

**County Commissioners**

Ray D'Agostino, Chairman  
Joshua G. Parsons, Vice Chairman  
John B. Trescot, Commissioner

**Executive Director**

Scott W. Standish

**MEMORANDUM**

23LU

**To:** Michele Maser, Manager/Secretary  
Christiana Borough

**From:** Gwen E. Newell, AICP, RLA   
Senior Planner

**Date:** November 7, 2023

**Re:** CPO # 6-17, Zoning Ordinance Text Amendment  
Christiana Borough

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Due to the minor nature of this **Zoning Ordinance Text Amendment**, its review has been delegated to Lancaster County Planning Department (LCPD) staff. LCPD has reviewed this **proposed Zoning Ordinance Text Amendment** and recommends **approval**.

**PROPOSAL**

The Christiana Borough Council, with input from the Christiana Borough Planning Commission, is taking action to address the keeping of chickens, the creation of short-term rentals, and other miscellaneous amendments. The Christiana Borough Zoning Ordinance was last updated in 2012, and it does not address these current land uses requested by Borough residents. The amendments include:

**POULTRY**

- Revise the following definitions:
  - Add to the Domestic Animal definition any “domesticated type of bird (fowl) or poultry”; and
  - Add “wild geese” to the Wild Animal, Game Birds definition.
- Add the following definitions:
  - Chicken - Poultry or fowl of the species *Gallus gallus domesticus* / *G.gallus domesticus*. The species includes many different breeds of chicken;
  - Chicken Coop (or Coop) - A structure for sheltering of female (pullets or hens) chickens; an existing shed or garage may be used for this purpose, provided that it meets the standards for chicken coops set forth in this part; a chicken coop shall be considered an accessory structure which may require separate permits(s);
  - Chicken Pen (or Pen) - An enclosure that is connected to/or surrounding a chicken coop for the purpose of allowing chickens to leave the coop while remaining in an enclosed predator safe environment;

- Co-Permittee - A lessee or tenant of a residential dwelling who has received a residential chicken permit in conjunction with the property owner for the keeping of chickens;
  - Permittee - A residential property owner who has received a residential chicken permit for the keeping of chickens; and
  - Residential Chicken Permit - A permit issued under the provisions of this article for the keeping of chickens as accessory to the primary residential use on a property.
- Amend the Borough's Nuisance Standard to state that "roosters", not "chickens" (including hens and roosters) shall not be housed or otherwise kept within the borough limits.
  - Add the following standards for the Housing and Care of Chickens:
    - The maximum number of chickens on a property is 3;
    - Only female (pullets or hens) are permitted;
    - Keeping of chickens shall only be permitted at a property on which a residential dwelling is the principal use; the keeping of chickens shall be considered a use accessory to the residential use;
    - The following items shall not be offered for sale or sold: eggs, chicks, chickens, chicken manure, compost containing chicken manure, or produce which has been grown in an accessory garden fertilized with chicken manure or compost;
    - Chickens shall be housed in a chicken coop which has access to a chicken pen during non-daylight hours, chickens shall be secured in the chicken coop;
    - Construction of the chicken coop shall include, but not be limited to material "impermeable to rodents, wild birds, dogs, cats" and "shall provide adequate shelter from moisture and extreme temperatures";
    - The chicken pen shall include, but not be limited to, "at least 10 sq. ft. of area per chicken. The fence shall rise at least 4' above the ground and be buried at least 1' below the ground;"
    - The chicken coop, pen, and surrounding area shall be kept clean, dry, odor-free, and in a sanitary condition at all times;
    - Chicken coops and pens shall be located no closer than 40' to any residential structure on an adjacent property; and
    - The permitted keeping of chickens shall be conducted in a manner that does not disturb the use or enjoyment of adjacent properties.
  - Require that any person who keeps chickens as an accessory to a residential use shall obtain a residential chicken permit prior to acquiring the chickens;
    - Residential chicken permits shall only be valid for 3 years after the date of issuance;
    - Private restrictions on the use of land/property and the Borough's issuance of a residential chicken permit does not remove or supersede private restrictions in effect. Private restrictions including, but are not limited to, rental contracts, deed restrictions, condo restrictions, HOA bylaws, and covenant deeds.

