Limited Agriculture Permit
Process Overview

On February 16, 2009, Durham City Council adopted a Text Amendment to the Unified Development Ordinance (UDO) that allows citizens throughout the City to keep a maximum of 10 female chickens (hens only, no roosters) for personal use with a permit and subject to certain standards. Prior to keeping hens, residents are required to obtain a Limited Agriculture Permit from the City-County Planning Department. County residents do not need a Limited Agriculture Permit to keep hens, but may need a building permit for a structure.

Permit

The permit requirement allows on-site enforcement and ensures that chicken owners are aware of the applicable standards. As adopted by Council, the requirement includes notice to neighbors, and an administrative review if any neighbor objects. The permit fee is the same as the fee for a home occupation permit. A building permit from City-County Inspections may also be required for a chicken coop as an accessory structure (see the Building Permit section below for more information).

An applicant desiring to keep hens should first contact the Planning Department Customer Service Center, Suite G301, City Hall, 101 City Hall Plaza, or phone (919) 560-4137, to receive the necessary forms, including the current adjacent property owner information, and have the process explained to them. The information and forms are also available via email to Planning@DurhamNC.gov or at http://durhamnc.gov/340/Applications-Application-Materials. The next steps would be to:

1. Complete the Application with the necessary notarization by the property owner. If the applicant is not the property owner, this form needs to be signed by both the resident and the property owner with only the property owner's signature being notarized. The "initial box" on the front of the form should also be completed.
2. Send out the required Notice and Consent forms to the adjacent property owners via certified mail with return receipt requested (green cards) and adjacent non-owner residents (if any) by 1st class mail. Copies of the applicable Ordinance sections shall be included with the consent forms.
3. Complete the mailing list form showing which owners/residents were sent the Notice and Consent form.
4. Create a plot plan showing how the pen and coop will meet ordinance requirements. This is explained in the "Plot Plan Requirements" handout.
5. Collect the returned Notice and Consent forms within 30 days from the mailing date. If all the forms are returned before 30 days from mailing, the application packet can be submitted early. Otherwise, the applicant must wait 30 days from the mailing date to submit the forms that have been returned.

At the end of the 30 day mailing period, the applicant submits a complete application packet which includes:

✓ The completed application with the required notarization

✓ A completed and signed mailing list form*

✓ Copies of the letters mailed to adjacent property owners

- ✓ Copies of the Certified Mail receipts and green cards for each letter for proof of mailing

- ✓ Original signed consent forms received within 30 days of mailing

- ✓ A plot plan showing how the coop and pen will meet the requirements of UDO paragraph 5.4.12B.7**

- ✓ A check payable to the City of Durham for $26.00 to cover the application processing

  * Applicants should obtain a current list of adjacent property owners from the Planning Department Customer Service Center.
  ** - See "Plot Plan Requirements" on this web page or contact the Planning Department Customer Service Center for more information on what information is required for the plot plan

If any adjacent property owner denies consent, the application must go through the Administrative Review process. If all adjacent property owners have given consent or failed to respond within 30 days of mailing, a permit is issued.

Within 180 days of issuance of a permit, and after the coop and pen are constructed, the applicant must call Planning Site Compliance at 560-4137 to schedule an inspection prior to putting the chickens in them. Planning Site Compliance will inspect the site for conformance with Ordinance requirements for setbacks, minimum sizes for the coop and pen, etc. *Please note that if a Planning Site Compliance inspection is not requested within 180 days of issuance of the permit, the process must be started over from the beginning.*

Administrative Review
The application must go through Administrative Review if any adjacent property owner denies consent. The Planning Department notifies the applicant and any non-consenting adjacent property owner of the date, time, and location of an Administrative Review of the application. Notice is by first class mail, sent at least two weeks in advance of the Review. The notice requests that each person attend in person or by telephone, or submit a written statement of concerns. If any non-consenting adjacent property owner fails to appear as requested, he or she is deemed to have consented. No administrative review will be conducted if all non-consenting property owners fail to appear.

The Planning Director conducts the Administrative Review and determines whether issuing a permit would result in an ordinance violation, otherwise create a nuisance or detriment to public health or safety, or cause significant hardship or injury due to site conditions or personal considerations. Following the Administrative Review, the Planning Director puts his determination in writing and provides a copy to anyone who requests it. Appeal of the Planning Director's decision is to the Board of Adjustment.

Building Permit
A building permit, with the applicable fee, is required from the Durham City- County Inspections Department if any dimension of the coop is 12 feet or greater and the total square footage is 144 feet or greater. If a building permit is required, the applicant constructs the coop or locates it on the site, and then contacts Inspections to request an inspection. The Inspections Department inspects the coop and issues a certificate of appropriateness prior to use of the coop.