



Backyard Chickens

City Council Work Session | September 19, 2022



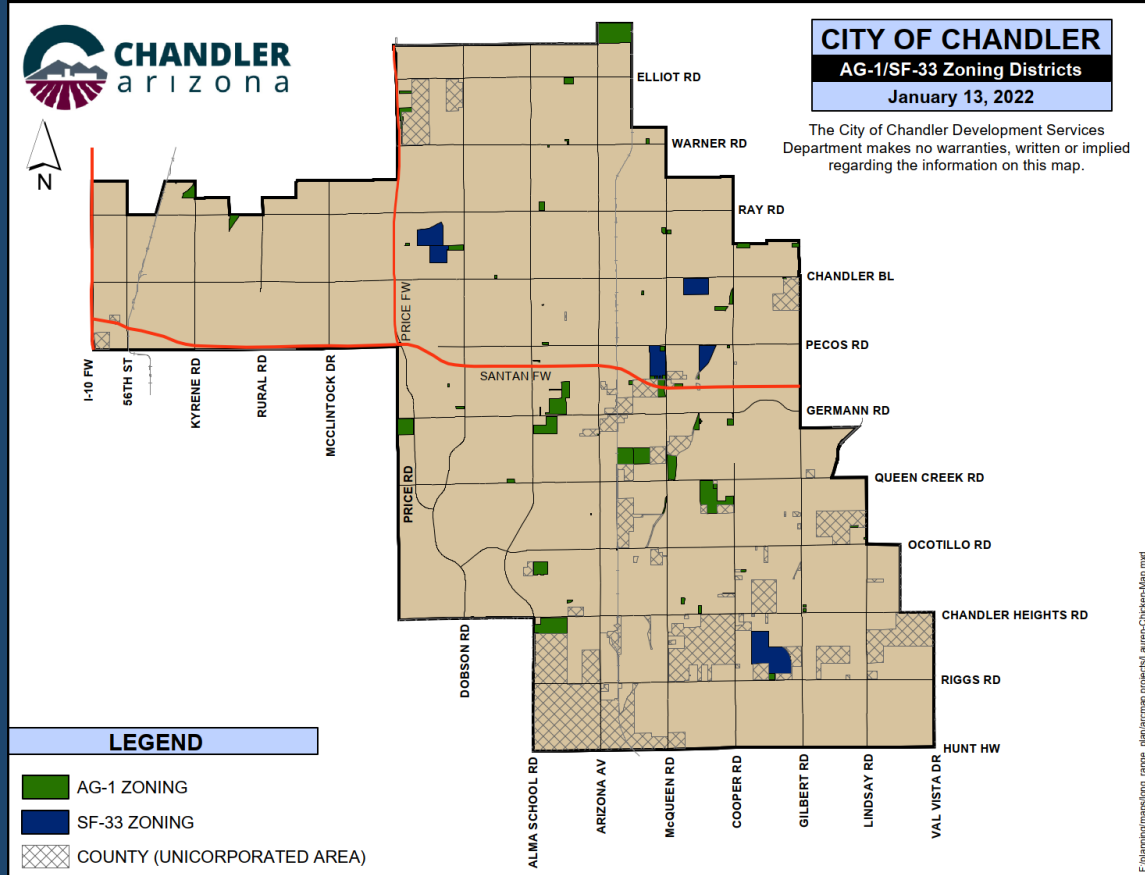
Topics

- Background
- Potential Issues
- January 2022 Work Session
- Other municipalities' regulations
- Possible Code Amendments



