

ORDINANCE NO. 2022-010

An Ordinance amending the Zoning Ordinance of the City of Gardendale, Ordinance No. 2013-02 To Allow Hen Coups as a Permitted Use in Certain RG (lot area greater than or equal to 15,000 sq ft), R-1 and R-2 Single-Family Residential Zoning Districts

WHEREAS, it has been recommended by the Gardendale Planning and Zoning Commission that certain amendments be made to the City of Gardendale Codification section 111 also known as Zoning Ordinance of the City of Gardendale (Ordinance No. 2013-02); and,

BE IT ORDAINED by the City Council of the City of Gardendale, Alabama while in regular session on the 19th day of July 2022 at 6:00 p.m. as follows:

SECTION 1. Section 111-154 R-1 Single-Family Residential District, (b) Uses Permitted. (*Zoning Ordinance No. 2013-02, §6.4, Table 6.4.2*). The following shall be amended as follows:

(b) *Uses permitted.*

| R-1 Permitted Uses | |
|---|-----------------|
| Use | Use Regulations |
| Uses permitted by right. The following uses shall be permitted by right. Similar uses to those listed below may also be permitted subject to section 111-89. | |
| Detached single-family dwelling | |
| Modular home | Section 111-206 |
| Accessory structures (residential) | Section 111-200 |
| Conservation development (detached single-family dwellings) | Section 111-257 |
| Private tennis court | Section 111-204 |
| Private swimming pool | Section 111-203 |
| Noncommercial greenhouse and gardens | |
| Transmission tower (noncommercial) | Section 111-200 |

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|---|------------------------|
| Hen Coup | Section 111-208 |
| Conditional uses. The following uses may also be permitted subject to approval of the commission and appropriate permits being issued by the city. See section 111-91. | |
| Accessory dwelling unit | Section 111-255 |
| Home occupation | Section 111-248 |
| Day care home | Section 111-251 |
| Group day care home | Section 111-251 |
| Boardinghouse | Section 111-254 |
| Bed and breakfast | Section 111-253 |

SECTION 2. Section 111-155 R-2 Single-Family Residential District, (b) Uses Permitted. (*Zoning Ordinance No. 2013-02, §6.5, Table 6.5.2*). The following shall be amended as follows:

(b) *Uses permitted.*

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|---|------------------------|
| R-2 Permitted Uses | |
| Use | Use Regulations |
| Uses permitted by right. The following uses shall be permitted by right. Similar uses to those listed below may also be permitted subject to section 111-89. | |
| Detached single-family dwelling | |
| Modular homes | Section 111-206 |
| Accessory structures (residential) | Section 111-200 |
| Conservation development (detached single-family dwellings) | Section 111-257 |
| Private tennis court | Section 111-204 |
| Private swimming pool | Section 111-203 |
| Noncommercial greenhouse and gardens | |
| Transmission tower (noncommercial) | Section 111-200 |
| Hen Coup | Section 111-208 |
| Conditional uses. The following uses may also be permitted subject to approval of the commission and appropriate permits being issued by the city. section 111-91. | |

| | |
|-------------------------|-----------------|
| Accessory dwelling unit | Section 111-255 |
| Boardinghouse | Section 111-254 |
| Bed and breakfast | Section 111-253 |
| Home occupation | Section 111-248 |
| Day care home | Section 111-251 |

SECTION 3. Section 111-160 RG Garden Home Residential District, (b) Uses Permitted. (*Zoning Ordinance No. 2013-02, §6.10, Table 6.10.2*). The following shall be amended as follows:

(b) *Uses permitted.*

| | |
|--|-----------------|
| RG Permitted Uses | |
| Use | Use Regulations |
| Uses permitted by right. The following uses shall be permitted by right. | |
| Accessory structures (residential) | Section 111-200 |
| Garden home dwellings | |
| Modular homes | Section 111-206 |
| Private swimming pools | Section 111-203 |
| Hen Coup (limited to Garden Homes with a lot area of at least 15,000 sq ft) | Section 111-208 |
| Conditional uses. The following uses may be permitted subject to approval of the commission and appropriate permits being issued by the city. See section 111-91. | |
| Accessory dwelling units | Section 111-255 |
| Transmission towers (noncommercial) | Section 111-200 |
| Home occupation | Section 111-248 |

SECTION 4. Section 111-208 Hen Coup. (*Zoning Ordinance No. 2013-02, Article 7 Supplemental Regulations, §7.13 Hen Coups*). The following section shall be added:

Sec. 111-208. – HEN COUP

General Conditions for the Keeping of Hen Coup.

Location and requirements for hen coups and enclosures:

(1) The maximum size of the coop and pen area shall be one hundred (100) square feet, which is to be included in the maximum total square footage of accessory structures in the rear

yard, as described in [Section 111-200 Accessory Uses and Structures \(Zoning Ordinance No. 2013-02, §7.5\)](#).

