

Request for City Council Action

Date: February 7, 2012

Agenda Section: General Business No. 5	Originating Department: Planning Services/Legal
Item: An Ordinance approving a text amendment relative to allowing chickens within the City limits. No. 5. 3	Approved:

Background and Summary:

On February 17, 2010 the Planning Commission heard comments from members of the Sustainability Commission regarding the desire to amend the Carbondale Revised Code in a manner that would allow residents to raise chickens within the City Limits. The Planning Commission requested that once a detailed revision was drafted, it be brought back before the Commission for review and a formal recommendation.

After several months of discussion, the Sustainability Commission prepared a draft Ordinance that was presented to the City Council on September 20, 2011. The Council requested that the Planning Commission should first hold a public hearing to review the Ordinance before taking action. In response to the City Council's request, staff prepared a proposed Ordinance which was presented to the Planning Commission during a public hearing on November 16, 2011. After hearing public comments, the Commission voted to table the matter until input from the hearing could be incorporated into the proposed Ordinance. On January 18, 2012 a revised Ordinance was once again presented to the Planning Commission. A motion to recommend approval of the Ordinance was passed. The Sustainability Commission reviewed the proposed Ordinance at the January 19, 2012 meeting, and voted to recommend approval of the proposed Ordinance. If the Ordinance is approved, applications for a Chicken Coop License will be available in the Planning Services Division on April 1, 2012.

Attached for City Council review are the following:

1. A copy of an Ordinance approving the text amendment relative to allowing chickens within the City limits.
2. A copy of the approved minutes of the Planning Commission for public hearing PC 12-07 held on November 16, 2011.
3. A copy of the unapproved minutes from the January 18, 2012 Planning Commission meeting.
4. A copy of the unapproved minutes from the January 19, 2012 Sustainability Commission meeting.
5. A copy of the staff report to the Planning Commission. (PC12-07)

Engineering Approval Obtained	Finance Approval Obtained	Legal Approval Obtained	Approval Obtained	Manager's Approval Obtained
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Council Action: Motion by _____ 2nd by _____ to _____

Additional Information:

1. *Constituent/Advisory Body Impact:* The Planning Commission conducted a public hearing on November 16, 2011 and on January 18, 2012 voted (4-yes, 0-no, 1-abstain) on a motion to recommend approval of the text amendment. A notice of public hearing was published in the *Southern Illinoisan* newspaper on October 30, 2011. Six people spoke in favor of, and no one spoke in opposition to, the request.
2. *Financial Impact:* none.
3. *Staff Impact:* Staff will be responsible for issuing all applicable licenses and permits.

Recommended Action:

It is recommended that the Council “move to adopt the Ordinance approving the text amendment to allow chickens within the City limits.”

If the Council wishes to deny the text amendment it should “move to adopt the Resolution denying the text amendment to allow chickens within the City limits.”



CITY OF CARBONDALE, ILLINOIS

ORDINANCE NO. 2012-__

AN ORDINANCE AMENDING TITLE 3 AND TITLE 15 OF THE REVISED CODE OF THE
CITY OF CARBONDALE, ILLINOIS RELATIVE TO ALLOWING CHICKENS WITHIN
THE CITY LIMITS.

ADOPTED BY THE CITY COUNCIL
OF THE CITY OF CARBONDALE, ILLINOIS

THE 7th DAY OF FEBRUARY, 2012

Published in pamphlet form by authority of the City Council of the City of Carbondale, Jackson
County, Illinois, this 8th day of February, 2012.

CERTIFICATE OF PUBLICATION

I Rachael E. Moore, the duly qualified and acting City Clerk of the City of Carbondale,
Illinois, and the official custodian of the records of said City, do hereby certify that this
Ordinance was published in pamphlet form by authority of the City Council on the 8th day of
February, 2012.

Rachael E. Moore, City Clerk
City of Carbondale, Illinois

ORDINANCE NO. 2012-__

AN ORDINANCE AMENDING TITLE 3 AND TITLE 15 OF THE REVISED CODE OF THE CITY OF CARBONDALE, ILLINOIS RELATIVE TO ALLOWING CHICKENS WITHIN THE CITY LIMITS.

WHEREAS, the City of Carbondale, Illinois is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and,

WHEREAS, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and,

WHEREAS, The City of Carbondale initiated a text amendment to amend Title 3 and Title 15 of the Revised Code of the City of Carbondale, Illinois, relative to allowing chickens within the City limits; and,

WHEREAS, a notice of the hearing stating its purpose was published in the *Southern Illinoisan* on the 30th day of October, 2011, being at least (15) days prior to said hearing; and,

WHEREAS, a hearing of the Planning Commission of the City of Carbondale was called at 7:00 p.m. on the 16th day of November, 2011, in the City Council Chambers in said City to consider facts and evidence in regard to this request; and,

WHEREAS, said Planning Commission thereafter filed with the City Council a report of its hearing disclosing its findings of fact and its recommendation, said recommendation being as follows: to approve PC 12-07, text amendment to Title 3 and Title 15 of the Carbondale Revised Code; and,

WHEREAS, the City Council of the City of Carbondale has considered the findings of fact filed by the Planning Commission, the record of the Commission's public hearing, and the

provisions of the zoning ordinance, and based thereon, finds that it is in the best interests of the City of Carbondale, Illinois that the zoning ordinance be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE, ILLINOIS, AS FOLLOWS:

Section 1. That Title 3 and Title 15 of the Revised Code of the City of Carbondale is hereby amended as provided in Exhibit "A", attached hereto and made a part hereof by reference.

Section 2. That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

Section 3. The repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance, insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinance.

Section 4. That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section 5. That the City Council of the City of Carbondale finds that the subject matter of this ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to the provisions of Article VII, Section 6(a) of the 1970 Illinois Constitution.

Section 6. That this ordinance shall be known as Ordinance No. 2012-____ of the City of Carbondale, Illinois, and shall take effect on April 1, 2012 and upon approval, recording, and publication in pamphlet form in accordance with law.

APPROVED: _____
Joel Fritzler, Mayor

FOR: _____
AGAINST: _____
PASSED: _____
APPROVED: _____
RECORDED: _____
PUBLISHED: _____

ATTEST: _____
Rachael E. Moore, City Clerk

APPROVED AS TO LEGALITY AND FORM:

Mike Kimmel, City Attorney

Exhibit A

Section 3-1-2:

CHICKEN: An individual animal maintained for the production of eggs, of the species Gallus gallus, specifically not including roosters, which are the male of the species.

CHICKEN COOP: A structure suitable to house chickens that is enclosed on all sides with a roof, door, and windows.

3-3-1: **NO LIVESTOCK WITHIN CITY LIMITS:**

- A. No person shall keep or maintain any livestock within the city limits.
- B. The provisions of subsection A of this Section shall not apply to:
 - 1. Any person involved in the interstate or intrastate transportation of livestock to market; provided, however, such person does not remain within the city limits for more than two (2) hours;
 - 2. Any person operating a zoological park, circus, carnival, scientific or educational institution, research laboratory, veterinary hospital or animal refuge;
 - 3. Any person maintaining livestock in compliance with Title 15 of this Code; and
 - 4. Chickens maintained for egg production and properly licensed with the City. Chickens, with the exclusion of roosters and crowing hens, are limited to a maximum of six (6) chickens per household. Property zoned AG, General Agriculture and RR, Rural Residential as defined in Title 15 are not subject to this limitation.

3-3-2: **RUNNING AT LARGE OF LIVESTOCK AND CHICKENS PROHIBITED:**

- A. No livestock or chicken shall be permitted to run at large within the city limits. Chickens shall be maintained in a designated chicken coop or fenced area, and shall be allowed to run freely within that area, although chickens must be secured within the coop between the hours of 9:00p.m. and 6:00 a.m.
- B. The animal control officer and/or any peace officer shall take all reasonable and necessary action to capture any livestock or chickens found to be running at large.

- C. The owner of any livestock or chickens found to be running at large shall be liable for any and all costs incurred by the City as a result of any action taken by the animal control officer and/or any peace officer to capture such livestock or chickens.

3-3-3: Chickens and Chicken Coops

A: Number and type of Chickens allowed: Chickens, with the exclusion of roosters and crowing hens, are limited to a maximum of six (6) chickens per household. Property zoned AG, General Agriculture and RR, Rural Residential as defined in Title 15, and keeping fowl in accordance with Title 15, are not subject to this limitation or the requirements specific to chicken coops and enclosures as described below in Subsection B.

