



100601

MEMORANDUM

TO: Trustee Dana Moreau, Chairperson
Environmental Concerns Committee

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

DATE: November 23, 2010

SUBJECT: Residential Chicken Discussion

At the October 26, 2010 Environmental Concerns Committee (ECC) meeting, the Committee heard a presentation from a group supporting a change to the Village of Lombard's Code of Ordinances to allow chickens on residential property. Currently Section 90.04 of the Lombard Village Code prohibits both the keeping of poultry as well as any structures related to poultry. The purpose of this report is to summarize staff's findings from researching surrounding municipalities and offer some additional context to the ECC.

PROCESS

As previously mentioned, the Lombard Code of Ordinances, Section 90.04 prohibits both the keeping of poultry as well as any structures related to poultry. Changing this regulation would require appearing before two different committees: first, the ECC could need to make a specific recommendation to the Village Board to change the Village Code to allow the keeping of the chickens. Once the Village Board receives the ECC recommendation, they can decide if the Code of Ordinances should be changed to allow poultry. Then, the Village Board could direct staff to prepare a text amendment and public hearing to the Plan Commission to address the land use matters related to chickens (structures, setbacks, etc.) to be included within the Zoning Ordinance. In a recommendation to the Village Board, the ECC may include parameters for which they support the keeping of chickens on residential lots.

SURROUNDING COMMUNITIES

At their last meeting, the ECC continued the discussion to their November 23, 2010 meeting to allow Community Development staff to prepare a report reviewing the information provided by the group, along with completing a double concentric ring survey of the 15 surrounding municipalities. The communities staff researched include:

- Hinsdale
- Wood Dale
- Addison
- Glen Ellyn
- Elmhurst
- Downers Gove
- Carol Stream
- Glendale Heights
- Lisle
- Oak Brook

- Itasca
- Oakbrook Terrace
- Wheaton
- Westmont
- Villa Park

Specifically, staff researched whether or not each community permits chickens and if so, under what standards they are regulated. In addition, staff asked each community how many properties are keeping chickens, whether there have been any problems and what the demand on their staff's time has been. Attached as Exhibit A is a table detailing all the findings.

SUMMARY OF FINDINGS

Of the 15 communities staff researched, 9 specifically prohibit chickens and 6 allow them, subject to specific regulations. The following is a summary of those communities' regulations that allow chickens:

Municipality	Summary of Regulations	Comments
Wood Dale	Chickens are allowed so long as they are no closer than 450' from any residence other than the residence of the person so keeping or having such animals.	They are aware of only 1 property that has chickens because of the restrictions limit the eligible lots. That property is in compliance with their ordinance, however they do receive several calls from residents concerning the keeping of chickens. They have indicated that this property is usually in compliance and the residents calling are typically unaware of the Ordinance.
Downers Grove	<ul style="list-style-type: none"> ○ Up to four chickens allowed ○ All chickens kept in residential areas within the Village shall be entirely confined in a pen, coop, building, or other enclosure at all times. ○ Must maintain (50') from any property line of the property of the owner of such enclosure. ○ All coops, buildings, yards, or enclosures shall be kept clean, sanitary and free from all refuse. Areas shall be cleaned at least once every twenty-four hours 	Spoke to Downers Gove and although they allow chickens, they said they are unaware of anyone having them. They said most of their lots are 66'-75' wide which are too narrow to have chickens. Given their setback requirements, the lot would need to be greater than 100' wide to accommodate a chicken coop. They said there are a small number of lots in town wide enough to meet their restrictions, however, development pressures on those lots has resulted in them being subdivided.
Oak Brook	<ul style="list-style-type: none"> ○ Allowed on lots 10 acres or greater in area ○ Chickens shall not be less than one hundred feet (100') from the nearest residential lot line ○ All chickens kept in residential areas within the Village shall be entirely confined in a pen, coop, building, or other enclosure 	Not aware of any chickens in their community.
Itasca	<ul style="list-style-type: none"> ○ Chickens are allowed provided that they are not less than 150 feet away from any residence other than the residence of the owner of such animals, or within 150 feet of any public street 	Unable to obtain additional information.

