

**CITY COUNCIL RESEARCH DIVISION  
LEGISLATIVE SUMMARY**



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**Bill Type and Number:** Ordinance 2021-222

**Introducer/Sponsor(s):** Council Member Becton

**Date of Introduction:** April 13 2021

**Committee(s) of Reference:** NCSPHS, LUZ

**Date of Analysis:** April 15, 2021

**Type of Action:** Ordinance Code amendment; amendment of previously adopted ordinance

**Bill Summary:** The bill amends the Zoning Code in Sec. 656.422 (Chickens allowed by permit in certain zoning districts) to clarify and confirm that the issuance by the City of a permit to a resident to keep chickens on their property does not supersede deed restrictions or homeowners' or neighborhood association covenants, by-laws or regulations that prohibit the keeping of fowl in a neighborhood. The amendment requires that persons applying for and receiving permits under this section are required to certify whether their property is part of a deed restricted community or subject to a homeowners, neighborhood or master association, and if they answer in the affirmative, they must provide a separate consent form (which is part of the application) signed by an officer of such entity that confirms that chickens are permitted by the entity on the subject property. It adds questions to the backyard hen permit application form and adds a homeowner, neighborhood or master association acknowledgement document to the application package. The bill amends previously-adopted Ordinance 2015-337-E to add the Deercreek Country Club community to the list of single-family neighborhoods exempt from the Zoning Code provisions allowing backyard hens.

**Background Information:** The bill's preamble states that some homeowners in deed- or covenant-restricted neighborhoods where the keeping of fowl is not permitted have been obtaining City permits for backyard hens and attempting to use the permits as a means to circumvent the deed restrictions or covenants, despite the fact that the ordinance intended to prohibit that practice. This bill adds further clarifying language about the intent that the Zoning Code provision regarding backyard hens does not supersede any neighborhood deed restrictions or covenants and requires an applicant for a permit to keep backyard hens to declare whether they live in a deed- or covenant-restricted neighborhood and to provide a document signed by a homeowner or neighborhood association officer attesting to the fact that backyard hens are permitted in the neighborhood.

**Policy Impact Area:** Backyard hen permitting

**Fiscal Impact:** None

**Analyst:** Clements