B: Items specific to chicken coops and enclosures:

1. Opening in windows and doors must be covered by wire mesh with one half inch (1/2") or smaller openings to discourage predators. The materials used to make the coop must be uniform for each element of the structure, for example the walls shall be made of the same material. Chicken coops shall be constructed in a manner to avoid weathering.
2. Chickens must be kept in a coop or fenced enclosure at all times.
3. Coops and enclosures must be kept in a clean, dry, odor free, and sanitary manner at all times.
 - a. No person or owner shall keep, or allow to be kept in a foul, offensive, nauseous or filthy condition, any chicken coop or fenced enclosure containing chickens
 - b. Odors from chickens, manure, or related substances shall not be detectable from property lines.
 - c. The chicken owner must provide for the storage and disposal of chicken waste. Composting of the chicken waste is encouraged. No more than three cubic feet of chicken waste may be stored. All other chicken waste not composted shall be removed.
4. Coops must provide adequate ventilation, shade, and be resistant to predators, wild birds, and rodents
5. Access door(s) to any coop must be latched and secured with chickens inside during the hours between 9:00 p.m. and 6:00 a.m.
6. Coops shall be located to the rear of the residential structure, and may be allowed in the backyard, but not the side or front yards as defined by Title 15.

7. Coops and enclosures must be a minimum of 15 feet from the property line and the residential structure on the property, and 25 feet from any neighboring residence, business, church, etc. A coop or enclosure may be maintained five feet (5') from a public alley adjoining the owner's property.
8. Chicken Coops are required to have at least four (4) square feet of coop floor area per chicken and must be well maintained. In no case shall the floor area of a chicken coop exceed forty square feet (40ft²). Chicken coops shall not exceed eight feet (8') in height. Enclosures must have at least eight (8) square feet of outdoor run space per chicken. The enclosure must be constructed of wooden slats or wire fencing and shall be constructed to a minimum height of 5'. The enclosure must be adequate to maintain the chickens within the enclosed space.
9. Chickens are to be raised for egg consumption only and shall not be slaughtered within the City limits.
- a. Deceased chickens shall be properly disposed of.
10. Chicken feed must be stored in a fully enclosed container resistant to rodents and other animals.
11. The provisions of this Section shall not apply to property zoned AG, General Agriculture or RR, Rural Residential

3-3-4: **CHICKEN COOP LICENSING**

- A. All chicken coops maintained in accordance with this Title shall be licensed by the City of Carbondale.
- B. The City's designee may issue licenses to the owner of any chicken coop upon meeting all conditions of this Section.
1. The application for a chicken coop license shall state the name and address of the owner, the specific proposed location of the chicken coop, and all other applicable information requested by the administrative official. A license will only be issued after the chicken coop and enclosure have been inspected and have been determined to meet all requirements of this Title.
2. The number of licenses for chicken coops shall not exceed twenty (20) at any one time. The number of licenses may be increased only upon City Council approval. Licenses will be issued based on the order of the applications received.
3. Each chicken coop license shall be renewed on an annual basis. The license will only be renewed after the chicken coop has been determined to be in compliance with all provisions of this Section.

4. Only property containing one single family residence, except zero lot line townhouses, shall be eligible for a chicken coop license.
5. Only one chicken coop license will be issued per property. A home site consisting of multiple lots shall be considered one property. Each license allows one chicken coop.
6. Chicken coop licenses may not be transferred from one individual to another unless the coop is located on the same lot as the previous license holder. Individuals will have 30 days to transfer the license to the new occupants of the residence, and the coop will be subject to reinspection. If a license is transferred to a new occupant, the original license holder shall apply for a new license if they wish to continue raising chickens. A license holder may relocate a chicken coop to a new location upon notifying the City and passing inspection.
- C. Costs For Licensing: The costs for licensing a chicken coop shall be as follows:
1. Chicken Coop: (\$25.00) per chicken coop license. The fee shall be paid at the time the application is submitted. An annual renewal fee of ten dollars (\$10.00) shall be assessed for each chicken coop.
2. Transferring a Chicken Coop license: \$25.00 per transfer.
- D. Exceptions: The provisions of this Section relating to licensing shall not apply to:
1. Chicken coops located on property zoned AG, General Agriculture or RR, Rural Residential as defined in Title 15.
- E. License Term: All licenses issued pursuant to this Section shall be valid for a term not to exceed one year, January 1 to December 31 of the calendar year.
- F. When Due; Chicken coop license renewals shall be submitted annually, prior to Dec 31. A late fee of ten dollars (\$10.00), shall be charged if the renewal is not received by Dec 31. Any renewal fee not received by January 31 shall render the permit null and void, and the license available to another applicant.
- G. Nonrefundable: No refunds shall be made on any chicken coop license or application.
- H. Penalty: The owner of any chicken coop, which is subject to licensing and registration pursuant to subsection A of this Section, but who does not comply with those provisions, shall be subject to the penalties provided in Chapter 8 of this Title.
- I. Cost Of Administration: The license fees charged pursuant to this Section are charged to defray the administrative costs and are not to be deemed a penalty or tax. The license

fees shall not be construed as relieving the owner from any penalty imposed for any violation of this Title.

Section 3-6-3:

- C. Total Allowed: No person shall keep or maintain more than ten (10) animals (excluding fish & chickens) in a single-family residence or five (5) animals in any unit of a multi-family residence.

Section 15-2D-5:

K. Special Yard Requirements: No structures or enclosed pens in which livestock, fowl and animals are kept shall be closer than two hundred (200') from any residential or ~~business district~~ commercial structure on an adjacent property, except chicken coops containing 6 or fewer chickens in conformity with Title 3 of the Carbondale Revised Code.

Section 15-2D-6:

P. Special Yard Requirements: No structures or enclosed pens in which livestock, fowl and animals are kept shall be closer than two hundred (200') from any residential or commercial structure on an adjacent property, except chicken coops containing 6 or fewer chickens in conformity with Title 3 of the Carbondale Revised Code.

Please Note: Underlined text is being added. A strikeout indicates that text is being deleted.



MINUTES

**Carbondale Planning Commission
Wednesday, November 16, 2011
Room 108
City Hall/Civic Center**

Mr. Barke called the meeting to order at 7:00 p.m.

Members Present: Barke, Brazley, Grant, Harvey, Hunsaker, Kang, Lilly, McClurg, McDaniel (ex-officio)

Members Absent: Love

Staff Present: Wallace

Public Hearings:

- A. **A. PC 12-07**, 7:00 p.m. A Text Amendment Relative to the Allowance of Chickens Within the City Limits of Carbondale

Mr. Barke declared Public Hearing PC 12-07 open and asked Mr. Wallace to read the legal notice.

Mr. Wallace read the legal notice.

Mr. Barke asked Mr. Wallace to present the staff report.

Mr. Wallace, Senior Planner for the City of Carbondale, was sworn in and read part A of the staff report.

Mr. Barke asked if there were any questions of the staff.

Mr. Grant asked if the forty square foot chicken coop requirement takes into account the number of chickens.

Mr. Wallace responded yes, that the original proposal was a minimum of four square feet per chicken, so six will require twenty four square feet.

Mr. Kang asked for clarification about staff's recommendation that the coop not be located any closer than two-hundred feet from any residential or commercial structure on an adjacent property.

Mr. Wallace responded that currently, the AG District has a special yard requirement that pens or enclosures be at least two-hundred feet from any residentially zoned property, and that it seems more appropriate that it apply to structures rather than zoning.

Mr. Brazley asked if staff had checked to see if there were any negative health effects associated with raising chickens.

Mr. Wallace responded that the only concern he had come across in his research is histoplasmosis, which is an airborne disease that can be transmitted from any type of birds that are gathered in large quantities. He added that it is not very common, and it doesn't seem to be a real concern since there is more of a chance of it in the wild.

Mr. Barke stated that crowing hens should be included in the description of disallowed animals, and that he thinks the description of "coop" is too relaxed and needs to be more specific. He cited the indication of "a structure suitable to house chickens" as an example, because if there are no state or other standards, that could mean many things. He also asked how the designation to allow the coops would be made between landowners versus renters, and if landlords need to add this issue to their leases. He requested adding a further definition as to the word "night" as used in the proposal, as it is being left to individual interpretation. Other concerns he expressed were incidences of lose chickens, and the identification of who will issue the permits or licenses, saying that he does not believe the Police Department should be responsible for that. He asked where in the City would chicken waste be disposed of, and how many cubic feet of chicken waste can be on the premises at one time, in or out of the compost pile.

Mr. Wallace responded that he believes chicken waste can be placed in the regular trash pick up, as long as it is enclosed, the same as kitty litter, and that a member of the Sustainability Commission may be able to better respond to the other waste concerns.

Mr. Brazley asked if there is a certain food requirement for the chickens and whether the chickens had to stay in the coop at all times.

Mr. Wallace responded that the idea is for them to have a space to run around outside of the coop, but within an enclosure, then they would stay inside the coop at night.

Mr. Barke stated that there also needs to be a definition on a suitable fence for the enclosure. He then asked about the coop only being allowed in the rear yard, and if having a coop visible from the street will be allowed as long as it is in the rear of the house.

Mr. Wallace responded that the side yard is differentiated from the rear yard by the rear yard being the furthest most projection of the back of the house, from that point back. The side yard is the area to the side of the house, and the wording of the ordinance needs to be checked to see if it defines the side yard to include the area to the side of the house all the way to the rear property line.

Mr. Barke cited a definition in Part F that includes “or residential structure on the property” and asked what the meaning is, whether it would include a deck or a covered porch for example.

