



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WJH*

MEETING DATE: December 16, 2021

SUBJECT: **Backyard Chickens**

Please find the attached Economic and Community Development Committee (ECDC) memo and documents for Village Board consideration as part of the December 16, 2021, Board meeting.

The ECDC unanimously voted to recommend approval of the backyard chicken ordinance. The draft ordinance was amended by the ECDC to allow for a maximum of 6 chickens, and a minimum of 2; with a cap on 50 licenses. Upon further discussion with residents and review by staff, staff is recommending the lot size provision be struck.

ACTION REQUESTED


Staff is requesting direction from the Village Board to take the matter to the Plan Commission to consider the companion zoning text amendments associated with establishing the ability for chickens to be a permissible ancillary use and activity on selected single-family residential properties within the Village.



MEMORANDUM

TO: Trustee Anthony Puccio, Chairperson
Economic and Community Development Committee

FROM: Jennifer Ganser, AICP, Assistant Director of Community Development

MEETING DATE: November 17, 2021 

SUBJECT: Backyard Chickens

Staff was contacted by a group of residents in September 2021 regarding backyard chickens. They noted that Villa Park recently adopted an ordinance and hoped to see Lombard do the same. They noted that backyard chickens promote sustainability and allows residents access to fresh food (eggs).

In 2010, the Environmental Concerns Committee (ECC) reviewed a petition from residents on backyard chickens. The ECC voted 5-3 to allow backyard chickens on November 23, 2010. Ultimately the request was denied by the Village Board, hence chickens are not allowed in Lombard. The ECC has been folded into the Public Works Committee. However, due to the impact on local building and zoning codes and policies, this item is going before the ECDC for review and recommendation to the Village Board.

Chickens are prohibited in the Village. Current Village Code is as follows.

§ 90.04 - Keeping certain animals prohibited.

(A) Except as provided in § 90.06 of this Chapter, it shall be unlawful for any person to keep any dangerous or vicious animal, or animal listed in § 90.04(B), in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory or veterinary hospital, or as licensed to do so by the State or Federal government.

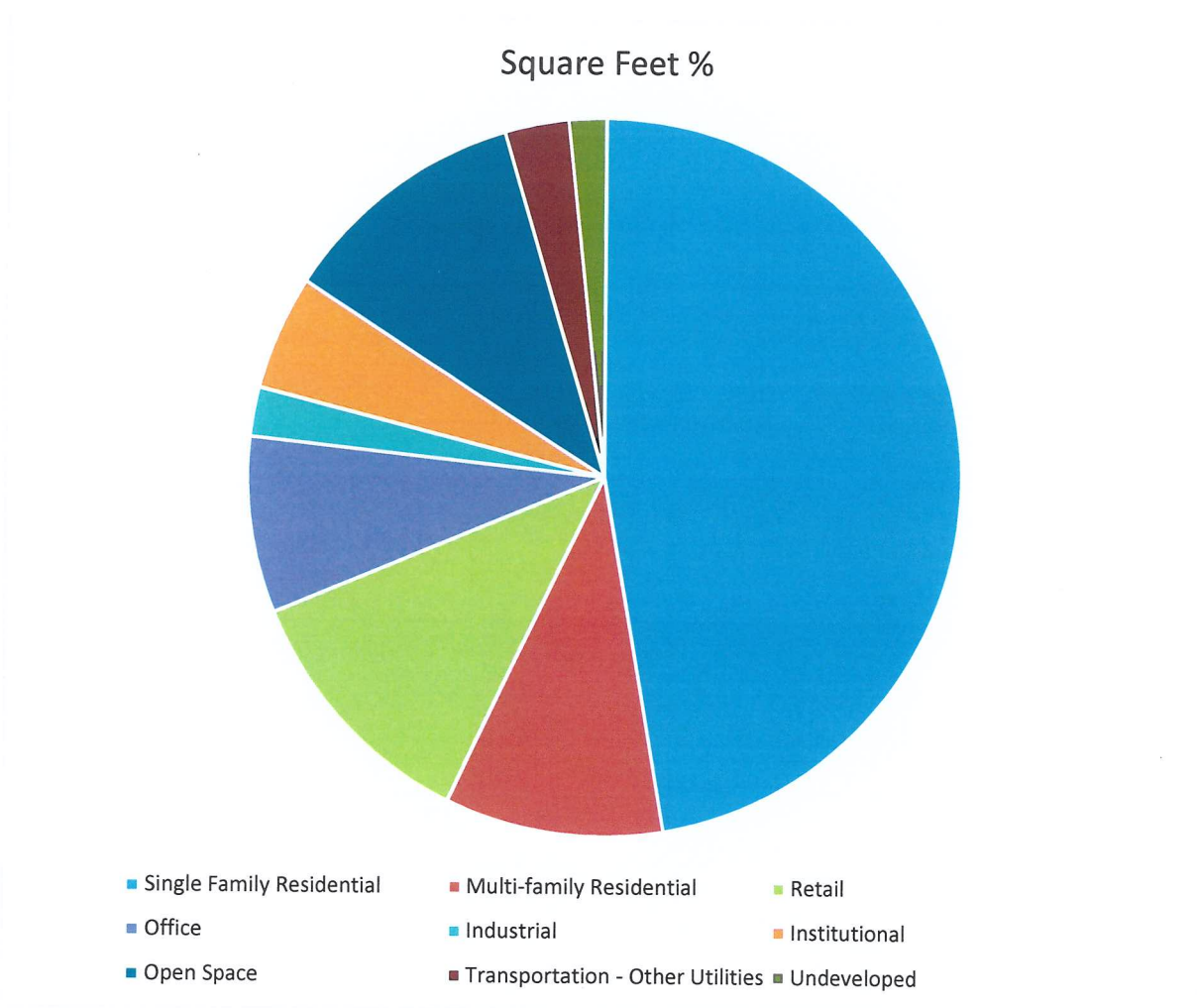
(B) Except as provided in § 90.07 of this Chapter, it shall be unlawful for any person to keep or allow to be kept within the Village any farm animals, including, but not limited to, sheep, cattle, goats, horses, ducks, geese, chickens, roosters or other fowl, pigeons (except for carrier/racing pigeons) swine (including pot-bellied pigs), or similar animals. Except as provided in § 90.07 of this Chapter, it shall be unlawful for any person to keep or allow to be kept within the Village any naturally wild animals, including, but not limited to, boa constrictors, poisonous snakes or other poisonous reptiles, and any animals classified as endangered species or threatened species. Zoological parks, circuses, scientific or educational institutions, research laboratories, veterinary hospitals, or individuals and entities licensed to do so by the State or Federal government are excepted from this provision.

