



CITY COUNCIL
AGENDA SUMMARY FORM
COMMUNITY DEVELOPMENT DEPARTMENT

MEETING DATE:	June 7, 2023
AGENDA ITEM:	AN ORDINANCE OF THE CITY OF TAYLORSVILLE APPROVING A TEXT AMENDMENT TO TAYLORSVILLE MUNICIPAL CODE SECTION 8.12.140, RELATED TO PLACEMENT OF CHICKEN COOPS ON IRREGULARLY SHAPED PARCELS.
FILE #:	4Z23/DCA-000330-2023
PUBLIC HEARING REQUIRED:	☐ Yes ☒ No
ORDINANCE REQUIRED:	☒ Yes ☐ No
RESOLUTION REQUIRED:	☐ Yes ☒ No
AUTHOR:	Terryne Bergeson, Planner I
PRESENTER:	Wayne Harper, Economic & Community Development Director
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. 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, as seen in Exhibit A.
STAFF RECOMMENDATION:	Staff recommends approval of Ordinance No. 23-07, based on the findings outlined in this report.
PLANNING COMMISSION RECOMMENDATION:	☒ Approve ☐ Deny
PLANNING COMMISSION VOTE:	6-0
SUMMARY OF PUBLIC COMMENTS:	No public comments were received related to this application.
ATTORNEY'S OFFICE	☒ Yes ☐ No
ATTACHMENTS:	Ordinance No. 23-07 with corresponding Exhibit A

TAYLORSVILLE, UTAH
ORDINANCE NO. 23-07

**AN ORDINANCE OF THE CITY OF TAYLORSVILLE APPROVING A TEXT
AMENDMENT TO TAYLORSVILLE MUNICIPAL CODE SECTION 8.12.140,
RELATED TO PLACEMENT OF CHICKEN COOPS ON IRREGULARLY SHAPED
PARCELS.**

WHEREAS, the Taylorsville City Council (the “Council”) met in regular session on June 7, 2023, to consider, among other things, approving a text amendment to the Taylorsville Municipal Code Sections 8.12.140 related to the placement of chicken coops on irregularly shaped parcels; and

WHEREAS, pursuant to TAYLORSVILLE MUNICIPAL CODE Section 13.35.040, notice of a public hearing before the City’s Planning Commission was posted at City Hall on April 29, 2023; and

WHEREAS, the notice of a public hearing before the City’s Planning Commission was also published on the Utah Public Notice Website on May 5, 2023; and

WHEREAS, the City’s Planning Commission held a properly noticed public hearing on the proposed amendments on May 9, 2023, during which the Planning Commission voted 6-0 to recommend that the Council approve the proposed text amendment; and

WHEREAS, although not required by City ordinances, the City Council heard courtesy public comment on the proposed amendments during its regularly scheduled meeting on June 7, 2023; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety, and welfare of the citizens of Taylorsville to approve the proposed amendments.

NOW, THEREFORE, BE IT ORDAINED by the Taylorsville City Council that the proposed text amendments to the Taylorsville Municipal Code Section 8.12.140, related to placement of chicken coops on irregularly shaped parcels, are hereby approved, as articulated in Exhibit “A.”

This ordinance, assigned Ordinance No. 23-07, shall take effect as soon as it shall be published or posted as required by law, deposited and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this _____ day of _____, 2023.

TAYLORSVILLE CITY COUNCIL

By: _____
Robert Knudsen, Council Chair

VOTING:

Meredith Harker	Yea ____ Nay ____
Ernest Burgess	Yea ____ Nay ____
Robert Knudsen	Yea ____ Nay ____
Curt Cochran	Yea ____ Nay ____
Anna Barbieri	Yea ____ Nay ____

PRESENTED to Mayor of Taylorsville for her approval this _____ day of _____, 2023.

APPROVED this _____ day of _____, 2023.

Mayor Kristie S. Overson

ATTEST:

Jamie Brooks, Recorder

DEPOSITED in the Recorder's office this _____ day of _____, 2023.

POSTED this _____ day of _____, 2023.

EXHIBIT A

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-residential chicken permit.

2. At Large: It is unlawful for any person who is the owner, keeper, or temporary custodian of any backyard-residential 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-residential 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)