Mr. Wallace responded that being part of the structure is defined as being under roof.

Mr. Barke asked about Part G, where it states “not to exceed forty square feet” for the size of a chicken coop, when the maximum necessary for six chickens would be twenty-four square feet, why would forty be allowed.

Mr. Wallace responded it will be limited to forty square feet for flexibility in instances where more room is necessary for owners to gather eggs and clean the coop properly.

Mr. Barke stated that Exhibit B should be written as “except chicken coops containing six or fewer chickens” as opposed to “six or less.”

Mr. Barke asked if there were any further questions for staff.

Mr. Kang asked how it will be judged whether coops are clean and sanitary, and whether or not it smells to the person on the other side of the property line.

Mr. Wallace responded that he was also concerned with some of the subjective requirements that have been written into the ordinance.

Mr. Brazley asked if the chickens will be good only for eggs and for eating.

Mr. Barke responded not for eating, as they are not to be slaughtered in the City.

Mr. Kang asked if additional employees would be hired to enforce this ordinance, especially since the City plans to charge twenty five dollars per application, and ten dollars annual fee. He asked if these fees were meant to pay for the program.

Mr. Wallace responded that is another concern, that this will lead to someone having another job to do. He added that no, the fees will certainly not pay for the program.

Mr. Barke asked if there were any further questions for staff.

There were none.

Mr. Barke stated that since the City is the applicant, perhaps Mr. Wallace would like to speak at this point.

Mr. Wallace stated that the Sustainability Commission initiated this, so even though the City is the applicant, he would like to invite Ben Wodika, Chair of the Sustainability Commission, to come forward and speak at this time.

Mr. Wodika come forward, thanked the Commission and stated that he understands the fear of the unknown and the apprehension that builds up in people's minds when something like this is introduced. He said that other city's ordinances were studied to see what worked well and what didn't when the Sustainability Commission was researching the draft for our new ordinance. He stated that the city of Chicago allows chickens and has reported no problems, but more comparable to Carbondale is Columbia, Missouri, which has allowed chickens for about two years with very minimal problems. He said that the maximum of twenty coops will make it a minimal issue for the City, but enables people to have some food security and be somewhat more sustainable. He then offered to answer any questions.

Mr. Barke asked Mr. Wodika what the city of Columbia used for enforcement.

Mr. Wodika responded that he does not actually know.

Mr. Barke asked Mr. Wodika if Columbia is in the same financial crises that Carbondale is in, and if he knew how much a dozen eggs costs.

Mr. Wodika responded that he is sure Columbia is in a similar financial situation, and that a dozen eggs costs anywhere between a dollar and four dollars.

Mr. Barke asked how many eggs six chickens will produce.

Mr. Wodika responded that they can produce six eggs a day.

Ms. Harvey asked if that was per chicken.

Mr. Wodika responded that each chicken can produce one to two eggs per day, but generally one per day is the figure used.

Mr. Barke asked if there was an estimated cost to build a suitable chicken coop.

Mr. Wodika stated that this question brought him back to some other questions asked earlier. He said that much of the language in the draft ordinance was found in other community's ideas, such as allowing flexibility in the construction of the coops. He said there are prefabricated coops with plastic walls, as well as those built on a concrete slab.

Mr. Barke asked for more information on the plastic walls.

Mr. Wodika responded that it is much like the material used for children's play structures or play forts.

Mr. Barke asked what the cost of something like this would be.

Mr. Wodika responded that if one did the work themselves it could be done for about fifty dollars, and could go up to about one hundred dollars.

Mr. Barke asked if a chicken coop built for about fifty dollars would be eye-appealing to a neighbor.

Mr. Wodika responded yes, it certainly could be.

Mr. Barke asked if the Sustainability Commission took into consideration the requirements of painting, shingles, and durability of these buildings.

Mr. Wodika responded that he believes they have, and that is the good part about individual flexibility in that some will need shingles and some will not, depending on how they are built.

Mr. Hunsaker asked where the figure of fifty to hundred dollars to build a coop came from, because in his experience of building houses for thirty three years, that seems impossible.

Mr. Wodika responded that people often have this kind of scrap material around their homes and could build one with that on the cheap.

Mr. Barke stated that he doesn't think a dog house could be built for fifty dollars.

Mr. Wodika stated that he may be proven wrong, then.

Mr. Barke stated that his point is say, two dollars for a dozen eggs, and talking about spending one or two hundred dollars for a chicken coop, plus the cost of chickens, and feed and everything else necessary. He asked at what point does a chicken coop for egg production become financially feasible, adding that there will also be an enforcement issue for which the City will have to allocate resources that could be better spent.

Mr. Wodika responded that he understands the economic argument, but that people who are interested in having sustainable and organic eggs will pay more for them, and the opportunity to gather your own eggs from chickens you know are being raised humanely is something that is different to quantify.

Mr. Brazley spoke about the waste and rodent problem that will be caused by the coops, saying that economically it makes no sense. He asked Mr. Wodika to explain how having chicken coops is a sustainable idea.

Mr. Wodika responded that chicken waste is very high in nitrogen and makes excellent fertilizer when composted, which makes a closed cycle. He added that the salmonella outbreaks in recent years in eggs can be prevented if people have a sustainable and local source of eggs.

Mr. Brazley asked if chicken waste can be put into the garbage can.

Mr. Wodika responded yes, and as Mr. Wallace mentioned, it is the same as cat, dog, or baby waste, but he believes most of it will be composted.

Mr. Brazley asked about chickens becoming loose and other animals coming to prey on them.

Mr. Wodika responded that he thinks that is a valid fear, but in talking with other cities that allow chickens it has not been a problem. He said the preventative measures against that is the coops must be locked at night, half-inch chicken wire is required, and that the coop must be in an enclosure for when they are out during the day.

Mr. Barke asked if the compost is intended to go into a bin, or if it will be out in the yard under a pile of leaves.

Mr. Wodika replied either is acceptable.

Mr. Barke stated that may seem acceptable until a dog finds it and starts digging in it.

Mr. Wodika responded that is more a problem of the loose dog than the chicken ordinance.

Mr. Barke agreed, but said it is just reality. He asked how salmonella will be prevented.

Mr. Wodika responded that salmonella poisoning is seen frequently in factory raised chickens, because they are kept in tiny cages and a filthy environment, which is a breeding ground for this type of bacteria and others.

Mr. Barke stated that it has potential for less bacteria growth, but that is only with the assumption that everyone is keeping their coops sanitary, which again leads to the issue of enforcement.

Mr. Wodika stated that the research done with other cities that allow chickens, they had one or fewer enforcement issues or less.

Mr. Barke asked about the fence issue, and how the chickens will be prevented from flying over it, going under it, or escaping in some other way, how tall is the fence, and how far away from the property line does the fence have to be. He said he understands the coop has to be at least twenty-five feet from the property line, but if the fence around it is built to the property line, the chickens can be right next to the neighbor's yard.

Mr. Wodika responded that can certainly be tweaked in the ordinance, and that many people are using fencing that is mobile so it can be moved to different parts of the yard, but he still thinks it should remain at least twenty five feet from the property line.

Mr. Barke asked if the Sustainability Commission had looked into having a trial period in certain districts, versus city-wide.

Mr. Wodika responded not that he knows of, but that he would certainly be open to that if it would seem more amenable to people, and to the Council. He added that there have

been discussions of a one year sunset provision and if it's not going well at the end of that trial period it will be phased out.

Mr. Barke said that he wants Mr. Wodika to understand that he is not against this idea, rather it is the fact that he knows there are people out there who will do the least possible and who violate housing and setback ordinances now. He said it is by pure happenstance whether the City catches it or not, so he does not want there to be any leeway as to how the ordinance is written.

Mr. Wodika responded that the requirement of having the coop inspected prior to adding any chickens will be helpful on that front.

Mr. Barke agreed, but said that the ordinance needs to be defined as to minimum standards, like whether they have to be painted, shingled, what the setbacks are, and those type things to assure it will be aesthetically appealing from the curb.

Mr. Grant asked if the City's Building and Neighborhood Services division still maintains an environmental patrol throughout the City.

Mr. Wallace responded that is correct.

Mr. Grant stated that since they do, he does not believe that any police officers or the animal control officer will be tied up unnecessarily because there is already staff out there doing the job of consistently monitoring the neighborhoods. He agreed with the idea of curb appeal, adding that the coop should be placed so that fresh chicken manure would not be washed into the storm sewers. He said that the issue of who will be responsible for the licensing needs to be worked out, as well as the slaughter and disposal of the dead chickens. He supported people being able to slaughter the chicken and then eat it, after it no longer produces eggs.

Mr. Barke asked where this should take place, in order that a child passing by does not witness the slaughter.

Mr. Grant stated that it could be done inside, in a sanitary area like the kitchen.

Mr. Hunsaker stated that children are another issue, because boys will be boys.

