

Planning Commission Staff Report

File # 4Z23

**Public Hearing and Recommendation to the City Council
for a Zoning Text Amendment to Taylorsville Municipal
Code Section 8.12.140, Related to Placement of
Chicken Coops on Irregularly Shaped Parcels.**



Department of Community Development

Date:	May 5, 2023
Meeting Date:	May 9, 2023
Agenda Item:	Public Hearing and Recommendation to the City Council for a Zoning Text Amendment to Taylorsville Municipal Code Section 8.12.140, Related to Placement of Chicken Coops on Irregularly Shaped Parcels.
Subject Property Address:	Citywide
Applicant:	City of Taylorsville
Applicant Agent:	n/a
Author:	Terryne Bergeson, Planner I
Parcel #:	n/a
Applicable Ordinances:	Section 8.12.140
Agenda Item #:	6

Attachments:

- Exhibit A:** Example Site Plan
- Exhibit B:** Example Applicable Parcels
- Exhibit C:** Proposed Text Amendment

Summary

The City of Taylorsville is proposing to amend Section 8.12.140 Backyard Chicken Permit, to allow flexibility for the placement of chicken coops on irregularly shaped parcels. Currently, the ordinance states that a coop and enclosure is not to be permitted in front or side yards. For most of the lots in Taylorsville, this standard is reasonable and residents are able to work within the standards and meet these requirements. Applicants submit a site plan with the application that demonstrates a proposed coop and enclosure can meet certain setback requirements as well as distances from main and neighboring dwellings. The ordinance establishes distances from dwellings to protect the health and safety of residents, while the restriction to the rear yard helps to contain the impacts of residential chickens to the rear of the parcel on which they are kept.

Recently, a Backyard Chicken Permit application was submitted that brought attention to irregularly shaped, infill parcels. The applicant stated that the rear yard is not the most suitable location for the coop, and the site plan illustrates that the front yard is designed in a way not typical to most of the single-family development in Taylorsville. In the reference application, the front yard is nearly three times the area when compared to the rear yard and in fact, placement in the rear yard would put the coop closer to residences than if it were allowed to be permitted within the front yard. Although the coop is far from neighboring residents and the main dwelling, staff cannot approve the permit due to the clear restrictions in the ordinance.

In anticipation of more applications on large lots with similar conditions, staff has revisited the backyard chicken permit section of the Taylorsville Municipal Code and proposed revisions that would give the director the authority to allow flexibility when considering the placement of the coop, subject to certain standards, the bulk of which are proposed to be added to 8.12.140(A)(13) c & d:

13. Enclosure Standards:

- a. Chickens must be contained within an enclosure or fenced area at all times.
- b. All enclosures shall have a maximum opening of two and one half inches (2 ½").
- c. Enclosures shall be contained entirely in the rear yard. Enclosures shall not be permitted in any front or side yard unless the subject property meets the requirements set forth in paragraph d.
- d. The director has authority to grant exception to side or front yard restrictions provided that the application demonstrates all of the following:
 - i. The subject property is an irregularly shaped parcel and rear yard is not the most suitable location for a chicken coop and enclosure.
 - ii. The side or front yard area for which the exception is being requested is at least two times the area of the rear yard.
 - iii. A scaled site plan is submitted that demonstrates the placement of the coop and enclosure in the front or side yard can meet the following location requirements:
 1. Coop and enclosure shall not encroach into the minimum setback requirements established for the primary dwelling as outlined in the Residential Development Standards.

2. Coop and enclosure must meet all other standards in this ordinance including distance from neighboring, main structures, and dwelling entrances.

Proposed Text: *"The subject property is an irregularly shaped parcel and rear yard is not the most suitable location for a chicken coop and enclosure."*

Rationale: If the house was built towards the back of the parcel, this results in a front yard that residents tend to use more like a rear yard. In some cases the rear yard is smaller or it is already used for other purposes and the front yard provides ample space for a coop.

In Practice: Applicants will submit a site plan that demonstrates there is enough area to meet the standards listed below, which will confirm that the front or side yard is a suitable location for the proposed coop or enclosure.

Proposed Text: *"The side or front yard area for which the exception is being requested is at least two times the area of the rear yard."*

Rationale: Parcels such as those in older agricultural areas of the city tend to have large spanning lots and do not conform with the regular development pattern throughout the rest of Taylorsville. An application will need to demonstrate that the front yard has more area than the rear yard, making it the more suitable location for a chicken coop.