## SHORT-TERM RENTALS

- Add the following definitions:
  - Bedroom – "a room or space designed to be used for sleeping purposes with two means of egress (one of which may be a window acceptable under the Building Code), and in close proximity to a bathroom. Spaces used for eating, cooking, bathrooms, toilet rooms, closets, halls, storage, or utility rooms and similar uses are not considered bedrooms. Space used or intended for general and informal everyday use, such as a living room, den,

sitting room or similar rooms is not to be considered a bedroom;”

- Dwelling - A house, apartment building, or other building, including a mobile home, designed, or used primarily for human habitation; the word “dwelling” shall not include boarding houses, rooming houses, hotels, motels, tents, trailers, or any structure designed or used for transient business;
  - Occupant - An individual who resides in, or has actual possession of, a short-term rental unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landlord is established;
  - Owner - the individual, entity, or entities, holding legal title to a particular property;
  - Rent or Rental - an arrangement whereby one or more persons obtains permission to occupy a property or portion thereof for a specific period of time, regardless of whether compensation or other consideration is passed by a Transient Visitor to the Owner or an agent of the Owner;
  - Short-Term Rental - The use of a dwelling or dwelling unit which is rented or leased for a period of less than thirty (30) continuous days by the same occupants including, but not limited to, Airbnb and VRBO. Short term rental facilities do not include hotel or a bed and breakfast as such terms are used and defined in the Christiana Borough Zoning Ordinance; and
  - Transient Visitor - An individual who rents a Short-Term Rental Facility.
- Allow Short-Term Rentals as a Conditional Use within the Low Density Residential Zone (LDR) and Light Business District (LB).
  - Add the following standards for Short-Term Rental Facilities:
    - The property shall remain a single-household living unit with common housekeeping, kitchen, and laundry facilities;
    - Occupancy shall be limited to no more than 2 persons per bedroom, excluding children under the age of 5;
    - A maximum of 1 car per bedroom is permitted for any Short-Term Rental Facility;
    - Outdoor parking for occupants shall be limited to available parking areas on the property and shall not include spaces on any public street right-of-way, or on any lawns or vegetated areas;
    - Overnight occupancy or hook-up of recreational vehicles, camper trailers, and tents are not allowed, and outdoor overnight sleeping is prohibited;
    - The owner must maintain a ledger detailing the length of stay and number of Transient Visitors using the Short-Term Rental Facility; such ledger must be presented to the Zoning Officer upon request and retained for the entire period of the permit;
    - The Short-Term Rental Facility may not be used by Transient Visitors for non-residential purposes’ such as, but not limited to, use as a reception space, party space, and/or meeting space;
    - The facility may not adversely affect the character of the neighborhood and shall not generate any additional noise, odor, or other effects that unreasonably interfere with residents;
    - The owner of the property is responsible for the safety and welfare of all transient visitors and for maintaining the facilities in accordance with all laws, regulations, and ordinances;
    - The owner shall provide confirmation that they have registered with the Lancaster County Treasurer and has paid the hotel and/or room taxes prior to obtaining a certificate of occupancy; and

- The owner shall sign a certificate agreeing to comply with all anti-discrimination laws and regulations under all applicable local, state, and Federal laws and regulations.
- Require that Short-Term Rental units shall be inspected annually and shall include the entire property and premises.
- Require that the owner of the Short-Term Rental unit shall submit an application and fee each year to permit authorized continued unit operation.
- Note that the Borough has the right to suspend/revoke the Short-Term Rental permit as a result of multiple offenses/violations.

#### OTHER MISCELANEOUS AMENDMENTS:

- Allow Farms existing prior to 1/4/2010 to be a permitted use within the (CN) Conservation Zone and (MDR) Medium Density Residential Zone.
- Add Townhouse Lot Area, Lot Width, and Impervious Coverage regulations in the Medium Density (MDR) and High Density Residential (HDR) Zones; townhouses are currently a permitted use in both zoning districts.
- Amend Side Yard regulations to “on a corner lot in the LDR, MDR, HDR and CBD Districts, an accessory building shall not be erected within the required building setback line of the exterior side lot Line (street line). Provided, however, that when the principal building exists on both the corner lot and the lot abutting the rear of the corner lot, an accessory building may be erected at the average distance from the street line, established by the existing principal buildings”;
  - the referenced amendment to Section 27-1105.D (2) actually pertains to Section 27-1105.3.D (2).

