



City Council Work Session

September 19, 2022
4:30 p.m.

Council Chambers Conference Room
88 E. Chicago St., Chandler, AZ



Work Session



Pursuant to Resolution No. 4464 of the City of Chandler and to A.R.S. 38-431.02, notice is hereby given to the members of the Chandler City Council and to the general public that the Chandler City Council will hold a WORK SESSION open to the public on Monday, September 19, 2022, at 4:30 p.m., in the Chandler City Council Chambers Conference Room, 88 E. Chicago Street, Chandler, Arizona. One or more members of the Chandler City Council may attend this meeting by telephone.

Persons with disabilities may request a reasonable modification or communication aids and services by contacting the City Clerk's office at 480-782-2181 (711 via AZRS). Please make requests in advance as it affords the City time to accommodate the request.

Agendas are available in the Office of the City Clerk, 175 S. Arizona Avenue.

Agenda

Call to Order

Discussion

1. **Presentation and Discussion on Backyard Chickens in Residential Areas**

Adjourn



City Council Memorandum City Manager's Office Memo No.

Date: September 19, 2022
To: Mayor and Council
From: Joshua H. Wright, City Manager
Subject: Presentation and Discussion on Backyard Chickens in Residential Areas

Attachments

Presentation - Backyard Chickens



Backyard Chickens

City Council Work Session | September 19, 2022



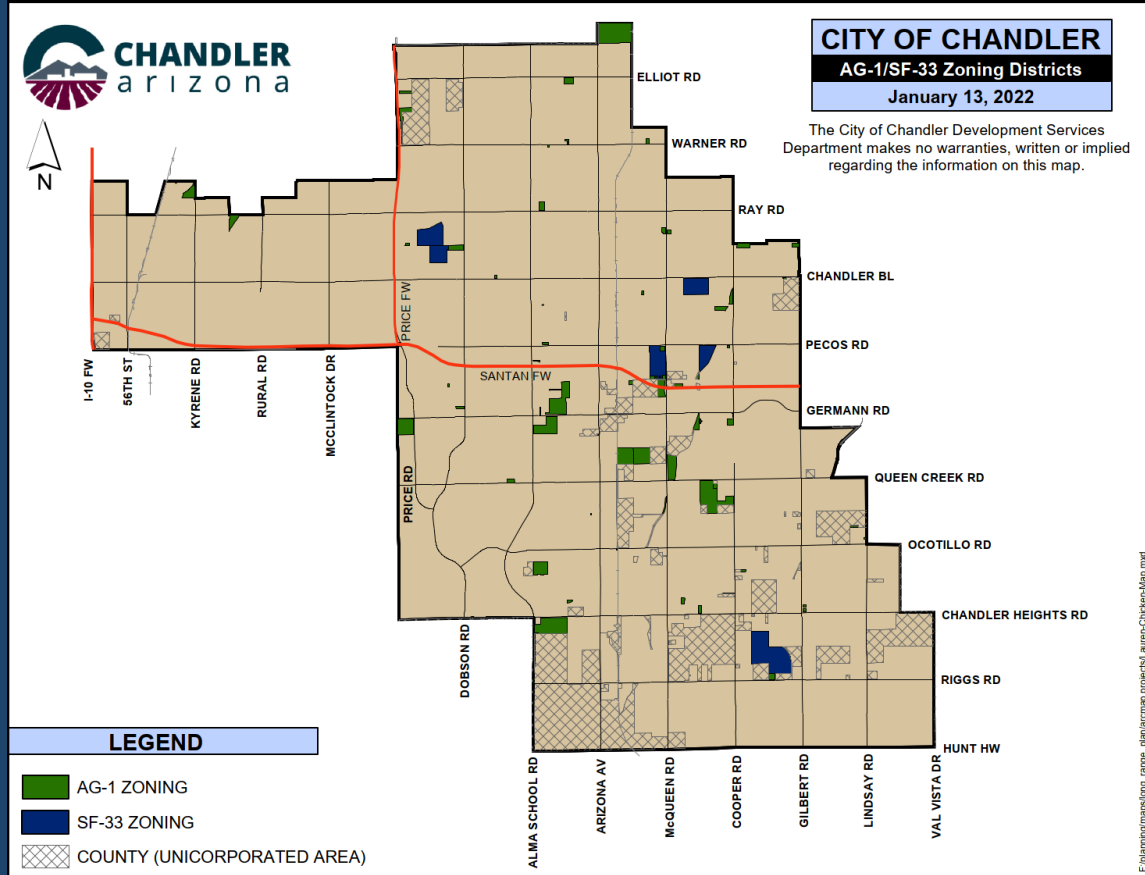
Topics

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



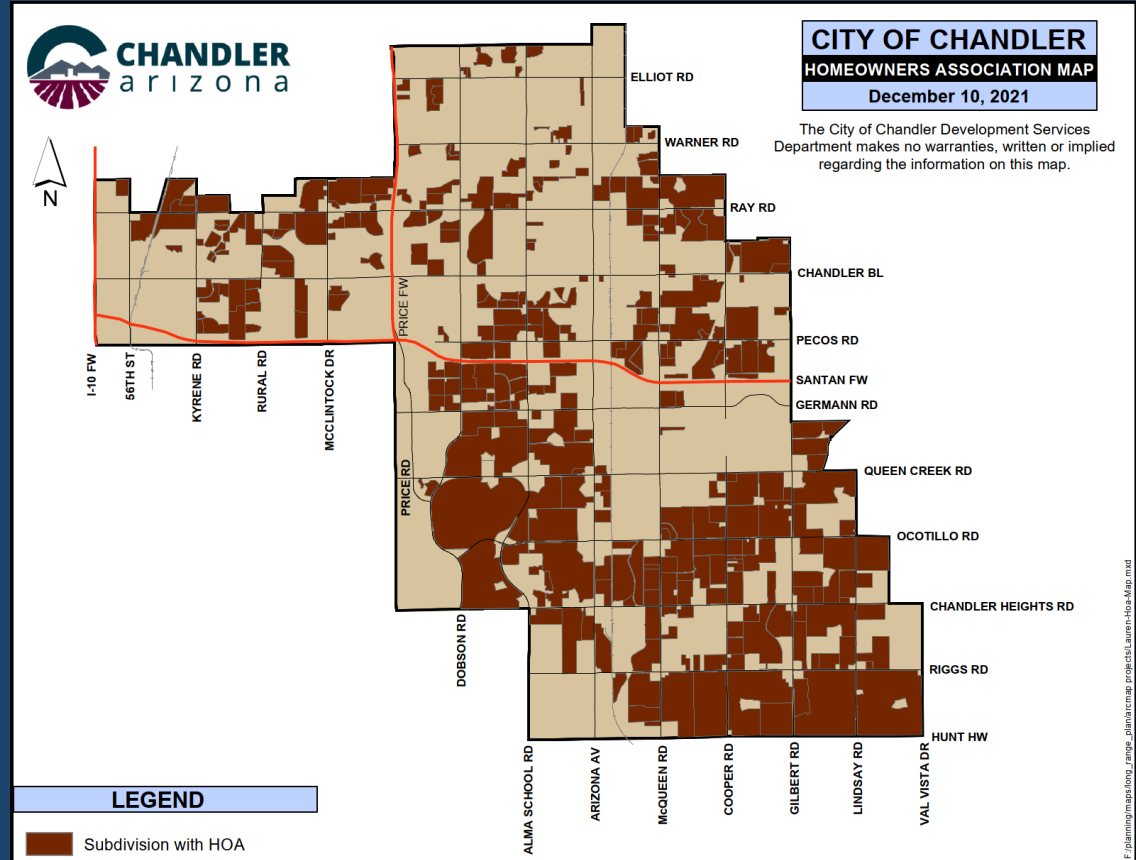
Background

- 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> No limit <i>Roosters permitted</i> 	Meeting Building Setbacks	None
Phoenix	All single-family lots	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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/dlcs/>
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:

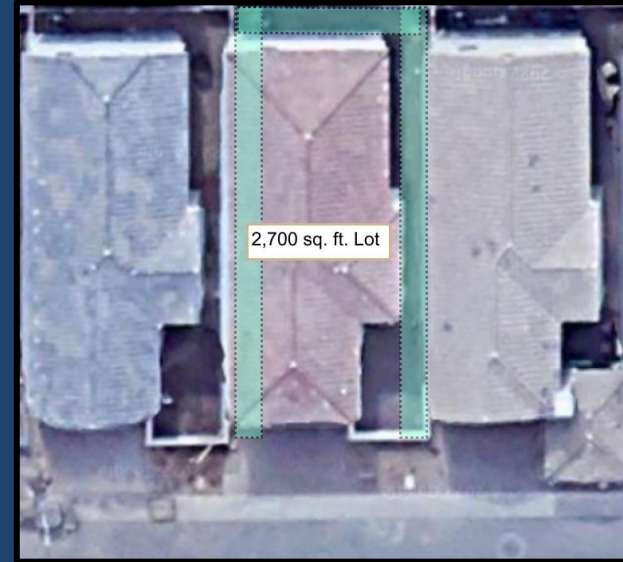
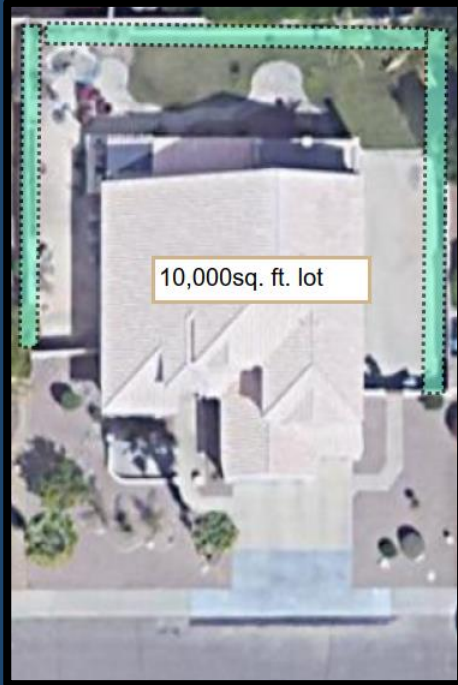
Chapter 14 Animals

