

**AN ORDINANCE OF THE CITY OF DUNWOODY AMENDING CHAPTER 27
(ZONING ORDINANCE) TO ESTABLISH REGULATIONS FOR BACKYARD
CHICKEN RAISING IN SINGLE FAMILY RESIDENTIAL DISTRICTS**

WHEREAS, the City of Dunwoody is charged with providing for the health, safety and welfare of the citizens of the City; and

WHEREAS, allowing raising of chickens in backyards of single family residences may provide certain benefits for the homeowners and community as a whole, such as availability of fresh eggs, as well as provide educational benefits on raising as pets said chickens for children in the community; and

WHEREAS, in order to preserve the health, safety and welfare of the City, certain regulations must be imposed on chicken raising in order to prevent excessive noise, odor, disease or potential predators; and

WHEREAS, the first read of this ordinance occurred on March 8, 2010 and a properly advertised public hearing and second read of this ordinance occurred on March 22, 2010.

THEREFORE, THE MAYOR AND COUNCIL FOR THE CITY OF DUNWOODY HEREBY ORDAIN AS FOLLOWS:

Section 1: Chapter 27 (Zoning Ordinance) of the City of Dunwoody Code of Ordinances shall be amended to add a definition of the term “coop” to Article I, Section 1-17 to read as follows:

“coop” means an enclosure, cage or pen, usually with bars or wires, in which chickens are traditionally confined.

Section 2: Chapter 27 of the City of Dunwoody Code of Ordinances shall be amended by adding the following accessory use to Article II, Sections 2C-4(c), 2D-4(c), 2E-4(c), 2F-4(c), 2F(1)-4(c), 2F(2)-4(c), 2G-4(b), and 2H-2(a)(4):

“Coops for chicken raising (subject to additional regulations in Section 4-10.1).”

Section 3: Chapter 27 of the City of Dunwoody Code of Ordinances shall be amended by adding a new provision to Article IV, designated as Section 4-10.1, to read as follows:

Sec. 4-10.1. Chickens in Single Family Residential Districts.

(a) *Purpose and Intent.* The purpose and intent of the City Council in enacting the following regulations is to allow Dunwoody citizens the right to raise backyard chickens in single family residential zoning districts in the City of Dunwoody. Further, the City Council finds it appropriate to regulate backyard chicken raising in the manner presented in this section, so as to be permissive enough to easily

allow citizens to keep chickens on their property, but restrictive enough to protect the interests of neighboring residents from unnecessary noise and odor and the invitation of rodents, wild birds and predatory animals to the property. Additionally, these regulations are intended to ensure the humane treatment of animals.

- (b) Roosters and crowing hens are prohibited.
- (c) The Maximum number of chickens allowed per residential lot is as follows:
 - (1) Lots between 10,000 and 15,000 square feet – no more than six (6) chickens total.
 - (2) Lots 15,001 square feet up to one (1) acre – no more than eight (8) chickens.
 - (3) Lots over one (1) acre – eight (8) chickens per acre of lot size.

No chickens may be kept on lots under 10,000 square feet.

- (d) Each lot owner shall be required to apply for and obtain a permit for housing of chickens from the City Community Development Department. As part of the application, the lot owner shall provide the City with documentation that the proposed or existing coop will be in compliance with this ordinance. Prior to obtaining a permit, the City shall inspect the applicant's lot for compliance with the City Code and this section, and the issuance of the permit shall grant the right to a City Code Enforcement Officer to enter onto applicant's lot at any time to investigate any chicken-related complaints.

- (e) *Chicken Coops.*

- (1) Coops shall not exceed six (6) feet in height above grade and must allow for a footprint of at least two (2) square feet per chicken housed in the coop. The Maximum single coop footprint size is forty (40) square feet.
- (2) Coops must be kept clean, sanitary and free from standing water at all times. Coops shall be designed and maintained in such a way as to be impermeable to rodents, wild birds, and predators, including, but not limited to, cats coyotes, dogs, raccoons and skunks.
- (3) Coops must be located in the rear yard of the lot.
- (4) Coops must be setback at least thirty-five (35) feet from the nearest property line and no less than fifteen (15) feet from side property lines.

- (f) Feed and any other food sources provided to the chickens shall be stored in predator-proof containers.
- (g) When not in the coop, chickens must be supervised by the owner or agent thereof. When no humans are immediately present and supervising the chickens, they shall be kept securely within the predator-proof coop.
- (h) Failure of lot owner to abide by all the applicable regulations of this section, the City of Dunwoody Code of Ordinances or any state or federal law regarding chicken-raising and/or coops shall be a violation of City Ordinances punishable pursuant to Chapter 1-3-1(a) of the City of Dunwoody Code of Ordinances.
- (i) If the provisions of this section conflict with any other provisions of the City of Dunwoody Code of Ordinances, the provisions contained in this section shall control.

Section 4: This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this 22nd day of March, 2010.

Approved:

Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(Seal)

Brian Anderson, City Attorney