



Legislation Text

File #: 14-0251, **Version:** 1

TITLE:

Discussion of Possible Changes to Chapter 10 in Relation to the Keeping of Livestock

PURPOSE: The purpose of this agenda item is to provide an opportunity for the Board of Aldermen to discuss the requirements for keeping fowl within Town limits.

DEPARTMENT: Police and Planning

CONTACT INFORMATION: Alderman Michelle Johnson and Chief Walter Horton 919-918-7408; Patricia McGuire - 919-918-7327 and pmcguire@townofcarrboro.org

INFORMATION: Recently the Animal Control Board of Appeals received two appeals concerning the keeping of chickens within Town limits. In both cases, the applicants did not meet the 10,000 square foot requirement. The Animal Control Board issued a stay on enforcement to allow time for the Board of Aldermen to discuss the matter, including possible changes to the Ordinance.

Chapter 10 of the Town Code considers chickens as “livestock,” per Section 10-1(15). Livestock are considered to be animals kept primarily for productive purposes, rather than as pets. A permit is required for livestock to be kept on property in Carrboro; the requirements are summarized here:

- 1) Minimum lot size of 10,000 square feet
- 2) Enclosure or coop located not closer than 15 feet from a property line
- 3) Allowed on residential lots only, or common open space in a development
- 4) Animals for use by residents of the lot or neighborhood.
- 5) Animals may not be kept for commercial purposes
- 6) Animal must not pose a substantial danger of harm to person, animal, or property
- 7) Animal must not interfere with the use and enjoyment of neighboring properties because of offensive noise or odor or for other reasons
- 8) Animal must not otherwise constitute a threat to the public health or safety
- 9) Administrator must notify the applicant and applicant’s immediate neighbors of a date and time when they may be heard on the question of whether a permit should be issued.
- 10) After the hearing, the Administrator shall prepare written reasons for issuance or denial of the permit.
- 11) Any person aggrieved by the issuance or denial may appeal the decision to the Animal Control Board of Appeals, with the burden of proof lying with the appellant.

Relevant sections of the Town Code (<http://www.townofcarrboro.org/DocumentCenter/View/107>) are attached for reference (Attachment A). A copy of the regulations enacted in Chapel Hill are also attached (Attachment B).

The Animal Control Board of Appeals in considering the appeals, has requested information on the basis for the 10,000 square foot requirement. A specific source for the requirement has not been located; a review of regulations from other local governments reveals a range of methods for establishing dimensional and other standards in association with allowing residents to keep chickens in residential areas for non-commercial purposes and a comparison of the setback metrics in comparison to typical lot sizes in Carrboro is underway. Orange County Animal Control staff are also

considering how the lot size and/or other standards establish conditions that are most appropriate for ensuring the welfare of such animals. The Animal Control Board of Appeals has suggested it might be helpful to modify the Town Code provisions, perhaps to establish parameters for granting exceptions to the lot size and requests that the Board of Aldermen specifically consider if and how exceptions might be granted and the basis for doing so.

A map showing permitted livestock and chickens in Town as of September 2011 is attached (Attachment C).

FISCAL & STAFF IMPACT: Fiscal and staff impacts are to be determined based on the Board's actions, if any, in follow-up to discussing this item.

RECOMMENDATION: Staff recommends that the Board of Aldermen discuss this information and advise how to proceed.