Staff conducted comprehensive research, with assistance from the DuPage Mayors and Managers Conference, on backyard chickens. Twenty-one (21) municipalities were surveyed, and of those, ten (10) allow for backyard chickens. There are many similarities among the various Codes on

backyard chickens. Should the Village Board decide to allow backyard chickens, staff wrote the attached draft ordinance with regulations. The draft ordinance uses many of the best practices from the ten municipalities that currently allow for backyard chickens.

Lot size

Each municipality allows chickens on residential lots only. The draft ordinance proposes residential lots zoned R0, R1, or R2 and that meet the minimum R2 lot size of 7,500 square feet. Approximately 47% of the Village is classified as single-family residential land use. Chicken coops would require a building permit, which would give staff the opportunity to verify the zoning district and the lot size.



Setbacks

Similar to other structures, a setback would need to be proposed for the chicken coop. Setbacks ranged from 3' to 150' from the property line. Four municipalities (the majority) have a setback of 10', which is proposed in the draft ordinance. Chicken coops are proposed to be located in the rear yard only. The 10' setback would apply to the side and rear yards.

The Zoning Code regulates setbacks for structures such as a house, garage, or shed. Setbacks provide for a buffer space between neighboring properties. For comparison, in the R2 Zoning District, single-family homes have a required side yard setback of 6'. In the rear yard, garages and sheds have a required side yard setback of 3' to 6', depending on their location.

Enclosure requirements and use restrictions

Requirements vary by municipality. There were common elements such as: keeping the enclosure covered with an area for the chickens to roam free, maximum height and square footage, no slaughtering, and prohibiting the selling of eggs. Not every municipality regulated the maximum height and square footage. The draft ordinance uses the highest amounts for both, at 150' square feet and 8' tall.

The chicken coop structure would require a building permit, similar to that of a shed.

Nuisance

Municipalities noted they had very few nuisance issues. The existing municipal Codes regulate sanitation provisions and maintenance. The draft ordinance reflects other Codes in areas of sanitation. Staff notes that chickens are generally a want, and not something that is required of a resident to have or take part in. Therefore, those wanting chickens may take it upon themselves to provide for a clean and nuisance free area.

Roosters, which may create excess noise, are prohibited. Slaughtering is also prohibited.

Predators

Staff talked to the municipalities that allow for chickens on predators. None had issues with predators that they were aware of. The draft ordinance does require that the chickens be kept "within a covered enclosure/structure with an attached covered/enclosed outdoor area to prevent hens from encroaching onto neighboring properties."

Quantity and Cap on lots

Of the 10 municipalities, two (Bartlett and Villa Park) have a cap on the number of licenses allowed. Neither municipality has reached their self-imposed limit. Villa Park has issued the most licenses at 33. Other towns, that keep track, have under 25. The average number of licenses is 14.

The municipalities surveyed did not allow roosters. Most allow between 4 and 10 chickens. Four municipalities, the majority, allow for a limit of four chickens. Staff notes that 4 to 6 chickens seems reasonable, should backyard chickens be allowed in Lombard.

License and Permits

Over half of the municipalities surveyed require a permit or a license to have chickens. Should a cap be placed on the number of lots with chickens, a license should be required to keep track of the number so it not exceeded.

Staff notes a permit for the chicken coop would be required, much like permits are required for sheds and other accessory structures. Similar to other permits, a plat of survey denoting the location (to scale), size, height, and setbacks would be required. Staff would require drawings or

images of the proposed coop showing how the structure will be built. Any electric would need to meet Village Code. Permits for a chicken coop would be routed to planning, engineering and building for review.

