



## Legislation Text

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**File #:** 17-051, **Version:** 1

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### **TITLE:**

Consideration of Town Code Amendments to Modify Livestock Provisions Pertaining to Chickens and Rabbits

**PURPOSE:** The purpose of this agenda item is for the Board of Aldermen to consider amendments to the Town Code Amendments pertaining to chicken and rabbits.

**DEPARTMENT:** Planning Department; Police Department; Orange County Animal Control Services

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**INFORMATION:** On January 24, 2017, the Board of Aldermen set a public hearing for February 28<sup>th</sup> to consider Land Use Ordinance amendments related to Town Code provisions that modify dimensional requirements for certain livestock facilities. The LUO amendments have been prepared to update and improve the Town's regulations for keeping chickens and rabbits, especially on smaller lots in Town. Information about the related livestock ordinance provisions are presented in this agenda item. An earlier version of Chapter 10, Animal Control, which predates the adoption of the County's Unified Animal Ordinance (UAO) is provided for reference (*Attachment A*), as well as a copy of the draft ordinance amending Chapter 10 (*Attachment B*). A draft informational flyer is also attached that the town will make available to prospective permit applicants (*Attachment C*).

The Board of Aldermen has been exploring potential changes to the small animal related provisions of the Town Code since the fall of 2014. Agenda materials from the earliest meeting, September 9, 2014, may be located at <https://carrboro.legistar.com/LegislationDetail.aspx?ID=1901078&GUID=B12A114E-2EC6-428A-A72A-3BD0CC6B0DAE&Options=ID|Text|&Search=september>. Further information on the ongoing review may be found in the January 24<sup>th</sup> agenda item at <https://carrboro.legistar.com/MeetingDetail.aspx?ID=525877&GUID=00FE6A10-718B-4FE5-82D7-8FD5C44B5668&Options=&Search=>, and in the February 21, 2017 agenda item at <https://carrboro.legistar.com/LegislationDetail.aspx?ID=2963799&GUID=3110E073-9653-4F42-9C4C-0C0BFC2EAE5&Options=&Search=>.

Items 1 through 5 present the changes identified in the Board's 2014 discussion. Items 6 through 12 present

changes identified by the Town of Carrboro Animal Control Board of Appeals and staff during review of the matter. Where applicable, associated provisions in the draft Town Code amendment are presented in italic text.

1. Chicken coop size requirements - four square feet per chicken. *Table in Section 10-3(d)(1) establishes this as minimum coop/hutch size.*
2. Chicken run size requirements - six square feet per chicken. *Table in Section 10-3(d)(1) establishes this as minimum run /pen size.*
3. Regulate permissibility of keeping chickens based on locational requirements related to adjoining properties rather than minimum lot size. *Minimum lot size provisions are removed in this draft. Table in Section 10-3(d)(1) establishes locational requirements based on minimum setbacks for the coop and run.*
4. Consider allowing a certain number of chickens without a permit. *Section 10-3(d)(1) establishes a requirement for submittal of a drawing that shows that coop and run installation will meet locational requirements. Section 10-3(d)(4) requires written permission of the property owner where chickens are being kept, per recommendation of Orange County Animal Control staff that contact information and tracking capabilities are in place in the event of avian flu outbreak or some similar reason.*
5. Remove requirement that chickens can only be kept for eggs for the consumption of the owners of the lot where they are located. *Section 10-3(d)(5) allows the sale of eggs off-site outside of residential zoning districts.*
6. Clarify linkage to Orange County Unified Animal Control Ordinance - *A preamble describing the Board of Aldermen's adoption of the County ordinance and resolution regarding County enforcement has been added at the beginning of Chapter 10.*
7. Establish safety and health standards for chickens and rabbits - *Section 10-3(2) establishes minimum standards for protection from adverse weather, cleanliness of facilities, security of food containers from rodent infestations, and adequacy of enclosures.*
8. Consistency with Unified Animal Ordinance - *Some terminology is revised, such as changing 'domestic' to 'domesticated,' and noting the use of 'poultry' to also refer to fowl.*
9. Consistency with North Carolina state law. *Express recognition of NC General Statutes is included in Section 10-3(d)(3).*
10. Noisy roosters or other birds or fowl. *Section 10-3(d)(6) prohibits the keeping of birds or fowl that produce noise that constitutes a public nuisance.*
11. Slaughter of animals. *Section 10-3(d)(7) specifies that the slaughter of animals must occur within a fully enclosed structure and remains must be disposed of in accordance with state law.*
12. Notification and permit approval process. *Section 10-3(e) states that the applicant and immediate neighbors will be notified of a date and time when they may comment on any concerns they may have regarding the issuance of a permit.*

During the February 21, 2017 meeting, the Board asked for clarification on three additional items:

-Consideration of sizing requirements for turkeys and geese. Staff has added a provision to the draft amendments, which doubles the size requirements for both the shelter size and run area for larger fowl.

-Explanation of requiring a minimum of three chickens. In researching and preparing this item, staff learned that chickens are social animals by nature and tend to do better in terms and health and general well-being when accompanied by other animals.

-Sales of eggs in residential districts. The Town's Land Use Ordinance does not allow retail sales to occur on residentially zoned properties. Eggs may be sold off site in nonresidential areas.

**FISCAL & STAFF IMPACT:** Minimal staff impact associated with updating the Town Code.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen adopt the Town Code provisions provided as Attachment B.