MEMO

TO: Planning and Zoning Commission

FROM: Sheila DeSchaaf, AICP
Planner II

DATE: September 13, 2010

SUBJECT: Unified Development Code Amendment P10-006
Application to allow the keeping of chickens on properties less than 1.0 acre

Background:
The applicant, Maria Griselda Cohen, property owner of 1121 N. William Tell Circle; is requesting an amendment to the following provisions contained in Section 15-02-004, Residential Districts, of the Unified Development Code (UDC):

CURRENT: *Section 15-02-004B.3:*
"Livestock and poultry are permitted if they do not create a nuisance, are in conformance to this Code, and are kept in accordance with the following:
a. A minimum of 1.0 acres of land shall be required for maintenance of livestock or poultry."

Through this amendment, the applicant, as well as other property owners within the Town of Payson, would have the ability to keep poultry hens in their residential yards.

Analysis:
Attached Exhibit A is an article from the August/September 2009 issue of Planning, the magazine of the American Planning Association on this topic. Many communities that have adopted zoning regulations that allow ecologically sustainable practices such as community gardens and the keeping of poultry are listed in this article. In addition to the communities named, staff researched a number of communities in Arizona, and found that the cities of Gilbert, Chandler, Phoenix and Prescott all allow poultry hens on properties that are less than one acre in size.

Attached as Exhibit B, is a proposed amendment to the Unified Development Code, prepared by staff that would facilitate the applicant's request and could be supported by Community Development Department staff.

Staff Recommendation:
Staff recommends approval of the applicant's request for an amendment to the current code standards as the proposed allowance for keeping of chickens is a sustainable practice.

Suggested Motion to recommend APPROVAL:
If the Commission agrees with the listed revisions, a possible motion could be:

> "I move the Planning and Zoning Commission recommend to the Town Council approval of P10-006, an amendment to the Unified Development Code, Section 15-02-004, Residential Districts" by amending Section 15-02-004B.3 as attached hereto as Exhibit B."

CASE NUMBER P10-006

TOWN OF PAYSON
PLANNING AND ZONING COMMISSION OR BOARD OF ADJUSTMENTS APPLICATION

The undersigned Applicant(s) hereby applies for:

- ☐ Abandonment Request
- ☐ Administrative Appeal
- ☒ Code Amendment
- ☐ Conditional Use Permit
- ☐ Development Master Plan
- ☐ Devel. Agreement, PAD & SPD
- ☐ Final Subdivision Plat
- ☐ General Plan or Land Use Plan Amendment
- ☐ Minor Land Division
- ☐ P & Z Commission Appeals
- ☐ Preliminary Subdivision Plat
- ☐ Temporary Use Permit
- ☐ Variance
- ☐ Zone Change
- ☐ Guest Quarters
- ☐ ADU

Aug. 2009

Project Address: 1121 N. William Tell Cir. Tax Parcel Number: 302-69-011B
Subdivision: Payson North IV A Lot Number: 12 and portion of lt 11
Name of Applicant(s): Maria G Cohen Phone #: (928) 474-2006
Mailing Address: Same as above Town: Payson St: AZ Zip: 85541
Name of Property Owner(s): Maria G. Cohen
Mailing Address: Same as above Town: St: Zip:
Contact Person: Maria R. Cohen Phone #: (928) 970-2057 Fax #:
Payson Business License # Sales Tax #

Detailed Description of Request:
To allow home owners to raise up to 10 chickens for personal domestic purpose of eggs. To allow and encourge more self sufficiency.

(Note: Additional Description area can be included in an attachment)

Certification: I hereby certify that the data submitted on or with this application is true and correct, that I am the Owner of the property at this address, or that for the purpose of obtaining this approval I am an authorized agent in his behalf.