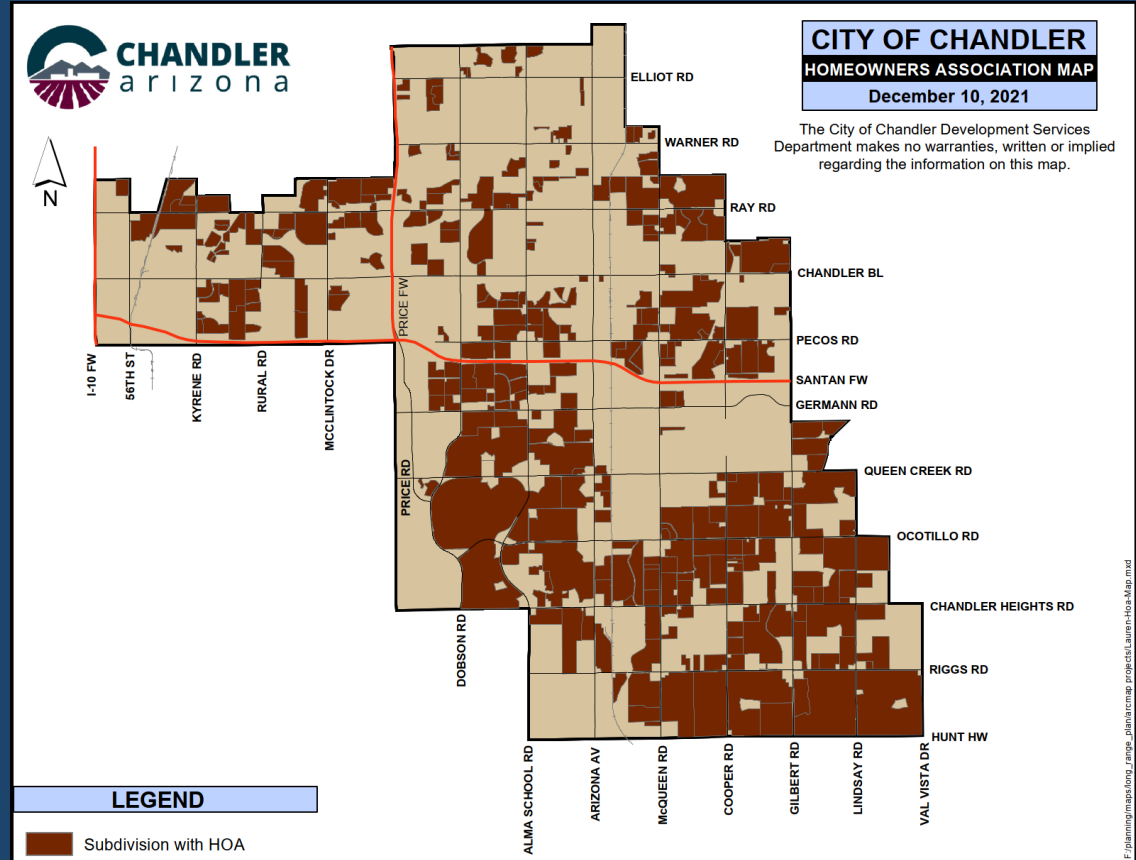
Background

- AG-1 (43,000 sq ft) & SF-33 (33,000 sq ft) residential lots permit chickens
- Unlimited amount
- No roosters are permitted in any district
- Required fence enclosure; no closer than 100 ft. to front property line



Homeowner's Associations

- HOA's can prohibit raising, breeding, or keeping chickens
- Residents living in HOA's must comply with their CC&R's
- 71.5% of neighborhoods within an HOA



Background

- Resident initiated Code Amendment 2013
- Planning & Zoning Commission recommended approval 4-2
- City Council Denied 4-3; concerns cited included ability and timelines of enforcement



Backyard Chickens

Pros

- Healthy eggs
- Free pest control
- Chicken droppings: excellent garden fertilizer
- Connection to nature / sustainability
- Educate children in the family
- Therapy for special needs residents

Cons

- Noise
- Odor
- Health
- Trespassing/ roaming
- Building safety
- Enforcement



January Work Session

- Valley Wide Chicken Complaints
- Notification of adjacent neighbors & potential Backyard Chicken Permit
- How to Enforce?
Code Enforcement vs Police Department



Surrounding Municipal Regulations

Municipality	Zoning Permitted	Number Chickens Permitted (Amount depends on Lot Size)	Roosters Permitted	Coop Permitted
Gilbert	All single-family lots	5 – 37+ chickens	Yes	Yes
Queen Creek	All single-family lots	5 – 10 chickens	Yes*	Yes
Mesa	All single-family lots	10 – Unlimited chickens	Yes	Yes
Tempe	All single-family lots	5 chickens	Yes*	Yes
Scottsdale	All single-family lots	Unlimited	Yes	Yes
Phoenix	All single-family lots	20 - Unlimited chickens	No	Yes
Maricopa County	All single-family lots	5 - Unlimited chickens	Yes*	Yes
Glendale	Within single-family lots larger than 10,000	Unlimited	No	Yes
Chandler	Within single-family lots larger than 33,000	Unlimited	No	Yes