#### PLACES2040 COMMENTARY

The amendments relate to these specific *places2040* Big Ideas, policies, and catalytic tools:

##### **Taking Care of What We Have**

Promote entrepreneurship and help local businesses grow. By providing clear regulations for short-term rentals, this amendment will clarify the requirements landowners must follow in order to earn supplemental incomes from their properties.

##### **Thinking Beyond Boundaries**

Make planning and regulation more efficient, consistent, and regional. This amendment would update the Christiana Borough Zoning Ordinance to reflect current land use needs while ensuring that it continues to address local land use issues. It provides regulatory consistency between the Borough, DEP, County Tax Office, and the Uniform Construction Code for short-term rentals.

##### **Simplify Zoning**

This amendment would fix typos and provide regulations for existing land uses permitted within the Zoning Ordinance.

**CONSISTENCY WITH COMPREHENSIVE PLANS**

***places2040 - Lancaster County Comprehensive Plan (2018)***

The proposed amendments are consistent with *places2040*.

***Southern Lancaster County Comprehensive Plan (2022)***

The proposed amendments are consistent with the *Southern Lancaster County Comprehensive Plan*.

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JDH/GEN/mr

CHRISTIANA BOROUGH  
LANCASTER COUNTY, PENNSYLVANIA

ORDINANCE 241

AN ORDINANCE TO AMEND THE CHRISTIANA  
BOROUGH ZONING ORDINANCE OF 2010

WHEREAS, Christiana Borough enacted its official zoning ordinance on January 4, 2010; and

WHEREAS, the Borough Council of Christiana Borough desires to revise the zoning ordinance to allow certain farms as a permitted use in the Conservation Zoning District and the Medium Density Residential Zoning District; to revise certain Lot Area, Lot Width and Impervious Coverage regulations in the Medium Density Residential District and the High Density Residential District; to add and revise certain definitions; to revise certain nuisance standards and yard regulations, establishing regulations for the housing and care of chickens and providing for Short-Term Rentals as a conditional use in the Low Density Residential Zoning District and the Light Business Zoning District subject to certain standards and criteria;

**NOW THEREFORE, BE IT HERBY ORDAINED AND ENACTED**, and it is enacted and ordained by the Borough Council of Christiana Borough, that the Christiana Borough Zoning Ordinance of 2010 is hereby amended as follows:

1. **Section 27-202: The following definitions are revised as follows:**

*Animal, domestic* - Any domesticated type of dog, cat, equine animal, bovine animal, sheep, goat, bird (fowl), porcine (swine) animal, poultry or fowl of any of the species *Gallus gattus domesticas*, *G. gallus domesticus*. The species includes many different breeds of chicken.

*Animal, wild*

(4) *Game birds* - wild geese, brant, wild ducks, mergansers and swans, coots, gallinules, rails, snipe, woodcock, turkeys, grouse, pheasants, Hungarian partridges, bobwhite quail, and mourning doves.

2. **Section 27-202: The following definitions are added:**

Accessory Building – See building, accessory

*Bedroom*- a room or space designed to be used for sleeping purposes with two means of egress (one of which may be a window acceptable under the Building Code), and in close proximity to a bathroom. Spaces used for eating, cooking, bathrooms, toilet rooms, closets, halls, storage or utility rooms and similar uses are not considered bedrooms. Space used or intended for general and informal everyday use, such as a living room, den, sitting room or similar room is not to be considered a bedroom.

*Chicken* - Poultry or fowl of the species *Gallus gallus domesticus* / *G.gallus domesticus*. The species includes many different breeds of chicken.

*Chicken Coop (or Coop)* - A structure for sheltering of female (pullets or hens) chickens. An existing shed or garage may be used for this purpose, provided that it meets the standards for chicken coops set forth in this part. A chicken coop shall be considered an accessory structure, which may require separate permits(s).

