

CITY OF DUNWOODY
41 Perimeter Center East, 2nd Floor
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MEMORANDUM

To: Honorable Mayor and City Council

From: Warren Hutmacher, City Manager

Date: November 16, 2009

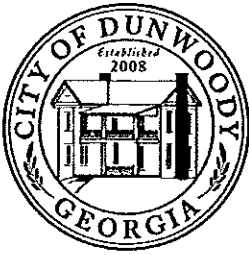
Subject: Backyard Chicken Raising Ordinance – Follow Up

At the last work session (October 17th, 2009), Council discussed backyard chicken raising and staff presented a set of proposed regulations regarding the same. I have attached the staff memo from last month for your information. Staff was requested to bring back to Council for this work session additional information for your consideration. Specifically, staff was requested to provide information on how other municipalities locally and nationally regulate backyard chickens. Council also wished to be provided with additional information regarding setback requirements.

I have included two charts with this memo that detail how communities locally and nationally regulate backyard chickens. The charts look at issues of quantities of chickens allowed, setback restrictions, enclosure requirements and nuisance provisions. The findings vary by location and I can find no discernable pattern of regulation that would lead me to believe that there is a set methodology to regulate this activity.

In reviewing the setback and property line components to this issue, I have prepared a “to scale” schematic that depicts one of many possible scenarios in a R-100 zoning district (showing maximum home sizes built against the setback). The diagram I have provided shows three homes (X, Y and Z). The lots are 15,000 square feet and the homes are built in maximum proportion to the zoning regulations with the building lines set against the front, rear and side setbacks. The potential chicken coops are drawn in to the diagram in the backyard at a distance of 50 feet from the nearest residence.

The caveat with this drawing is that there are an infinite number of scenarios that may exist which position homes in different configurations. A concern was brought forward at the last meeting by Council regarding the chicken coops distance from the property line. The current proposal restricts the coops from being placed within 50 feet of the nearest residence. Another strategy is to restrict the coops a certain distance from the rear and side property lines. Based on our current 40 foot rear setbacks, I would recommend the coops be restricted to the backyard of the property owner as well as a 35 foot setback from all property lines and a 50 foot setback from any residence.



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Date: October 17, 2009

Subject: Backyard Chicken Raising Ordinance

Backyard chicken raising is the practice of raising chickens in a non-agricultural setting for the purpose of collecting eggs for domestic use.

Earlier this year staff was asked to research if owning backyard chickens was prohibited in residential districts in Dunwoody. According to our Zoning Code, chickens are allowed in certain districts, but not in residential districts. Additionally, neither the zoning code nor the general code of ordinances sets any regulation on keeping backyard chickens. Staff has not received any complaints regarding any prohibited backyard chickens in Dunwoody. However, staff has been requested to draft a proposal that would enable this practice to be legal in all residential districts in the City.

I have researched backyard chicken raising and have found that the practice is legal in many jurisdictions and is growing in popularity along with the organic food movement.

The City of Dunwoody has the authority to permit backyard chicken raising in residential districts along with the ability to regulate the practice to protect property rights and public safety.

For purposes of discussion, please review the following regulations regarding backyard chicken raising that can be placed in ordinance format if the Council wishes to proceed with allowing for and regulating this activity.

Staff recommendations regarding backyard chicken raising

- A text amendment be initiated to enable backyard chicken raising in all zoning districts in the City of Dunwoody
- An ordinance should be enacted that regulates backyard chicken raising with the following suggested regulations. The ordinance should be permissive enough to easily allow citizens to keep chickens on their property, but should be restrictive enough to protect the interests of neighboring residents from unnecessary noise and odor and the invitation of rodents, wild birds and predatory animals to the property. Additionally, the regulations are intended to ensure the humane treatment of animals.

1. Roosters and crowing hens shall be prohibited in the City of Dunwoody.
2. A maximum of 8 chickens may be kept at any one time on a single residential lot.
3. Permits shall be issued and need not be renewable except in the case of a change in ownership of the parcel. Purpose of the permit is to aid in the inspection of premise when necessary due to complaints and to help ensure that chicken owners are familiar with the requirements of the applicable ordinances and regulations.
4. Enclosures must be kept clean and sanitary and free from standing water. The enclosure must be designed and maintained in such a way that it is impermeable to rodents, wild birds, and predators, including coyotes, skunks, raccoons, dogs and cats.

Enclosures shall not exceed 6 feet in height and must allow for a footprint of at least 2 square feet per chicken housed in the enclosure. Maximum enclosure footprint size is 30 square feet. (to accommodate for nesting boxes, potential food storage and room to move around)

5. Enclosures must be located in a rear yard.

Enclosures must be setback at least 50 feet from the nearest residence, except that of owner. Enclosures must be setback at least 5 feet from the owner's residence.