*Only permitted on larger lots

Municipality	Zoning Permitted	Number Chickens Permitted	Coop Requirements	2021 Annual Complaints
Gilbert	All single-family lots	6,000 – 8,000 sq ft -5 chickens 8,000-10,000 sq ft-10 chickens 10,000-20,000 sq ft-25 chickens - Additional 10,000 sq ft-12 additional <i>Roosters permitted 1 per 20,000 sq ft</i> 	Meeting Building Setback; if within half rear yard, setback five feet from property line	12 Total Issue: Roosters & Feral Chickens
Queen Creek	All single-family lots	5,000 – 9,999 sq ft- 5 chickens 10,000-35,000 sq ft- 10 chickens - One Acre -10 chickens <i>Roosters permitted lots 1 acre or larger</i> 	Meeting Building setbacks; if within half rear yard, setback five feet from property line Coop not taller than six feet	None
Mesa	All single-family lots	- Per half acre- 10 Chickens 2.5 acres & larger –Unlimited <i>Roosters permitted</i> 	Separated 75' for coop and 40' for enclosure from adjacent homes	102 Total Issue: Roosters & Feral Chickens
Tempe	All single-family lots	Maximum 5 Chickens <i>Roosters permitted lots 1 acre or larger</i> 	Meeting Building Setbacks, unless under 200 square feet and not taller than 8 feet	16 Total Issue: Roosters & Feral Chickens
Scottsdale	All single-family lots	No limit <i>Roosters permitted</i> 	Meeting Building Setbacks	None
Phoenix	All single-family lots	- Less than 1/2 acre- 20 Chickens *Lots under 10,000 sq ft require written consent from surrounding neighbors - Per additional ½ acre- 25 additional Chickens 2.5 acres or larger- Unlimited	80' coop separation from adjacent homes; distance waived if adjacent neighbor consents	304 Total Issue: Roosters & Coop Setbacks
Maricopa County	All single-family lots	- Lots less than one acre- 5 chickens - One acre or larger lots- unlimited chickens <i>Roosters permitted lots 1 acre or larger</i> 	Meeting Building Setbacks	7 Total Issue: Roosters & Coop Setbacks

Surrounding Municipal Complaints

City of Chandler Total complaints of chickens: 37 Founded complaints: 20 <i>Voluntary Compliance: 100% - none resulted in a citation to appear in court</i> Unfounded complaints: 17	City of Tempe Total complaints of chickens: 16 Founded complaints: 4 <i>Voluntary Compliance: 100% - none resulted in a citation to appear in court</i> Unfounded complaints: 12
City of Mesa Total complaints of chickens: 102 Founded vs. Unfounded data unavailable <i>Voluntary Compliance: 100% - none resulted in a citation to appear in court</i>	Town of Gilbert Total complaints of chickens: 12 Founded complaints: 8 <i>Voluntary Compliance: 100% - none resulted in a citation to appear in court</i> Unfounded complaints: 4
City of Avondale Total complaints of chickens: 2 Founded complaints: 2 <i>Voluntary Compliance: 100% - none resulted in a citation to appear in court</i> Unfounded complaints: 0	City of Glendale Total complaints of chickens: 12 Founded vs. Unfounded data unavailable <i>Voluntary Compliance: 100% - none resulted in a citation to appear in court</i>
Maricopa County Total complaints of chickens: 7 Founded vs. Unfounded data unavailable <i>Voluntary Compliance: 100% - none resulted in a citation to appear in court</i>	City of Phoenix Total complaints of chickens: 304 Founded Complaints: 243 <i>Voluntary Compliance: 100% - none resulted in a citation to appear in court</i> Unfounded complaints: 61

Requiring Signatures of Neighbors

- **Benefits**

- Consent from adjacent neighbor

- **Constraints**

- Currently don't require signatures for other uses in backyards
- Property Owner vs Renter
- Possible hold out of one neighbor
- New neighbor did not agree to original permit, do the chickens then become a violation?
- Verification of neighbor's signatures

Backyard Chicken Permit

Free, no expiration date, and online application

- **Benefits**

- Resident acknowledges requirements
- Database of properties with permit
- Residents may be more willing to allow inspections

- **Constraints**

- 4th Amendment prohibits unreasonable search
- Doesn't speed up the process
- Permit does not solve enforcement issues



CITY OF CHANDLER
BACKYARD CHICKENS
APPLICATION

Submitting an application online:

1. Go to <https://developmentpermits.chandleraz.gov/clics/>
2. Log in, or register for an account if you are a new user
3. Under the "Planning" tab, select "Create an Application", choose the appropriate bullet point
4. Continue application and provide all required information

Date: Name:

Property Address: City: State: Zip:

OWNER INFORMATION

Name: Phone:

Address: City: State: Zip:

Homeowner's Signature:

