



DATE: April 16, 2024

CASE #: TA-02-24 Text Amendment (Keeping of Chickens)

PREPARED BY: Autumn C. James, Ph.D., AICP | Planning & Development Manager

SUMMARY

Staff is providing the Commission with a proposed text amendment to Article 8 of the Concord Development Ordinance (CDO). This amendment is coming to the Commission upon direction of the City Council. Council has been approached by interested citizens who wish to explore reconsideration of the keeping of domestic chickens. This ordinance was considered by the City Council in 2012 and 2017, but was ultimately denied.

The proposed amendment allows for the keeping of domestic female chickens on single-family detached or manufactured home residential lots, as an accessory use. Up to five (5) total chickens may be kept on a lot that is between one-half acre (0.50 ac) and one acre (1.0 ac) in area; up to ten (10) total chickens may be kept on a lot that is at least one acre (1.0 ac); and, up to twenty (20) chicken may be kept on a lot that is at least two acres (2.0 ac) or more in area. The maximum number of chickens allowed is twenty (20) per lot, regardless of number of dwelling units on the lot.

Additionally, this amendment includes requirements to limit impacts on neighboring properties and to ensure that the hens are kept in safe and sanitary conditions.

The amendment is in approval form and may be forwarded to City Council for public hearing and their consideration at their May meeting.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF CONCORD, NORTH CAROLINA**

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by the North Carolina General Statute §160A-364 enacted an Official Zoning Ordinance for the City of Concord, North Carolina and the Area of Extraterritorial Jurisdiction on July 28, 1977; and

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by North Carolina General Statute §160D-601 through 160D-605, 160D-701 through 160D-706, 160D-801 through 160D-808 and 160D-901 through 160D-951, may from time to time as necessary amend, supplement, change, modify or repeal certain of its zoning regulations and restrictions and zone boundaries; and

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by North Carolina General Statute 160D-601 through 160D-605, 160D-701 through 160D-706, 160D-801 through 160D-808 and 160D-901 through 160D-951 does hereby recognize a need to amend the text of certain articles of the City of Concord Development Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord, North Carolina:

SECTION 1: That the following use be added to the Concord Development Ordinance (CDO) Article 8 “Use Regulations,” Table 8.1.8:

Table 8.1.8

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards	
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2		
RESIDENTIAL USES (See 8.3.3)																	
Household Living	Mixed Use Dwelling/Live-Work Unit								P	P	P	P	P				
	Single Family Detached Dwelling, Single-Family Modular Home	P	P	P	P	P	P	P	PS								7.7
	Single Family Attached Dwelling,							PS	PS	PS							7.7 & 7.7.4.I
	Multifamily Dwelling/Apartment Duplex/Triplex							SS	PS	PS	PS	PS	SS				7.8
	Accessory Dwelling	PS	PS	PS	PS	PS	PS	PS									Tables 7.6.2.A & 7.6.2.B
	<u>Keeping of Chickens (Gallus gallus domesticus)</u>	P	PS	PS	PS	PS	PS	PS									

SECTION 2: That the following accessory use be added to the Concord Development Ordinance (CDO) Article 8 “Use Regulations,” Section 8.2.4 “Residential Use Categories,” Table A: Household Living :

8.2.4. RESIDENTIAL USE CATEGORIES
A. Household Living

Characteristics: Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units, including kitchens.		
Principal Uses	Accessory Uses	Uses Not Included
Assisted living facility with self-contained individual units that meet the definition of a dwelling unit Guest house Retirement center apartment Short-term rental Single-family detached house, lot line house, traditional house, patio house, villa house, atrium house, two-family house, semi-attached townhouse, townhouse or rowhouse, roof-deck townhouse, stacked townhouse, multiplex, apartment, manufactured home park or subdivision, modular home, upper-story residential	Accessory dwelling unit Accessory structure that does not involve the conduct of business on the premises Ancillary indoor storage Dish antenna under 3 meters Dock or pier (noncommercial) Children’s play area or equipment Greenhouse or nursery, Personal (no sales) Home occupation In-home care for six or less persons Off-street parking of occupants’ registered vehicles Family day care homes Adult day care homes (As licensed by the State of NC) Private community center Public community center affiliated with a public housing agency or department Private garage, barbecue pit, carport, tool or garden shed, storage unit, swimming pool Raising of pets Residential leasing office Storage structure, storage garage or open storage area for RV’s or boats (manufactured home park or subdivision only) <u>Keeping of Chickens</u>	Bed and breakfast establishment, hotel, motel, inn, extended-stay facility (see Transient Accommodations) Family care homes (see Social Service Institution) Nursing or convalescent home (see Group Living) Residential assisted living facility not having individual dwelling units (see Group Living)

SECTION 3: That the following section be added to the Concord Development Ordinance (CDO) Article 8 “Use Regulations,” Section 8.3.3 “Residential Uses”:

G. KEEPING OF CHICKENS

1. APPLICABILITY

Lots that are zoned for and utilized as single family detached or manufactured home dwellings may be permitted a maximum of twenty (20) domestic female (hen) chickens (*Gallus gallus domesticus*), as an accessory use (See § 8.4 of this Ordinance.), contingent on the following requirements:

- a. The maximum number of chickens allowed is twenty (20) per lot, regardless of number of dwelling units on the lot.
 - i. Up to five (5) total chickens may be kept on a lot that is between one-half acre (0.50 ac) and one acre (1.0 ac) in area.
 - ii. Up to ten (10) total chickens may be kept on a lot that is at least one acre (1.0 ac).
 - iii. Up to twenty (20) chicken may be kept on a lot that is at least two acres (2.0 ac) or more in area.