In Practice: A site plan will be required and verified to ensure the front or side yard is larger than the rear yard.

Proposed Text: *"A scaled site plan is submitted that demonstrates the placement of the coop and enclosure in the front or side yard can meet the following location requirements... Coop and enclosure shall not encroach into the minimum setback requirements established for the primary dwelling as outlined in the Residential Development Standards."*

Rationale: The purpose of the standard is to maintain a distance that will mitigate the possible sanitation, noise, and other impacts for neighboring residences.

In Practice: If request is to place coop in front yard, coop would be subject to underlying zoning standards (30') from front property line. If the request is to place coop in side yard, the coop and enclosure would be subject to the side yard setbacks for zone (minimum 9-5', combined 20'-16').

Proposed Text: *"Coop and enclosure must meet all other standards in this ordinance including distance from neighboring, main structures, and dwelling entrances."*

Rationale: The purpose of this standard is to ensure that, although an exception for front or side yard is considered, coops are not allowed any closer to dwelling places or entrances of the subject property or neighboring lots.

In Practice: A coop and enclosure will not be permitted within 6' from the home, 15' from any entrance to the home, required 25' from neighboring dwelling and 3' from side property line.

Public Comment

A public notice was published on the Utah Public Notice Website and on the City's website on April 28, 2023. Planning staff has not received public comment related to this application.

Findings

1. Staff received an application for a backyard chicken permit requesting a coop in the front yard of an irregularly shaped, infill parcel.
2. Staff have reviewed the front and side yard restrictions and determined that there may be some lots in the City where an exception could be granted.
3. The City of Taylorsville has initiated an application to amend Section 8.12.140 related to standards to allow an exception to the front and side yard restriction.
4. Staff supports the proposed text amendment.
5. A text amendment to the City's Land Development Code is a legislative action, requiring a Planning Commission recommendation to the City Council.
6. The City Council is the final review and decision-making body.

Staff Recommendation

Staff recommends the Planning Commission forward a positive recommendation to the City Council to amend Section 8.12.140 of the Taylorsville Municipal Code as specified in Exhibit B of this staff report.

Recommended Motion

I move that we send a positive recommendation to the City Council for File #4Z23 for an amendment to Section 8.12.140, as specified in Exhibit B of this staff report.