PROPERTY INFORMATION

Zoning: ☐ SF-8.5 ☐ SF-10 ☐ SF-18 ☐ PAD for Single-family

☐ MF-1 with a Single-family Unit ☐ MF-2 with a Single-family Unit

☐ MF-3 with a Single-family Unit

Lot Size: Lot Dimensions: Width: Length: Corner lot? ☐ Yes ☐ No

CHICKEN ENCLOSURE INFORMATION

Number of chickens (maximum of 5); Roosters are prohibited:

Chicken Enclosure Square Feet: Dimensions:

Proposed setback from property lines:
Side: Rear:

Enforcement Challenges

- Distinguishing roosters from hens
- Ability to verify number of chickens
- Identifying owner of “free roaming” chickens
- Currently average 4 complaints per month



Enforcement 2013 vs 2022

- Property Maintenance Code updated in 2020
 - Streamlined citation process 30-9(F)
 - Animal Waste 30-20(H)
- Enhanced Field Capabilities
 - GoGov –new case management system
 - Computers & printers in all code vehicles



Code Enforcement Process

- Complaint received or proactive case initiated
- 10-day Notice to Comply issued
- 7-day Final Notice issued
- Court civil citation issued; initial court appearance is 30-45 days later depending on service
 - Attempt personal service
 - Attempt service by certified mail
 - Service by posting at the property
- Criminal cases referral: 45-60 days



Possible Code Amendments

If City Council wants to proceed, staff recommends the following:

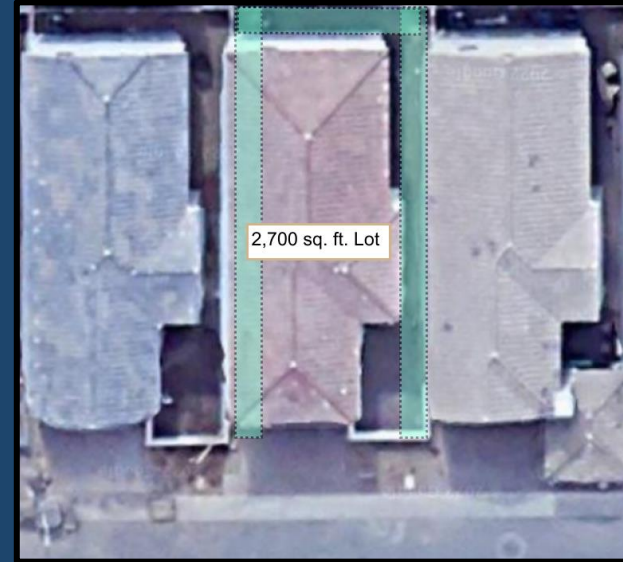
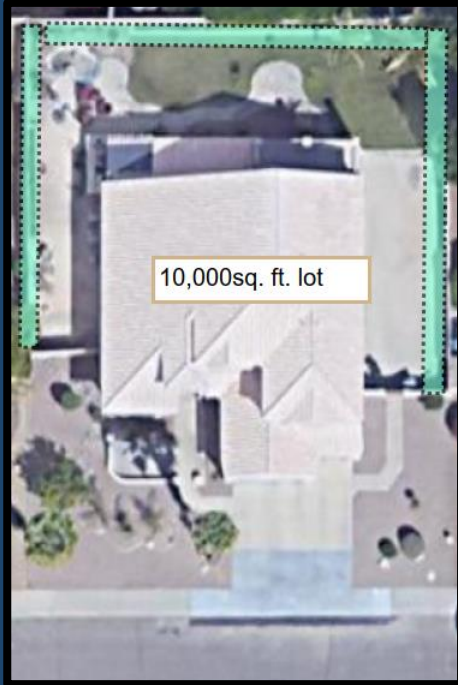
Chapter 14 Animals

- Chickens permitted all single-family lots
- Maximum 5 hens, no roosters
- Chicken coop/enclosure required within rear yard meeting 5-foot setback from all property lines; no trespassing upon other properties or street



Possible Code Amendments

- Establish building setback of five (5) feet for coops/ enclosures from all property lines in lieu of minimum lot sizes



Possible Code Amendments

Chapter 14 Animals

- Identify enforcement by Code Enforcement
- Change violation from misdemeanor to civil citation
- Repeal Section 14-3 requiring written consent from neighbors within 200-feet to keep animals
- Establish Backyard Chicken Permit



