

ACTION REQUEST FORM

DATE: October 24, 2012
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning Text Amendment proposed by the City Manager's Office

SUMMARY OF INFORMATION:

Zoning Text Amendment proposed by the City Manager's Office to amend Chapter B of the *Unified Development Ordinances* to reflect changes made to Chapter VI of the City Code for the keeping of chickens, pigeons, or other fowl (UDO-236).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED

STAFF REPORT

DOCKET # UDO-236
STAFF: Aaron King

REQUEST

A UDO Text Amendment proposed by the City Manager's Office to amend Chapter B of the *Unified Development Ordinances* to reflect changes made to Chapter VI of the City Code for the keeping of chickens, pigeons, or other fowl (UDO-236).

BACKGROUND

The City Code currently allows a property owner to have chickens (and/or other fowl) on their property provided the chickens are kept a minimum of one hundred fifty (150) feet from any adjoining property line. For the most part, this setback requirement is very difficult to meet. In cases where the one hundred fifty (150) foot setback requirement cannot be met, a property owner can seek a Special Use Permit (SUP) from the Board of Adjustment (BOA) allowing the chickens to be located within a reduced setback.

More recently the City Council began exploring other alternative ways to allow chickens within the City limits. Rather than meeting the one hundred fifty (150) foot setback or going to the BOA for a SUP to reduce that setback, the City Council explored the idea of allowing chickens with some defined performance standards. The performance standards include:

- Sanitation standards for the disposal of manure and excess feed.
- Construction standards for coops and runs.
- Limitation on the number of chickens – maximum of five (5). Prohibition of roosters.
- Setback of one hundred (100) feet from adjoining properties. A chicken coop can be located between twenty-five (25) and one hundred (100) feet from an adjoining property provided that adjoining property owners provide signatures indicating their support for the chickens. [Note: The owner of the chickens would only have to obtain signatures from the neighboring properties where the one hundred (100) foot setback was not met.] In no case shall a chicken coop be located closer than twenty-five (25) feet from an adjoining property line.
- Permit required to be obtained from the Inspections Department. Two (2) Notice of Violations within a period of twenty-four (24) months would cause the permit to be revoked.

The revisions listed above would take place in the City Code rather than the UDO.

ANALYSIS

Once the changes mentioned above become a part of the City Code, the current references to chickens within the UDO will become obsolete. The purpose of this text amendment is to delete these two (2) existing references to chickens within the UDO in order to make it consistent with City Code.

RECOMMENDATION

APPROVAL

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-236
OCTOBER 11, 2012**

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Paul Mullican moved approval of the zoning text amendment.

SECOND: Lynne Mitchell

VOTE:

FOR: Wesley Curtis, Arnold King, Darryl Little, Barry Lyons, Lynne Mitchell, Paul Mullican, Allan Younger

AGAINST: None

EXCUSED: None



A. Paul Norby, FAICP
Director of Planning

UDO-236

A UDO TEXT AMENDMENT PROPOSED BY THE CITY MANAGER'S OFFICE TO AMEND CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES* TO REFLECT CHANGES MADE TO CHAPTER VI OF THE CITY CODE FOR THE KEEPING OF CHICKENS, PIGEONS, OR OTHER FOWL (UDO-236).

Be it ordained by the City Council of the City of Winston-Salem, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter B, Article III of the UDO is amended as follows:

**Chapter B - Zoning Ordinance
Article III – Other Development Standards**

3-11 OTHER STANDARDS

~~3-11.3 KEEPING OF CHICKENS, PIGEONS, OR OTHER FOWL~~ RESERVED.

~~Any shelter, housing, or fencing for chickens, pigeons, or other fowl shall be located a minimum of one hundred fifty (150) feet from the property line of any adjoining lots or parcels of land, unless a special use permit has been obtained from the Board of Adjustment in accordance with Section B.6-1.4.~~

**Chapter B - Zoning Ordinance
Article VI – Administration and Amendments**

6-1 ADMINISTRATION

6-1.4 BOARD OF ADJUSTMENT

- (2) **Planning Board Report.** Applications for special use permits may be approved by the Board of Adjustment after such board receives a report from the Planning Board and holds a duly advertised public hearing in each case, except that the Planning Board shall not be required to review and report on applications for:
- (j) ~~Keeping of chickens, pigeons, or other fowl (W) per Section B.3-11.3; or,~~
Reserved.

Section 2. This ordinance shall be effective upon adoption.