

**ORDINANCE NO. 3334
(ZOA-15-500540 – BACKYARD CHICKENS)**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, TO AMEND TITLE 19 OF THE HENDERSON MUNICIPAL CODE TO ESTABLISH STANDARDS FOR THE KEEPING OF CHICKENS (HENS) IN RESIDENTIAL BACKYARDS, AND MATTERS PROPERLY RELATED THERETO.

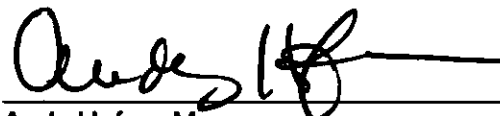
- WHEREAS,** it is the intent of the City of Henderson to maintain a zoning ordinance for the safe and orderly development of property; and
- WHEREAS,** the City of Henderson adopted a new zoning ordinance on January 19, 2010; and
- WHEREAS,** a zoning ordinance is considered a “living document” and will invariably need amending to make minor corrections, revisions, and updates as necessary; and
- WHEREAS,** residents of the City of Henderson have expressed interest in keeping chicken hens in the backyards of single family homes for the generation of fresh eggs for personal consumption; and

NOW, THEREFORE, the City Council of the City of Henderson, Nevada, does ordain:

- SECTION 1.** Chapter 19.5 of the Henderson Development Code is hereby amended, as represented in Exhibit A, hereto attached consisting of three (3) pages.
- SECTION 2.** If any section, subsection, sentence, clause, phrase, provision or portion of this Ordinance, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Ordinance or their applicability to distinguishable situations or circumstances.
- SECTION 3.** All ordinances, or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed and replaced as appropriate.
- SECTION 4.** A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Review Journal, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance, and following approval shall be published by title (or in full if the Council by majority vote so orders) together with the names of the Councilmen voting for or against passage for at least one (1) publication before the Ordinance shall become effective. This Ordinance is scheduled for publication on February 19, 2016, in the Review Journal.

PASSED, ADOPTED, AND APPROVED THIS 16TH DAY OF FEBRUARY, 2016.




Andy Hafen, Mayor

ATTEST:


Sabrina Mercadante, MMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on February 2, 2016, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

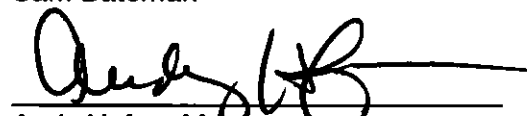
“COUNCIL AS A WHOLE”

Thereafter on February 16, 2016, said Committee reported favorably on the Ordinance and forwarded it to the Regular Meeting with a do-pass recommendation. At the Regular Meeting of the Henderson City Council held February 16, 2016, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye: Andy Hafen, Mayor
Councilmembers:
Debra March
John F. Marz
Gerri Schroder

Those voting nay: None
Those abstaining: None
Those absent: Sam Bateman




Andy Hafen, Mayor

ATTEST:


Sabrina Mercadante, MMC, City Clerk

Exhibit A
Amendments to Title 19
Chapter 19.5 Use Regulations

EXHIBIT A
Chicken Ordinance
19.5.5.D.11 (New Subsection)

19.5.5. COMMERCIAL USES

D. ANIMALS AND RELATED SERVICES

11. Backyard Chickens

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S	S	S	S	S				S	S		
COMMERCIAL					INDUSTRIAL				MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	

(a) Definition

Hens (not roosters) kept outdoors as household pets and/or for the production of eggs for personal consumption.

(b) Standards

- (1)** May only be located on the lot of a single family detached dwelling.
- (2)** May only be kept on a lot with a minimum size of 6,000 square feet.
- (3)** A maximum of 7 hens may be kept on a single lot.
- (4)** The hens must be kept in a predator-proof coop with a fenced-in run. Coops larger than 120 square feet require a building permit and must meet all requirements for accessory structures.
- (5)** The coop must be separated by a minimum of 20 feet from any dwelling on an adjacent lot.
- (6)** The coop must be located at least 5 feet from any property line.
- (7)** The coop may not be located in a front yard.
- (8)** Coops must be maintained and cleaned at all times to minimize odors and other nuisances.
- (9)** Chickens may not be raised for slaughter or bred for sale.
- (10)** Per Title 7, roosters are not permitted in any zoning district.
- (11)** These standards do not apply to fowl kept in accordance with 19.5.5.D.6 (Equines/Bovines).

(c) Off-Street Parking Requirement

No additional requirement, beyond the residential use requirement.

(d) Off-Street Loading Group

None.

EXHIBIT A
Chicken Ordinance
19.5.5.D.9

9. Household Pets

RESIDENTIAL										PUBLIC		
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
A	A	A	A	A	A	A	A	A	A	A	A	A
COMMERCIAL					INDUSTRIAL				MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
				A					A	A	A	

(a) Definition

Animals or birds ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, ferrets, birds, potbellied pigs, hamsters, parakeets, rabbits, non-venomous reptiles and amphibians not more than six feet in length but not including their young less than three months old.

(b) Standards

(1) All Districts

- i. Except as otherwise provided in HMC Title 7, Animals, or any other section of this Code, in conjunction with any residential use, no person shall keep more than three dogs, three cats, and/or three ferrets over three months of age, at any place, or premises, or in any one residence.
- ii. Any outdoor enclosure shall be located in an interior side or rear yard and set back at least five feet from the property line.
- iii. Keeping wild and exotic animals, as defined by this Title and HMC Title 7, Animals, is prohibited.
- iv. ~~[The keeping of fowl as an ancillary use to a residential dwelling is subject to the restrictions set forth in HMC Title 7, Animals.]~~

EXHIBIT A
Chicken Ordinance
19.5.5.D.6

6. Livestock Farming (Equines/Bovines)

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S									S	C	
COMMERCIAL					INDUSTRIAL				MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
				S								

(a) Definition

The raising or keeping of equines or bovines for recreational, entertainment, or training purposes for the owner's or resident's use only. The term does not include the breeding or raising of animals for consumption or sale.

(b) Standards

The standards governing equines and bovines are intended to ensure compatibility between uses maintaining animals and neighboring land uses. Conditions may be imposed on such uses that limit operations to designated areas. This use may be permitted in accordance with the following standards:

(1) All Districts

- i. Equines and bovines shall not run free and shall be maintained in a permanently fenced yard, corral, or other enclosure constructed in accordance with the requirements of a fence permit issued by the Building Department.
- ii. Where a yard is surrounded by a fence constructed and inspected subject to a fence permit, inspection of portable corrals within the yard is not required.
- iii. The parcel must be occupied by a residential dwelling.
- iv. All parcels shall be evaluated on actual net lot area.
- v. Must properly maintain and dispose of animal waste materials on a regular basis so as not to cause an odor problem or health hazard.
- vi. The keeping of fowl is permitted as an ancillary use to the keeping of equines or bovines except that roosters are prohibited. ~~[is subject to the restrictions set forth in HMC Title 7, Animals.]~~
- vii. Keeping equines or bovines shall comply with the standards in Section 19.5.7.D.1, *Barns, Stables, and Corrals.*