	<ul style="list-style-type: none"> o Must be kept clean 	
Wheaton	Allowed only as part of a 4-H educational program for no more than 90 days.	They created this provision to accommodate 1 person. However, no one else has had chickens in their community, especially since it is temporary.
Westmont	<ul style="list-style-type: none"> o Must be setback 150 feet from any residence, other than the residence of the person so keeping or having the chickens. o Must be setback 25 feet from any public way other than an alley, or within 100 feet of any church or school building 	Spoke to Westmont and they don't know of any residents with chickens. They recently made these amendments due to a specific issue that came up with a 4-H project. Given their setback requirements, the lot would need to be much larger than what is typical in their community to accommodate a chicken coop.

In addition to completing a double concentric ring survey of the 15 surrounding municipalities, staff also researched a few of the other communities highlighted in the material presented to the ECC by "Citizens of Lombard United for Urban Chickens". The following is a summary of the findings:

Municipality	Summary of Regulations	Comments
Naperville	<ul style="list-style-type: none"> o All fowl and livestock shall be kept within a pen, coop, building or other enclosure sufficient in size and strength to confine such animals to the owner's property, except that livestock may be tethered securely to a fixed object outside the enclosure, but only if the animal is so confined to the owner's property. o No pen, coop, building or other enclosure used for the purpose of housing fowl shall be erected or maintained within twenty-five (25) feet of any occupied residence o Every person maintaining a pen, coop, building, yard or enclosure for fowl or livestock shall keep such area clean, sanitary and free from all refuse. Such areas shall be thoroughly swept at least once every twenty-four (24) hours and the dirt and refuse shall be disposed in a clean and sanitary fashion. o All feed for fowl or livestock shall be kept in containers that are rodent-proof until put out for consumption of fowl or livestock. 	Upon speaking with the Naperville Code Enforcement Department, they have only a few residents that keep chickens. They did indicate that they have had many nuisance issues regarding the enforcement of this provision.
St. Charles	Upon speaking with the St. Charles Code Enforcement Department, we learned that they do not have an ordinance either allowing or prohibiting chickens. As such, they do allow them, but they did mention that they have had several nuisance issues regarding chickens. They were unaware of how many were in the community.	
West Dundee	<ul style="list-style-type: none"> o No more than 4 chickens per lot o Coops must be setback a minimum of 10' from the property line with a minimum of 15' from the nearest adjacent neighboring habitable building o Chickens must be licensed. 	There are only a few in town and they made the changes at the request of 1 individual who objected to the licensing costs.
Warrenville	<ul style="list-style-type: none"> o No more than 4 chickens o Must be located on a lot greater than 10,000 sf o Must be confined and food must be secured. o Coops must adhere to the accessory structure requirements. 	They were aware of only a few homes that have chickens. They said that they are not aware of any issues.

Arlington Heights	Not permitted	Although they have no provisions prohibiting poultry, they do not allow chickens on residential properties.
Mt. Prospect	Not permitted	Although they have no provisions prohibiting poultry, they do not allow chickens on residential properties.

In summary, many of the communities that allow chickens have significant restrictions which severely limit the number of eligible properties and would not be applicable to Lombard. This is because Lombard's typical single family lot is about 60 feet wide and 7,500 square feet in area. In addition, approximately 63% of Lombard's R2 lots are less than 10,000 square feet in area. Of all the communities researched, only Naperville and West Dundee have provisions that could be somewhat applicable to Lombard.

INTER-DEPARTMENTAL REVIEW COMMITTEE DISCUSSION

As part of the Inter-Departmental Review Committee (IDRC), staff discussed the matter further and has expressed a concern about allowing chickens on residential lots. Staff would like the ECC to consider the following additional items when making a recommendation to the Village Board:

Code Enforcement

Although Lombard does not allow chickens, there have been numerous code enforcement issues in the past with residents keeping chickens. Most of the complaints involved cleanliness and noise. However, there was one case in 2006 involving an investigation by the US Department of Agriculture regarding a Lombard resident involved in chicken fighting. It has been Lombard's prohibition to poultry that has allowed staff to act quickly to enforce the Codes and minimize issues.

Nuisance Issues

Nuisances include odors, noise, feathers, appearance of the coop, and feed on the ground. Staff has documented complainants in less dense areas of town where residents have complained about the noise generated by several chickens 40 feet from the property line. In addition, many people are allergic to feathers and any accumulation could generate additional complaints. Furthermore, chickens in the yard may also generate problems with neighboring dogs which may initiate excessive barking, particularly if the coop is close to the lot line. The stress between the owners of the chickens and the owners of the dog may develop into police nuisance calls either for the neighbors arguing or the dogs barking.