- b. Male chickens (roosters) are prohibited.
- c. Hens are utilized for personal egg production or as pets; Chicks and adult chickens shall not be sold; Chicken manure and compost using chicken manure shall not be sold or otherwise distributed; Produce on which chicken manure from the permitted chickens has been used as fertilizer, or on which compost made with such manure has been used, shall not be sold.
- d. Hens shall not be slaughtered within the City limits.
- e. A chicken coop and chicken pen shall be provided and all necessary action should be taken to reduce the attraction of predators.
 - i. Chickens shall be secured in the chicken coop during non-daylight hours. During daylight hours chickens can be located in the chicken pen and can be located outside of the pen in a securely fenced yard.
 - ii. Chicken coops shall be located in the rear yard of the principal dwelling and shall be set back at least 50 feet any adjacent residences, or rights-of-way and shall be enclosed with solid material on all sides and have a solid roof and door(s). An existing shed or rear garage can be used for a coop.
 - iii. Chicken pens shall be located in the rear yard of the principal dwelling and shall be set back at least 5 feet from lot lines or rights-of-way and shall be constructed of wood or metal posts and wire fencing material. The fence shall measure at least five (5) feet in height.
 - iv. Chicken coops, chicken pens, and surrounding areas shall be kept in a sanitary condition at all times.
- f. All manure, uneaten feed and other items associated with the keeping of chickens shall be removed and disposed of in a timely and sanitary manner.
 - i. No more than two cubic feet of chicken manure shall be stored for use as unprocessed fertilizer. All other manure shall be disposed of or composted. All stored manure shall be completely contained in a waterproof container.
 - ii. Any compost using chicken manure shall be produced in an enclosed backyard composter.
- g. The requirements set forth in Articles 4.3 which note that no person shall perform land-disturbing activities that cause or contribute to a violation of water quality standards. Class 1 and Class 2 streams shall be protected by an undisturbed buffer and vegetated setback.
- h. A Zoning Clearance Permit is required for residents wishing to keep chickens on their property.

SECTION 4: That the following accessory use be added to the Concord Development Ordinance (CDO) Article 8 “Use Regulations,” Section 8.4 “Accessory Uses,” Table 8.4.1: Permitted Accessory Uses:

8.1 Accessory Uses

8.4.1 PERMITTED ACCESSORY USES

- A. The uses listed in Column A, below, shall be permitted by right (unless noted otherwise) in any of the zoning districts set forth in Column B, below:

(A) Accessory Use	(B) Zoning Districts
Accessory Dwellings (subject to § 8.3.3.C)	See Use Table (Section 8.1.8)
Adult Day Care Home (up to 6 residents)	All Residential Zoning Districts
Family Day Care Home (up to 12 children, including both customers and family members)	All Residential Zoning Districts
Garages or Carports (noncommercial)	All Zoning Districts
Greenhouses (noncommercial)	All Residential Zoning Districts
Home Occupations (subject to § 8.5)	All Residential Zoning Districts
Off-Street Parking and Driveways	All Zoning Districts
Wireless Telecommunications Antennas or Tower (subject to § 8.7)	All Zoning Districts
Other Telecommunication Antennas or Tower	See Use Table (Article 8)
Satellite Dishes	All Zoning Districts
Signs (see Article 12)	All Zoning Districts
Storage Buildings (Residential)	All Zoning Districts
Swimming Pools (subject to § 8.4.4)	All Residential Zoning Districts
Stables/Private (see § 8.3.2.A)	AG, RE, RL
Tennis Courts (subject to the provisions of this Section)	All Zoning Districts
Any other Building or Use customarily incidental to the permitted Primary Use or Building (subject to § 8.4.2)	All Zoning Districts
<u>Keeping of Chickens</u>	<u>See Use Table (Article 8)</u>

SECTION 5: That Article 14 “Definitions” be amended to include the following definitions:

CHICKEN - Female poultry or fowl of the species *Gallus gallus/G. gallus domesticus*. Male chickens (roosters) are excluded.

CHICKEN COOP - A structure for the sheltering of chickens.

CHICKEN PEN - An enclosure that is connected to and/or surrounding a chicken coop for the purpose of allowing chickens to leave the coop while remaining in a predator-safe environment.

SECTION 6: That this Ordinance be effective immediately upon adoption.

Adopted in this DAY of MONTH 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

ATTEST:

William C. Dusch, Mayor

Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney