



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item Number: 4c

Title: Discussion and feedback regarding the regulation of Residential Chickens- Section 6.12.095 of the St. Charles Municipal Code

Presenter: Ciara Miller, Economic Development Planner

Meeting: Planning & Development Committee

Date: January 11, 2021

Proposed Cost: \$0

Budgeted Amount: \$0

Not Budgeted:

Executive Summary *(if not budgeted please explain):*

A resident spoke at the December 7th City Council meeting to express concern over the City’s current Residential Chicken regulations. The resident spoke against her neighbor on Timbers Court keeping backyard chickens, which technically comply with the current code requirements but she does not think small residential properties should be permitted to keep chickens. The resident requested the Council take action and impose stricter regulations regarding which properties are permitted to keep chickens and where the coop can be located. Specifically, the resident suggested a 1-acre lot minimum requirement to keep chickens and that the coop be positioned furthest away from any neighboring livable space (patios, decks, etc.).

Residential chickens have been permitted in St. Charles for 25+ years. Prior to 2014, there were no municipal regulations on chickens. In 2014, the City Council unanimously approved an amendment to Municipal Code Section 6.12.095 to regulate Residential Chickens. These regulations include limits to the number of birds that may be kept, coop location and setback requirements, screening requirements, and the prohibition of roosters.

Staff has not found backyard chickens to be the source of significant complaints, having only two formal code enforcement complaints in the past year that were both resolved (see accompanying memo for details). The current requirements are largely self-regulated as there is no permit or licensing process required to install a chicken coop or keep chickens.

Staff surveyed Chicago-area suburban communities to see how other municipalities regulate chickens. St. Charles is one of several communities that allows chickens in residential areas. A summary of this community survey is included in the attached packet.

Staff is seeking feedback from the City Council on whether they would be interested in pursuing additional regulations on Residential Chickens and has outlined regulatory options and their potential impacts in the attached memo. Should the Committee decide to take action that would require an amendment to the Municipal Code, staff will need to bring back the necessary applications and documents to a future meeting.

Regulatory considerations for the Committee to discuss (see accompanying memo for more details from staff):

- Increasing the setback requirements or keeping the existing requirements in the code
- Establishing a minimum lot size or keeping it open to all single-family residential properties
- Implementing a Residential Chicken Permit or Registration program

Attachments *(please list):*

- Memo with community survey summary
- Map of 1+ acre residential properties and known existing coops

Recommendation/Suggested Action *(briefly explain):*

The Committee should discuss and provide feedback on the regulation of Residential Chickens in St. Charles. If the Committee seeks to modify the regulations in Section 6.12.095 of the Municipal Code, then the Committee should direct staff to bring a Code Amendment to a future Council meeting.



Memo

Date: January 6, 2021
To: Chair Rita Payleitner
and members of the Planning & Development Committee
From: Ciara Miller, Economic Development Planner
Re: Residential Chicken Regulations

In 2014, the St. Charles City Council enacted the backyard chicken regulations that are in place today. Prior to 2014, backyard chickens were permitted but were unregulated beyond the nuisance code. Today, Section 6.12.095 regulates Residential Chickens as follows:

- A. Up to six (6) domestic chickens may be kept on properties zoned and occupied for single-family residential use only.
- B. Roosters are prohibited within the corporate boundaries of the City of St. Charles.
- C. Chickens shall be in an enclosure and/or fenced area at all times.
- D. All chickens and enclosures shall be kept in the rear yard.
- E. All areas where hens are kept shall be maintained in a neat and clean manner, free of undue accumulation of waste, such as to cause odors that are detectable on adjacent properties.
- F. No person and/or property owner shall be allowed to violate Section 6.12.060 "Nuisance" of the St. Charles Municipal Code.
- G. The enclosure and adjacent fenced area shall be set back:
 - a. No closer than five (5) feet to any property line; and
 - b. Screened with year-round landscaping, walls and/or fencing so as not to be visible from any public street or adjoining lot when viewed from an observation height of five (5) feet above grade.

There is no permit associated with Residential Chickens, so the above regulations are typically enforced when a complaint is reported through the Building and Code Enforcement office.