Ms. Harvey stated that she has never raised a chicken, and asked if, assuming one purchases a coop, does it come with any lights or other way to help keep the chickens warm. She added just as dogs grow more hair in the cold weather, maybe chickens grow more feathers.

Mr. Wodika stated that he does not know if they actually grow extra feathers, but that they are able to keep themselves warm in the winter as long as their coop is relatively air-tight and they are able to snuggle together as they like to do. He said it is not like the coop will need electricity run to it.

Mr. Barke stated that, from what he has read, in order to keep their water from freezing in below thirty-two degree weather, you do have to run electricity to the coop.

Mr. Wodika said thank you, that Mr. Barke makes a good point.

Mr. Hunsaker stated that he worked for farmers that had chicken coops until he was eighteen, and they always kept heat lamps in there during the cold winter months.

Ms. Harvey asked if this needs to be written into the ordinance.

Mr. Barke stated that the question is how the electricity will be provided, as he assumes it will not be allowed by running an extension cord from the back porch to the chicken coop.

Mr. Wodika responded that he has seen small solar panels, costing about twenty to twenty-five dollars, would provide adequate energy to run a small heater.

Mr. Barke asked if we need to then require everyone to have a solar panel, and how will it be verified that the electricity is safe.

Mr. Wodika stated that if you provide fresh water on a daily basis, much like you would for a dog, the chickens would have their water needs fulfilled.

Mr. Grant stated that the people who are going to be applying for the licenses to keep chickens are apparently going to have a substantial investment in doing it well.

Mr. Hunsaker asked why we see so many people who begin with great intentions, and then do not take care of their animals, like the horses that must be rescued for lack of food and care.

Mr. McClurg asked what happens if someone receives a license for their coop, then later decides that it's not worth it, does a new license then open up, and does the structure remain.

Mr. Wallace responded that is a good question, and it could be written in that removal of the coop is required, unless it is converted for storage of lawn equipment or something of the like.

Mr. McClurg stated that this really needs to be defined, as does the fencing issues that Mr. Barke raised earlier.

Mr. Wallace stated that the intent with the licenses is that they be granted for a coop that is housing chickens, so if it was no longer housing chickens and not renewed at the end of the year, that license would be freed up for use by someone else.

Mr. Grant asked if these could be considered as accessory structures under the code.

Mr. Wallace responded that is another good question and it would have to be determined if we wanted to treat these like a portable warehouse. He said years ago it was decided that rabbit hutches are not accessory structures, so that needs to be decided for chicken coops as well, as they may be able to be repurposed as storage units.

Mr. Grant asked if any structure that holds the possibility of repurposing for use as storage would be treated as an accessory structure.

Mr. Wallace stated yes, and that the standards for the coops will probably be more stringent than a typical storage unit.

Mr. Grant asked Mr. Wodika if he had put together some kind of informational brochure regarding raising chickens. He also mentioned the birds of prey in our area, which bring the need for some sort of protective roof over the outdoor chicken run.

Mr. Wodika responded that many people in this area are somewhat familiar, and there is also talk of an annual workshop to help the education process.

Mr. Barke asked if there were any further questions for Mr. Wodika.

There were none.

Mr. Barke asked if anyone else wished to speak in favor.

Ms. Anne Gaylord came forward, stated she lives at 418 South Giant City Road, and that she has four suggestions to improve the proposed ordinance. She said that Exhibit A, Section 3-1-2, where it talks about wire coverings for the windows of the coop, she would like it to read "all openings in windows and doors" because right now the reading seems as though all doors and windows, whether they open or not, must have wire covering them. Her second suggestion was on Section 3-4-1, Part B-6, which deals with how the license is made available and the information that is collected from the applicant. She said the addition of, "The license shall be displayed in a visible location on the outside of the chicken coop" so that any building inspector or neighbor would know whether this chicken coop was properly licensed. Her third suggestion was on Section 3-4-1, Part G, dealing with licenses being nontransferable and nonrefundable. She said that at present that deals only with dogs and that she would like to add the following two sentences: "The license for any chicken coop shall not be transferrable to any other owner or to any other chicken coop location. No refunds shall be made on any chicken coop license." She said that would prevent people from attempting to move a coop to a different location, or if an owner would move and leave their chickens behind, the new owner would have to seek a new license.

Mr. Barke expressed concern over the new owner obtaining a license when none are available, so there would be a house that sold along with its coop, but the buyers would have no license to maintain it. He said that if there is a waiting list, the buyer would go to the bottom of the list because the license is nontransferable. A better idea, he said, would be for any buyers of a residence that has an active chicken coop must fill out a new

application within thirty days of purchase.

Ms. Gaylord responded that is a good idea, because the ordinance as it is now does not mention any waiting list. She went on to say that her forth suggestion is Section 3-6-1, Part B-1-F, where the first sentence needs to be rewritten for instances where there may be two residences on one lot. She would like it to say, "From the property line, and from residential structures" so it would require spacing from any apartments that pre-exist in people's back yards.

Mr. Barke asked if there were any questions for Ms. Gaylord.

There were none.

Mr. Barke asked if anyone else wished to speak in favor.

Mr. James Helfrich came forward, stated he lives at 104 North Bleyer, and asked if any of the Commissioners or people at the meeting have raised chickens before. Several people responded with some experience of working on farms with chickens. Mr. Helfrich said that if you've been around them, you know that chickens are relatively benign creatures compared to other fowl, and that their waste is very easily compostable. He said that he has raised chickens for over three years in Makanda Township, and now that he's moved to Carbondale he misses having the ability to raise them and have the eggs that are available. He said organic eggs cost \$4.00 per dozen, so if you have six chickens who lay six eggs a day, that's fifteen dozen over the course of a month, which equals \$60.00, and in a year it's about \$600.00, which is a benefit to a family when a chicken will lay eggs from three to five years. He then suggested that there be some provision made to harvest the chicken and be used by the owner in a further sustainable way. He added that the proposed ordinance talks about dogs and chickens interacting, and that he has a neighbor who owns a pitbull that can jump a six-foot privacy fence from a standstill. He asked if the "fenced enclosure" could be further clarified, particularly whether the fence is to be attached to the coop or if the fenced-in yard the enclosure.

Mr. Wallace responded that right now it is not very specific.

Mr. Barke stated that he believes it to mean if the yard is entirely fenced in, that would suffice.

Mr. Helfrich spoke about the proposed ordinance stating that "no dog which kills a loose chicken outside the enclosure" which would be outside of his fenced in yard, "will be considered a dangerous or vicious dog." He said that if a person is allowed to have three dogs, each of them weighing a hundred pounds, the waste of six chickens is truly negligible in comparison. He then asked what recourse he would have if the dog jumps into his fenced yard and kills one of his chickens, because this is the problem he had in Makanda, even after he spoke to his neighbors about the problem.

Mr. Barke stated that he would have the right to sue the dog owner for the value of the chicken, and only the chicken.

Mr. Wallace stated that he thinks this issue could be handled under the existing ordinance dealing with animals, because the chicken ordinance is referring to a dog attacking an escaped chicken, not one coming into your yard and attacking your chicken which is already addressed in the current animal ordinance.

Mr. Barke asked if there were any questions for Mr. Helrich.

There were none.

Mr. Barke asked if anyone else wished to speak in favor.

Mr. Seth Rose came forward, stated that he resides at 600 West Owens Street, and that he agreed with Mr. Helrich's cost analysis of organic eggs over the lifetime of the chicken, but he would like to add that he does not know that it this commission's or the City Council's duty at all to decide for him what is and is not worth spending his money on. He said that he also has a hard time seeing more than a few issues with chickens that are not already covered by current city ordinances when it comes to structures, animals at large, and sanitation issues. He said that in the spring of 2009, he and his sister contacted City Hall to ask if there was any reason they should not raise chickens in Carbondale. He said whoever they spoke to told them that they had no knowledge of any reason why they should not, so they did. He said that he and his wife raised six hens from chicks to laying age and kept them in a suitable enclosure, allowing them to run during the day and when they were home, in an uncovered but fenced-in enclosure that their dog uses in the back yard that is approximately forty by twenty. He said they never received a single complaint about odor from any of their neighbors, and that the chickens never flew out and only left the enclosure one time when a storm knocked a huge limb into their fence, which is certainly an extenuating circumstance. He said that about six months later, they were then informed by a person from code enforcement that they were in violation and must remove the chickens, the neighbors had grown to enjoy the chickens and the fresh eggs that they shared, without a single complaint. He said they composted the waste along with their own household compost, and it made wonderful fertilizer. He stated that the neighborhood dogs were not an issue, and the neighborhood children were curious and wanted to see the chickens, which was also not an issue, as was brought up by Commissioner Hunsaker. He stated that he just wanted to share their experience, and asked if there were any questions.

Mr. Hunsaker told Mr. Rose that if they all worked as perfectly as his did, that would be great, however everyone has different kinds of neighbors and some just don't like anything their neighbors do. He said that chickens do fly, and asked Mr. Rose if they had clipped the wings of the ones they owned.

Mr. Rose responded yes, they did.

