

ORDINANCE NO. BL2009-510

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, to modify regulations and standards applying to the keeping of domestic and exotic animals in Nashville and Davidson County (Proposal No. 2009Z-033TX-001), all of which is more particularly described herein.

WHEREAS, Mayor Karl Dean signed Executive Order 33 charging the Green Ribbon Committee to recommend goals and strategies to help guide households, residents, and neighborhoods to achieve the livability and environmental quality goals;

WHEREAS, the Green Ribbon Committee established a goal to develop a locally-based food system;

WHEREAS, the strategies recommended by the Green Ribbon Committee to develop the locally-based food system include enhancing urban and rural farming;

WHEREAS, the raising of poultry by individuals for personal consumption of eggs develops a locally-based food system;

WHEREAS, the current Metro Zoning Code requires poultry (e.g. chicken, duck, turkey, quail, pheasant) to be located in the General Services District on a lot of at least five (5) acres in size;

WHEREAS, the current Metro Zoning Code requirements for poultry do not support a livable and sustainable city within Nashville and Davidson County.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. Modify Section 17.040.060 (Definitions of General Terms) by **deleting** "Domestic Animals/Wildlife" and **inserting** the following definitions:

"Animal" means all nonhuman members of the animal kingdom including household, domestic, and exotic animals.

"Animal, Domestic" means farm animals that may, where permitted, be kept and maintained for commercial production and sale on a farm or for family food production, education, or recreation (e.g. cats, cattle, chickens, dogs, ducks, geese, goats, guinea pigs, hamsters, horses, mules, oxen, pheasants, pigeons, sheep, swine). Some domestic animals are also considered "Household Pets".

“Animal, Exotic” means animals defined as Class I by Tennessee Code Annotated § 70-4-403 (1) and animals defined in Tennessee Code Annotated § 70-4-403 (3)(E), (F), (J), (M), (N), (O), (P).

“Animal, Household Pet” means animals bred or raised to live in or about humans for companionship and are dependent on humans for food and shelter (e.g. birds, dogs, cats, guinea pigs, hamsters, mice, rabbits).

Section 2. Modify Section 17.08.030 (Zoning Land Use Table: Residential Uses) by **inserting** after “Security Residence” the following land uses: “Animals, domestic (poultry)” as an accessory use (A) in all R and RS districts, “Animals, domestic/exotic” as permitted by right (P) in the AG and AR2a districts and as accessory (A) in all R and RS districts.

Section 3. Modify Section 17.08.030 (Zoning Land Use Table: Other Uses) by **deleting** “Domestic animals/wildlife” as a land use from the table entirely.

Section 4. Modify Section 17.16.330.B (Land Use Development Standards: Accessory Uses – Other Uses) by **deleting** “B. Domestic Animals/Wildlife” in its entirety.

Section 5. Modify Section 17.16.250 (Land Use Development Standards: Accessory Uses – Residential Accessory Uses) by **inserting** as “B. Animals, Domestic/Exotic” as follows and renumbering the section accordingly:

B. **Animals, Domestic/Exotic.** Native and exotic animals and common domestic farm animals, defined as Class II and Class III wildlife (Tennessee Code Annotated 70-4-403), which are kept outdoors for any purpose other than agricultural business, shall be an accessory use to a residence. The following land use development standards shall apply to domestic and exotic animals, except household pets as defined in this title, and for some types of poultry as provided in Section 17.16.250.C below.

1. **Location.** Such animals shall only be permitted as an accessory use in the RS80, RS40, RS30, RS20 and R80, R40, R30 and R20 residential zone districts where the property contains a minimum of five acres and is located in the general services district.
4. **Animal Areas.** All pens, runs, paddocks, pastures and other open outdoor areas shall be fully enclosed by fencing. Barns, stables, stalls, and similar shelters shall not be located within two hundred fifty feet of a residential structure in a residential zone district.
5. **Permits.** Such accessory use shall obtain all necessary permits from the Tennessee Wildlife Resources Agency, Tennessee Department of Agriculture, and/or the metropolitan department of health pursuant to Title 8 of the Metropolitan Code of Laws, and the metropolitan department of codes administration.

Section 6. Modify Section 17.16.250 (Land Use Development Standards: Accessory Uses – Residential Accessory Uses) by **inserting** as “C. Animals, Domestic (poultry)” as follows and renumbering the section accordingly:

C. Animals, Domestic (poultry)

1. Applicability. These regulations only apply to the keeping of poultry for non-commercial purposes as an accessory use in a residential zone district. For purposes of this section, poultry are considered a “domestic animal” and are defined as chickens, ducks, turkeys, quail or pheasants kept for the purpose of collecting eggs and/or feathers, but excluding meat. For all other domestic animals, including poultry not included in the previous sentence’s definition, the regulations contained in Section 17.16.250.B shall apply.
2. Number of Poultry. Except upon property zoned for agricultural use or more than two (2) acres in size, a parcel of land shall contain the maximum number of poultry birds identified below, whether a single type or combination of poultry birds is desired to be kept on the property (e.g. 2 chickens, 3 ducks = 5 poultry birds).

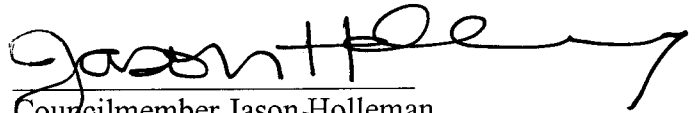
Max. # Poultry	Parcel Area (sq ft)	Acreage
2	0 to 5,009	0.0 to .11
4	5,010 to 10,236	.12 to .23
6	10,237 to 87,119	.24 to 1.99
none	87,120 or more	2.0 or more

3. Location. All poultry shall be kept in the side and rear yards of a residential property subject to the setback standards below, Section 17.16.250.C.5. No poultry shall be kept in the front yard.
4. Enclosure. All poultry shall be kept outside of a habitable structure in a predator-proof enclosure, a portion of which must be covered and uncovered. No poultry shall run around at-large on the property. Any enclosure shall be thoroughly ventilated and easily accessed for cleaning and maintenance. For purposes of this title, all enclosures shall be considered permanent structures subject to the provisions of Section 17.40.170.A, requiring final site plan review by the Zoning Administrator.
5. Setbacks. An enclosure shall be located twenty-five (25) feet away from any residential structure located in a residential zone district and ten (10) feet from any property line.

6. Sanitation, Nuisance, and Humane Treatment.
- a. Poultry shall be kept in an enclosure that limits odor, noise, rodents, and insects.
 - b. No perceptible odor from the poultry or the poultry enclosure shall be present at any property line.
 - c. No roosters shall be kept on the property.
 - c. All feed shall be stored in a rodent – and predator-proof container.
 - e. No slaughtering of poultry may occur on the property.
 - f. Any dead poultry shall be removed from the property as quickly a possible by contacting the Metro Public Works Department and requesting “Dead Animal Removal”.
 - g. No poultry breeding shall occur on the property.

Section 7. That this Ordinance shall take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:


Councilmember Jason Holleman