*Chicken Pen (or Pen)* - An enclosure that is connected to/or surrounding a chicken coop for the purpose of allowing chickens to leave the coop while remaining in an enclosed predator-safe environment.

*Co-Permittee* - A lessee or tenant of a residential dwelling who has received a residential chicken permit in conjunction with the property owner for the keeping of chickens.

*Dwelling* - A house, apartment building, or other building, including a mobile home, designed or used primarily for human habitation. The word "dwelling" shall not include boarding houses or rooming houses, hotels, motels, tents, trailers, or any structure designed or used for transient business.

*Occupant* - An individual who resides in or has actual possession of a short-term rental unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landlord is established.

*Owner*- the individual, entity, or entities, holding legal title to a particular property.

*Permittee* - A residential property owner who has received a residential chicken permit for the keeping of chickens.

*Rent or Rental*- an arrangement whereby one or more persons obtains permission to occupy a property or portion thereof for a specific period of time, regardless of whether compensation or other consideration is passed by a Transient Visitor to the Owner or an agent of the Owner.

*Residential Chicken Permit* - A permit issued under the provisions of this article for the keeping of chickens as accessory to the primary residential use on a property.

*Short-Term Rental*- The use of a dwelling or dwelling unit which is rented or leased for a period of less than thirty (30) continuous days by the same occupants including, but not limited to, Airbnb and VRBO. Short term rental facilities do not include hotel or a bed and breakfast as such terms are used and defined in the Christiana Borough Zoning Ordinance.

*Transient Visitor*- An individual who rents a Short-Term Rental Facility.

3. **Section 27-402 is amended to add the following permitted use:**

7. Farms in existence prior to the adoption of Zoning Ordinance 211 adopted 1/4/2010.

4. **Section 27-504 is amended to add the following conditional use:**

B. Short-Term Rentals subject to the standards and criteria of Section 1101.BB.

5. **Section 27-602 is amended to add the following permitted use:**

19. Farms in existence prior to the adoption of Zoning Ordinance 211 adopted 1/4/2010.

6. **Section 27-606. A.** Section 27-606.A (Lot Area, Lot Width, and Impervious Coverage Regulations) is amended as set forth in the chart attached to this Ordinance and marked as Exhibit "A".

7. **Section 27-705. A.** Section 27-705 (Lot Area, Lot Width, and Impervious Coverage Regulations) is amended as set forth in the chart attached to this Ordinance and marked as Exhibit "B".

8. **Section 27-904 is amended to add the following conditional use and read as follows:**

Conditional use for Short-Term Rental subject to the standards and criteria set forth in Section 1101.BB.

9. **Current Sections 27-904 through 27-908 shall be renumbered as follows:**

27-905	Height Regulations
27-906	Lot Area, Lot Width, and Impervious Coverage Regulations
27-907	Setback Regulations
27-908	Off Street Parking/Access
27-909	Standards

10. **Section 1101 is amended to add the following:**

1101.BB Short-Term Rental Facilities shall meet all the following standards:

1. The property shall remain as a single-household living unit with common housekeeping, kitchen and laundry facilities.
2. Occupancy of a Short-Term Rental Facility shall be limited to no more than two (2) persons per bedroom, excluding children under the age of five.
3. Parking
  - A. Outdoor parking for occupants shall be limited to available parking area on the Short-Term Rental Facility property. In no event shall parking for Short-Term Rental Occupants include spaces in any public street right-of-way or on any lawns or vegetated area. A maximum of one car per bedroom is permitted for any Short-Term Rental Facility.
  - B. Overnight occupancy or hook-up of recreational vehicles, camper trailers, and tents at the property where the Short-Term Rental Facility is located shall not be allowed. Outdoor overnight sleeping of Occupants is prohibited.
4. The Owner must maintain an up-to-date ledger detailing the length of stay and the number of Transient Visitors using the Short-Term Rental Facility and present the ledger to the Zoning Officer, or the Zoning Officer's designee, upon request. This record must be retained for the entire period of the permit.
5. Nothing in this Subsection shall allow the Owner to make the Short-Term Rental Facility available for use by Transient Visitors for non-residential purposes, such as, but not limited to, the lease or use of the property as a reception space, party space, and/or a meeting space.
6. The Short-Term Rental Facility shall not adversely affect the character of the neighborhood, and the Short-Term Rental Facility shall not generate any additional noise, odor or other effects that unreasonably interfere with the other resident's quiet enjoyment of their properties.
7. The owner of the property is responsible for the safety and welfare of all transient visitors, for preserving the peace and quiet of the surrounding community, and for maintaining the Short-Term Rental Facility in accordance with all laws, regulations, and ordinances, including, but not limited to, any conduct which would qualify as a prohibited act within the meaning of the Borough Code of Ordinances regulating noise and/or nuisances.
8. The Owner of the Short-Term Rental Facility shall provide the Zoning Officer with confirmation that the applicant has taken all actions required to register with the Lancaster County Treasurer to enable the applicant to pay the hotel and/or room taxes imposed by Lancaster County. The Zoning Officer shall not issue a certificate of occupancy for the short-term rental unit until the applicant presents such confirmation of registration.
9. The Owner shall sign a certification agreeing to comply with all anti-discrimination laws and regulations under all applicable local, state and Federal laws and regulations.