Mr. Hunsaker responded that there will be those who won't do that, so if there is no chicken wire ceiling, those chickens will fly out and become an enforcement issue.

Mr. Rose said that he agrees there must be regulations on the coop itself and on the way the chickens are kept. He said that the proposed ordinance specifies that there be eight square feet of exterior space, but does not specify if that is considered part of the coop, so if one has six chickens with eight square feet each it will exceed the bounds of the forty square feet maximum. He said he is curious how that can be worked out. He then spoke about the way ordinances cover all kinds of situations, such as prohibiting cars up on blocks, and that most anything concerning chickens is already covered in existing ordinances as well.

Mr. Brazley asked Mr. Rose if he made any financial profit by selling his eggs in the past.

Mr. Rose responded no, he did not, saying the only thing he gained was good will.

Mr. Barke spoke about the one hundred and eighty eggs per month that would be generated, noting that in almost any household there would be a surplus.

Mr. Barke asked Mr. Rose what he did with his surplus eggs.

Mr. Rose responded that one could do whatever they wanted to with their excess eggs, but that he shared them with neighbors. He added that it takes about six months to raise a hen to the point where she is laying an egg a day.

Mr. Brazley asked Mr. Rose how much a hen is worth at that six month point.

Mr. Rose responded that monetarily it would be worth about twenty dollars, but on the other hand, all of his hens had names and were like pets, then asked Mr. Brazley what his dog is worth.

Mr. Barke asked Mr. Rose if he supports the idea of slaughtering the chicken at the end of its life.

Mr. Rose responded yes, he would be in support of people doing it as they see fit.

Mr. Barke asked if there were any further questions for Mr. Rose.

There were none.

Mr. Barke asked if anyone else would like to speak in favor of the application.

Mr. Donald Monty came forward, stated he lives at 418 S. Giant City Road, he is on the Sustainability Commission, and that he has actually raised chickens on and off for over twenty-five years inside the City limits of Carbondale, legally, because he has property behind his house that is zoned agriculture. He spoke about his vast experience, including the need to use heat lamps only once during a particularly cold winter week, watering, waste disposal, and general ease in taking proper care of the chickens. He then reviewed the changes he suggested to the draft ordinance, and the reasons he saw these revisions as

necessary, many times to avoid ambiguity in the language.

Mr. Barke asked Mr. Monty if the Sustainability Commission considered a special use permit rather than a broad ordinance change such as this, where it would be allowed, but give surrounding neighbors a chance to have their voices heard.

Mr. Monty stated that he has only been on the commission since June of this year, and doesn't know of any special use consideration.

Mr. Barke asked Mr. Monty how the fee for a coop was arrived at, because it does not seem to really cover anything, not even the cost of the inspection.

Mr. Monty responded that the fee was arrived at by staff, and that the commission had proposed a fee per chicken. He said it's just like the dog licensing fee comes nowhere close to paying for animal control, but the cost is higher for an animal that is not neutered to perhaps give people another incentive to do so, and it gives owners the feeling of buying into something. He compared it to the application fee for a rezoning case, as it too falls far short of paying for the case proceedings.

Mr. Brazley asked Mr. Monty if he, as a chicken owner, would be willing to pay what it actually costs the City to perform the coop inspections.

Mr. Monty responded that it would depend on if it's an incremental cost to the City or a cost that already exists.

Mr. Grant asked Mr. Monty about the language regarding exempted areas, such as the AG District where raising chickens is already allowed, saying that it would be better to concentrate the wording towards raising backyard chickens in a residential district.

Mr. Monty responded that his understanding for the zoning language inclusion is to make sure there is conformity between the two types of districts.

Mr. Barke stated that the zoning language also is necessary to designate between the single family residential as opposed to multi-unit residential.

Mr. Monty stated that great care was taken to maintain identical language from the zoning ordinance when writing the ordinance to allow chickens.

Mr. Barke asked if anyone else wished to speak in favor.

Ms. Bridget Rose came forward, stated that she lives at 600 West Owens, and that she wanted to address the issue of chicken waste, since it has been brought up several times. She said that it takes ten full size chickens to create the same amount of waste as a small dog, and since only six will be allowed this should be of minimal concern. She noted that much higher density cities allow chickens, such as New York, Portland and Atlanta. She said that the May 8th storm hit their chicken coop and the chickens got loose, they did not go farther away than a ten-foot area from where they were used to living. She spoke

about the children in the neighborhood being very excited to learn about different things she taught them when they had their coop.

Mr. Barke asked if anyone else wished to speak in favor.

There was no one.

Mr. Barke asked if anyone would like to speak in opposition of the application.

There was no one.

Mr. Barke asked Mr. Wallace to continue with the report.

Mr. Wallace read parts B and C of the staff report with a recommendation to review the proposed text amendment and make a recommendation to the City Council.

Mr. Barke asked if there were any questions of staff from Commissioners.

Mr. Grant asked Mr. Wallace if the timing of this issue going to impact the zoning ordinance update that is currently in the works.

Mr. Wallace stated that he does not see that happening, because most of the changes will be in Title 3, and the update is being done on Title 15 where there are only two minor changes.

Mr. Barke asked Mr. Wallace what the requirements are currently for an accessory structure.

Mr. Wallace responded that they must be three feet off the side and rear property lines and cannot be located in the front yard.

Mr. Barke asked if it can be locate in the side yard, if there are size limitations, and whether it had to be on a concrete pad or off the ground.

Mr. Wallace responded yes, it can be in the side yard, that there are no size limitations, and that it being off the ground in some way is not required.

Mr. Barke asked if a building permit is required.

Mr. Wallace responded yes.

Mr. Barke asked if a building permit will be required for a chicken coop.

Mr. Wallace responded that he does not think so.

Mr. Barke asked what would happen if a person laid a concrete pad for his chicken coop, built it on the pad, and when it came time to inspect it, the discovery is made that it is in

violation of the twenty-five foot rule from his neighbor's house. He said that either the City would have to make the person move it, or decide that it's close enough to conformity and leave it there. He then asked if there is a permit required for the fence.

Mr. Wallace responded that no permits are required for any fences.

Mr. Barke stated that this needs to be addressed so that the City knows exactly where the structure is being built, if set-backs are being met, and what materials are being used. He suggested that perhaps the initial inspection fee could be waived in favor of paying for a building permit so that these things are addressed from the beginning.

Mr. Wallace responded that a license will not be issued to any applicant who builds their coop outside of the setback requirements.

Mr. Barke said that he realizes that, however past experience says that the City will not have the owner pull up the concrete pad because it's two feet within the setback, and it would be better to avoid this from happening in the first place, not after the fact. He said that, by having a building permit requirement prior to building the coop, this would be a lot less likely to happen.

Mr. Wallace stated that he disagrees, because the opportunity to educate the coop owner comes at the time of application.

Mr. Barke responded that will only work if the person comes to the City to apply prior to building the coop,

Mr. Wallace responded that if they don't, they will not get the permit.

Mr. Barke stated that as it is written now, a person cannot apply for the permit until they have already built the coop, and that is the problem. He said a building permit needs to be required before the coop construction begins so that the person knows where it should be built in order to be in compliance with the ordinance. He also asked about a limitation on the time in which the coop must be built, saying that someone might say that's what they are building, and two years later still have a half constructed structure on their property.

Mr. Brazley asked how staff arrived at the required fees.

Mr. Wallace responded that the fee is enough so that a person feels as though they are buying into the project, and many other applications fees are also twenty-five dollars.

Mr. Brazley stated that the fees should be enough to actually cover the costs.

Mr. Wallace responded that the City does not charge fees to make money or to cover the cost of staff, so twenty-five dollars seems fair.

Mr. Barke asked Mr. Wallace if he knew whether the Sustainability Commission or the

Planning division looked at a Special Use Permit aspect, versus an ordinance, and charging the normal Special Use Permit fee rather than charging the fee for the coop.

Mr. Wallace responded that he is not in favor of a Special Use Permit for the coops, and that the ordinance is being written in specific language to handle any issues without putting a major burden on the homeowner.

Ms. Harvey asked Mr. Wallace how all the concerns discussed tonight will be dealt with.

Mr. Wallace responded that portions of the ordinance will have to be amended to deal with the issues, and the version that goes to the City Council will be different than the one being looked at tonight.

Ms. Harvey asked what the Commission should do, as far as this evening goes.

There was general discussion and suggestions regarding options for various votes or for tabling the case for now.

Mr. Grant suggested that the coops be considered accessory structures, and therefore they would require both a zoning certificate and a building permit, which would handle the setback issues as well as limit the time the person has to complete the construction. He said the total fee for these is ten dollars, so it would not be a financial burden. He then said that he thought the language was more straightforward when chickens were included in the restricted number of total animals allowed per household. He stated that he would prefer to put off any voting on this until the amendments resulting from the good discussion at this meeting are included in the proposed ordinance.

