

AGENDA ITEM # 2

PLANNING COMMISSION COMMUNICATION FORM

FROM: Bob Keenan, City Planner (Ext. 260)

THROUGH: Tom Leeson AICP, Planning Services Director (Ext. 244)

DATE: October 22, 2009

ITEM: Text Amendment to the Community Development Code
#TXT-09-05 (Urban Chickens)

NEXT STEP: If recommended for approval, the first reading of the ordinance will be heard by City Council on November 17, 2009.

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

PROJECT NAME: Text Amendment to the Community Development Code #TXT-09-05
(Urban Chickens)

PETITION: Text Amendments to the Community Development Code to create a new definition for urban chickens, to allow up to five (5) chicken hens in single-family zone districts as a use by right, to allow chicken hens as a Use With Criteria in multi-family and commercial zone districts, and to amend the definition farm animal.

APPLICANT: City of Steamboat Springs, Department of Planning Services, c/o City Planner Bob Keenan, Centennial Hall, 124 10th Street, PO Box 775088, Steamboat Springs, CO 80477 970-879-2060

PLANNING COMMISSION COMMUNICATION FORM

Text Amendment to the Community Development Code #TXT-09-05

September 24, 2009

I. RECOMMENDED MOTION

Staff recommends the Planning Commission approve the attached draft ordinance amending the Community Development Code to allow up to five (5) chicken hens on single-family zone districts as a use by Right, as a Use with Criteria in commercial, multi-family, mobile home, and industrial zone districts, amend the definition of farm animal, and create a new definition of chicken.

II. BACKGROUND INFORMATION

In respect to the local food movement, cities across the United States are revising their ordinances to allow chicken keeping within city limits. Urban chicken keeping is primarily used for egg production. In response to this movement and requests by some community members, Planning Staff has formulated this text amendment to allow urban chickens in certain zone districts.

Benefits

- Chickens are one of the smallest protein producers and their eggs provide an excellent source of local fresh protein.
- With the increase in energy and transportation costs, backyard chicken keeping can provide a cheaper alternative than store bought eggs.
- Chicken excrement can be used as a natural fertilizer and compost.

Impacts

- Chicken hens cluck and may be a nuisance to neighbors.
- Chicken coups, if not cared for and maintained properly, can create a nuisance with odors and the attraction flies, rodents, and predators.

III. DESCRIPTION

Code Change #1: Revise the definition of farm animal to exclude chicken hens as follows (changes shown in bold):

Animals, farm. Animals not normally considered household pets, or kept wholly or partially outside of a residential structure, including but not limited to horses, mules, burros, llamas, bison, elk, deer, cattle, swine, sheep, poultry (**with the exception of chicken hens**), ostrich and goat.

Code Change #2: Create a new definition and use criteria for chickens as follows (changes shown in bold):

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Sec. 26-402 Definitions and Use Criteria

Animals, chickens. Chicken hens numbering five (5) or fewer per lot.

- a. No roosters shall be allowed.
- b. Chickens shall be kept in a secure enclosure at all times except when under direct supervision.
- c. Enclosures shall be located so that they meet minimum principle structure setback requirements.
- d. Enclosures must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis to prevent the attraction of pests and offensive odors.
- e. Feed must be stored in a bear proof container if located outdoors.
- f. Shall not be used for commercial purposes.
- g. A Use with Criteria review may be used to vary the number of hens allowed.

1. Use Criteria

- a. In multi-family, industrial, commercial, and mobile home zone districts the applicant must provide a letter of approval from their neighborhood association if such association exists.
- b. Chicken hens may be allowed if the director finds that the applicant has sufficiently demonstrated the chickens will not result in any adverse impacts.
- c. Additional chicken hens may be allowed if the director finds that the applicant has sufficiently demonstrated the need for additional chickens and that the additional chickens will not result in any adverse impacts.

Code Change #3:

Sec. 26-92 Use Classifications

Table 26-92
Table of Permitted Principal Uses

Use Classification and Specific Principal Uses	Zoning Districts														
	OR	RE	RN	RO	RR	MH	MF	G-1	G-2	CO	CY	CN	CC	CS	I
Agricultural Uses															
Agriculture	CR	R													
Animal, domestic	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Animal, farm	CR	CR													
Animal, Chicken	R	R	R	R	CR	CR	CR					CR	CR	CR	CR

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IV. PRINCIPAL DISCUSSION ITEMS:

The principal discussion item pertains to the appropriateness of the proposed Community Development Code revisions.