10. All Short-Term Rental Facilities shall have a clearly visible and legible notice posted within the dwelling unit on or adjacent to the front door containing the following information:

A. The name of the Owner of the unit, or a designated agent as person in charge, must provide a telephone number at which the party can be reached on a 24-hour basis.

B. The 911 address of the property.

C. The maximum number of Occupants permitted to stay in the dwelling.

D. The maximum number of all vehicles allowed to be on the property and the requirement that all guests parking must be parked in the available parking area on the property, and not in or along any private, community or public right-of-way, or on any lawn or vegetated area on the property.

E. The trash pick-up day and notification that trash and refuse shall not be left or stored on the exterior of the property.

F. Notification that the Owner and/or Occupant will be cited and fined for creating a disturbance or for violating other provisions of the Christiana Borough Code, including parking and occupancy limits.

G. Notification that Short-Term Rental Occupants are required to make the dwelling unit available for inspection by the Zoning Officer or Property Maintenance Official upon request

H. The Owner shall, upon notification that occupants of the short-term rental unit have created unreasonable noise or disturbance, engaged in disorderly conduct or violates provisions of Borough Ordinances or state law pertaining to noise or disorderly conduct, promptly use their best efforts to prevent a recurrence of such conduct by occupants or guests. The local contact person shall respond to the Borough or to a police officer within 30 minutes after being notified by such official.

11. Short-Term Rental units shall be inspected annually and shall include the entire property and premises. Inspections will be based on the International property Maintenance Code, any related state, federal or local codes and/ or ordinances.

12. The Owner's discretion shall determine whether pets shall be allowed. Service animals as defined by the Americans with Disabilities Act shall be permitted.

13. If the Owner makes any structural modifications to the property in order to operate a Short-Term Rental the Owner shall comply with the Pennsylvania Uniform Construction Code and all other local, state and federal building and occupancy requirements. All necessary construction permits shall be obtained from the Borough. All owners shall state in their short-term rental advertisements that the property is compliant with the Americans with Disabilities Act.

The Owner of the Short-Term Rental unit shall submit an application each year for a permit to authorize continued operation of the short-term rental unit, accompanied by any fee which the Borough Council may establish by resolution. The permit application shall require that the owner provide sufficient information for the Borough to confirm the name and contact information for the local contact person, confirm that the short-term rental unit complies with all current requirements of this Section and confirm that the short-term rental complies with all other applicable Borough Ordinances. If the Borough confirms that the short-term rental unit meets the requirements, the Borough shall issue a permit to authorize continued operation of the short-term rental unit for a one-year period. Operation of the short-term rental unit without the required annual permit is a violation of the Ordinance.

Each short-term rental permit must include the following:

An accurately drawn floor plan showing details for all floors of the property and any attached structures, and include the number and location of all bedrooms, bathrooms, windows, interior and exterior doorways, smoke alarms, and carbon monoxide detectors;

The Zoning Officer, or the Zoning Officer’s designee, shall conduct an annual inspection to confirm compliance with the obligations of this Chapter. The Owner of the Short-Term Rental Facility is responsible for scheduling the inspection and paying the fee. Failure to do so will result in revocation of the Short-Term Rental Permit.