- (2) The maximum height of a coop and the pen fence around the coop shall be six (6) feet, as measured from the existing grade to the highest part of the coop or fence.
- (3) The coop and pen area shall meet the setbacks as required in [Section 111-200 Accessory Uses and Structures \(Zoning Ordinance No. 2013-02, §7.5\)](#).
- (4) A coop or pen must be built within a rear yard that is surrounded by an opaque wall or fence that is at least six (6) feet in height. A chain-link fence, chain-link fence with slats, or similar fence shall not constitute an opaque wall or fence. Nothing in this section shall prevent construction of a coop and pen to abut the side of an applicant's house, so long as it otherwise meets the requirements of the Code of Ordinances.
- (5) Hen coops shall be covered and ventilated, and a fenced pen enclosure/run is required. The coop and pen must be constructed in a way that establishes a clean safe and pleasant environment free of odor, vermin, noise, and disease.
- (6) All enclosures for the keeping of hens shall be so constructed and maintained as to prevent rodents or other pests from being harbored underneath, within, or within the walls of the enclosure.
- (7) Hen coops must be impermeable to rodents, wild birds, predators, and weather, including all openings, ventilation holes, doors, and gates. Enclosures shall be kept in neat condition, including provision of clean, dry bedding materials and regular removal of waste materials, so not to create an odor.
- (8) The space per hen in the coup shall not be less than three (3) square feet.
- (9) All hen feed shall be kept in a secured and covered metal or plastic container, or otherwise protected to prevent rodents and other pests from gaining access to it.

Any person keeping hens as an accessory to an occupied dwelling shall be subject to the following restrictions:

- (1.) Up to four hens may be kept at an occupied single-family residence.
- (2.) Ducks, geese, turkeys, peafowl, male chickens/roosters, pigeons, or any other poultry or fowl are not allowed.
- (3.) Hens are not allowed on duplex, triplex, townhomes, multifamily properties, community gardens, or any other uses.
- (4.) Hens must be secured within a covered hen coup, hen tractor, or fenced pen/run area all the time and are not allowed to run at large upon any public properties or off the premises of the owner. Hens must have access to food and water all the time. The coop and pen/run area must be completely secured from predators with hardware cloth or similar material. Chicken wire shall not be used.
- (5.) The coop and pen/run area must be cleaned regularly and kept free of insects and rodents. Odors from hens, hen manure, or other items associated with the keeping of hens must not be perceptible at the property boundaries. Hens must not be permitted to create a nuisance consisting of noise or pests or contribute to any other nuisance condition.

- (6.) No manure may be allowed to accumulate on the floor of the coop or ground. All feed and other items associated with the keeping of hens that are likely to attract or to become infested with rodents or other pests shall be kept in a rodent and pest-proof container.
- (7.) Composting of hen manure is allowed in an enclosed bin. The composting bin shall be kept at least 20 feet away from all property lines. Waste materials (feed, manure, and litter) not composted must be bagged and disposed of in the trash.
- (8.) Hens must be kept for personal use only. Selling hen, eggs, feathers, or hen manure, or the breeding of hens is prohibited.
- (9.) Hens may not be slaughtered on premises.
- (10.) Any person who violates any provision of the article will, upon conviction, be punished as provided in this Code. Additionally, the building official has the sole discretion to require that the hens be removed within 10 days if he or she determines that the owner is in violation of the requirements of the Code.
- (11.) Violation of this ordinance shall be punishable as provided in Section 1-8 of the City Code.

SECTION 5. That all other provisions of the Code of Ordinances shall remain in full force and effect and shall not be affected by this amendment.

SECTION 6. All other Ordinances or parts of Ordinances heretofore adopted by the City Council of the City of Gardendale, Alabama that are inconsistent with the provisions of this Ordinance are hereby expressly repealed.

SECTION 7. That if any part, provision, or section of this ordinance is declared to be unconstitutional or invalid by any court of competent jurisdiction, all other parts, provisions or sections of this ordinance not thereby affected shall remain in full force and effect.

SECTION 8. This ordinance is adopted on this 21st day of July 2022 and shall become effective immediately upon its publication or otherwise becoming law.

Alvin Currington, Council President

Approved on this 21st day of July 2022.

Stan Hogeland, Mayor

CERTIFICATION

I, Melissa Honeycutt, City Clerk of the City of Gardendale, Alabama, do hereby certify that the foregoing is a true and correct copy of an Ordinance that was duly and legally adopted on the _____ day of _____, 2022 by the City Council of the City of Gardendale, Alabama while in a regular session and was posted in its entirety at the following locations, as required: City Hall – 925 Main Street, Civic Center – 857 Main Street, Gardendale Library – 995 Mount Olive Road, and US Post Office – 1753 Decatur Hwy., on _____ 2022.

Melissa Honeycutt