Mr. Barke asked if there were questions from anyone to anyone. Seeing none at this time, he invited Mr. Kevin Baity forward to make a statement,

Mr. Baity came forward, stated that he is the Development Services Director and the staff liaison to the Sustainability Commission for the City of Carbondale. He said that Mr. Wodika had done a fine job speaking for that commission and responding to questions, and that he had a few things to add. He said that the first draft of the ordinance for chickens in the City included a five-dollar fee per bird, then became a twenty-five dollar fee for the six birds, being almost equivalent, because of the questions surrounding how to license each bird and keep that bird with its own licensure, and what happens to that license when the bird dies, among other issues. He stated that the Sustainability Commission had, at one time, discussed levying a requirement that the coop owners must have the concurrence and approval of their adjoining neighbors in order for them to receive a permit, a lesser form of the Special Use Permit that was asked about earlier.

Mr. Barke stated that could be difficult to obtain from some neighbors, especially if one held a grudge toward another for something like his dog barking. He stated that most neighbors can estimate pretty well how their neighbor will build and maintain their coops, and no one wants to have their property values negatively affected because of an unregulated, badly built or maintained chicken coop.

Mr. Kang stated that he is in favor of making the coop permits by Special Use only, just so the neighbors have an opportunity to speak if they'd like to.

Mr. Barke asked if there were any further questions from anyone to anyone.

Ms. Gaylord came forward and asked Mr. Grant how long he thought it would take for an inspector to look at a coop that was 5' x 8'.

Mr. Grant replied probably about ten minutes.

Ms. Gaylord stated that no one has to obtain a permit to own a one hundred pound dog that can cause a lot of noise and excrement. She then asked if a waiting list is seen as being part of this ordinance.

Mr. Wallace responded that he thinks there will have to be a mechanism in place to notify people when a license becomes available, especially if all twenty are taken.

Ms. Gaylord asked if the final ordinance could be put on the web site to help educate people, and a copy of it be given to the ones applying for a permit.

Mr. Wallace responded that a brochure might be a good place to begin, given that the code can be somewhat intimidating for some.

Ms. Gaylord asked if the City would require someone to take a jackhammer and remove a concrete pad for a coop if it was built too close to meet the proper setbacks.

Mr. Wallace responded that if it was say, two feet too close, they could add to the pad on the other end and still use it if they wished.

Ms. Gaylord suggested giving out only twenty applications to the first who ask for them, with a time limit for which the construction must occur, and then have the ground marked by a City inspector where the chicken coop is expected to be built.

Mr. Wallace responded that he thought this is a reasonable idea, and also to have time limits so the process is not held up for others who wish to apply.

Mr. Grant asked Mr. Wodika if he had some idea as to how many applications were likely to be received if and when this ordinance passed.

Mr. Wodika responded there certainly would not be twenty requests at the beginning, that he was thinking around ten, but that twenty is a reasonable number for the cap.

Mr. Wallace stated that he has received a lot more interest than he had expected, and was not sure that twenty will be enough to cover everyone who wishes to have a coop.

Mr. Barke asked if there were any further questions from anyone to anyone.

Bridget Rose came forward and stated that she is confused about the concern over the aesthetics of the coops, and asked if the quantitative difference between a dog house and a coop is the size of the structure.

Mr. Barke responded yes, for him it is the difference and that he's never seen an eight foot tall dog house. He went on to say that if there are no building standards for the coops, we might see them built with plywood that has no weatherproofing that get worse and worse every year.

Mr. Kang noted that a person has to be able to get inside the coop to clean and properly maintain it, where that isn't so for a dog house.

Ms. Rose asked if there would be any violation if someone did build a dog house that was as large as a coop.

Mr. Wallace responded that the City does not require permits for dog houses and that it has not come up as a necessity.

Mr. Barke stated that he just wants to be sure to get this proposed ordinance written correctly, where these problems do not arise.

Mr. Barke asked if there were any further questions from anyone to anyone.

There were none.

Mr. Barke closed the public hearing on PC 12-07 and asked for a motion on the findings of fact.

Ms. Harvey moved, seconded by Mr. Grant, that the Commission accept as findings of fact Parts A and B of the staff report for PC 12-07, that six people spoke in favor, Mr. Baity spoke, and no one spoke in opposition.

The motion passed on a unanimous voice vote.

Mr. Barke noted that the Commission has been asked to make a recommendation to the City Council, however with the many changes suggested, there are several options. He said they could make a recommendation in favor of the ordinance, make a recommendation in opposition of the ordinance, make a recommendation to table the issue until the changes have been redrafted into the ordinance, or an alternative option can be suggested to the City Council. He asked for a motion as to what the Commission would like to do.

Ms. Harvey moved, seconded by Mr. Grant, to table PC 12-07 until the ordinance has been redrafted.

Roll Call Vote:

Yes - 3 (Barke, Grant, Harvey)

No – 5 (Brazley, Hunsaker, McClurg, Kang, Lilly)

Mr. Barke stated that the motion fails, and asked if there were any further motions.

Mr. Brazley moved, seconded by Mr. Kang, that a Special Use Permit be required to build and utilize a chicken coop.

Ms. Harvey asked if the cap would still be at twenty if this was passed.

Mr. Barke responded that the conditions and regulations could be kept the same, only the application process would be for a Special Use Permit instead.

Mr. Grant stated that the requirement for a Special Use Permit will tremendously increase the burden on staff by increasing their workload, and on the public by increasing the cost of making application to raise chickens for their own personal use. He added that it will further burden the Planning Commission and the City Council, and that he cannot be in favor of this option.

Mr. Barke stated that the comments are noted, and asked for a roll call vote.

Roll Call Vote:

Yes - 2 (Brazley, Kang)

No – 5 (Barke, Grant, Harvey, Hunsaker, McClurg)

Abstain – 1 (Lilly)

Mr. Barke stated that this motion also fails, and asked if there were any further motions.

Mr. McClurg moved that the recommendation to approve the ordinance, be sent to the City Council. There was no second on this motion.

Ms. Harvey moved, seconded by Ms. Lilly, to table PC 12-07 pending the recommended changes to the ordinance as discussed at this meeting, at which time the new draft will be brought back before the Planning Commission for an official vote. She added that limited public comments could be heard, but there would be no public hearing per se.

Roll Call Vote:

Yes - 5 (Barke, Brazley, Grant, Harvey, Lilly)

No – 3 (Hunsaker, McClurg, Kang)

The motion passed on a majority voice vote.



MINUTES

**Carbondale Planning Commission
Wednesday, January 18, 2012
Room 108
City Hall/Civic Center**

Ms. Harvey called the meeting to order at 7:00 p.m.

Members Present: Grant, Harvey, McClurg, Lilly, Love,
McDaniel (ex-officio)

Members Absent: Barke, Brazley, Hunsaker, Kang

Staff Present: Wallace

5. Old Business

Review of Revisions to a Text Amendment Relative to the Allowance of Chickens
Within the City Limits of Carbondale

Mr. Wallace reviewed the changes that had been made due to the requests for amendments at the meeting of November 16, 2011. There was general discussion and questions regarding the changes, which Mr. Wallace answered and clarified as needed.

Mr. Don Monty, City Councilman and chicken coop owner himself, explained that the chickens have their own internal time clock, synchronized with the sun, and would rise and roost according to that.

Mr. Grant moved, seconded by Ms. Lilly, that the Commission recommend approval of the text amendment, case PC 12-07, to the City Council, with the proposed changes.

Roll Call Vote:

Yes – 4 (Grant, Harvey, McClurg, Lilly)

No – 0

Abstain – 1 (Love)

Ms. Harvey stated this matter will be on the City Council agenda of February 7, 2012.

MINUTES
City of Carbondale Sustainability Commission
Thursday, January 19, 2012
City Hall / Civic Center – 6:00 p.m.

1. **Roll Call:** Mr. Wodika called the meeting to order at 6:00 p.m.
- Members Present:** Mr. Wodika, Ms. Elsenbroek, Mr. Kunath, Mr. Monk, Mr. Bracewell, Mr. Stewardson and Mr. Monty (ex-officio). Ms. Pimentel arrived at 6:30 pm
- Members Absent:** Mr. Thorne,
- Staff Present:** Kevin Baity
- Others Present:** Aur Beck, Ann Gaylord and Mrs. Bracewell

2. **Old Business:**

Chicken Ordinance – Mr. Baity advised the Planning Commission had met the previous night and voted to recommend the Ordinance to the City Council for approval. There are minor items needing additional clarification. Mr. Monty provided a further detailed explanation of the clarifications. Following discussion, a motion by Monk, second by Elsenbrock, to recommend the Ordinance to the City Council for approval. Unanimous.

M-E-M-O-R-A-N-D-U-M

TO: City of Carbondale Planning Commission

FROM: Chris Wallace, Senior Planner

RE: PC 12-07, Text Amendment Relative to Allowing Chickens Within the City Limits

DATE: November 10, 2011

(Planning Commission Public Hearing on November 16, 2011 at 7:00 p.m.)

