

Staff researched other municipalities in the Phoenix metropolitan area and found that most cities in the area allow chickens in most, if not all, of their single family areas. Every city differed in specific details. However, Staff identified common themes such as requiring droppings to be removed on a weekly basis and requiring chicken coops to be setback from adjacent residences (see Municipal Regulations spreadsheet attached).

The attached list of revisions to the draft identifies revisions that have been made based on input received to date.

EXISTING REGULATIONS

The four chapters of the City Code listed below address the primary issues of whether residents are permitted to raise chickens and what protection is available to neighbors should the chickens become a nuisance:

- Chapter 11 – Curfew, Graffiti, Smoking, and Miscellaneous Offenses.
 - Section 11-10 Disturbing the Peace Prohibited
- Chapter 14 – Animals, Article I – In General
 - Section 14-3 Consent required to keep animals within 200-feet of residences; exceptions as to household pets
 - Section 14-6 Cruelty to Animals
 - Section 14-7 Keeping Hogs, Donkeys, Roosters, etc
 - Section 14-8 Animals at Large
- Chapter 30 - Neighborhood Preservation
 - Section 30-5 Creating, Causing or Maintaining a Public Nuisance
- Chapter 35 – Land Use and Zoning
 - Section 35-401 Uses Permitted (AG-1 Agricultural District)
 - Section 35-501 Use Permitted (SF-33 Single Family District)

Other chapters in the City Code regulate different aspects of raising chickens. For example, Chapter 44 – Garbage and Refuse, specifies that all refuse must be placed in leak proof plastic bags that are tightly secured. Chapter 29 – Building Regulations, applies to any structure that exceeds 120-square feet or 7-feet in height. Section 35-200 of the Zoning Code identifies limitations to “home occupations” that prohibit residents from conducting a business from their home that involves customer traffic among other things.

Chapter 35 (Zoning Code) currently allows chickens to be raised in AG-1 and SF-33 zoning districts. This translates generally to any single family property with a minimum lot size of 33,000 square feet. There is no limit on the number of chickens permitted on these larger properties. In SF-33 districts, the fence enclosure must be setback at least 100-feet from the front property line and must not be closer to the street side property line than the principal building on corner lots. Accessory buildings, which are structures exceeding 120-square feet or 7-feet in height, are required to comply with building setbacks. Section 14-7 of the City Code prohibits roosters anywhere within the City.

PROPOSED CODE AMENDMENTS

The proposed amendment would extend the areas where chickens are permitted to all single family lots regardless of size. The new regulations would allow residents to keep up to five hens and establish requirements dealing with chicken coop setbacks and regular maintenance that are aimed at preventing the chickens from becoming a nuisance. Roosters remain prohibited anywhere in the City. All other regulations, including the maximum number of chickens, would not apply to properties zoned AG-1 and SF-33, which would remain unchanged.

In addition to the proposed amendments to Chapter 35, Staff is also proposing amendments to Chapters 11 and 14, which are out of the Planning Commission's legal purview. These are mentioned only for informational purposes to present a complete list of amendments that are proposed. In Section 11-10, chickens are proposed to be added to a list of designated disturbing noises, the same list where you can find barking dogs. This would enable police officers to handle chicken noise complaints the same as barking dog noise complaints. Section 14-3, originally adopted in 1959, is proposed to be eliminated in its entirety. The section currently requires signed written consent from all residents within 200-feet in order to raise chickens among other animals. The law, which depends on receiving approval from current residents, would prove to be problematic for chicken owners when a new homeowner or resident in a rental property moves in next door. Other sections in Chapter 14, already address animals that are prohibited such as roosters, hogs, donkeys, and poisonous snakes and reptiles. Further, the Zoning Code identifies districts where certain types of animals are permitted.

DISCUSSION

Staff believes that raising chickens is a compatible use in single family residential neighborhoods when the number of chickens is limited, regulations are in place to require responsible maintenance, and provisions for the enforcement of violations are adopted. Most cities in the Phoenix area allow chickens in most if not all of their single family neighborhoods and their code enforcement offices have relayed to Staff that chickens are not as much of a nuisance as some people might think. Each potential issue is address below.