V. LIST OF ATTACHMENTS

Attachment A – Draft Ordinance

CITY OF STEAMBOAT SPRINGS

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 26 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE BY ADDING A DEFINITION AND USE CRITERIA FOR URBAN CHICKENS USES; REVISING THE DEFINITION OF FARM ANIMAL; AMENDING THE USE TABLE TO PERMIT URBAN CHICKENS AS A USE BY RIGHT, USE WITH CRITERIA, AND PROHIBIT THIS USE IN CERTAIN ZONE DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; REPEALING ALL CONFLICTING ORDINANCES; AND SETTING A HEARING DATE.

WHEREAS, the City Council adopted the revised Community Development Code as Ordinance #1802 on July 23, 2001; and

WHEREAS, the City of Steamboat Springs committed to a regular, ongoing review of the Community Development Code so that the provisions contained therein are relevant and applicable to the community at any given point in time; and

WHEREAS, the City Council has recognized the importance of local food production; and

WHEREAS, the City Council finds it appropriate allow chicken hens in the City of Steamboat Springs; and

NOW, THEREFORE, the City Council of the City of Steamboat Springs ordains as follows:

SECTION 1

Sec. 26-92 Use Classifications

Table 26-92
Table of Permitted Principal Uses

	Zoning Districts														
Use Classification and Specific Principal Uses	OR	RE	RN	RO	RR	MH	MF	G-1	G-2	CO	CY	CN	CC	CS	I
Agricultural Uses															

Agriculture	CR	R													
Animal, domestic	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Animal, farm	CR	CR													
	Zoning Districts														
Use Classification and Specific Principal Uses	OR	RE	RN	RO	RR	MH	MF	G-1	G-2	CO	CY	CN	CC	CS	I
Animal, Chicken	R	R	R	R	CR	CR	CR					CR	CR	CR	CR

Sec 26-402 Definitions and Use Criteria shall be amended as follows:

Animals, farm. Animals not normally considered household pets, or kept wholly or partially outside of a residential structure, including but not limited to horses, mules, burros, llamas, bison, elk, deer, cattle, swine, sheep, poultry (**with the exception of chicken hens**), ostrich and goat.

Animals, chickens. Chicken hens numbering five (5) or fewer per lot.

- a. No roosters shall be allowed.
- b. Chickens shall be kept in a secure enclosure at all times except when under direct supervision.
- c. Enclosures shall be located so that they meet minimum principle structure setback requirements.
- d. Enclosures must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis to prevent the attraction of pests and offensive odors.
- e. Feed must be stored in a bear proof container if located outdoors.
- f. Shall not be used for commercial purposes.
- g. A Use with Criteria review may be used to vary the number of hens allowed.

1. Use Criteria

- a. In multi-family, industrial, commercial, and mobile home zone districts the applicant must provide a letter of approval from their neighborhood association if such association exists.
- b. Chicken hens may be allowed if the director finds that the applicant has sufficiently demonstrated the chickens will not result in any adverse impacts.
- c. Additional chicken hens may be allowed if the director finds that the applicant has sufficiently demonstrated the need for additional chickens and that the additional chickens will not result in any adverse impacts.

SECTION 2

All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts, thereof, are in conflict herewith.

SECTION 3

If any section, subsection, clause, phrase or provision of this Ordinance is, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

SECTION 4

The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

SECTION 5

This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter.

SECTION 6

A public hearing on this ordinance shall be held on October 20, 2009, at 5:00 P.M. in the Citizens Hall meeting room, Centennial Hall, Steamboat Springs, Colorado.

INTRODUCED, READ, AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the _____ day of _____, 2009.

Paul Antonucci, President
Steamboat Springs City Council

ATTEST:

Julie Franklin, City Clerk

FINALLY READ, PASSED AND APPROVED this ____ day of _____ ,
2009.

Paul Antonucci, President
Steamboat Springs City Council

ATTEST:

Julie Franklin, City Clerk