



CITY OF CAMBRIDGE

Community Development Department

To: Planning Board
From: Community Development Department (CDD) Staff
Date: October 24, 2023
Re: **Henkeeping Zoning Petition**

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Overview

Petitioner: Cambridge City Council

Zoning Articles: 2.000 (Definitions), 4.000 (Use Regulations), 5.000 (Development Standards), 23.000 (Standards for Urban Agriculture)

Petition Summary: To amend the Zoning Ordinance of the City of Cambridge by amending Articles 2.000, 4.000, 5.000, and 23.000 for the purpose of allowing henkeeping as a permitted accessory use to principal residential (excluding transient accommodations as defined in Section 4.31.i), religious, and educational uses; with limitations and subject to regulation and permitting by the Cambridge Public Health Department.

Planning Board Action: Recommendation to City Council

Memo Contents: Summary of the proposed zoning, background information on the topic of the Petition, and considerations and comments from staff.

Summary of Petition

The Cambridge City Council passed Policy Order O-5 dated August 7, 2023 to request that City departments review the proposed zoning ordinance language regarding standards for henkeeping. Staff from the Community Development Department (CDD), Law Department, Cambridge Public Health Department (CPHD), Inspectional Services Department (ISD), and the Animal Commission collaborated to provide the response, which included recommended zoning language that was patterned after the 2017 beekeeping regulations. On September 11, 2023 the City Council adopted staff's recommended zoning language, with a few edits, as their own petition and referred it to the Planning Board and Ordinance Committee for public hearings.

The full regulatory framework for henkeeping will include both zoning and public health regulations. Zoning regulations will cover land use and structures, while issues concerning the cleanliness of coops, rodent protection, and the sale of eggs will be controlled through public health regulations.

The proposed zoning includes the following key provisions:

1. Accessory Use to Residential/Institutional. The proposal would allow henkeeping as an accessory use to all residential, educational, and religious uses with a permit from the Public Health Department. It would prohibit keeping of roosters.
2. Number of Hens. Up to six hens would be allowed on a lot, with the possibility of increasing to 12 hens with permission from CPHD on a case-by-case basis. The six-hen maximum is in line with neighboring communities, and the opportunity to increase to twelve is intended to address the needs of lots with more than one household present.
3. Coop Dimensions. Coops would be limited to eight feet in height and 50 square feet in area.
4. Enclosure Setbacks. Hen enclosures, which are defined as the combination of both a coop and hen run, could be sited in either rear or side yards. A setback from each property line of at least five feet would be required (similar to requirements for accessory buildings on a lot) unless there is a solid barrier along the property line, like a solid fence or wall.
5. Health and Safety. Zoning related to henkeeping would be effective after companion public health regulations are promulgated.

Planning for Urban Agriculture

The City's [Urban Agriculture Task Force](#) was a partnership between CDD and CPHD to explore issues surrounding urban agriculture and create a comprehensive policy that would allow for and regulate a broad range of agricultural uses. The task force consulted with local experts, nonprofits and community organizations, residents, state agencies, and neighboring municipalities to gather public input and develop recommendations.

The policy work of the task force centered around three main topics: beekeeping, henkeeping, and urban farming. Beekeeping was identified as a priority, which led to the beekeeping zoning ordinance

and public health regulations that were enacted at the end of 2017. Regulations for henkeeping and urban farming were considered but not prioritized at that time.

Considerations for Proposed Zoning

Overall, the proposed henkeeping zoning ordinance is rooted in the planning work conducted by the Urban Agriculture Task Force and is informed by the knowledge gained during that process. The proposal follows the pattern of the beekeeping ordinance by broadly stating the extent to which the use is allowed: only as an accessory use, with a maximum number of hens and size of structures and conditioned on a public health permitting process that would cover the more substantive regulations. There are some details in the proposed zoning language that should be examined further.

The allowable height of coops would be eight feet, which was increased from the staff's initial recommendation of six feet. Eight feet is the allowed height in neighboring communities including Boston and Somerville and is not a substantial concern. However, we recommend that language be added to clarify that the height is measured from grade to the top of the structure, consistent with other building height regulations in zoning.

As detailed below, the public health regulations are likely to include some requirements that impact the design and placement of coops and hen runs. The zoning standards mostly set maximum limitations while the public health regulations will have some minimum standards, such as elevating coops if necessary to prevent rodents and maintaining an adequate amount of coop space for the number of hens. So long as they don't directly conflict, we do not believe it is necessary for the zoning to duplicate public health standards. It is reasonable to keep the zoning more flexible given that public health regulations can change over time. However, we believe it is important for the zoning to explicitly state that additional design standards in the public health regulations must be met. It would likely be frustrating to residents who think their structures are in conformance with zoning to later find that they need to make a substantial change to comply with public health regulations that are more prescriptive. This would also make enforcement more difficult.

Public Health Regulations

The public health regulations will be intended to limit activities to mitigate potential health risks. They will cover issues related to odor, noise, pest prevention, waste management, and disease prevention, and will outline the requirements and processes for obtaining permits, similar to those in effect for beekeeping. The CPHD has broad authority to promulgate public health regulations and update them over time.

The following are examples of standards that are likely to be in the public health regulations:

- For the purposes of pest prevention, Henhouses must either have a minimum 8" elevation off the ground, or nineteen (19) gauge hardware cloth with gaps no wider than half (1/2) an inch, buried twelve (12) inches into the ground, attached to the exterior walls of the coop.

- All Hen Enclosures shall be located no less than one hundred (100) feet from any public drinking water supply.
- All Hen Enclosures shall be sited such that all areas beneath the enclosure drain into the lot and not onto adjacent lots. Henhouses and Hen Runs shall be placed to prevent runoff beyond the lot line
- A Henhouse shall have a minimum interior floor area of two (2) square feet per Hen.
- A Hen Run shall have a minimum interior floor area of eight (8) square feet per Hen and shall be enclosed on all sides and top by a wire mesh with gaps no larger than one-half inch.

Other sections of the public health regulations regard the care and upkeep of hens, and maintenance of site hygiene, none of which are in conflict or require close coordination with the proposed ordinance.

A basic process outline for finalization of regulation includes the following, but may include other steps depending on various aspects of the regulation:

- Proposed regulations must be posted for public comment a minimum of 21 days before passing.
- Final decision on the content of the drafted regulations is made by the Public Health Commissioner.
- A public hearing may be required, especially if proposed regulations include issuing fines (which they presently do).

Conclusions

If the Planning Board decides to recommend approval of the zoning petition, staff suggests including in the Board's recommendation that CDD and Law Department staff review the final petition text and provide any additional clarifying suggestions before adoption. This would include a clarifying provision that henhouses/coops be designed in accordance with all additional design standards established in the public health regulations and clarification that the eight-foot height limit be measured from grade.