for an enclosure that is under 250 square feet or less in floor area. Structures associated with Home Agriculture are limited to 150 square feet. Other permits, such as electrical, may be required depending on the scope of the work. Please contact Botetourt County Development Services at 540.928.2070 prior to construction.

Are there noise regulations?

Yes. Allowing any animal (except farm animals in agricultural districts) to create noise that is plainly audible at least once per minute for ten consecutive minutes (i) inside the confines of the dwelling unit, house, or apartment of another or (ii) at a distance of fifty (50) feet or more from the animal is prohibited. (CODE § 15-57) Roosters are specifically prohibited under Home Agriculture for this reason.

Did you know?

Hens are typically quieter than most dogs. Certain breeds of chickens, such as Buff Orpington, are well known for their quiet and docile nature.

Is animal care regulated?

Yes. No person shall subject any animal to cruel mistreatment or neglect. (CODE §4-6)

How does the county regulate these requirements?

If you are not meeting the standards contained within Botetourt County Code, your neighbor has the right to submit a complaint to the County. Concerns about noise or animal welfare should be directed to the Sheriff's department, while concerns over permitted uses and setbacks should be directed to Planning & Zoning. At this time, there is no licensing requirement for activities associated with Home Agriculture. It is recommended that some form of identification be on your animals in the event they get loose and need to be returned.

How to be a good neighbor?

It is best to inform your neighbors in advance and be proactive about your home agriculture intentions. Take the time to listen to their concerns. A simple conversation is a great educational opportunity! Letting neighbors know that you are aware of the regulations regarding home agriculture is recommended.

Questions?

Please contact the office of Planning & Zoning at planning@botetourtva.gov for more information related to these standards.

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