RESIDENTIAL CHICKENS IN ST. CHARLES

It is difficult to determine how many coops are in St. Charles as we are only aware of those that have been observed while inspectors are on site visits, can be viewed from the public right of way, or had a complaint filed against them. Staff is aware of the following coops:

1. 619 Indiana Avenue
2. 1614 Larson Avenue
3. 613 South 7th Avenue
4. 811 Washington Avenue
5. 1705 Jeanette Avenue
6. 1019 Ronzheimer Avenue
7. 1015 South 6th Street
8. 606 Timbers Court

The City's Building and Code Enforcement office has only been involved in two complaints related to the keeping of backyard chickens this year, both of which were quickly resolved:

1. Neighbors reported chickens roaming. The chickens were collected and secured, this a one-time incident and has not happened since.
2. Resident complained about inadequate screening on their neighbor's chicken coop, making it visible from their yard. More screening was added and the case was closed.

NEW OR ALTERNATIVE REGULATIONS:

Staff evaluated the suggestions made by a resident a recent City Council meeting related to the regulation of Residential Chickens, and provided alternative suggestions where applicable and considerations on the impacts of these changes.

Setbacks:

Current: 5 feet from property line

Resident Suggestion: Increase setback and measure from neighbor's "livable space" (i.e. patios, decks)

Alternative: Increase the setback distance from 5 feet to something greater

Considerations: When the 5-foot setback was established in 2014, it was done with the known existing coops in mind; with a 5-foot setback, no known existing coop would be non-compliant. Increasing the 5-foot setback would bring several, if not all, coops into non-conforming status. The Council could decide whether existing coops should be (1) treated as legal non-conforming, meaning they would be permitted to be maintained in their current condition or (2) require existing coops come into compliance with the new setback within a set timeframe, otherwise remove them.

Staff's survey of other communities reveals that most communities that allow chickens impose a greater coop setback than five feet (commonly 20-25 feet). However, it is also important to note that aside from the discontent expressed by the resident on Timbers Trail, the complaints related to Residential Chickens in St. Charles have not been related to the location of the coops.

Staff does not recommend changing the setback to be measured from anything other than the property line. Requiring the permitted coop location to be based on features on neighboring properties, which are prone to changing, would be difficult to regulate and would require access to multiple properties to determine compliance.

Lot Size:

Current: no minimum lot requirements (but only allowed on single-family lots)

Resident Suggestion: 1-acre minimum lot

Considerations: If a 1-acre minimum lot requirement was imposed, none of the known chicken coops would comply with the requirement (see attached map). Imposing a 1-acre minimum would effectively exclude almost all residential properties from keeping chickens and would render all of the known existing coops as non-conforming.

Permit or Registration Program

Permits: The City could require a permit for Residential Chickens which would give Code Enforcement Officials the opportunity to inspect chicken coops and enclosures to ensure compliance with the code requirements upon installation. Failure to comply with the requirements could result in the termination of the permit. The permit could be low- or no-fee depending on the desire of the Council.

Alternative Permit: *Downers Grove* requires a 50-foot setback from the property line (one of the greatest setbacks of the surveyed communities). However, any single-family property that cannot or does not meet the 50-foot setback can apply for a permit with a reduced setback but requires adjacent property owners' consent. So long as the rest of the standards are met and the neighbors agree to the placement, the Village authorizes coops with a reduced setback.

Inspired by this more flexible setback and permit model, an alternative to requiring every coop to get a permit could be to implement a permit similar to Downers Grove. If the Council seeks to establish a new greater setback requirement, any new coop would need to comply with this greater setback. If a resident complied with the requirements they wouldn't need to go through the permit process. In the event that the greater setback made it infeasible for a resident to keep Residential Chickens, they could pursue a permit and reduced setback with their neighbor's consent. In addition to reducing the number of properties that require a permit, this system would also likely reduce the likelihood of neighbor complaints as it requires discussions between neighbors before chickens are brought on the property.

Registration: If the Council does not wish to establish a permit process, another option would be to start a Coop Registration program that is voluntary but would encourage current and future Residential Chicken owners to register their coop with the City. This would give staff a better understanding of the properties raising chickens in St. Charles. The registration process could be free or with a fee determined by the Council. A registration program could document location of coops, number of chickens, how long they've been in-place and any other information deemed relevant by the Council or staff.