EXHIBIT A



Rear yard area= approx. 7,813 sq ft
Front yard area=approx. 60,962 sq ft

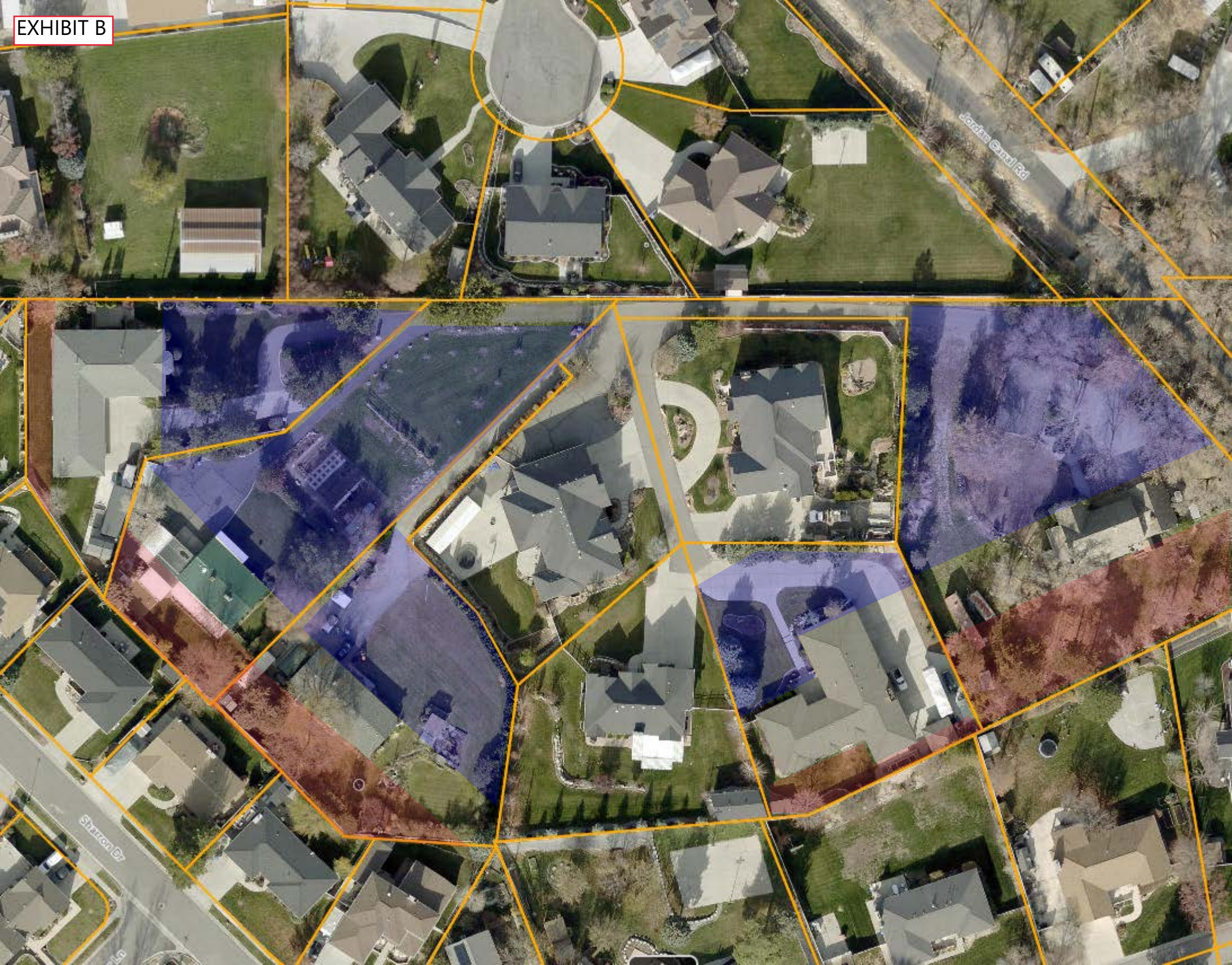


EXHIBIT B

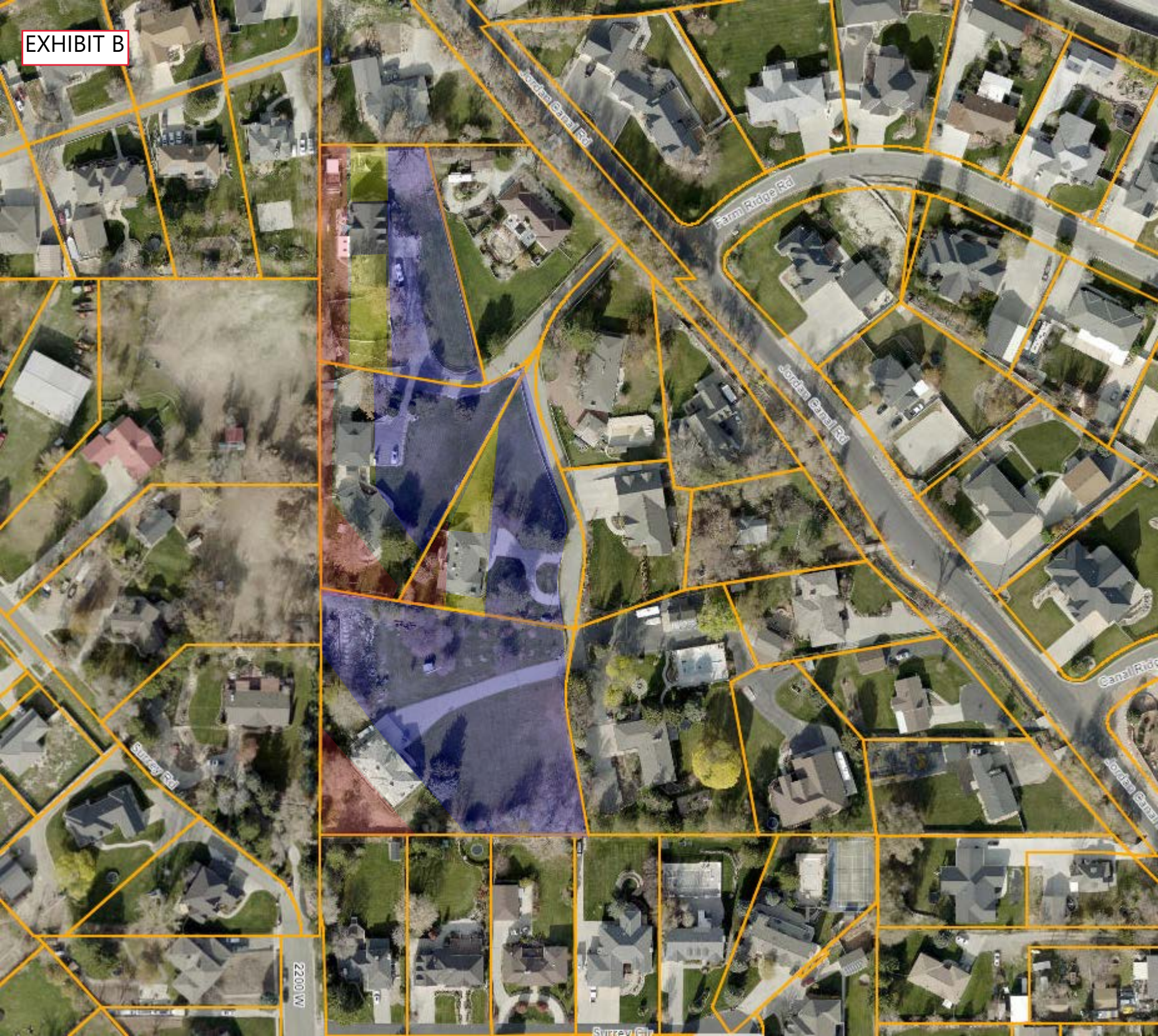


EXHIBIT C

8.12.140: ~~BACKYARD RESIDENTIAL~~ CHICKEN PERMIT:

A. Where permitted by the land development code, persons may keep ~~backyard~~ chickens on single-family owner occupied residential and agricultural lots in accordance with the provisions of this section: (Ord. 10-07, 5-19-2010; amd. Ord. 12-15, 7-11-2012)

1. Application; Obtaining Permit: It is unlawful for any person to keep ~~backyard~~ chickens without first making application for and obtaining a backyard chicken permit.

2. At Large: It is unlawful for any person who is the owner, keeper, or temporary custodian of any backyard chicken to allow the animal(s) to be at large, off the premises or outside the approved enclosure.

3. Unsanitary Conditions: It is unlawful for any person to keep and maintain in an unclean or unsanitary condition any coop, enclosure or other structure or area in which any ~~backyard~~ chicken is kept. All droppings must be cleaned at least once a week.

4. Nuisance: It is unlawful for the owner or keeper of any ~~backyard~~ chicken to allow the animal(s) to be a nuisance to any neighbor, including, but not limited to, creating noxious odors from the animals, their waste, coop, or related structure or generating noise of a loud and persistent nature.