- Chickens permitted all single-family lots
- Maximum 5 hens, no roosters
- Chicken coop/enclosure required within rear yard meeting 10-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

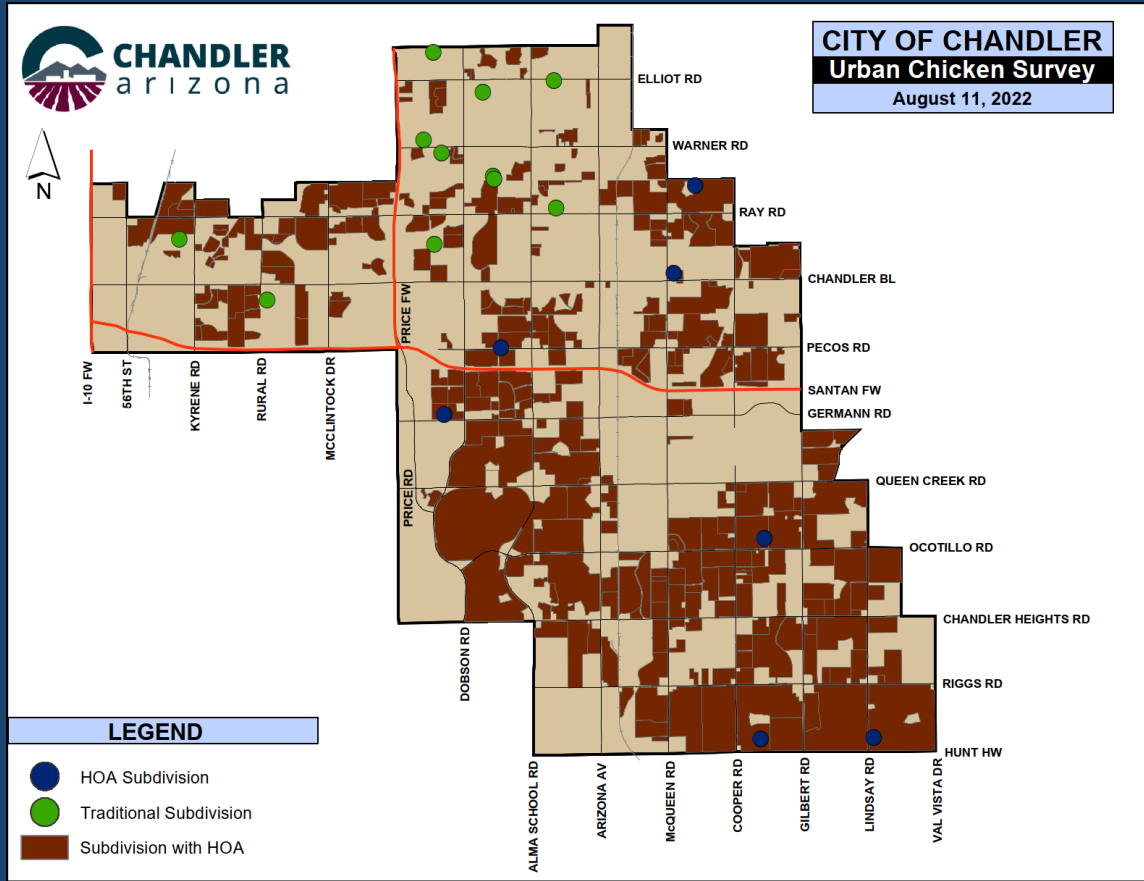
Chapter 30 Property Maintenance Code

- 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