Possible Code Amendments

Chapter 35 Zoning Code

- Add *Chicken Coop* to definitions & classify as type of structure permitted
- Coops exceeding 120 sq. ft. and/or 7ft. in height require building permit & classified as Accessory Structure
- All coops connected to utilities (water, electricity) require permit regardless of size
- Add *Chickens permitted as referenced in Chapter 14* for single-family zoned properties



Possible Code Amendments

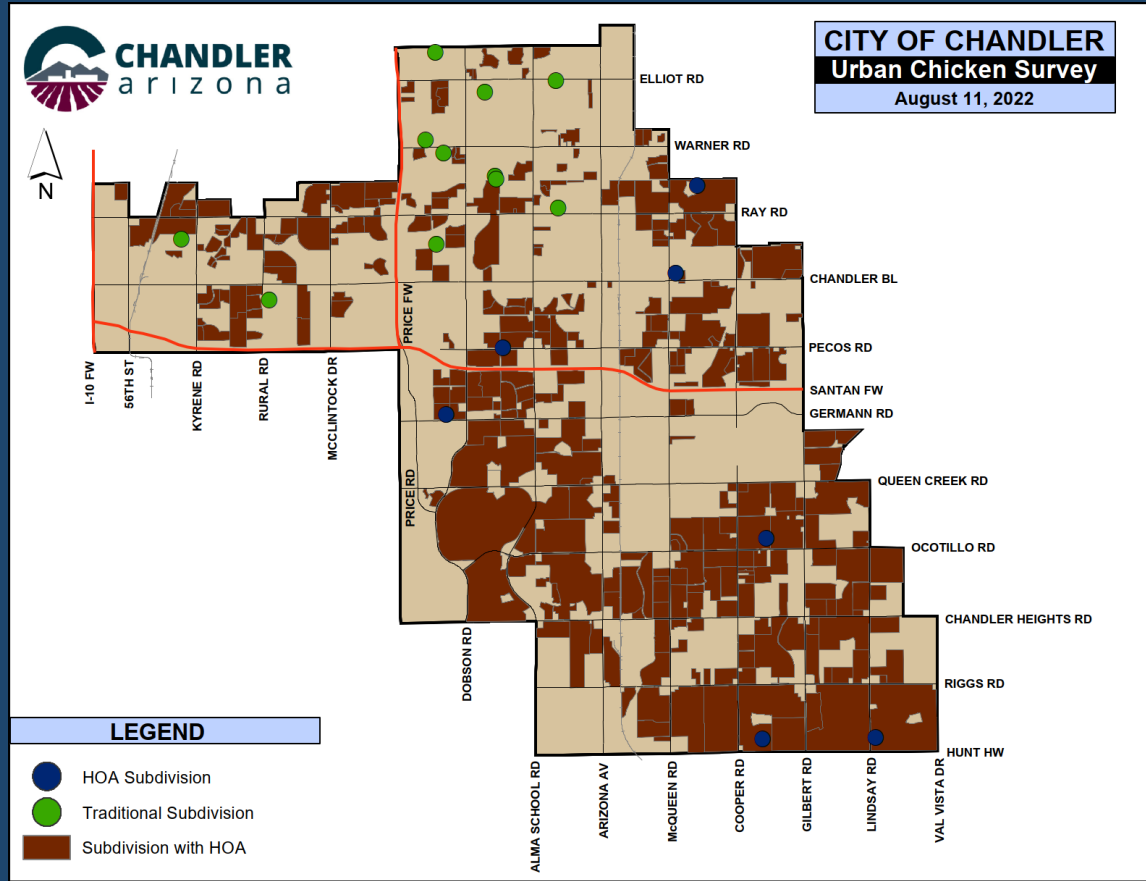
Chapter 30 Property Maintenance Code

- Add 30-20(N) to reference changes of chapter 14 & 35
- Amend 30-6(C) to change "*against any person*" to "*any owner, occupant, or person*"



Public Outreach

- Public Feedback on City's website
 - 23 responses total
 - 22 in favor of chickens;
 - 1 opposed
 - 13 out of 23 residents from traditional subdivision;
 - no HOA
- Other opposition:
 - Two phone calls
 - One email
- Articles written in local valley newspapers



Next steps if moving forward

- **September 2022**
Advertise within local newspaper & City's website
- **October 2022**
Planning and Zoning Commission
- **November 2022**
City Council Introduction of Ordinance
- **December 2022**
City Council Final Adoption



Discussion & Questions

1. Proceed with City Code Amendment?
2. Require Backyard Chicken Permit?
3. Require signatures from adjacent neighbors?
4. Direction from City Council any other related items