Maria G. Cohen — Print Name
Maria G Cohen — Signature
July 26, 2010 — Date

STAFF USE ONLY - PERTINENT DATA

APPLICATION	DATE	INITIALS	APPLICATION FEE:
DATE FILED	7/28/10	SLd	Unified Development Code Amendment Application: $400.00
COMPLETED APPLICATION	7/28/10	SLd	
NEWSPAPER PUBLICATION	8/27/10	SLd	
300' NOTIFICATION MAILOUT	8/26/10	SLd	
POSTING DATE	8/27/10	SLd	CHECK NUMBER: 1317 DATE: 7/28/10

RECOMMENDATION	DECISIONS
By: Date:	By: Date:

American Planning Association Making Great Communities Happen

Planning — August/September 2009

What's Fowl Is Fair

By Annemarie Mannion

Just a block from the busy Eisenhower Expressway in Chicago, two hens cluck softly as they peck for bits of rice in a grassy yard behind a small frame house on the city's West Side. The hens, named Clucky and Lucky, inhabit a coop at the rear of the yard — something that is making a reappearance nationwide. People in cities and suburbs are interested in raising backyard chickens, and communities are responding by preparing new ordinances to accommodate them.

"I wanted to have fresh eggs, but I also wanted to have the experience of raising animals that are part of the food stream," says the Chicago hens' owner, Kristen Lehner. The Lehners are not alone in this, of course. The city of Chicago allows residents to keep backyard coops, so long as the animals live in a separate dwelling.

Just within the last year, communities such as Fort Collins and Longmont, Colorado; South Portland, Maine; Bloomington, Indiana; and Brainerd, Minnesota, have approved ordinances allowing residents to keep chickens. Ben Ortiz, a city planner in Longmont (pop. 85,000), says his community had long allowed chickens in agricultural zones. A new ordinance approved in January lets residents keep up to four chickens in residential districts.

In preparing the ordinance, Ortiz surveyed chicken laws in 14 other communities in Colorado and in Madison, Wisconsin, and Oakland, California, among other places. "There really wasn't any consistency in how they're regulated," Ortiz says. "Some define them as fowl, some as pets. Some banned them outright. Some were really liberal and allowed up to 15 in every residential district."

In crafting the Longmont ordinance, Ortiz sought input from other city departments, including building inspection and animal control, because any new law would have affected them. The Longmont ordinance requires that a coop be at least six feet from the principal dwelling or any other structure and at least six feet from the rear or side property line.

"We have a code provision that any accessory, detached structure has to be six feet from the principal structure," Ortiz says. "We do that for fire protection. So we said, 'Let's keep it consistent so that it's easy to enforce.'"

Longmont's new law also requires coops to have a solid roof and to be no taller than seven feet high. It limits the size of coops and runs to 120 square feet. Roosters are banned because they're noisemakers, and chicken slaughtering is prohibited.

Concerns about disease were unfounded, according to the Ortiz's study, but a poultry expert at Utah State University says caution is needed. "Improper composting or storage may create excessive odor and fly problems," David Frame warned in a university press release. "Also beware of rodents, as they like chicken feed, especially in moist areas."

While Longmont has been focused on the issue of backyard chickens, other communities are taking a broader look at urban farming. "We want to promote urban agriculture," says Eden Dabbs, communications specialist for the city's Bureau of Planning and Sustainability. "We're looking at how people can grow their own food as a way of promoting health and to reduce vehicle miles that are traveled to get food."

Portland residents are allowed to have up to three hens without a permit, but they must be kept at least 50 feet from neighboring dwellings. Because of its role in ensuring health and safety, Multnomah County regulates chickens in Portland.

Amanda Rhoads, a planner with the city, has a permit to keep five chickens. Just as urban chicken keeping has taken flight recently, Rhoads says she expects to see more residents asking to keep other forms of livestock in urban settings.

"We already allow pygmy goats," she says. "People like their fresh milk. There is so much interest in this, I think we'll see it expand (beyond chickens) to other large animals."

"I think this is more than a fad," says Ortiz.

Annemarie Mannion is a Chicago-based writer.

Resources
Images: Kristen Lehner — and her friends Clucky and Lucky — are part of a new urban chicken movement. Photo Annemarie Mannion.