6. Feed and any other food source provided to the chickens shall be stored in predator proof containers.
7. When no humans are immediately present and supervising the chickens, they shall be kept securely within the predator proof enclosure.
8. Enforcement shall be under the jurisdiction of the Dunwoody Municipal Court.

CHICKEN ORDINANCE COMPARISONS (NATIONAL)

25 Ordinances Analyzed

City/State	# of birds permitted	Roosters allowed	Permit/permit cost	Enclosure required	Nuisance clause	Slaughter permitted	Property line restrictions	Details or unique regulations
Los Angeles, CA	unclear	only if 100 ft from neighbors	unclear	unclear	Yes	unclear	20 ft from owners home, 35 ft from neighbors	
Rogers, AK	4	No	\$5/yr	Yes	Yes	Inside only	25 ft from neighbors house	
Keywest, FL	unclear	Yes	None	Yes	Yes	No	No	Can't use droppings as fertilizer, feed must be stored in rat proof containers
Topeka, KS	unclear	unclear	unclear	Yes	Yes	unclear	50 ft from neighbors house	
South Portland, ME	6	No	\$25/yr	Yes, building permit required	Yes	unclear	Yes	On trial basis thru November 2008, only 20 permits issued thru yearly evaluation
Madison, WI	4	No	\$6/yr	Yes	Yes	No	25 ft from neighbors house	
New York, NY	No limit	No	Yes	No	Yes	unclear	No	
Albuquerque, NM	15	1 per household	None	No	Yes	Yes	No	
Portland, OR	3 without permit	unclear	\$31 one time fee for 4 +	Yes	Yes	unclear	unclear	
Seattle, WA	3	unclear	unclear	unclear	Yes	unclear	10 ft from property line	1 additional chicken per 1,000 sq ft of property above minimum
Spokane, WA	1 per 2,000 sq ft of land	unclear	unclear	unclear	unclear	unclear	90 ft from property line	Chickens allowed in multi-family zoned areas
San Antonio, TX	property line dependent	unclear	unclear	unclear	unclear	unclear	20 ft minimum from another dwelling	5 birds allowed 20 ft from home, 12 birds at 50 ft, 50 birds at 150 ft
Honolulu, HI	2	unclear	unclear	unclear	unclear	unclear	unclear	
Oakland, CA	unclear	No	unclear	unclear	unclear	unclear	20 ft minimum from another dwelling	
St. Louis, MO	4 max. without permit	unclear	\$40 permit for more than 4 birds	unclear	unclear	unclear	unclear	
San Diego, CA	25	unclear	unclear	unclear	Yes	unclear	50 ft from neighbors house	Feed must be stored in rat proof container
San Jose, CA	dependent on coop to property line	only roosters < 4 months old	permit needed for 6 or more birds	Yes	unclear	unclear	Ranges from 0 to 50 ft, determines # of birds	<15 ft = 0 birds allowed, 15 to 20 ft = 4 birds, etc, up to 50 ft = 25 birds
Austin, TX	unclear	unclear	unclear	unclear	unclear	Yes	50 ft from neighbors house	
Memphis, TN	unclear	unclear	unclear	Yes	Yes	Yes	unclear	Feed must be stored in rat proof container
Ft. Worth, TX	based on lot size	unclear	No	Yes	Yes	unclear	50 ft from neighbors house	<1/2 acre = 12 birds, >1/2 acre = 25 birds
Baltimore, MD	4	unclear	Must register with animal control and Dept of Ag.	Yes	Yes	unclear	25 ft from neighbors house	Coops must be mobile to prevent waste build up, minimum 2 sq ft/bird,
Charlotte, NC	based on lot size	unclear	\$40/yr	Yes	Yes	unclear	25 ft from property line	minimum 4 sq. ft/bird, no more than 20/acre
Missoula, MT	6	No	\$15 permit	Yes	Yes	unclear	20 ft from neighbors house	Feed must be stored in rat proof container
Boise, ID	3	No	unclear	Yes	unclear	unclear	unclear	
San Francisco, CA	4	Unclear	No	Yes	Yes	unclear	20 feet from door or window of residence	

Scale = 1" = 30'

MINIMUM DIMENSIONAL CHART FOR R-100 ZONING						
MIN. LOT AREA	MIN. LOT FRONTAGE	FRONT YARD	SIDE YARD	REAR YARD	MAX. BLDG. HEIGHT	
15,000 S.F.	100 FEET*	35 FEET	10 FEET	40 FEET	35 FEET	

* IN CUL DE SAC, 35 FEET

