

Ordinance No. 228
Introduced: April 22, 2024
Public Hearing: May 6, 2024
Enacted:
Effective:

**COMMISSIONERS OF POOLESVILLE, MARYLAND
BACKYARD CHICKENS**

AN ORDINANCE of the Town of Poolesville, Maryland to amend and add to the Poolesville Code of Ordinances Zoning Code to address Backyard Chickens use and the requirements related thereto.

PURSANT to Section 82.12(65) of the Charter of the Town of Poolesville, Maryland, Title 4 of the Land Use Article of the Annotated Code of Maryland, and applicable provisions of the Code of the Town of Poolesville, the Commissioners of the Town of Poolesville are empowered to exercise planning and zoning powers within the Town of Poolesville, Maryland; and

WHEREAS, under the requirements of Land Use Article of the Maryland Annotated Code and the Poolesville Planning and Zoning Commission shall review proposed zoning amendments and offer comment thereon which it has done; and

WHEREAS, the Commissioners of Poolesville giving public notice as required by law, held a public hearing on the Ordinance on January 3, 2023 to receive public input and comment.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF
POOLESVILLE, MARYLAND THAT:

Section One: The following amendment shall be made to Appendix B, Use Chart Section (d) Services of the Zoning Code of the Town of Poolesville:

Animal boarding places or the keeping of farm animals and/or birds of any kind, *except backyard chickens*.

Section Two: The following amendment shall be made to Appendix B, Use Chart Section (g) Miscellaneous, of the Zoning Code of the Town of Poolesville:

Kennels, non-commercial, including birds, etc., except backyard chickens.

Section Three: The following amendment shall be made to Appendix B, Section 14, Definitions, of the Zoning Code of the Town of Poolesville:

9. Animal Boarding Place: Any building or buildings and/or land used, designed, or arranged for the boarding, grooming, breeding, or care of dogs, cats, pets, birds except backyard chickens, or domestic animals for other than agricultural purposes, but not to include stables or where such animals are kept for purposes of sale.

Section Four: The following amendment shall be made to Appendix B, Section 14, Definitions, of the Zoning Code of the Town of Poolesville;

72. Kennel, Noncommercial: Any building or buildings and/or land used, designed, or arranged for the boarding, breeding, or care of dogs, cats, birds except backyard chickens, or domestic animals for other than agricultural purposes, belonging to the owner thereof but not including stables.

Section Five: The following shall be added as a Note to Appendix B, Use Chart, of the Zoning Code of the Town of Poolesville:

Backyard Chicken raising is permitted provided the following:

1. A maximum of six chickens may be kept for properties under 1-acre. Roosters are prohibited; A maximum of 10 chicken allowed for properties 1-acre or larger.
2. A chicken coop is required. The maximum total gross floor area of all coops shall not exceed 10% of the lot or parcel. The minimum coop size shall be 2 square feet per chicken and a run of 10 square feet per chicken. Coops shall be included as outbuildings/accessory structures in conformity with all other requirements of the Code.
3. The minimum setback for coops from any lot line is 15 feet.
4. Coops must be a minimum of 50 feet from any dwelling or principal structure on any adjacent lot or parcel.
5. Coops must be in the backyard of the property.
6. A Backyard Chicken Keeper certificate, or equivalent, shall be required and submitted with any permit application.
7. Must comply with all other applicable State and County regulations.

*Note The Town of Poolesville has adopted Chapter 5, Animal Control, of the Montgomery County Code.

Section Six: Severability.

Should any provision, section, paragraph, or subparagraph of this Ordinance, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable for a court having jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph, or subparagraph hereof, including any code text adopted hereby. Each such provision, section, paragraph, or subparagraph is expressly declared to be and is deemed severable.

Section Seven: Section headings, chapter headings, titles.

Section headings, chapter headings, titles, etc., are for the purpose of description or ease of use and do not form a part of the text of this Ordinance or any Code or text adopted hereby.