PART A. GENERAL INFORMATION

1. Requested Action and Background:

On February 17, 2010 the Planning Commission heard comments from members of the Sustainability Commission regarding the desire to amend the Carbondale Revised Code in a manner that would allow residents to raise chickens within the City Limits. The Planning Commission requested that once a detailed revision was drafted, it be brought back before the Commission for review and a formal recommendation.

After several months of discussion, the Sustainability Commission prepared a draft Ordinance revision that was presented to the City Council on September 20, 2011. The Council requested that the Planning Commission should first hold a public hearing to review the Ordinance before taking action. In the weeks since the City Council meeting, Planning staff has reviewed the proposed Ordinance, met with members of the Sustainability Commission, taken suggestions from other City staff, and spoken to members of other communities who have had experience amending similar regulations. Based on the research that has been conducted, Ordinance revisions have been drafted that should alleviate many concerns.

There are two parts to the Ordinance revision. The first part would amend Title 3 of the Carbondale Revised Code that addresses livestock within the City. The second part would amend Title 15, specifically the language included under the AG, General Agriculture and RR, Rural Residential districts. Specific details regarding

the proposed changes are included in this report.

2. Proposed Changes to Title 3: The Sustainability Commission drafted proposed revisions to Title 3 of the Zoning Ordinance. The changes submitted to the City Council included the following:

- Amend the definitions section to include “Chicken”, “Chicken Coop”, and revise the definition of “Domestic Animal”
- Language was added that would allow up to six chickens per household, excluding roosters.
- The Section addressing the “Running at Large of Livestock” was amended to address the potential of loose chickens.
- The way in which chickens would be licensed was addressed. It was recommended that each individual chicken be licensed using an identification tag attached to the leg.
- An exception was made to ensure that an animal that kills a loose chicken would not be considered dangerous, based on that reason alone.
- Many items specific to Coop construction, distances from the property line, and the storage of feed and waste were addressed.

In the time that has passed since the City Council meeting, staff has reviewed the proposed changes to Title 3 and has several minor changes that strengthen the Ordinance. The revised changes and a short justification are detailed below and shown in Exhibit A.

- The definition of “Chicken Coop” was revised to require that ½” wire be used to cover windows as opposed to the 1” originally prescribed. The smaller opening should help to discourage rodents from entering the coop through the windows.
- In addition to excluding roosters, the proposed ordinance would also exclude “crowing hens”. Though uncommon, there are instances where hens take on a dominate role and begin crowing. By excluding crowing hens, the City will have the authority to request the removal of the animal if it becomes a nuisance.
- Staff feels that the licensing requirement should be handled on a per coop basis rather than for each individual chicken. This will be on an annual basis and will allow the City to monitor each coop location. If the number of coops is capped, as staff is recommending, this will provide a mechanism for keeping track of expired licenses and/or obsolete coops.
- As mentioned above, staff is requesting that the number of licensed coops be limited to twenty (20). This will allow the City to monitor the situation on a limited basis, and act accordingly. Depending on the impact, the number of licenses may be increased in the future. The application fee for each coop will be \$25, with an annual fee of \$10. Licenses will be issued on a first come first

serve basis.

- Property zoned AG, General Agriculture and RR, Rural Residential have been exempted from the licensing requirement.
- Staff is recommending that all feed be stored in rodent proof containers when not in use.
- While the initial proposal recommends that a minimum square footage be required for each chicken, there is no restriction on the size of the chicken coop. Staff is recommending that each chicken coop be limited to a maximum of 40 square feet. Staff is also recommending that no chicken coop shall be allowed to exceed a height of 8’.

3. Proposed Changes to Title 15: Staff is proposing changes to two zoning districts included in Title 15 of the Carbondale Revised Code. (See Exhibit B) The AG, General Agriculture district, currently allows the raising and/or breeding of fowl and other animals. Included in the AG district is a “special yard requirement” that states that any structure or fencing that contains fowl or animals must be located at least 200’ from any residentially zoned property. This requirement would be in conflict with the proposed Ordinance that allows one to keep a chicken coop, containing six chickens or less, within 10’ from the property line. An exception has been made to the “special yard requirement” that would allow property owners in the AG district to house up to 6 chickens in conformity with the new provisions of Title 3. Any coop or enclosure housing more than 6 chickens would still be subject to the 200’ spacing requirement. Staff is also recommending that the “special yard requirement” be amended to state that no pen or enclosures shall be located closer than 200’ from any residential or commercial structure on an adjacent property. The current “special yard requirement” applies to property zoned residential or business and does not take structures into account.

The Rural Residential district currently allows livestock for personal use, but not for commercial purposes. There is no “special yard requirement” in this district. Staff feels that the “special yard requirement” should be added to the Rural Residential District as included in the AG district. This condition will again allow for chicken coops housing 6 chickens or less to be located closer to the property lines as allowed in Title 3. All other livestock pens and enclosure would be located at least 200’ from any residential or commercial structure on an adjacent property.

4. Correspondence Received: As of the writing of this report, staff has received one email in support of the amendment.

PART B. ANALYSIS

The City of Carbondale Sustainability Commission has submitted a proposed text amendment that would allow chickens within the City Limits. Chickens are currently

allowed in the City on property zoned AG, General Agriculture and RR, Rural Residential. As described in the first part of this report, staff has made several changes to the original draft submitted by the Sustainability Commission. These changes are meant to strengthen the Ordinance and not change the original intent. Staff hopes to have an Ordinance in place that will effectively regulate chickens and require residents to raise chickens in a responsible manner. The Ordinance is meant to eliminate negative impacts on adjoining property owners and therefore, reduce potential conflict. The proposed Ordinance has been written with these criteria in mind.

The concept of urban chickens is one that has steadily been gaining support throughout the State and the Country. Several communities in the State of Illinois allow chickens as long as certain criteria are met. While the Ordinances differ, most restrict the number of chickens, regulate the distance from property lines, and prohibit roosters. The proposed Ordinance is consistent with others throughout the State, although it does contain more details than most. Anecdotal evidence shows that there have been very few problems with chickens in communities that do allow them. The communities that were consulted did not keep detailed information on the number of complaints filed and did not indicate any problems worth noting. In communities that do not specifically prohibit chickens, most complaints are handled as a nuisance violation.

While the proposed Ordinance contains language that will regulate the number of chickens, the size and location of the coop, and for what purpose the chickens may be used, the success of the Ordinance will require strict enforcement. A policy of strict enforcement may require considerable staff time and resources and as of now, there are too many unknowns to accurately determine how much staff time will be required. The Ordinance will control the amount of chicken coops within the City by limiting the amount of licenses issued. Staff is proposing that the number of licenses be limited to 20. This will allow the City to monitor the situation on a controlled level. In theory, fewer chicken coops allowed should result in fewer enforcement issues. It is also important that the City implement an effective campaign to educate the public on the details of the Ordinance. Education will be vital to reducing the amount of violations. In order to effectively regulate chicken coops, a policy will need to be enacted that will clearly define which department is responsible for enforcement of the Ordinance. With current staffing levels, any increase in responsibilities may hinder enforcement efforts in other areas, especially if the introduction of chicken coops proves to be detrimental.

The effect that the introduction of chicken coops will have on the community is unknown. Staff would expect there to be some complaints from neighbors who do not share the same feelings about chickens as those who own them. These complaints may include the presence of an odor, loud noises, and the introduction of rodents. While the Ordinance places regulations on odor and noise, the regulations themselves are subjective. The presence of an odor or noise may depend on which way the wind is blowing, how warm it is, and whether or not it has rained recently. Navigating through the regulations and

mitigating complaints between neighbors may be difficult. The issue of rodents will be equally difficult to determine. One would not expect to find many rodents during the daylight hours when staff is on duty. An absence of rodents during the day does not necessarily mean that there is not a problem. Nor can the presence of rodents be directly tied to the introduction of a chicken coop, therefore the burden of proof to enforce the regulations may not exist. Once again, the success of the Ordinance is directly tied to the City's ability to enforce the regulations.

PART C. RECOMMENDATION

The Planning Commission should review the proposed text amendment and make a recommendation to the City Council.

In addition, the Sustainability Commission is scheduled to review the proposed Ordinance at their next meeting on Thursday November 17, 2011. A recommendation will be made and forwarded to the City Council

Exhibit A

Section 3-1-2 of the Revised Code of the City of Carbondale is hereby amended to add the following definitions of “chicken” and “chicken coop”, and to amend the following definition of “domestic animal”:

CHICKEN: An individual animal maintained for the production of eggs, of the species Gallus gallus, specifically not including roosters, which are the male of the species.

CHICKEN COOP: A structure suitable to house chickens that is enclosed on all sides with a roof, door, and windows. Windows and doors must be covered by wire mesh with one half inch (1/2”) or smaller openings to discourage predators. The materials used to make the coop must be uniform for each element of the structure, for example the walls shall be made of the same material.

DOMESTIC ANIMAL: Any dog, cat, domesticated sheep, horse, cow, goat, swine, fowl, duck, goose, turkey, confined domestic hare and rabbit, pheasant, chicken, and other birds and animals raised and/or maintained in confinement. Chickens will be defined as a domestic animal when raised within city limits pursuant to the restrictions set out in this Title.