5. Subject To Inspection: All places where any ~~backyard~~ chickens are kept shall be subject to inspection prior to a permit being issued for cleanliness, health, and sanitation purposes by a code enforcement official, animal control officer, or representative of the Salt Lake Valley health department. A code enforcement official, animal control officer, or representative of the Salt Lake Valley health department shall also be authorized to inspect any property where ~~backyard~~ chickens are kept based on any complaint or observation that the requirements of this section or conditional use permit requirement are in violation.

6. Female Chickens Only: Only female chickens may be kept. No ducks, geese, turkeys, peafowl, crowing hens, or roosters may be kept. No other bird species shall be kept except as provided by this code and birds normally and generally considered household or indoor pets. (Ord. 10-07, 5-19-2010)

7. Accessory Buildings: Chicken coops shall be considered accessory buildings and are subject to the area provisions of the Taylorsville land development code. Height and setback provisions shall be determined by this section but shall in no cases violate setback or height limitations of the zoning ordinance with the exception of proximity to a main structure. (Ord. 10-07, 5-19-2010; amd. Ord. 12-15, 7-11-2012)

8. Feed And Water Access: Chickens shall have access to feed and water at all times in an area that is protected from wild birds, rodents, and other predators. Any stored feed must be kept in a rodent and predator proof container.

9. Personal Use Only: ~~Backyard-Residential~~ chickens shall be for personal use only. The selling of eggs or fertilizer or the breeding of chickens for commercial use is prohibited.