In addition, staff is concerned about chickens escaping from the coop. If this occurs, residents will likely call the Village for assistance to catch the animal, resulting in resources being taken away from other essential services. If this concept is advanced, staff suggests that the ECC consider a requirement that all chickens have their wings clipped to prevent the chickens from flying over the enclosure.

Health Concerns

Health concerns involve sanitation issues of excrement, general cleanliness, and rodent attraction. The coop and run must be kept clean and free of an accumulation of

excrement and feathers; the excrement must not be distributed around the property as a fertilizer unless it has been composted and all feed must be kept in a closed container (some towns require a metal container) so that it does not attract rodents.

Setbacks

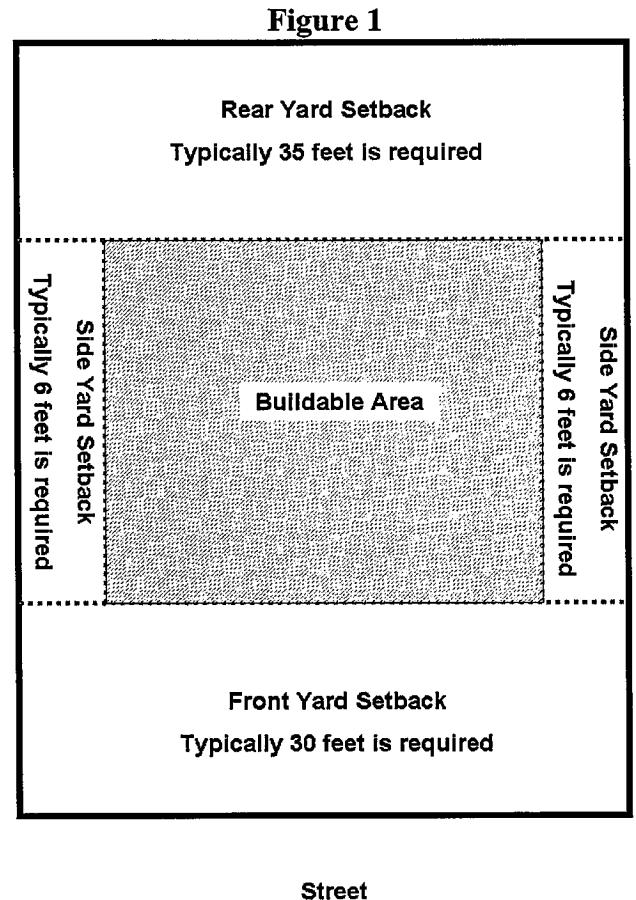
Although the issue relating to setbacks would need to be addressed within the Zoning Ordinance as part of a text amendment request to the Plan Commission, the Village's current regulations pertaining to setback requirements of accessory structures would not be applicable (Village Code allows accessory to be as close a 3' from an interior side and rear yard lot lines). The setback requirement would need to be large enough to reduce the impact on neighboring properties. Staff suggests that the chicken coop should only be located within the buildable area of a lot, as shown in Figure 1. Furthermore, staff suggests that a minimum 25 foot setback be maintained from all lot lines. This provision would provide for some level of separation, however such a regulation would be among the least restrictive of the surveyed communities. We do also note that such coops could not be reasonably established on lots that are less than 60 feet in width.

Licensing

A license, registration or permit requiring an inspection on a regular basis with permission to inspect on site in the event of a complaint, or regularly scheduled more frequent inspections should be strongly considered. Allowing this though would require significant staff time and resources whose cost should be placed upon the applicant rather than the Village as a whole. Existing staffing does not have the training or expertise to conduct a thorough inspection. Therefore, if approved, this task may be contracted to a private vendor. Furthermore, staff is still researching whether or not a non-home rule community has the authority to license poultry. Currently, State Statutes do allow for non-home rule communities to prohibit poultry as a nuisance. However, specific provisions, pertaining to the licensing are still unclear and require further research by the Village's legal counsel.