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3. Livestock and poultry are permitted ***ACCESSORY USES*** if they do not create a nuisance, are in conformance to this Code, and are kept in accordance with the following:
   a. A minimum of 1.0 acres of land shall be required for maintenance of livestock ~~or poultry~~; or ***ROOSTER;***
   b. A total of two livestock may be maintained on the first acre, and up to one additional livestock for each additional one-half acre;
   c. No livestock or poultry shall be permitted in any front yard, nor shall any horses or other livestock be maintained closer than 75 feet from any residential unit on another lot. Where an adjacent residential lot is not currently developed, the required setbacks ***ON THE ADJACENT PROPERTY*** shall be used to determine the potential placement of ~~housing~~, ***ANIMALS, ANIMAL ENCLOSURES, CORRALS, ETC.,*** to ensure the 75 foot separation from horses, other livestock and ~~poultry~~ **ROOSTERS.**
   d. ***A MAXIMUM OF TEN POULTRY HENS KEPT ONLY WITHIN AN ENCLOSURE OR FENCED AREA SHALL BE ALLOWED ON ALL RESIDENTIAL LOTS, REGARDLESS OF LOT SIZE.***
   e. ***DURING NON-DAYLIGHT HOURS ALL POULTRY SHALL BE CONFINED TO A HENHOUSE.***
   f. ***POULTRY SHALL BE KEPT, HOUSED, OR OTHERWISE MAINTAINED A MINIMUM OF TWENTY-FIVE FEET FROM ANY MINIMUM SETBACK LINE ON AN ADJACENT PROPERTY. MINIMUM SEPARATION REQUIREMENTS MAY BE WAIVED WITH WRITTEN AGREEMENT FROM AFFECTED ADJACENT PROPERTY OWNER(S).***
   g~~d~~. The keeping of all animals shall be subject to the regulations and conditions of the Gila County Health Department and the Town of Payson Animal Control Division.
   h~~e~~. The keeping of dangerous, wild or non-domestic animals is prohibited.
   i~~f~~. For the purposes of this subsection, the area comprising an adjoining roadway that has been dedicated to, and accepted by, the Town pursuant to the 2003 Payson Dirt Road Improvement Project shall be included when determining the area of any land. *92
4. Keeping of poultry, exotic birds or other animals shall be permitted in accordance with the "Table of Residential District Uses", in this Code, and Gila County Health Department standards, and shall be kept in such a manner as to not create a nuisance, nor disturb the character, as defined by this Code, of a residential area. Exotic animals shall be kept in such a manner to prevent any audible, physical, or other disturbance of neighbors.

15-11 DEFINITION (TO BE ADDED)

HENHOUSE: AN ENCLOSURE USED TO KEEP POULTRY FOR PERSONAL USE ON A RESIDENTIAL PROPERTY, WHICH IS IMPERMIABLE TO PREDATORS INCLUDING DOGS AND CATS, AND IS KEPT SUPPLIED WITH CLEAN WATER AT ALL TIMES.

CITIZEN CORRESPONDENCE

June 1, 2010

In consideration of the difficult economic times we live in and in the spirit of the magnificent U.S. Constitution please sign this petition requesting that the prohibition on having live chickens for the production of fresh eggs for personal use be lifted. It is incomprehensible that we boast of our freedoms and cannot even have chickens for fresh eggs.

Name	Address	Signature
Mrs. Madeleine Mercer Eiring Mr. James J. Eiring	1121 N. William Tell Cir. Payson AZ 85541 Same	Madeleine M. Eiring James J. Eiring
Audrey J. Biggs	1118 N Wm Tell Payson, AZ 85541	Audrey J Biggs
Robert Biggs	" "	R B Biggs
MARK R. GINDLESPERGER	1119 N. Wm. Tell Cir	Mark R Gindlesperger
Susan Slenk	1107 N. Matterhorn	Susan Slenk
Margaret Mansoor	1108 N. Matternorn	[illegible]
Susan Alderman	1114 N William Tell Circle Payson, AZ 85541	Susan Alderman
David Alderman		
Brian Willard	1114 N Williamtell Circle.	Brian Willard
Carla Blume + Paul Blume	Payson AZ 85541	
Barbara Wollcrs	1105 N. William Tell Circle, Payson 85541	
[illegible]	1107 N. William Tell Circle AZ Payson 85541	
	1111 N. William Tell C	