

CITY COUNCIL STUDY SESSION

May 15, 2012

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:35 p.m. in the Municipal Building Council Chambers on the 15th day of May, 2012, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Dillingham, Gallagher, Kovach, Lockett,
Mayor Rosenthal

ABSENT: Councilmembers Ezzell, Griffith, Quinn, Spaulding

Item 1, being:

DISCUSSION REGARDING PROPOSED REGULATIONS FOR CHICKENS IN URBAN AREAS.

Ms. Susan Connors, Director of Planning and Community Development, said the City Council Oversight Committee discussed proposed regulations for allowing chickens in urban areas on April 4, 2012. She said the Oversight Committee reviewed regulations of several communities that allow chickens in urban areas and Staff drafted a potential ordinance. The Oversight Committee had asked Staff to make a few amendments to the draft ordinance for presentation to the entire City Council in a Study Session.

Ms. Connors said under the proposed ordinance, the regulations are as follows:

- Chickens or laying hens may be kept and maintained in R-1, Residential Zoning Districts, as long as they comply to zoning regulations
- Chickens or laying hens are maintained on land upon which the owner or occupant resides
- Only four chickens or laying hens can be kept unless additional setback conditions can be achieved
- Roosters are not allowed
- Chickens must be kept in an enclosure, which at its nearest point is no closer than five feet from any property's lot line or 25 feet from any dwelling other than the owners
- Enclosure floors shall be easily-cleanable and maintained in sanitary condition not offensive or dangerous to public health by routinely cleaning and properly disposing of droppings
- Outside opening of the enclosure must be screened to prevent the spread of disease by flies and vermin (and will also protect the chickens from predatory animals and keep them from getting out of the yard)
- The minimum size for a chicken enclosure or coop must be four square feet per animal
- Outdoor slaughter of chickens will be prohibited

Councilmember Kovach said there has been citizen requests to allow keeping pygmy goats in urban areas and he would like to include pygmy goats in Section 3-501(b). Ms. Connors said pygmy goats are allowed under Section 3-501(a), which states that all animals commonly known as domesticated farm animals may be kept and maintained in any of the City's zoning districts as long as they meet zoning setback requirements. She said Section 3-501(b) pertains to chickens being allowed in R-1, Residential Zoning Districts. Councilmember Kovach said smaller urban lots cannot meet the setback requirements in Section 3-501(a) and that is why he suggested language be placed in Section 3-501(b), which has smaller setback requirements. Mayor Rosenthal said the premise of the proposed ordinance is for keeping chickens to acquire eggs and she was not sure the same premise exists for pygmy goats.

Mayor Rosenthal said a gray water ordinance was recently adopted, which had specific guidelines in respect to discharge of gray water from systems close to waterways and creeks. She said there had been discussion regarding the value of fertilizer and asked if there had been any thought about locating chicken enclosures close to waterways. Ms. Connors said there had been some discussion and the Oversight Committee felt that could be addressed by limiting the number of chickens to four inside an enclosure where droppings could be contained and disposed of properly. She said the concern had been about nitrates contained in chicken droppings, but the ordinance does not require any specific type of disposal method. Mayor Rosenthal said she was more concerned about the proximity of the enclosure to a floodway or a creek. She said she would like Staff to review the gray water ordinance in terms of what requirements of setbacks from floodways.

Mayor Rosenthal said there had also been discussion by the Oversight Committee regarding animal control issues and animals getting out of their yards. She asked how the ordinance deals with that issue. Ms. Connors said the final decision was to require chickens be kept in coops as opposed to clipping their wings and allowing them to roam freely.

Councilmember Gallagher asked if screening for enclosures would be fine screens that keep out mosquitoes, flies, and gnats and Ms. Connors said yes.

Councilmember Gallagher said he had not seen information on how many people keep chickens that have well water. He said chicken droppings can penetrate the soil and get into the well water spreading disease and asked if that had been considered. Ms. Connors said the ordinance would not affect many people with well water because of the R-1 zoning restriction. She said chickens are already allowed in agriculturally zoned properties where most of the personal water wells are located.

Mayor Rosenthal asked if there would be a permitting process so that if someone complained it would require an inspection to see whether or not they were in compliance. Ms. Connors said there would not be a permit required unless the coop was 120 square feet, which would meet accessory structure requirements. She said violations would be handled on a complaint basis.

Councilmember Lockett asked if a run outside the coop would be allowed and Ms. Connors said that is not addressed in the ordinance.

Councilmember Dillingham said there have been several requests to allow pygmy goats in urban areas and she would like the Oversight Committee to review that. Councilmember Kovach said the Oversight Committee could also review gray water setbacks at the same time. Mayor Rosenthal asked Staff to take the ordinance back to the Oversight Committee to review these issues as well as location of the enclosure in respect to waterways or creeks.

Ms. Joy Hampton, The Norman Transcript, said when people talk about chickens and pygmy goats they are usually talking about more than eggs or pets. She said they are talking about environmental issues. She said chickens eat bugs which is better than a pesticide, but if they are in a coop they cannot eat bugs in the entire yard. She said the goats could be considered a lawn mowing mechanism. She asked if the City had done any studies on environmental impacts of allowing chickens or goats in urban areas and Mayor Rosenthal said no, but the Oversight Committee had discussed those issues. Ms. Hampton asked if the City was planning on providing an environmental study and Mayor Rosenthal felt there would be discussion on that subject at the Oversight Committee meeting.

Mr. Marc Jenson, 1525 High Trail Road, said he would like the ordinance to define a coop. He envisions a coop as an interior and exterior place for chickens to run around. He said the ordinance seems to describe the coop as a building with walls where the chickens are either inside or outside of it. Mayor Rosenthal said defining the coop was a great suggestion.

Items submitted for the record

1. Memorandum dated May 15, 2012, from Ms. Susan Connors, AICP, Director, Planning and Community Development, to Honorable Mayor and Members of City Council, with Attachment A, Petition to allow for backyard/urban chickens in Norman and Attachment B, Annotated Section 3-501. – Keeping of animals other than dogs and cats
2. Residential Urban Chicken Keeping: An Examination of 25 Cities by KT LaBadie, University of New Mexico, with Appendix A, 25 Ordinances Analyzed, Appendix B, Sources for 25 Ordinances, and Appendix C, Example ordinance from Rogers, Arkansas
3. City Council Oversight Committee Meeting minutes of April 4, 2012

The meeting adjourned at 5:55 p.m.

ATTEST:

City Clerk

Mayor