Building Permit

Currently, the Village exempts residences from needing a building permit for sheds and similar accessory structures that are less than 80 square feet in area and no more than 8 feet in height. Although these structures would still need to adhere to the accessory structure requirements established within the Zoning Ordinance, it is up to the homeowner to make sure these requirements are being met, without needing to go through the permit process. Because chicken coops have a much different function,



structures associated with the keeping of chickens should require a building permit, regardless of their size. This will allow staff to review the request to determine if the accessory structure is used for the purposes of keeping chickens. In addition, if the structure is used as a chicken coop, staff will also need to review if electricity will be provided within the structure. Due to the winter conditions, staff is concerned that the cost of properly running electricity to the chicken coop will limit many residents from adding it to the structure. As a result, residents with chicken coops may seek to simply use an extension cord and space heater or other heating elements to keep the coop warm. Staff is concerned because this would not be allowed and could present a serious fire hazard.

Home Occupation

Staff is concerned that residents who have chickens may try to sell their excess eggs or chickens directly from their home. This type of activity would be considered a home occupation and is regulated by Section 155.211 of the Lombard Zoning Ordinance. Specifically, there are 16 standards that have to be met at all times in order to have a home occupation. The selling of eggs would not meet the following standards for home occupations:

1. All home occupation activities conducted at the site of the home occupation shall be conducted within a completely enclosed structure.
2. The activity should not generate any noise, vibrations, smoke, dust, odors, heat, glare, or interference with radio or television transmission in the area that would exceed that normally produced by a dwelling unit in a zoning district used solely for residential purposes.
3. There shall be no alteration of the residential appearance of the premises, including the creation of a separate or exclusive business entrance(s) or placement of a sign.
4. No outdoor display or storage of materials, goods, supplies, or equipment shall be allowed.

ADDITIONAL ITEMS FOR DISCUSSION

In its recommendation to the Village Board, the ECC may include parameters for which they support the keeping of chickens on residential lots. The following are items that were generally supported at the October 23, 2010 ECC meeting. Staff comments are noted in bold.

Permitted Number

The ECC suggested that no more than 4 chickens (hens) be allowed and that each chicken should be no more than 15 lbs. Roosters are prohibited.

Staff raises significant concerns regarding regular enforcement of the parameters noted above. As previously mentioned, staff does not have the excess time or resources to continually verify the number and size of chickens being kept. Furthermore, specific provisions related to items such as weight become difficult to

enforce without a rationale nexus as to why the regulation exists and how it can be enforced.

Structure

Chickens should be kept in a predator proof coop and run.

Staff suggests that the structures and runs only be located within the buildable area of the lot. Further regulations may be considered by the Plan Commission through the public hearing process. Staff encourages that chickens not be allowed to roam outside the coop or run unrestrained at any time (i.e. no free range chickens). Furthermore, staff notes that chickens do have the ability to fly for short quick burst to heights above 10 feet. A provision should be included that requires all chickens have their wings clipped.

Slaughtering

Slaughtering may be allowed, provided that it is not within public view.

Although staff does not support the slaughtering of chickens on residential lots, staff strongly encourages that all slaughtering only be within a fully enclosed structure. As previously noted, this provision is also difficult to enforce because the act of slaughtering would likely occur without a Village official witnessing it. Therefore, the only way we could enforce such a provision would be a neighbor testifying in court as a witness or photos and/or a video was provided.

Licensing

The process of keeping chickens could be licensed.

As previously mentioned, staff is still researching whether or not a non-home rule community has the authority to license poultry. Currently, State Statutes do allow for non-home rule communities to prohibit poultry as a nuisance. However, specific provisions, pertaining to the licensing are still unclear and require further research by the Village's legal counsel.

ACTION REQUESTED

Staff recommends that the ECC review the information and make a recommendation to the Village Board as it pertains to amending Section 90.04 to allow for the keeping of chickens. The ECC should also include any additional recommendations they deem appropriate to help regulate the use. The Village Board will then determine whether the Plan Commission should consider a text amendment to the Zoning Ordinance.