Section 3-3-1 of the Revised Code of the City of Carbondale is hereby amended as follows:

3-3-1 NO LIVESTOCK WITHIN CITY LIMITS:

- A. No person shall keep or maintain any livestock within the city limits.
- B. The provisions of subsection A of this Section shall not apply to:
 1. Any person involved in the interstate or intrastate transportation of livestock to market; provided, however, such person does not remain with the city limits for more than two (2) hours;
 2. Any person operating a zoological park, circus, carnival, scientific or educational institution, research laboratory, veterinary hospital or animal refuge;
 3. Any person maintaining livestock in compliance with Title 15 of this Code; and
 4. Chickens maintained for egg production and properly licensed with the City. Chickens, with the exclusion of roosters and crowing hens, are limited to a maximum of

six (6) chickens per household. Property zoned AG, General Agriculture and RR, Rural Residential as defined in Title 15 are not subject to this limitation.

Section 3-3-2 of the Revised Code of the City of Carbondale shall be amended to read as follows:

3-3-2 **RUNNING AT LARGE OF LIVESTOCK AND CHICKENS PROHIBITED:**

- A. No livestock or chickens shall be permitted to run at large within the city limits. Chickens may be maintained in a designated chicken coop or fenced area, and shall be allowed to run freely within that area, although chickens must be secured within the coop at night.
- B. The animal control officer and/or any peace officer shall take all reasonable and necessary action to capture any livestock or chickens found to be running at large.
- C. The owner of any livestock or chickens found to be running at large shall be liable for any and all costs incurred by the City as a result of any action taken by the animal control officer and/or any peace officer to capture such livestock or chickens.

Chapter 4 of Title 3 of the Revised Code of the City of Carbondale is hereby amended as follows:

That the name of the Title shall be **DOGS AND, CATS, AND CHICKENS**

SECTION 5. That Section 3-4-1 of the Revised Code of the City of Carbondale is hereby amended to read as follows:

3-4-1 **LICENSES AND REGISTRATION REQUIRED FOR DOGS AND CHICKENS:**

- A. Applicability: All dogs four (4) months of age or older, kept or maintained by their owners in the City shall be licensed and registered. All chicken coops maintained in accordance with this Title shall be licensed.
- B. Conditions For Licensing: The police department or its designee may issue licenses to the owner of any dog, or chicken coop, upon meeting the following conditions:
 - 1. The making of an application for license which application shall state the name and address of the owner, the name, breed, color and gender of the dog owned or kept by the

owner, whether the owner has been convicted of a violent felony, and whether the owner has ever been an owner of a dog declared either dangerous or vicious;

2. Evidence that the owner has complied with the requirements of Section 3-4-3 of this Chapter relating to rabies vaccination for each dog to be licensed and registered;

3. If the dog has been surgically spayed or neutered, a written certificate signed by a veterinarian licensed to practice veterinary medicine in the state of Illinois describing the dog in question and indicating that the dog had been previously spayed or neutered;

4. The payment of the license and registration fee; and

5. That any owner of a dog determined to be dangerous or vicious, shall also provide proof of insurance covering the actions of said dog and any and all liability created by the dog, in the amount of not less than five hundred thousand dollars (\$500,000.00) per occurrence.

6. The application for a chicken coop license shall state the name and address of the owner, the proposed location of the chicken coop, and all other applicable information requested by the administrative official. A license will only be issued after the chicken coop and enclosure have been inspected and have been determined to meet all requirements of this Title.

7. The number of licenses for chicken coops shall not exceed twenty (20). The number of licenses may be increased only upon City Council approval. Licenses will be issued based on the order of the applications received.

8. Each chicken coop license shall be renewed on an annual basis.

C. Costs For Licensing: The costs for licensing a dog or chicken coop shall be as follows:

1. Altered dog: Five dollars (\$5.00).

2. Unaltered dog: Twenty five dollars (\$25.00).

3. Chicken Coop: (\$25.00) per chicken coop license. The fee shall be paid at the time the application is submitted. An annual renewal fee of ten dollars (\$10.00) shall be assessed for each chicken coop.

D. Exceptions: The provisions of this Section relating to licensing shall not apply to:

1. Dogs whose owners are temporarily visiting within the City for a period of thirty (30) days or less;

2. Dogs which are brought into the City for the purpose of participating in a dog show, exhibition or demonstration;
3. “Seeing eye” dogs which have been properly trained to assist the visually impaired when such dogs are actually used to aid the visually impaired;
4. Any dogs which are used to assist the disabled; and
5. Law enforcement agency dogs.
6. Chicken Coops located on property zoned AG, General Agriculture or RR, Rural Residential as defined in Title 15.

- E. License Term: All licenses issued pursuant to this Section shall be valid for a term not to exceed one year, from each January 1 to December 31 of the calendar year.
- F. When Due; Late Fee: Applications for dog licenses shall be made from December 1 to December 31 each year. For any application made subsequent to December 31 for any dog subject to licensing prior to December 31, a late fee of ten dollars (\$10.00) for altered dogs, and twenty dollars (\$20.00) for unaltered dogs shall be charged for each dog license to be issued. For Chicken Coop license renewels made subsequent to Dec 31, a late fee of ten dollars (\$10.00), shall be charged.
- G. Nontransferable; Nonrefundable: The license for any dog shall not be transferable to any other dog. No refunds shall be made on any dog license.
- H. Penalty: The owner of any dog or chicken coop, which is subject to licensing and registration pursuant to subsection A of this Section, but who does not comply with those provisions, shall be subject to the penalties provided in Chapter 8 of this Title.
- I. Cost Of Administration: The license fees charged pursuant to this Section are charged to defray the administrative costs and are not to be deemed a penalty or tax. The license fees shall not be construed as relieving the owner from any penalty imposed for any violation of this Title.

That Section 3-4-9 A of the Revised Code of the City of Carbondale is hereby amended as follows:

5. No dog which kills a loose chicken, outside the enclosure in which the chicken is maintained will, for that reason alone, be considered a dangerous or vicious dog.

That Section 3-6-1 of the Revised Code of the City of Carbondale is hereby amended as follows:

E. Items specific to chickens.

1. Chicken coops and Enclosures.

- a. Chickens must be kept in a coop or fenced area at all times.
- b. Coops must be kept in a clean, dry, odor free, and sanitary manner at all times.
 - i. Odors from chickens, manure, or related substances shall not be detectable from property lines.
 - ii. The chicken owner must provide for the storage and disposal of chicken waste. Composting of the chicken waste is encouraged. No more than three cubic feet of chicken waste can be stored. All other chicken waste not composted, shall be removed.
- c. Coops must provide adequate ventilation, shade, and be resistant to predators, wild birds, and rodents.
- d. Access door(s) to any coop must be latched and secured at night with chickens inside.
- e. Coops shall be located to the rear of the residential structure, and may be allowed in the backyard, but not the side or front yards as defined by Title 15.
- f. Coops must be a minimum of 10 feet from the property line, or residential structure on the property, and 25 feet from any neighboring residence, business, church, etc. A coop may be maintained five feet (5') from a public alley adjoining the owner's property.
- g. Chicken Coops are required to have at least four (4) square feet of coop floor area per chicken and must be well maintained. Enclosures must have at least eight (8) square feet of outdoor run space per chicken. The enclosure must be constructed of uniform material and must be adequate to maintain the chickens within the enclosed space. In no case shall the floor area of a chicken coop exceed forty square feet (40ft²). Chicken coops shall not exceed eight feet (8') in height.

2. Chickens are to be raised for egg consumption only and may not be slaughtered within the City limits.

- a. Deceased chickens should be properly disposed of as required in Section 3-6-4, below.

3. No person or owner shall keep, or allow to be kept in a foul, offensive, nauseous or filthy condition, any chicken coop or fenced enclosure containing chickens.

4. Chicken feed must be stored in a fully enclosed container resistant to animals and other rodents.

Section 3-6-3 of the Revised Code of the City of Carbondale is hereby amended as follows:

- C. Total Allowed: No person shall keep or maintain more than ten (10) animals (excluding fish & chickens) in a single-family residence or five (5) animals in any unit of a multi-family residence.

Exhibit B

Section 15-2D-5 of the Revised Code of the City of Carbondale is hereby amended as follows:

K. Special Yard Requirements: No structures or enclosed pens in which livestock, fowl and animals are kept shall be closer than two hundred (200') from any residential or ~~business district~~ commercial structure on an adjacent property, except chicken coops containing 6 or less chickens in conformity with Title 3 of the Carbondale Revised Code.

Section 15-2D-6 of the Revised Code of the City of Carbondale shall be amended to read as follows:

P. Special Yard Requirements: No structures or enclosed pens in which livestock, fowl and animals are kept shall be closer than two hundred (200') from any residential or commercial structure on an adjacent property, except chicken coops containing 6 or less chickens in conformity with Title 3 of the Carbondale Revised Code.

Please Note: Underlined text is being added. A strikeout indicates that text is being deleted.