



CITY OF CONCORD

New Hampshire's Main Street™
Community Development Department

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City Planner

TO: Planning Board Members
FROM: Heather Shank, City Planner
DATE: August 21, 2019
SUBJECT: Council referral regarding a request to amend Article 28-5-50, Keeping of Chickens as Pets as Accessory to a Residential Use

Request

In April 2019, a Concord resident requested to amend the City Zoning Ordinance to allow henhouses and fenced areas to be closer to lot lines than is currently permitted by the ordinance requirement for a 30-foot buffer.

Background

The current ordinance was amended in 2011 to allow residents in denser urban neighborhoods to have backyard chickens on lots of less than one acre. Section 28-5-50 of the Zoning Ordinance currently allows henhouses and fenced areas for chickens in side and rear yards when a 30-foot buffer is provided. The 30-foot width was justified by previous Planning staff who noted that the narrowest required minimum lot width for a residential district was 75 feet. The 30-foot buffer would therefore allow a strip of 15 feet in the center of the smallest conforming lot for henhouses and fenced areas.

However, Staff has discovered through recent analysis of the district standards that a significant percentage of residential lots in the downtown area are nonconforming with regard to lot width or lot area. This means that many homeowners are currently precluded from having chickens because they do not have space for the buffer.

Staff has reviewed proposed changes to the district standards to alleviate the high percentage of lots that are nonconforming. Lot width standards as narrow as 50 feet are proposed to address this issue. The 30-foot buffer would be too wide to allow chickens under that scenario. In order to address this concern, Staff originally proposed reducing the 30-foot buffer to 15 feet in width to allow lots complying with the proposed standard to have chickens, as well as other narrow lots that may remain nonconforming.

Staff notes that the Concord standards regarding chickens were based off the regulations from Portland, Maine. As a point of comparison, Portland currently allows henhouses and fenced areas located the same distance from lot lines as accessory structures. Setbacks for accessory structures are as little as 5 feet in urban Portland neighborhoods.

During a workshop with Planning Board to discuss potential changes, Staff noted that certain properties would not be able to house chickens even with a 15-foot setback, in particular where lots and setbacks are nonconforming, and would remain nonconforming even under proposed standards, or where there is no space for the use. For example, the 15-foot buffer would not likely address the petitioner's specific issue, since very limited side or rear yard space is available on their property. During the Planning Board discussion at the July 17, 2019 meeting, Board members expressed support for further reducing the setback to 5 feet to allow more property owners in urban neighborhoods to have backyard chickens.

As a further point of analysis, Staff notes that the buffer is intended to address nuisance concerns such as noise and odors. However, according to Code staff, over the past 8 years, there have been no complaints pertaining to odor, and noise complaints have been in relation to roosters, which are not permitted.

Recommendation

Since the raising of chickens is consistent with several goals of the Master Plan, including to support sustainability and local food production, Staff supports reducing the buffer from 30 feet to 5 feet.