Exhibit A
Double Concentric Ring Survey of 15 Municipalities

Municipality	Permitted (Y/N)	Regulations	Comments
Hinsdale	N	<p>5-6-4: PROHIBITED ANIMALS:</p> <p>It shall be unlawful to keep or maintain cattle, swine, sheep or goats in the village. No other animals may be maintained in the village for any purpose other than as pets except as otherwise permitted in pet shops and animal hospitals.</p>	
Wood Dale	Y*	<p>Sec. 14.402. Certain Animals Restricted.</p> <p>A. It shall be unlawful and a nuisance to keep or have any goats or to have any cattle, horses or *chickens within four hundred fifty feet (450') of any residence other than the residence of the person so keeping or having such animals.</p>	<p>They are aware of only 1 property that has chickens because of the restrictions. That property is in compliance with their ordinance, however they do receive several calls from residents concerning this property and its keeping of chickens. They have indicated that this property is usually in compliance and the residents calling are typically unaware of the Ordinance.</p>
Addison	N	<p>Restrictions on Keeping Livestock, Bees, Poultry, etc.</p> <p>It shall be unlawful to keep any live swine, pigs, goats, cattle, horses, sheep, bees or other livestock in the Village. It shall be unlawful to house or keep any live poultry.</p>	
Glen Ellyn	N	<p>6-3-8: PROHIBITED ANIMALS:</p> <p>It shall be unlawful to stable or house horses, ponies, burros, mules, goats, cattle, swine, sheep, chickens or other similar animals within the village. (Ord. 5352, 4-25-2005)</p>	

<p>Elmhurst</p>	<p>N</p>	<p>It shall be unlawful for any person who has in his custody or control any animal: To keep any stable, poultry yard or other place for the housing of any farm animal except that farm animals may be as part of a licensed circus or petting zoo.</p>	
<p>Downers Grove</p>	<p>Y*</p>	<p>Article IV. Fowl Section 5.19. Limit to number of fowl permitted. Except for fowl associated with veterinary hospitals, animal shelters, and educational institutions, no person shall keep, in areas of the Village classified for residential use under the Comprehensive Zoning Ordinance of the Village, *more than four fowl aged eighteen weeks or older and more than four fowl under the age of eighteen weeks. The presence of eggs with a female fowl shall create a presumption that that fowl is eighteen weeks of age or older. Section 5.20. Fowl--Confinement. All fowl kept in residential areas within the Village shall be entirely confined in a pen, coop, building, or other enclosure at all times. Section 5.21. Structures--Location restricted. *No pen, coop, building, or other enclosure used for the purpose of housing fowl shall be erected or maintained within fifty feet of any property line of the property of the owner of such enclosure. Section 5.22. Same--Maintenance of sanitary conditions. All pens, coops, buildings, yards, or enclosures for fowl shall be kept clean, sanitary and free from all refuse. Such areas shall be thoroughly cleaned at least once every twenty-four hours and all refuse shall be disposed of in a clean and sanitary fashion.</p>	<p>Spoke to Downers Gove and although they allow backyard chickens, they said they are unaware of anyone having them. They said most of their lots are 66'-75' wide which are too narrow to have chickens. Given their setback requirements, the lot would need to be greater than 100' wide to accommodate a chicken coop.</p>

<p>Carol Stream</p>	<p>N</p>	<p>No animal, with the exception of domesticated cats, dogs, small aquatic animals, small birds and a type of small domesticated animal commonly kept as a household pet in a small indoor cage, shall be kept within the corporate limits, provided, however, *that farm animals may be kept, but only on land zoned as an agricultural and used for such purpose. For purposes of this section, FARM ANIMALS shall mean and include cattle, hogs, pigs, sheep, goats or horses, or any chickens, geese, pigeons or other poultry, or any animal which is principally raised for the sale of a product made by or from the animal; and KEPT shall mean and include owned, harbored, raised, cared for, or possessed, whether on a temporary or long-term basis.</p>	<p>Carol Stream has no agricultural zoning classes, therefore chickens are not permitted.</p>
<p>Glendale Heights</p>	<p>N</p>	<p>A. Except as otherwise permitted, it shall be unlawful to maintain within the village any stable or poultry yard or place for housing any poultry, pigeons, geese, ducks, boia constrictor snakes, pigs, swine, cattle, horses, goats or other similar animals or livestock.</p>	
<p>Lisle</p>	<p>N</p>	<p>9-3-19: MAINTENANCE OF ANIMALS; PROHIBITIONS:</p> <p>(A) It shall be unlawful to maintain, house in or in any way keep on any premises or property within the village any animals or poultry except household pets, such as dogs or cats or other animals as identified in section 9-3-11 of this chapter.</p> <p>(B) It shall be unlawful to maintain, keep, construct or install any structure or facility to house, maintain or in any way keep any animals or poultry except for those animals permitted within the village under subsection (A) of this section.</p>	
<p>Oak Brook</p>	<p>Y*</p>	<p>RI SINGLE-FAMILY DETACHED RESIDENCE DISTRICT</p> <p>13-6A-1: PERMITTED USES:</p> <p>B. Noncommercial pursuit of agriculture: *1) on lots not less than ten (10) acres in area, provided structures and land used for the shelter, feeding, keeping, propagating, culture of poultry and livestock shall not be less</p>	<p>Not aware of any chickens in their community.</p>