SURVEY OF SUBURBAN COMMUNITIES:

Staff surveyed other Chicago-area suburban communities to evaluate how other communities regulate Residential Chickens. See the table below for a summary of the survey:

**Community & Economic Development
Re: Residential Chicken Regulations**

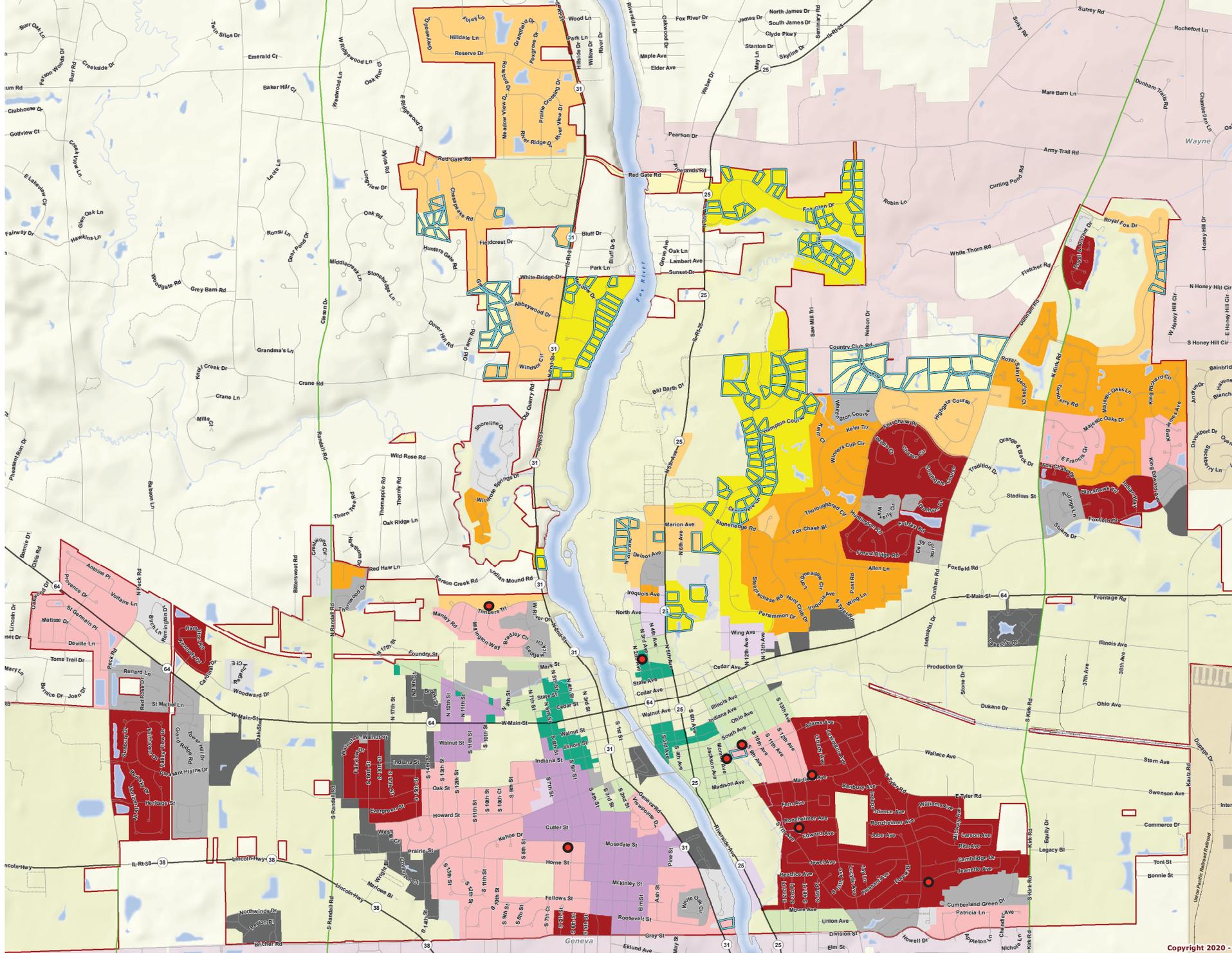
City	Setbacks	# of Chickens	Enclosure Requirements	Other Requirements
St. Charles	5 feet from property line	6 hens	<ul style="list-style-type: none"> Enclosed at all times. Only allowed in rear yard Screening required 	<ul style="list-style-type: none"> No roosters Only single-family lots
Batavia	30 feet from residential structures	8 hens	<ul style="list-style-type: none"> Minimum outdoor space – 32 sq. feet 	<ul style="list-style-type: none"> No Roosters
Burr Ridge		4 hens	<ul style="list-style-type: none"> Max 150 sq. feet Enclosed with hardware cloth buried at perimeter at least 6 inches into the ground 	<ul style="list-style-type: none"> No Roosters Minimum 1-acre single-family lots Coop enclosure considered an accessory building structure for purpose of zoning
Downers Grove	50 feet from property line – anything less requires a permit	4 hens	<ul style="list-style-type: none"> Must be fully enclosed. 	<ul style="list-style-type: none"> Permit requires neighbor's written consent
Warrenville	20 ft interior side 3 ft from rear	10 hens		<ul style="list-style-type: none"> No roosters 10,000 sq minimum lot size
Wayne	Rear yard only 25 feet from other structures	6 hens/lot or 4 hens/acre for a maximum of 12	<ul style="list-style-type: none"> Enclosed (if not fully, then 6' fence required) 	<ul style="list-style-type: none"> Coop requires building permit and inspection 8,000 sq ft lot minimum
Elgin	25 feet from neighbors	4 hens		<ul style="list-style-type: none"> Not visible from street License required and building permit for coop
Westmont	Rear yard only, 20ft from rear and side yard property lines	6 hens	<ul style="list-style-type: none"> Coop minimum 5 sq. feet per hen – max 50 square feet 	<ul style="list-style-type: none"> No roosters Permit required for coop
Evanston	10 feet from own residence, 3 feet from property line	6 hens	<ul style="list-style-type: none"> Coop and run cannot be larger than 40% of rear yard 	
Naperville	No pen, coop, building etc. shall be kept within (30) feet of any occupied residence	8 hens	<ul style="list-style-type: none"> Screening to a height of 6 feet of at least 75% opacity, such as non-deciduous plantings, or equivalent screening and shall be located 	<ul style="list-style-type: none"> No Roosters permitted

