



## Legislation Details (With Text)

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<b>Title:</b>	ZONING ORDINANCE TEXT AMENDMENT (ZTA) ZTA16-02 (City Council Input on Expanding Locations Where Chickens May be Kept) Staff Contact and Presenter: Sam McAllen, Director, Development Services Staff Presenter: Jon M. Froke, AICP, Planning Director				
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### **ZONING ORDINANCE TEXT AMENDMENT (ZTA) ZTA16-02 (City Council Input on Expanding Locations Where Chickens May be Kept)**

Staff Contact and Presenter: Sam McAllen, Director, Development Services

Staff Presenter: Jon M. Froke, AICP, Planning Director

### **Purpose and Policy Guidance**

In response to a Council Item of Special Interest, staff presented information to City Council at their January 19, 2016 Workshop regarding the keeping and raising of chickens in residential neighborhoods. At that Workshop, staff clarified that chickens are currently allowed to be kept in Glendale neighborhoods with Agricultural (A-1), Rural Residential (RR-90; RR-45) and Suburban Residential (SR-30; SR-17; SR-12) zoning. During that Workshop, City Council provided staff with direction to initiate a Zoning Text Amendment (ZTA) process to consider allowing chickens in additional residential zoning districts. Since that Workshop, staff initiated the ZTA process, conducted a citizen participation process meeting (August 2016) and brought information to the Planning Commission on two occasions (September and December 2016) to introduce the ZTA, seek the Planning Commission's input and keep them strategically involved in the ZTA process.

Staff is preparing to write the ZTA language and needs City Council input and direction regarding specific details and components that will be included in the ZTA. The information provided by City Council at today's Workshop will be integrated into ZTA language that will support expanding locations where chickens can be kept and raised in Glendale.

Staff is seeking City Council input and direction regarding specific details that will be included in a ZTA that will expand where chickens may be kept in Glendale.

## **Background**

In response to a Council Item of Special Interest regarding the keeping and raising of chickens, staff provided City Council with a report and presentation on January 19, 2016 that identified where chickens could currently be kept in Glendale and shared information about how other local cities have allowed chickens in their communities. Staff was given direction to initiate a ZTA process that would increase the locations where chickens could be kept and raised in Glendale. During that Workshop, City Council also discussed the need to 1) establish a reasonable number of chickens that can be kept on properties, 2) clarified that only hens (no roosters) would be permitted in the expanded areas, 3) discussed that chickens must be confined in fences or cages, 4) confirmed their intention that a new Zoning Text Amendment would not override current HOA rules, and 5) confirmed that the city's current nuisance codes for animal noise and odor would apply to properties where the keeping and raising of chickens would be permitted.

On August 17, 2016, the Planning Division hosted a citizen participation meeting to introduce the ZTA concept to the public. Approximately 85 persons attended the meeting. Speaker cards were provided at the meeting as a means of gathering public input. A total of 56 speaker cards were returned with 12 indicating support for expanding areas where chickens could be kept and the remaining cards indicated opposition to the proposed ZTA or supporting current locations where chickens may be kept.

On September 1, 2016, the concept of ZTA16-02 was introduced to the Planning Commission at their Workshop meeting. The Planning Commission formally initiated ZTA16-02: Zoning Text Amendment (ZTA) - ZTA16-02 - Chickens. During the Workshop, Commissioners were informed that City Council would like to create a ZTA that accomplishes the following:

- Expands the areas where chickens would be permitted in Glendale;
- Only allows hens (no roosters) to be kept in the expanded areas;
- Requires that hens be contained in either fences or cages;
- Does not override existing HOA rules; and
- Existing city codes related to animal noise and odor would apply.

Commissioners asked staff questions including the following:

- What is a reasonable number of chickens?
- How do the ten largest cities in Arizona regulate chickens?
- What were the numbers of Code Compliance complaints concerning chickens?
- Will the proposed ZTA address only chickens?

On December 1, 2016, at the Planning Commission's Workshop, the Planning Commission received staff responses to the questions they previously asked and provided staff with input regarding considerations that should be taken into account as the text of ZTA16-02 is drafted. During the Workshop, Commission Members did not take any formal action to reach consensus, rather they identified lot/yard size, distance from a neighbor's yard, and the quantity of chickens to be allowed as key issues. Additionally, they identified the following concerns that need to be addressed or clarified as the ZTA moves forward:

- A maximum quantity of chickens should be established. A Commission Member identified establishing a maximum number of chickens, such as five (5) or six (6), would make the process simple. Another idea was the development of a formula that would allow a lesser number of chickens to be kept a smaller properties and would increase (i.e. one additional chicken would be permitted for every 1,000

- square feet) up to an established maximum number of chickens on larger properties;
- Chickens should not be classified as pets;
- Chickens should only be permitted in backyards;
- Coop placement should follow house structure guidelines;
- Chickens should not be permitted in apartments or townhomes;
- Consider including neighbors in the process if chickens are permitted in residential districts;
- Fencing should be required (exterior yard fencing would be appropriate);
- Allow chickens to be kept in any area of the backyard (i.e. dog run locations are not regulated);
- The allowance of chickens at additional properties should be anchored by allowing chickens in occupied residential dwellings vs. allowing them only by zoning district; this would allow chickens to be kept in properties with M-1 zoning that are being used as a residence.

