


AMENDMENT(S):
AMD-2022-003



To: Marty Allen, City Manager
From: Josh Campbell, Director, Planning and Inspections 
Re: Draft Backyard Chicken Ordinance and Draft Zoning Amendment
Date: August 23, 2022

Background

As you know, at the last City Council Workshop, Council directed staff to develop backyard chicken regulations for their consideration based upon Gwinnett County's regulations. In order to adopt regulations similar to Gwinnett County, two main things will need to occur: 1) the City will need adopt a Zoning Ordinance amendment that defines Backyard Chickens and identifies which districts will allow the keeping of backyard chickens, and 2) the City will need to adopt a Backyard Chicken Ordinance.

Zoning Amendment

The draft Zoning Ordinance amendment is fairly straightforward, allowing backyard chickens in single family residential districts (R-140, R-100, R-85, R-75, IRD) and in PMUD areas with single family residential uses. The amendment also includes a definition of backyard chickens. Both the definition and each listing of Backyard Chickens as an allowed use reference the Backyard Chicken Ordinance. It is important to make sure readers of the Zoning Ordinance are made aware of additional regulations on the subject.

Backyard Chicken Ordinance

The draft Backyard Chicken Ordinance is based very closely on Gwinnett County regulations. It is important to note that the Gwinnett County regulations are a small part of a larger Unified Development Code, so there are elements in the draft of the Suwanee Backyard Ordinance (such as purpose and intent, permitting, appeals, etc.) that would not be found with the chicken regulations in the Gwinnett Ordinance.

The draft Suwanee Backyard Chicken Ordinance regulates the keeping of chickens as pets and/or for egg production. The draft ordinance sets a minimum lot size of 10,500 square feet and establishes a maximum number of chickens based on lot size. The maximum number of chickens for the smallest lot size is 5 and the maximum for lots over 2 acres is 15. Chickens are required to have housing (a coop) and be contained in a fenced in area if they are not in the coop. Housing is required to be at least 20 feet from any property line. Roosters are prohibited. Slaughter of chickens is prohibited. Chickens are not allowed to create a nuisance as defined by state law.

I have also attached a copy of the Gwinnett County regulations for keeping chickens in residential area. If you have any questions please let me know.



Exhibit 'A'

Amend the Zoning Ordinance by:

- 1) Adding the following definition to Article III. Definitions:

"Backyard Chickens: are domesticated birds maintained as personal pets and/or for egg production, but not used for slaughter, meat production, or other commercial purposes. For the purposes of this ordinance, Backyard Chickens are not considered livestock and are subject to any Backyard Chicken regulations adopted by the City."
and,

- 2) Adding Backyard Chicken as a permitted use in:

Section 500. R-140 Residential Single-Family District,

Section 501. R-100 Residential Single-Family District,

Section 501A. R-85 Residential Single-Family District,

Section 502. R-75 Single Family Residence District,

Section 510. Planned Mixed-Use Development District

Section 511 Conservation Subdivision Overlay District, and

Section 512.2 IRD Infill Residential District, and

In each Section with the following conditional requirement: Subject to the requirements of the Backyard Chicken Ordinance (Section 14-02 et seq. of the Code of Ordinances)

Attachment "A"
CHAPTER 34. Animals
Article 2. Backyard Chickens

- Sec. 14-02. Purpose and Intent**
- Sec. 14-03. Definition**
- Sec. 14-04. Responsibility.**
- Sec. 14-05. Permit Required.**
- Sec. 14-06. Permitting Process.**
- Sec. 14-07. Associated Structures.**
- Sec. 14-08. Approval, Denial, or Revocation.**
- Sec. 14-09. Non-transferability.**
- Sec. 14-10. Standards.**
- Sec. 14-11. Appeals Process.**
- Sec. 14-12. Grandfathering.**
- Sec. 14-13. Violations and Penalties.**

Section 14-02. Purpose and Intent. The purpose and intent of enacting the following regulations is to allow Suwanee residents the right to keep and raise Backyard Chickens on single family residential lots.

Further, the City Council finds it appropriate to regulate backyard chicken raising in the manner presented in this section, so as to be permissive enough to allow citizens to keep chickens on their property, but restrictive enough to protect the interests of neighboring residents from unnecessary noise, odor, and/ or other nuisances to the property.

Further, for purposes of this section, chickens also referred to herein as "Backyard Chickens" are allowed in conjunction with a single-family residential dwelling and subject to the performance standards and criteria set forth herein.

Section 14-03. Definition. Backyard Chickens are domestic birds maintained as personal pets and/or for egg production, but not used for slaughter, meat productivity, or other commercial purposes.

Section 14-04. Responsibility. Issuance of Permits and enforcement of this ordinance is the responsibility of the City Manager, or designee.

Section 14-05. Permit Required. A permit issued by the City shall be required for the keeping of Backyard Chickens.

Section 14-06. Permitting Process. A permit application, submittal, and review process shall be established to help determine compliance with standards. Persons seeking to keep chickens must show that they can meet the requirements of this section by providing a conceptual plan showing the property with dimension and the approximate location of existing and required structures. The City may conduct site inspections of the subject property to make compliance determinations under this section prior to and after approval of a permit.