10. Slaughtering Prohibited: The slaughtering of backyard chickens on the premises is prohibited.

11. Dead Birds; Rotting Eggs: Dead birds and rotting eggs shall be removed within twenty four (24) hours and properly disposed of.

12. Review Of Permits: All ~~backyard-residential~~ chicken permits are subject to review upon substantiated and unresolved complaint.

—13. Enclosure Standards:

~~a. —a.~~ Chickens must be contained within an enclosure or fenced area at all times.

~~b. All enclosures shall have a maximum opening of two and one half inches (2 ½").~~

~~c. Enclosures shall be contained entirely in the rear yard. Enclosures shall not be permitted in any front or side yard unless the subject property meets the requirements set forth in paragraph d.~~

~~d. The director has authority to grant exception to side or front yard restrictions provided that the application demonstrates all of the following:~~

~~i. The subject property is an irregularly shaped parcel and rear yard is not the most suitable location for a chicken coop and enclosure.~~

~~ii. The side or front yard area for which the exception is being requested is at least two times the area of the rear yard.~~

~~iii. A scaled site plan is submitted that demonstrates the placement of the coop and enclosure in the front or side yard can meet the following location requirements:~~

~~1. Coop and enclosure shall not encroach into the minimum setback requirements established for the primary dwelling as outlined in the Residential Development Standards.~~

~~2. Coop and enclosure must meet all other standards in this ordinance including distance from neighboring, main structures, and dwelling entrances.~~

~~—b. Backyard chicken enclosures shall be contained entirely in the rear yard. No enclosures will be permitted in any front or side yard.~~

~~—c. All enclosures shall have a maximum opening of two and one half inches (2½").~~

14. Coop Standards:

a. ~~Any backyard chicken~~Chickens shall be provided a covered, predator proof and well ventilated coop that must be impermeable to rodents, wild birds, and predators including dogs and cats. The coop shall provide a minimum of three (3) square feet per animal and be of sufficient size to admit free movement.

b. ~~Backyard-Residential~~ chicken coops shall be located within or adjacent to the enclosure, ~~and be contained entirely in the rear yard. No coops will be permitted in any front or side yard.~~

c. All chicken coops shall be placed at least fifteen feet (15') from an entrance to any habitable structure.

d. All chicken coops must be located at least twenty five feet (25') from any habitable portion of a structure on a neighboring property.

e. Chicken coops shall be maintained in good condition.

f. Chicken coops shall be constructed such that:

(1) It is freestanding.

(2) Is easily accessible for cleaning and maintenance.

(3) Is enclosed on all sides and has a roof and door(s).

(4) Doors must be able to be shut and locked.

(5) No chicken coop shall exceed eight feet (8') in height.

(6) The coop shall be covered with predator and bird proof wire with a maximum opening of one-fourth inch ($\frac{1}{4}$ "). The wire shall be buried at least three inches (3") and bent outward at least another twenty four inches (24") to prevent rodents from burrowing into the structure unless the coop is elevated off the ground at least twelve inches (12").

(7) All openings and vents shall be covered with predator and bird proof wire with a maximum opening of one-fourth inch ($\frac{1}{4}$ ").

g. Coops may be relocated from time to time within the back yard provided that it remains within or adjacent to the enclosure and adheres to all setback standards.

15. ~~Backyard Residential~~ Chicken Permit Application Requirements:

a. Prior to the issuance of any ~~backyard-residential~~ chicken permit, the applicant shall submit the following information:

(1) A completed and signed application.

(2) Appropriate fee.

(3) A site plan showing the exact location of the enclosure and coop, including measured distances from all dwellings and property lines, including buildings on adjacent properties.

(4) A photograph or illustration of the proposed enclosure and coop, including construction materials, height, and other dimensions.

(5) Signed consent to an on site inspection of all enclosures, coops and surroundings.

16. Side And Rear Setbacks:

a. Minimum rear yard: Three feet (3') minimum from any coop to any rear property line.

b. Side yard setback: Three feet (3') minimum from any coop to any side property line.

17. Maximum Number Of Chickens:

Lot Size (Square Feet)	Maximum Number Of Chickens
Lot Size (Square Feet)	Maximum Number Of Chickens
Less than 5,000	0
5,000 to 5,999	2
6,000 to 6,999	3

7,000 to 7,999	4
8,000 to 8,999	5
9,000 to 9,999	6
10,000 to 11,999	8
12,000 or more	10

(Ord. 10-07, 5-19-2010)