Noise

Roosters, which are prohibited anywhere in the city, are the main problem when it comes to noise. Hens, by comparison are very quiet and their cackling is not louder than a barking dog. Typically, hens will cackle only once a day for about 5 minutes either immediately before or after laying an egg. Hens will typically remain quiet for the rest of the day. A healthy adult hen may lay one egg each day up to 300 eggs a year. The number of eggs laid depends on a variety of factors including, the specific breed, the hen's egg cycle, number of hours of daylight, temperature, and whether the hen is stressed. In the event that noise becomes an issue and the owner with chickens is unable to amicably resolve the issue, neighbors may call the Police Department who will have authority to issue a citation for disturbing the peace (Section 11-10). The proposed amendment references Chapter 11, which is the same section of the City Code that enables police officers to respond to complaints regarding barking dogs. Thus, as proposed, noise complaints from chickens would be handled the same as noise complaints from dogs.

Odor

Odor is an issue that can be addressed by removing or composting droppings. Chickens don't stink, but their droppings can certainly produce offensive odors if they are left to accumulate over time. For this reason, the proposed amendment requires droppings to be composted or removed at least once per week or more frequently as necessary. In addition, any place or building that causes offensive odors that are considered to be discomforting, offensive, or detrimental to the health of individuals or of the public is considered to be a public nuisance by Chapter 30 of the City Code and is enforceable by the City's Code Enforcement Division.

Health

According to the Center for Disease Control and Prevention (CDC), an important health risk in raising chickens at home is infection of Salmonella. Salmonella is a bacterium that occurs naturally in poultry and is shed in their droppings. Salmonella can make people sick with diarrhea, vomiting, fever, and/or abdominal cramps. Infants, elderly persons, and those with weakened immune systems are more likely than others to develop severe illness. People may become infected with Salmonella after having direct contact with chickens, droppings, or any surface in the area where the chickens are kept that may be contaminated and then transferring the bacteria into their mouth. In order to reduce the risk of infection, the CDC recommends washing hands thoroughly with soap and water immediately after touching chickens or anything in the area where they live and roam. Neighbors are not at risk of infection unless they too have direct contact with the chickens or a contaminated surface.

Avian influenza (Bird-Flu) is a theoretical health risk potentially associated with urban chickens. It's considered theoretical because no cases have been reported in the U.S. or anywhere in the world except for China. Avian influenza is a viral disease of birds that may be transmitted to people through direct contact with infected chickens or contaminated surfaces. The risk of human avian influenza infections is extremely low because it is limited to those who are in contact with infected chickens. In order for the chickens to be infected, they would need to be in direct contact with another infected bird or a contaminated surface. According to the World Health Organization, human to human transmission is extremely rare. Therefore, neighbors are likely not to be at risk of becoming infected, unless they also have direct contact with an infected chicken or contaminated surface.

Other health risks associated with the breeding of flies or mosquitoes, attracting wild birds and pests, can be prevented by composting or removing and properly disposing droppings and keeping the food and water supplies contained, fresh and clean. For this reason, the proposed amendment requires water and feeder containers to be kept sanitary, and droppings to be removed or composted at least once per week. Chapter 30 of the City Code currently designates "animal waste that is not securely protected from insects and the elements" as a public nuisance, further reinforcing the requirement to pick up droppings on a regular basis.

Building Safety

Building Safety concerns are addressed in the amendment by requiring any chicken coops that exceed 120-square feet or 7-feet in height, or any utility connections regardless of the coop's size to obtain a permit. This is consistent with the City's current regulations that do not require building permit for storage sheds that do not exceed 120-square feet or 7-feet in height.

Trespassing/Running at large

The proposed amendment requires hens to be contained within the rear or side yards and prohibits them from trespassing upon other properties or upon any street or public place.