ACTION REQUESTED

Staff requests the ECDC review the proposed backyard chicken ordinance and make a recommendation vote to the Village Board. The ECDC can recommend the allowance of backyard chickens to the Village Board, subject to the attached Code provisions, or not.

If the ECDC recommends approval, further action would need to be taken by the Plan Commission. The Plan Commission reviews edits to the Zoning Code (such as setbacks), and therefore, would need to review the new Section on backyard chickens, and the new definitions. This would be done at a public hearing, giving the public another opportunity to comment. The Village Board would then review all the proposed changes for final consideration. Staff expects this matter to go to the Plan Commission in the winter, with Board consideration likely the following month. Generally, this process can take 60-90 days.

Edits to current Code

§ 90.04 - Keeping certain animals prohibited.

(A) Except as provided in § 90.06 of this Chapter, it shall be unlawful for any person to keep any dangerous or vicious animal, or animal listed in § 90.04(B), in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory or veterinary hospital, or as licensed to do so by the State or Federal government.

(B) Except as provided in § 90.07 of this Chapter, it shall be unlawful for any person to keep or allow to be kept within the Village any farm animals, including, but not limited to, sheep, cattle, goats, horses, ducks, geese, ~~chickens~~, roosters ~~or other fowl~~, pigeons (except for carrier/racing pigeons) swine (including pot-bellied pigs), or similar animals. Except as provided in § 90.07 of this Chapter, it shall be unlawful for any person to keep or allow to be kept within the Village any naturally wild animals, including, but not limited to, boa constrictors, poisonous snakes or other poisonous reptiles, and any animals classified as endangered species or threatened species. Zoological parks, circuses, scientific or educational institutions, research laboratories, veterinary hospitals, or individuals and entities licensed to do so by the State or Federal government are excepted from this provision.

(C) Backyard chickens shall be permitted, with restrictions, pursuant to Section 155.XYZ of Village Code.

New definitions for backyard chickens

CHICKEN(S): The common domestic fowl.

COOP: A coop, building, pen or other enclosure, with or without an enclosed pen or hen yard, that is designed, constructed and maintained to confine fowl within the coop and to prevent access by predators and trespassers.

FOWL: Any domesticated egg-laying chicken hen and shall exclude all roosters and chicken hens that have ceased laying eggs.

HEN: A female chicken.

POULTRY: Domestic fowl, such as chickens, turkeys, ducks, and geese.

ROOSTER: A male chicken.

New Code for backyard chickens

It shall be unlawful for any person to raise, harbor or keep chickens (hens) on single-family residential lots zoned R0, R1, or R2, containing a minimum of 7,500 square feet unless in compliance with the following regulations:

1. A maximum of four (4) hens shall be permitted on properties zoned R0, R1, or R2 and occupied for single-family residential uses.
2. All hens shall be kept within a covered enclosure/structure with an attached covered/enclosed outdoor area to prevent hens from encroaching onto neighboring properties.
3. An outdoor area minimum of four (4) square feet per hen will be required and a maximum of one hundred and fifty (150) square feet will be permitted for both the covered enclosure/structure and outdoor area.
4. The maximum height of a chicken coop shall be eight feet (8').
5. All hens and enclosures/structures shall be kept/located in the rear yard only.
6. All enclosures/structures shall be located a minimum of ten feet (10') from all lot lines.
7. The structure shall contain insulated walls and/or an insulated blanket shall cover the structure during the winter months.
8. All areas where hens are kept shall be clean and well maintained with little to no accumulation of waste. In addition, all areas where hens are kept shall not produce or cause odors that are detectable on adjacent properties.
9. Chicken coops shall be maintained in a manner that provides adequate lighting and ventilation, and protects chickens from cold weather, precipitation, rodents, predators, and trespassers.
10. All feed shall be kept in a sealed metal container.
11. All electrical appurtenances shall be UL listed and clearly labeled.
12. The lot must be fenced in conformance with Village Code.
13. A hen permit issued under this article shall be revoked upon the commission of three (3) violations within a period of twelve (12) months. If the permit is revoked, the property shall not be eligible for a permit for one year after revocation. Any enclosure/structure shall be required to be removed within fifteen (15) days of revocation.
14. Roosters are prohibited.
15. No slaughtering.
16. No other poultry, including but not limited to geese, ducks and turkeys shall be kept on the property.
17. The sale of eggs is prohibited.
18. Chicken coops shall not be allowed to be in any part of a home and/or garage.
19. A building permit shall be required for all permanent enclosures/structures associated with the keeping of hens.

20. A hen license issued by the Village with a one-time fee of \$50.00 shall be required prior to purchasing the hens. A renewal license shall be required each year thereafter, with no additional fee.

Condition #1

1. A maximum of six (6) hens shall be permitted on properties zoned R0, R1, or R2 and occupied for single-family residential uses.

Optional Condition #21

Two municipalities limit the number of hen licenses they will issue; and neither has reached their self-imposed limit. The average number of licenses of municipalities surveyed was 14.

21. A maximum of fifty (50) residential zoning lots will be licensed to have hens in the Village at one time.