		<p>than one hundred feet (100') from the nearest lot line, and any other structure or land used in the pursuit of agriculture shall not be less than one hundred feet (100') from the nearest street line, and not less than fifty feet (50') from the nearest interior and rear lot line; and 2) on lots less than ten (10) acres in area, provided such uses involve only the growing of farm and garden crops and nursery stock and no accessory structures are used exclusively for such uses, except conservatories or greenhouses of the types customarily attached to dwellings.</p> <p>13-6A-2: SPECIAL USES:</p> <p>Accessory uses: Accessory uses, customarily incidental to the above special uses, including, but not limited to, agricultural, recreational and cultural uses, as follows:</p> <p>B. Horse stables, kennels and other similar structures, for keeping and shelter of livestock, other animals, poultry and game, and accessory structures, provided that such structures shall be located: *1) not less than one hundred fifty feet (150') from a street; 2) not less than one hundred feet (100') from a structure on the same lot intended for occupancy as a dwelling; 3) not less than one hundred feet (100') from a residence district line; 4) not less than seventy feet (70') from a non-residence district line; and 5) on lots not less than ten (10) acres in area.</p>	
<p>Itasca</p>	<p>Y*</p>	<p>§ 90.04 HOUSING TO BE KEPT CLEAN; WHERE ANIMALS MAY BE KEPT.</p> <p>(A) No person shall cause or allow any stable or place where any animal is or may be kept to become unclean, or unwholesome, and it shall be unlawful to keep any live swine or pigs, cattle or goats in the village.</p> <p>(B) *It shall be unlawful to house or keep any live poultry or fowl within 150 feet of any residence other than the residence of the owner of such animals, or within 150 feet of any public street.</p>	

<p>Oakbrook Terrace</p>	<p>N</p>	<p>§ 92.02 STANDARDS AND PROHIBITIONS.</p> <p>It shall be unlawful for the owner or keeper of any animal to do any of the following:</p> <p>(G) To keep any stable, poultry yard or pen, or any other place for the housing of any livestock in any place in the city;</p> <p>It shall be unlawful to keep any livestock or similar animals anywhere in the city. The provisions of this section shall not apply to the following:</p> <p>(1) Animals kept at the county animal control department;</p> <p>(2) Animals kept under control and properly maintained at an authorized fair, circus, zoo or animal park.</p> <p>(3) *Chickens (female only) which are being raised for a 4-H or similar educational project. Such chickens may be maintained out-of-doors for no more than one 90-day period per year. The chickens must be caged and screened from adjoining property. The cage shall conform to all zoning ordinance structure setback requirements. A no-fee permit shall be obtained from the city building and code enforcement department prior to placing the chickens in the out-of-doors for the 90-day period. As a condition of permit issuance, the applicant shall provide the building and code enforcement department with a certification from the 4-H or other educational institution that the applicant is conducting an authorized 4-H project or other educational project.</p>	<p>They created this provision to accommodate 1 person. However, no one else has had chickens in their community.</p>
<p>Westmont</p>	<p>Y*</p>	<p>Proximity of poultry and animal yards to buildings and public ways.</p> <p>*It shall be unlawful to maintain in the village any poultry or animal yard within 25 feet of any building used for residential purposes by anyone other than the person maintaining such residence or by his immediate family, or within 25 feet of any public way other than an alley, or within 100 feet of any church or school building.</p>	<p>Spoke to Westmont and they don't know of any residents with chickens. They recently made these amendments due to a specific issue that came up with a 4-H project. Given their setback requirements, the lot would need to be much larger than what is typical in their</p>

		<p>Sec. 14-12. Proximity of cattle and chickens to residential property.</p> <p>It shall be unlawful for any person to keep any cattle or chickens within *150 feet of any residence, other than the residence of the person so keeping or having the cattle or chickens.</p>	community to accommodate a chicken coop.
<p>Villa Park</p>	<p>N</p>	<p>Sec. 5-104 - Keeping poultry, cattle, etc.</p> <p>It shall be unlawful for any person to maintain any stable or poultry yard, or place for the housing of any poultry, cattle, horses, pigs or goats or similar animals, or to house any such animals in the village</p>	