Section 14-07. Associated Structures. Any structures associated with the keeping of chickens are permitted through the Backyard Chicken permitting process. Structures in excess of 200 square feet may require a separate building permit, at the discretion of the Building Official. Structures supplied

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with electrical power are required to obtain a separate building permit. Any structure less than 200 square feet and not supplied with power is not required to obtain a building permit.

Section 14-08. Approval, Denial, or Revocation. The City Manager, or designee, is authorized to approve or disapprove an application if it is determined that the application fails to meet the requirements of this section. A permit may be revoked if the permittee fails to meet the standards set forth in this section. Permittees are responsible for understanding any restrictive covenants and/or home owners association rules and regulations applicable to the property.

Section 14-09. Non-transferability. Permit approval for the keeping and raising of backyard chickens is granted to the applicant only and shall not transfer to any future occupant or property owner.

Section 14-10. Standards. The keeping of Backyard Chickens is permitted as allowed by the Zoning Ordinance, subject to the following standards:

- a. Minimum Lot size. The minimum lot size for keeping backyard chickens is 10,500 square feet or 0.24 acres.
- b. Maximum Number of Chickens. The maximum number of chickens on any lot is as follows:
Lots 10,500 square feet to 12,499 square feet, maximum 3 chickens.
Lots 12,500 square feet to 24,999 square feet, maximum 5 chickens
Lots 25,000 square feet to 39,999 square feet, maximum 8 chickens.
Lots 40,000 square feet to 2.00 acres maximum of 10 chickens.
Lots greater than 2 acres maximum of 15 if kept as Backyard Chickens. (No maximum if kept as livestock.)
- c. Coops and Runs. Chickens shall be kept within an enclosed coop or run, except that they shall be permitted outside of the coop or run in a fenced area that does not extend beyond the rear yard. A coop is herein defined as a covered house, structure or room that will provide chickens with shelter from weather and with a roosting area protected from predators. A fenced or wired in area, or run, is required in conjunction with a coop to provide an outside exercise area for the chickens.

Coops and runs shall be located in the rear yard.

Coops and runs shall be located a minimum of 20 feet from any property line.

Coops shall be 6 sided and a minimum of 4 square feet in size per chicken over the age of 4 months.

Runs shall be a minimum area of 10 square feet per chicken over the age of 4 months.
- d. Roosters. The keeping of roosters is prohibited.
- e. Slaughter. Chickens are permitted as pets and/or for egg laying production; chickens cannot be kept for slaughter.

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- f. **Maintenance.** Chickens must be kept under sanitary conditions and shall not be a public nuisance as defined by the State.

Section 14-11. Appeals Process. Denial or revocation of a permit to keep chickens may be appealed to the Zoning Board Appeals. Said appeal must be provided to the City in writing within 10 business days of the City action. The appeal must be heard within 30 days of receiving the written notice of appeal. Any appeal stays related enforcement action by the City until a decision is rendered by the Zoning Board of Appeals.

Section 14-12. Grandfathering. Any legally established use including the keeping of chickens may continue as previously allowed. Provided, however, the number of chickens being kept may not increase if the number would exceed the current maximum number set forth above. Any structures associated with the keeping chickens may not be expanded if such expansion is not in compliance with current regulations. An otherwise non-conforming grandfathered use or structure may not be reestablished after discontinuance for twelve months.

Section 14-13. Violations and penalties. For violations, the City Manager or designee may in addition to other remedies, and after due notice to the appropriate person(s), issue a citation to the alleged violator requiring such person to appear in a court of competent jurisdiction to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 or imprisonment for 60 days or both. Each day's continuance of violation shall constitute a separate offense. Upon conviction, the City Manager or designee may revoke the permit for backyard chickens.

Gwinnett County "Backyard Chickens" Ordinance

In non-agricultural residential zoning districts: the keeping of chickens for personal pleasure or utility on a parcel which contains the dwelling of the owner is permitted, subject to the following requirements:

- a. The minimum lot size for the keeping of chickens shall be ten thousand five hundred (10,500) square feet.
- b. Chickens must be kept securely in an enclosed yard or 6-sided pen at all times.
- c. Minimum pen area for chickens shall be ten (10) square feet per chicken.
- d. Chickens must be housed at least twenty (20) feet from any property line, and fifty (50) feet from any residence other than the owner's.
- e. Any structure housing chickens must be located in the rear yard.
- f. The keeping of roosters is not allowed.
- g. The maximum number of chickens shall be as follows: Lots 10,500 square feet to 12,499 square feet: maximum of 3 chickens;
lots 12,500 square feet to 24,999 square feet: maximum of 5 chickens;
lots 25,000 square feet to 39,999 square feet: maximum of 8 chickens;
lots of 40,000 square feet to 2.99 acres: maximum of 10 chickens;
lots 3 acres or larger: no maximum.
- h. Each coop shall have at least four (4) square feet of floor space per chicken over four (4) months old.
- i. Chickens are only permitted as pets or for egg laying production; chickens cannot be kept for slaughter.
- j. Chickens must be kept under sanitary conditions and shall not be a public nuisance as defined by State law.