Homeowner Associations

If Chandler's City Code were amended as proposed, residents living within HOAs would still need to comply with their association's CC&Rs. Many HOAs prohibit raising, breeding or keeping poultry and other animals that are not considered to be common household pets.

The City estimates that 82 percent of all single family lots in Chandler are located within HOAs, therefore, the zoning code amendment may only affect 18 percent of the City's single family properties, most of which are located around the older parts of the City.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- As required by Arizona Revised Statutes, hearing dates for the Planning Commission and City Council, as well as the complete text of the draft Code amendments have been published in an eighth-page newspaper ad at least fifteen days prior to the first required public hearing.
- Notices containing a website link to view the proposed amendments were sent electronically to over 30 Chandler residents who had contacted the City in regards to this effort.
- The draft and public hearing dates were posted on the Valley Permaculture Alliance's online forum.
- A news release was issued to the press in an effort to notify all Chandler residents of the proposed amendments in order to give them an equal opportunity to submit their comments and participate in the scheduled public hearings.
- Staff has received over 30 responses from Chandler residents who are in favor of the proposed amendments. Some requested that the limit be increased to more than 5 chickens and the coop setbacks be reduced. As of the date of this writing, Staff has received a few messages opposed to the amendment (see attached).

RECOMMENDATION

Upon finding the request to promote the General Plan's goals encouraging sustainable living practices, and upon finding hens to be compatible with single family residential areas, Planning Staff recommends approval.

PROPOSED MOTION

Motion to recommend approval of Draft Ordinance 4449 including the revisions listed in the attached list of revisions as presented in case ZCA12-0004 URBAN CHICKENS ZONING CODE AMENDMENT as recommended by Planning Staff.

Attachments

1. Draft Ordinance
2. List of Revisions
3. Municipal Regulation Regarding Urban Chickens for Selected Cities in the Phoenix Area
4. Input received via email

DRAFT ORDINANCE NO. 4449

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING ARTICLES VI. SF-18 SINGLE FAMILY DISTRICT, VI.1. SF-10 SINGLE FAMILY DISTRICT, VIII. MF-1 MEDIUM DENSITY RESIDENTIAL DISTRICT, IX. MF-2 MULTIPLE-FAMILY RESIDENTIAL DISTRICT, X. MF-3 HIGH DENSITY RESIDENTIAL DISTRICT, AND XXII ADDITIONAL HEIGHT AND AREA REGULATIONS OF CHAPTER 35 OF THE CITY CODE OF THE CITY OF CHANDLER, RELATING TO RAISING CHICKENS.

WHEREAS, in accordance with A.R.S. 9-462, the legislative body may adopt by ordinance, any change or amendment to the regulations and provisions as set forth in the Chandler Zoning Code; and,

WHEREAS, this amendment, including the draft text, has been published as an 1/8-page display ad in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days notice of time, date and place of public hearing; and,

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code, on May 1, 2013;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION I. Section 35-601, of Article VI. SF-18--SINGLE-FAMILY DISTRICT, of Chapter 35, of the City Code of the City of Chandler, is hereby amended to read as follows:

35-601. Uses permitted.

[The following uses are permitted in this district:]

- 1) Single-family dwellings.
- 2) One (1) accessory building as defined by Article II.
- 3) Home occupations as defined by Article II.
- 4) Storage shed as defined by Article II.
- 5) Signs in accordance with Chandler Sign Code [Chapter 24].
- 6) Fences, walls and landscape screens not exceeding seven (7) feet in height adjacent or contiguous to rear and side yard lines and not to exceed three (3) feet in height adjacent or contiguous to the front yard lines.

- 7) Swimming pool, private, in accordance with Article XXII, section 2204 [2205] of this Code.
(Ord. No. 3063, § 3, 11-18-99)
- 8) **The keeping of chickens in accordance with Article XXII, section 2211 of this Code.**

SECTION II. Section 35-601.1, of Article VI.1. SF-10--SINGLE-FAMILY DISTRICT, of Chapter 35, of the City Code of the City of Chandler, is hereby amended to read as follows:

35-601.1. Uses permitted.