The Borough has the right to suspend/revoke the short-term rental permit as a result of multiple offenses/violations.

10. **Section 27-1102. (3) is amended to read as follows:**

Unless otherwise regulated by the Code of Ordinances of the Borough of Christiana, farm animals, including cows, pigs, roosters, asses, donkeys, goats and sheep shall not be housed or otherwise kept within the Christiana Borough Limits.

11. **Section 27-1105. D.(2) is amended to read as follows:**

(2) On a corner lot in the LDR, MDR, HDR and CBD Districts, an accessory building shall not be erected within the required building setback line of the exterior side lot line (street line). Provided, however, that when the principal building exists on both the corner lot and the lot abutting the rear of the corner lot, an accessory building may be erected at the average distance from the street line, established by the existing principal buildings.

12. **Section 27-1114 is added to read as follows:**

§27-1114 Regulation of the Housing and Care of Chickens

**1. Number and type of chickens allowed.**

A. The maximum number of chickens allowed on a property on which a dwelling is located is three (3).

B. Only female (pullets or hens) chickens are permitted.

C. There is no restriction on the breed of chicken which may be kept.

**2. Keeping of chickens as accessory to residential dwellings.**

A. The keeping of chickens, in accordance with the standards of this part, shall only be permitted at a property on which a residential dwelling is the principal use. The keeping of chickens shall be considered a use accessory to the residential use.

B. The following items generated by or kept in accordance with this article shall not be offered for sale or sold:

1. Eggs, chicks, or chickens.

2. Chicken manure and compost containing chicken manure.

3. Produce which has been grown in an accessory garden fertilized with chicken manure or compost.

**3. Housing of chickens.**

A. Chickens shall be housed in a chicken coop which has access to a chicken pen. During non-daylight hours, chickens shall be secured in the chicken coop.

B. Construction and design of chicken coop. The chicken coop shall comply with all applicable setback requirements for residential accessory uses and structures. The coop shall be stationary, enclosed with solid material on all sides and have a solid roof and door(s). The coop shall be at least 18 inches high and provide at least 2.5 square feet of floor area per chicken. The coop shall provide no less than one (1) square foot of window per coop, with at least one (1) square foot of window per 15 square feet of floor. In addition, the coop shall provide vents as necessary to ensure adequate ventilation. The materials for each element (walls, roof, windows and doors) shall be uniform and blend with the surrounding area. Doors shall be constructed so that they can close and lock. Windows shall be constructed so they can close. Windows and vents shall be covered with wire mesh with a maximum spacing of one inch by one inch. The coop shall be impermeable to rodents, wild birds, dogs, cats and other predators. The coop shall provide adequate shelter from moisture and extremes of temperatures. Existing accessory structures may be used as chicken coops, provided they meet standards set forth herein.

C. Construction and design of chicken pen. The chicken pen shall be constructed of wood or metal posts with wire mesh fencing material (wire mesh with a maximum

spacing of one inch by one inch). The pen shall contain at least 10 square feet of area per chicken. The fence shall rise at least four (4) feet above the ground and be buried at least one (1) foot below the ground. The pen shall be covered with wire mesh, aviary netting or solid roofing.

D. Maintenance of chicken coop, chicken pen, and surrounding area. The chicken coop, chicken pen, and surrounding area shall be kept clean, dry, and odor-free, and in a neat and sanitary condition at all times. All manure, uneaten feed, and other trash shall be removed in a timely manner and disposed of by using an approved sanitary method, including composting or double bagging manure and placing the manure in the trash for collection. Under no circumstance shall chicken manure be placed into the sanitary sewer system. The permittee and co-permittee shall take any and all necessary action(s) to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Slaughter of chickens is permitted. If a chicken dies, it shall be disposed of in accordance with the Domestic Animal Law, 3 Pa. C.S.A. §2301 et. seq.

E. Living conditions. Chickens shall have access to feed and clean water at all times, and such feed and water shall be inaccessible to rodents, wild birds and predators. Chickens shall be provided adequate bedding in the coop, and perches are encouraged.