During the Workshop staff answered Commissioners' questions about how chicken noise complaints are addressed and if other animals (ducks and geese) were to be included in the ZTA. Commission members also expressed concern for older chickens and what happens to them when they pass the egg bearing stage of their life.

### **Analysis**

Zoning Ordinances are unique to each municipality and are drafted, adopted and enforced according to each municipality's guidelines and community standards. The City of Glendale currently allows the keeping and raising of chickens in Glendale neighborhoods with Agricultural (A-1), Rural Residential (RR-90; RR-45) and Suburban Residential (SR-30; SR-17; SR-12) zoning. Glendale City Council provided staff with direction to initiate a ZTA process to expand the areas where chickens can be kept; the process has been initiated.

Staff is seeking City Council input and direction on key components of proposed ZTA language to make sure the ZTA reflects City Council's desired direction and clearly establishes Glendale's community standards regarding keeping chickens.

The following policy questions and options for consideration are being provided to City Council as starting points to advance today's discussion with regard to identifying properties where chickens may be kept, determining the maximum number of chickens that can be kept at these properties, identifying locations on properties where chickens may be kept, and confirming other criteria that should be considered as ZTA language is drafted.

Policy Question #1) Where should the keeping of chickens be allowed within Glendale?

Options for consideration:

- Expand the keeping and raising of chickens to include all occupied properties in single family zoning districts (R1-10, R1-8, R1-7, R1-6 and R1-4);
- Expand the keeping and raising of chickens to include all occupied properties in multi-family zoning districts;
- Expand the keeping and raising of chickens based upon a properties lot size (i.e. 4,000 sq. feet and greater);
- Expand the keeping and raising of chickens based upon the residential use of a property (i.e. a property may be zoned M-1 but may be being used as a residential dwelling);
- Do not expand where chickens may be kept; and
- Any other options identified by City Council will be discussed.

Policy Question #2) What is the maximum number of chickens that will be permitted on any one property where the keeping of chickens is expanded through the ZTA?

Options for consideration:

- Establish a reasonable number of chickens based upon the size of a property (i.e. up to 4 chickens on properties 4,000 sq. ft. in size and expand the allowance of one (1) additional chicken for every additional 1,000 sq. ft. of property;
- Establish a uniform maximum number of chickens (i.e. six (6)) allowed on all properties impacted by the ZTA;
- Establish the maximum number of chickens allowed based upon the occupancy of a property;
- Do not establish a maximum allowable number of chickens; and
- Any other options identified by City Council will be discussed.

Policy Question #3) Should the ZTA include a stipulation that clarifies how and where chickens can be kept on a property?

Options for consideration:

- Require that chickens be contained by either fences, coops, cages or structures;
- Prohibit the keeping of chickens in a front yard;
- Don't require limitations as to where chickens may be kept on a property (i.e. we do not limit dog run placement);
- Restrict placement of a chicken fence, coop, cage or structure within 25 feet of a structure on a neighboring property;
- Require obtaining permission from neighboring property owners/occupants if chickens are to be kept within 25 feet of a structure on the neighboring property;
- Do not establish a limitation on how and where chickens are kept, rather require that they be contained on the property where their owner resides; and
- Any other options identified by City Council will be discussed.

Staff would also like to confirm that City Councils intentions related to the proposed ZTA language:

- Confirm the ZTA only applies to chickens (no other animals).
- Confirm that chickens are not being considered as pets.
- Confirm only hens (no roosters) would be permitted.
- Confirm that the new ZTA language will not supersede existing HOA rules related to chickens.
- Confirm that properties that are permitted to have chickens must comply with the current city code (Chapter 25, Article II, Section 25-24(f) (g) (h)) related to animal noise odor and waste removal.

The information provided by City Council today will be integrated into ZTA language that will increase the locations where chickens can be kept and raised in Glendale. After ZTA language has been drafted, a citizen participation meeting will be held to gather the community input on the drafted ZTA language. The ZTA will then be brought to a Planning Commission hearing where the Planning Commission will take public comments on the ZTA and will make a formal recommendation to the City Council. The results of the Planning Commission will be brought to the City Council for their consideration at a City Council Voting Meeting.

### **Previous Related Council Action**

On June 23, 1993 Glendale City Council passed and adopted Ordinance #1772 establishing the city's most recent Zoning Ordinance.

On January 19, 2016 Glendale City Council directed staff to initiate a Zoning Text Amendment process that would consider allowing chickens in Glendale's residentially zoned districts.

### **Community Benefit/Public Involvement**

On August 17, 2016, the Planning Division hosted a citizen participation meeting to introduce the ZTA concept to the public. Approximately 85 persons attended the meeting.

The ZTA process for changing the Zoning Ordinance involves multiple public input opportunities. After the ZTA language has been drafted it will be shared with the community at another citizen participation meeting where the public will have an opportunity to provide feedback. The ZTA will then be brought before the Planning Commission and then to the City Council. Some Glendale residents have contacted the city through a variety of channels and expressed their position on proposed ZTA16-02. That information will be provided to the Planning Commission and City Council as the ZTA is brought forward at future Planning Commission and City Council hearings.