[The following uses are permitted in this district:]

- 1) Single-family dwellings.
- 2) One (1) accessory building as defined by Article II.
- 3) Home occupations as defined by Article II.
- 4) Storage shed as defined by Article II.
- 5) Signs in accordance with the Chandler Sign Code [Chapter 24].
- 6) Fences, walls and landscape screens not exceeding seven (7) feet in height adjacent or contiguous to rear and side yard lines and not to exceed three (3) feet in height adjacent or contiguous to the front yard lines.
- 7) Swimming pool, private, in accordance with Article XXII, section 2204 [2205] of this Code.
(Ord. No. 3063, § 3, 11-18-99)
- 8) **The keeping of chickens in accordance with Article XXII, section 2211 of this Code.**

SECTION III. Section 35-801, of Article VIII. MF-1--MEDIUM-DENSITY RESIDENTIAL DISTRICT, of Chapter 35, of the City Code of the City of Chandler, is hereby amended to read as follows:

35-801. Uses permitted.

[The following uses are permitted in this district:]

- 1) Two-family dwellings.
- 2) Multi-family dwellings (subject to site development plan).
- 3) Home occupations as defined in Article II.
- 4) Signs in accordance with the Chandler Sign Code [Chapter 24].
- 5) Storage shed as defined by Article II.

- 6) One (1) accessory building as defined by Article II.
- 7) Fences, walls and landscape screens not exceeding seven (7) feet in height adjacent or contiguous to side or rear yard lines and not [more than] three (3) feet in height adjacent or contiguous to front yard lines.
- 8) Swimming pool, private, in accordance with Article XXII [section 2205] of this Code. (Ord. No. 3063, § 3, 11-18-99)
- 9) **Chickens may be kept on lots that have a single family dwelling in accordance with Article XXII, section 2211 of this Code.**

SECTION IV. Section 35-901, of Article IX. MF-2--MULTIPLE-FAMILY RESIDENTIAL DISTRICT, of Chapter 35, of the City Code of the City of Chandler, is hereby amended to read as follows:

35-901. Uses permitted.

All buildings are subject to approval of site development plan in accordance with Article XIX of this Code.

- 1) Multiple-family dwellings.
- 2) Home occupations as defined by Article II.
- 3) Signs in accordance with the Chandler Sign Code [Chapter 24].
- 4) Storage shed as defined by Article II.
- 5) Fences, walls and landscape screens not exceeding seven (7) feet in height adjacent or contiguous to side or rear yard lines and not exceeding three (3) feet in height adjacent or contiguous to side or rear yard lines and not exceeding three (3) feet in height where adjacent or contiguous to front yard lines.
- 6) Swimming pool, private, in accordance with Article XXII [section 2205] of this Code.
- 7) One (1) accessory building as defined by Article II.
- 8) Churches, schools, public buildings and facilities. (Ord. No. 3063, § 3, 11-18-99; Ord. No. 3320, § 1, 12-10-01)
- 9) **Chickens may be kept on lots that have a single family dwelling in accordance with Article XXII, section 2211 of this Code.**

SECTION V. Section 35-1001, of Article X. MF-3--HIGH-DENSITY RESIDENTIAL DISTRICT, of Chapter 35, of the City Code of the City of Chandler, is hereby amended to read as follows:

35-1001. Uses permitted.

All buildings are subject to an approved site development plan in accordance with Article XIX of this Code.