#### 4. Residential chicken permit required.

A. Any person who keeps chickens in the Borough limits as an accessory to a residential use shall obtain a residential chicken permit from the Borough prior to acquiring the chicken(s). The residential chicken permit application form shall be established by the Borough and may be amended from time to time. If the Borough Zoning Officer determines that the residential chicken permit application is administratively complete, the Borough Zoning Officer will issue a conditional approval of the residential chicken permit application. After the applicant receives conditional approval, the applicant must notify the Borough Zoning Officer when the chicken coop and chicken pen have been placed on the subject property and are ready for inspection. If, upon inspection, the Borough Zoning Officer determines that the chickens will be kept in compliance with the requirements of this part, a final residential chicken permit shall be issued to the applicant.

B. Residential chicken permits shall only be valid for three (3) years after the date of issuance. A permittee and/or co-permittee who wishes to continue keeping chickens shall apply for a new residential chicken permit on or before the expiration date of the previous residential chicken permit. Applications for a new residential chicken permit shall be reviewed in accordance with the procedures and requirements that are applicable at the time the person applies for a new residential chicken permit. An inspection by the Borough will be required prior to the residential chicken permit renewal, to ensure compliance with the provisions of this article, which inspection is a condition precedent to the issuance of a new residential chicken permit.

C. Notwithstanding the issuance of a residential chicken permit by the Borough, private restrictions on the use of land/property shall remain enforceable as provided by law, and the Borough's issuance of a residential chicken permit does not remove or supersede private restrictions in effect. No person shall make application for a residential chicken permit who knows, or has reason to know, that private restrictions prohibit the keeping of chickens. Private restrictions include but are not limited to: rental contracts, deed restrictions,

condominium master deed restrictions, neighborhood associations' bylaws, and covenant deeds. A residential chicken permit issued to a person whose property is subject to private restrictions that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

**5. Application requirements.**

A. A residential chicken permit application shall be submitted on the form established by the Borough, and at a minimum shall contain the following information:

1. A notarized signature of the landowner of the subject property;
2. The notarized signature of any lessee or tenant who will be responsible for the keeping of chickens (co-permittee);
3. The address of the subject property;
4. A verification that, to the owner's knowledge, there is no private restriction against the keeping of chickens;
5. A verification that the applicant is familiar with the requirements set forth in this article for the keeping of chickens.

B. The Borough Council shall from time to time establish by resolution an application fee for the residential chicken permit application for the keeping of chickens under this article. The application shall be accompanied by the applicable fee.

C. A separate permit may be required for all accessory structures associated with the keeping of chickens.

**6. Responsibilities of permittee/co-permittee.**

A person engaged in the keeping of chickens on his/her property shall comply with the following:

- A. Have been issued the residential chicken permit required under this section.
- B. Keep no more than three (3) female chickens.
- C. The principal use of the property must remain as a residential dwelling.
- D. No person shall keep a rooster(s).
- E. The chickens shall at all times be provided a chicken coop and chicken pen in accordance with this part.
- F. A person shall not keep chickens in any location on the property other than the rear yard. For the purpose of this ordinance, "rear yard" means that portion of a lot

enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family structure and extending to the side lot lines.

G. Notwithstanding the applicable residential accessory setbacks, the chicken coop and chicken pen shall be located no closer than 40 feet to any residential structure on an adjacent property. (For the purposes of this section, adjacent property means all parcels of property that the applicant's property comes into contact with at one or more points, except for parcels that are legally adjacent to, but are in fact separated from the applicant's property by a public or private street.)

H. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.

I. If the above requirements or any other requirements of this article are not complied with, the Zoning Officer may revoke any permit granted under this section and/or initiate appropriate actions at law or equity to abate or restrain the violation.

J. A person who has been issued a residential chicken permit shall make such permit available for examination upon demand by any police officer, Code Enforcement Officer, or authorized Borough of Christiana employee.

K. Permittees and co-permittees shall be jointly and severally liable for compliance with the provisions of this Article.

#### **7. Automatic revocation of permit.**

If the applicant obtained the residential chicken permit through misrepresentations, fraud, or forgery, the permit shall automatically become null and void.