**Community & Economic Development
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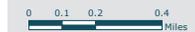
Grayslake	Rear yards only;	6 hens	<ul style="list-style-type: none"> • Coops shall provide a minimum of six square feet for each hen; all coops will be enclosed; must register with the livestock program; 	<ul style="list-style-type: none"> • No roosters • Sale of eggs are prohibited; slaughter of hens is prohibited; feed for hens shall be kept in a rodent free container; • Coops require building permit
Wauconda	Backyards only;	4 hens	<ul style="list-style-type: none"> • All coops shall be enclosed; minimum of four-square feet per hen; hen runs shall meet or exceed the coop area; • Maximum coop height 6 feet. 	<ul style="list-style-type: none"> • Roosters are prohibited • Slaughtering prohibited • Sale of eggs is prohibited • Must register with the Illinois Department of Agriculture • Only single-family lots • Limited to certain zoning districts. Some zoning districts have lot requirements of 1/6 acres
Plainfield	Thirty (30) feet from any adjacent occupied residential structure other than that of the owner	8 hens	<ul style="list-style-type: none"> • Minimum fence area thirty-two (32) sq. ft. • Shall be fenced • Shelters can't be less than sixteen (16) square feet in area and no more than six (6) feet in height. 	<ul style="list-style-type: none"> • Unlawful to keep roosters; slaughtering of chickens is prohibited; • Permit/inspection required; fee shall be twenty (\$20.00) • Only single-family lots

Communities where Residential Ducks are not permitted (not a complete list):

Arlington Heights, Bolingbrook, Buffalo Grove, Carol Stream, Addison, Geneva, Glen Ellyn, Libertyville, Lincolnshire, Lombard, Mundelein, Normal, Villa Park, West Chicago, Wheaton (except 90-day educational programs), Wheeling, Winfield, Woodridge



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- Known Coops
- ▭ Acre Plus Parcels
- RE-2
- RM-2
- RM-1
- RM-3
- RM-4
- RE-1
- RS-1
- RS-2
- RS-3
- RS-4
- RT-1
- RT-2
- RT-3
- RT-4

1+ Acre Residential Parcels and known existing coops