- 1) Multiple-family buildings.
- 2) Elevator multiple-family buildings, including accessory business uses which are primarily for the convenience of the tenants.
- 3) Churches, schools, public buildings and facilities.
- 4) Offices and office buildings.
- 5) Home occupations as defined by Article II.
- 6) Signs in accordance with the Chandler Sign Code [Chapter 24].
- 7) Fences, walls and landscape screens not exceeding seven (7) feet in height when adjacent or contiguous to side or rear lot lines and not more than three (3) feet in height when adjacent or contiguous to front yard lines.
- 8) Swimming pool, private, in accordance with Article XXII [section 2205] of this Code.
- 9) Accessory building as defined by Article II.
(Ord. No. 3063, § 3, 11-18-99)
- 10) **Chickens may be kept on lots that have a single family dwelling in accordance with Article XXII, section 2211 of this Code.**

SECTION VI. Section 35-2211, of Article XXII. ADDITIONAL HEIGHT AND AREA REGULATIONS, of Chapter 35, of the City Code of the City of Chandler, is hereby added to read as follows:

35-2211. Urban Chickens.

- 1) **The keeping of chickens for personal consumption purposes only is permitted in all residential districts which have a single family dwelling.**
- 2) **Roosters shall be prohibited anywhere within the City.**
- 3) **The keeping of chickens shall be subject to the following requirements, except for AG-1 and SF-33 Districts:**
 - a) **No more than five (5) hens may be kept on an individual lot.**
 - b) **Hens shall be contained within a suitable enclosure (e.g. fence or chicken coop) within the rear or side yards and shall not be permitted to trespass upon another property or upon any street, alley or other public place.**
 - c) **A chicken coop shall be provided and shall not be closer than ten (10) feet from any property line abutting, adjoining or otherwise meeting the property line of another residential lot or parcel.**

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4449 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2013, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED:

Revisions to the Draft Code Amendment (rev.4-24-13)

ZCA12-0004 Urban Chickens

The following list identifies revisions made to the draft code amendment since the release of the initial draft:

"Regular Text" = Initial draft text

Underlined Text = New proposed text

~~Strike-through Text~~ = Proposed deletions

	Code Section	Description of Revisions
1	35-2211(3)c	" <u>A chicken coops shall be provided and shall not be closer than...</u> "
2	35-2211(3)d	"Droppings shall be <u>composted or</u> removed from the enclosure <u>and disposed in accordance with Section 44-2 of this Code at least once weekly and more frequently as necessary to prevent offensive odors and the breeding of flies.</u> "
3	35-2211(3)f	"Chicken coops exceeding one hundred and twenty (120) square feet in size <u>or seven (7) feet in height</u> shall require a building permit."
4	35-2211(3)i	"It shall be unlawful to keep chickens in such a manner that <u>disturbs the peace as designated in Chapter 11 of this Code or that constitutes a public nuisance as defined in Chapter 30 of this Code.</u> "
5	11-10.1	Added new subsection under 11-10.1 Disturbing noises designated. B. The following types of noises are declared to be disturbing to the peace, quiet and comfort of the neighborhood in which they are heard, and persons creating such noises are in violation of section 11-10: <u>10. Keeping, harboring or having custody within the City any chicken(s) which make(s) noises by day or night which disturbs the peace and quiet of any person or family in the neighborhood;</u>
6	35-2211(2)	Moved the prohibition of roosters from subsection 35-2211(2)b to subsection 35-2211(2) in order for the prohibition to apply to all zoning districts including AG-1 and SF-33. This is consistent with current prohibition of roosters citywide in Chapter 14.
7	35-2211(1)	Per suggestions from the City Attorney's office: "The <u>raising keeping</u> of chickens is permitted <u>for personal consumption purposes only</u> in all residential districts..." All instances where it said "raising of chickens" was changed to "keeping of chickens"
8	35-2211(3)c	Per City Attorney's office, the sentence stricken below is not necessary as the elimination will not change the regulation. Coops 120 sq. ft. or 7-ft high or less do not need to be setback from adjacent non-residential properties even without the sentence. "A chicken coop shall be provided and shall not be closer than ten (10) feet from any property line abutting, adjoining or otherwise meeting the property line of another residential lot or parcel. No separation shall be required from a property line or portion of a property line abutting, adjoining or otherwise meeting the property line of an alley, right-of-way, or common open space. "