#### **8. Permit revocation and removal of items.**

A. Compliance with the requirements of this article shall create a presumption that the permitted keeping of chickens does not create a public nuisance or threat to public health or safety under the nuisance provisions of this Code. The residential chicken permit shall, however, be revoked if the Zoning Officer, in his/her sole discretion, determines that the permittee or co-permittee is in violation of this article.

B. Violation of the provisions of this article shall result in permit revocation under this article and may result in the initiation of the enforcement proceedings set forth in this article and in the assessment of the penalties set forth in this article.

C. Misrepresentation by a permittee or co-permittee shall result in the subject permit being revoked, voided, or denied.

D. If a violation of this article occurs, the Borough Zoning Officer is authorized to order immediate removal of all disposal items associated with the keeping of

chickens. Stationary structures associated with the keeping of chickens may remain, provided the structure is not creating a nuisance and is not in violation of any provision of the Code of the Borough of Christiana.

E. Any permittee or co-permittee who has a residential chicken permit revoked, removed, or voided will not be eligible for consideration for another residential chicken permit.

**9. Nuisance prohibited.**

The permitted keeping of chickens shall be conducted in a manner that does not disturb the use or enjoyment of adjacent properties. Odor generated by the chickens shall not be perceptible at the property boundaries, and noise generated by the chickens shall not disturb people of reasonable sensitivity at the property boundaries. A permittee or co-permittee shall not, under any circumstance, keep chickens in a manner which constitutes a public nuisance or results in a violation of Chapter 10, Health and Safety of the Code of the Borough of Christiana.

**10. Appeal.**

If any applicant, permittee, co-permittee, or landowner adjacent to a permitted chicken coop or chicken pen is aggrieved by the determination of the Zoning Officer, such aggrieved person may appeal the determination to the Christiana Borough Zoning Hearing Board. The appeal shall be in writing and must be received at the Borough office no later than 30 days from the date of the determination of which such person(s) are aggrieved. A timely appeal shall stay any order to remove chickens until the determination of the appeal, unless the order specifies that it was issued due to the keeping of chickens causing an immediate public health or safety hazard. The written appeal must describe in detail the reason for appeal.

**11. Violations and penalties.**

A. Any violation of this article may result in an action being brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The fine for such violation shall not be less than \$100 nor more than \$1,000 for each violation. A separate offense shall arise for each day or portion of a day in which a violation is found to exist, or for each section of this article which is found to have been violated.

B. This article may be enforced through an action in equity brought in the Court of Common Pleas in which the subject property is located.

C. Any person found guilty of violating this article may be assessed court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings brought in accordance with this article.

13. All other ordinances, sections, parts and provisions of the Zoning Ordinance of Christiana Borough shall remain in full force and effect as previously enacted and amended.

14. In the event any provision, section, sentence, clause or a part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity,

illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of Borough Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

15. This Ordinance shall take effect and be enforced five (5) days after enactment by the Borough Council of Christiana Borough, as provided by law.

DULY ORDAINED and ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023 by the Borough Council of Christiana Borough, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH COUNCIL OF  
CHRISTIANA BOROUGH

\_\_\_\_\_  
President of Borough Council

\_\_\_\_\_  
Mayor of Christiana Borough

ATTEST:

\_\_\_\_\_  
Secretary

Section 27-606 – Exhibit A

Dwelling Type	Lot Area Per Dwelling Unit (square Feet)	Lot Width (feet)	Impervious Coverage (percentage)
Single-Family Dwelling	10,000	60	60
Duplex	3,500*	30*	40
Townhouse	3,000*	30*	50
Multi-unit Dwelling	2,500*	60*	40
ECHO unit or rowdy house	2,500*	60	50
Manufactured housing	7,000	60	40

\*per building

Section 27-705 – Exhibit B

Dwelling Type	Lot Area Per Dwelling Unit (square Feet)	Lot Width (feet)	Impervious Coverage (percentage)
Single-Family Dwelling	5,000	50	60
Duplex	3,000*	30*	40
Townhouse	2,000*	25*	50
Multi-unit Dwelling	2,500*	50*	40
ECHO unit or rowdy house	2,500*	60	50
Manufactured housing	5,000	50	40

\*per building