



Loudoun County, Virginia

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Loudoun County Board of Supervisors

Supervisor Geary M. Higgins, Catoclin District Supervisor

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For Immediate Release:

Supervisors Higgins and Buffington Obtain Clarification on Agriculture Regulations for Mobile Chicken Coops – Zoning Permits Not Required

Leesburg, Virginia, September 22, 2017 – Supervisor Geary M. Higgins (R– Catoclin District) and Supervisor Tony Buffington (R- Blue Ridge) have successfully clarified zoning permit requirements for all mobile chicken coops. In a zoning advisory opinion issued by Loudoun County Zoning Administrator, Mark Stultz, on September 13, 2017, mobile chicken coops in zoning districts where agriculture is a permitted use do not require a zoning permit. Additionally, they received clarification from the Commissioner of the Revenue, Bob Wertz, that “temporary structures” such as mobile chicken coops are not taxed by the County.

“Loudoun’s Zoning was not clear on the issue at all. After hearing concerns from Loudoun County Farm Bureau in May about producers having to get a zoning permit every time they moved their mobile coop, we started to look into the situation,” said Higgins. “After three months of work on the issue, mobile chicken coops will not be required to pay the \$165 zoning permit fee,” according to Higgins. “We now have a resolution that will benefit producers and homeowners alike. We appreciate county staff working with us to achieve this goal.”

“It was important to do the right thing,” said Buffington. “We found that the County had only issued twelve permits for chicken coops in the past five years,” said Supervisor Buffington. “The existing requirements made no sense, so Geary and I were happy to take action to resolve it.”

The resolution was issued in the form of an advisory opinion by Loudoun County Zoning Administrator, Mark Stultz, at the request of Higgins and Buffington. Mr. Stultz issued the initial advisory opinion as to whether a mobile chicken coop requires a zoning permit on property administered under the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance) on September 13, 2017 stating that ***“For the purposes of this opinion, a mobile chicken coop is meant to be an enclosure, cage or pen with wheels or tires that is capable of moving or being moved in which chickens are confined. The keeping of chickens is considered an agricultural use. A mobile chicken coop is permitted in zoning districts where agriculture is a permitted use and does not require a zoning permit.”***

Supervisor Higgins and Buffington sought to address the confusion regarding the regulations applicable to mobile chicken coops in order to assure that farmers and residential homeowners who keep chickens for their own personal use receive clarity under the current zoning ordinance, which does not designate a minimum or maximum size requirement for shelters/coops, or a distinction between larger chicken coops and smaller homeowner coops, or between moveable chicken coops/tractors and permanent livestock/chicken shelters. They further wanted to clarify that “temporary structures” such as mobile chicken coops are not taxed in the County as the Commissioner of the Revenue explained that “temporary structures not permanently affixed to the ground are not taxable for real estate tax purposes regardless of the use.”

The Zoning Ordinance considers the keeping of chickens as an “agriculture” use and is permitted in many of the County’s rural and suburban residential zoning districts subject to the additional regulations of Section 5-626. The procedures apply countywide, in all rural and suburban zoning districts that permit “agriculture” use. Chickens are generally housed in a coop/shelter, which falls under the Zoning Ordinance (Article 8) definition of “structure.” Non-mobile chicken coops are required to obtain a zoning permit pursuant to Section 6-1000 of the Zoning Ordinance prior to the placement of a chicken coop/shelter on the property. The zoning permit fee of \$165.00 is established in the Land Development Fee Schedule. While a zoning permit is required for agricultural structures (permanent) they are exempt from obtaining a building permit.

The full text of the Advisory Opinion is attached.

MOBILE CHICKEN COOP ADVISORY OPINION

From: Stultz, Mark
Sent: Wednesday, September 13, 2017 11:54 AM
Subject: Mobile Chicken Coops Advisory Opinion

All:

This email is in response to a request for an advisory opinion as to whether a mobile chicken coop requires a zoning permit on property administered under the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance). After researching this request, I offer the following:

- For the purposes of this opinion, a mobile chicken coop is meant to be an enclosure, cage or pen with wheels or tires that is capable of moving or being moved in which chickens are confined.
- The keeping of chickens is considered an agricultural use. A mobile chicken coop is permitted in zoning districts where agriculture is a permitted use and does not require a zoning permit.
- A mobile chicken coop shall comply with all applicable requirements of the Zoning Ordinance. A mobile chicken coop: 1) shall not exceed the maximum building height of the zoning district; 2) shall be included in calculating the maximum permitted lot coverage of the zoning district; and 3) shall not be located in a required yard or setback.
- Pursuant to Section 5-626 of the Zoning Ordinance, a Conservation Farm Plan approved by Loudoun Soil & Water Conservation District is required for mobile chicken coops on all properties that are less than 5 acres and for larger properties that are not in the Agricultural District of the Land Use Assessment Program. There is no fee associated with the development of this plan.
- The Health Department should be consulted for mobile chicken coops located on a property that is on private well and/or drainfield. Locating a mobile chicken coop on a drainfield, depending on the size of the structure, may damage the drainfield. Chickens are a source of contamination and should not be located in close proximity to a well.
- Property owners should check with their Homeowner's Association (HOA) before buying chickens or a mobile chicken coop as they may be prohibited by HOA bylaws.

Please let me know if there are any questions.

Mark

Mark Stultz, AICP, CZA
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Gearly M. Higgins was elected to represent the Catoctin District on the Board of Supervisors in November 2011 and re-elected in 2015. The Catoctin district encompasses a large portion of Western and Northern Loudoun including Lovettsville, Lucketts, Neersville, Waterford, Paeonian Springs, Hamilton, Taylorstown, and Leesburg excluding the Town of Leesburg. He serves as Co-Chair of the Joint Board of Supervisors - School Board Committee and is a member of the Board's Transportation and Land Use Committee. He represents Loudoun County on the Northern Virginia Regional Commission, the Loudoun County Agricultural District Advisory Committee and the Annexation Area

Development Policy Committee. Higgins lives near Waterford with his wife, Gail. He has three daughters, two sons-in-law and four grandsons.

Tony R. Buffington Jr. was elected to represent the Blue Ridge District on the Board of Supervisors in November 2015. He serves on the Finance/Government Operations and Economic Development Committee and represents Loudoun on the Coalition of Loudoun Towns (COLT). In addition to having served on the Joint Town of Leesburg/Loudoun County Task Force, he has also served as Loudoun's representative on the Northern Virginia Regional Commission. Tony was raised near the Shenandoah River in neighboring Clarke County, Virginia, where he attended high school in Berryville and was a member of the Future Farmers of America before graduating in 1996. In 1998, he joined the United States Marine Corps serving in Guantanamo Bay, Cuba, and other locations before receiving an honorable discharge in 2002 with the rank of Sergeant. After his service in the Marines, Tony became a federal law enforcement officer in the DC area where he continues to serve in a supervisory capacity. In addition to his federal service, Tony previously served as an appointed member of the Loudoun County Heritage Commission and Vice President of the Brambleton Homeowners Association.