



MEMORANDUM

To: Mayor and City Council

From: Mindi Hurley, Director of Community Development

Date: July 14, 2020

Reference: Work Session Presentation related to Backyard Chickens

2030: Special Place to Live, Sustainable City Government, Community Enrichment & Wellness

Introduction:

At the May 26th City Council Meeting, Rebecca Visconti made a Citizen's Presentation related to Backyard Chickens. In her presentation, she described the value and benefits of raising chickens and what surrounding communities are allowing/requiring. Council asked staff to follow up with a workshop presentation related to the current Ordinance requirements, the history of the Ordinance and to provide more detail related to the surrounding cities' ordinances.

Current Coppel Zoning Ordinance Requirements:

Chickens are only permitted in the Agriculture District, but no nearer than 100' from any property line. The ordinance reads:

All general and special agricultural, farming, ranching, stables, stock and poultry raising, dairy, and other related uses so long as same do not cause a hazard to health by reason of unsanitary conditions; and not offensive by reason of odors, dust, fumes, noise or vibration; and are not otherwise detrimental to the public welfare; and in no cause shall poultry, fowl or swine be kept nearer than 100 feet from any property line.

Chickens are expressly prohibited in all residential districts. The ordinance reads:

The keeping of dogs, cats, and other normal household pets, put limited to four animals over six months old. No more than three large animals, specifically horses, cattle and sheep, can be maintained per acre of lot area. **Swine and poultry are expressly prohibited.**

History:

On February 3, 1964, W.T. Cozby signed the enclosure of chickens ordinance for the "Town of Coppel", so that chickens among other animals were required to be in enclosures.

In 1979, the *Zoning Ordinance* allowed for farming in residential districts provided that no poultry was within 100' from a property line.

In 1983, the *Zoning Ordinance* was amended to “expressly prohibit swine and poultry” from the residential districts. Upon review of the minutes from the December 8, 1983 City Council Meeting adopting the ordinance, there was no documented discussion related to this change.

Analysis:

After reviewing the surrounding cities’ ordinances, it appears as though the majority allow backyard chickens in single family residential districts, and typical regulations within a single family district limit the number of chickens, require some distance between the enclosure/coop and the property line and/or the neighboring residence or business and place restrictions on roosters.

Summary of Surrounding Cities’ Ordinances:

City	Permit Required	Enclosure requirements	Max # of Chickens	Roosters Allowed	Other
Lewisville	Yes	if <1 acre, 25 feet from adjacent residence & if > 1 acre then min. 150 feet from adjacent residence	max. 6 if <1 acre & max 5 per .25 acre if >1 acre	not allowed if <1 acre	Single Family lots have to be minimum 7,500 square feet in size. Max. # includes other animals (dogs, cats) & Not allowed in Duplex, TH or MF Districts
Flower Mound	No	Secure pen or enclosure - not within 10 feet of any property line	Max of 4 - on lots up to 1 acre	No - on lots less than one acre	Pigeons and peafowl also allowed
Irving	No	Secure enclosure not within 25 feet of any other dwelling	25 maximum on lots < 1 acre	1 rooster per 6 hens	No slaughter in public view
Grapevine	No	coop or enclosure must have a minimum of 50 feet of separation from any residence, office, school etc.	no limit- but nuisance laws apply (smell/runoff, etc)	not addressed	Prohibited to emit offensive odors & Droppings shall be removed from coops and other enclosures regularly
Carrollton	Yes	Max 80 sq ft - Max 8 ft tall. Cannot be within 25 feet of any dwelling or 5 feet of any property line	Max 6 with permit	No	No sales from residential property & No slaughter in public view

Legal Review:

During the 2019 Texas State legislative Session, we consulted with the City Attorney related to SB 86 (Hall) – Regulation of Raising Six or Fewer Chickens. The bill was introduced and would have placed limitations on municipalities and HOAs in regulating chickens on residential properties. It was amended to exclude the limitations on HOAs, but in the end was not approved.

Bill Introduced at the 2019 Legislative Session (NOT APPROVED):

SB 86 (Hall) – Regulation of Raising Six or Fewer Chickens:

(1) a political subdivision may not impose a governmental requirement that prohibits an individual from raising or keeping six or fewer chickens in the boundaries of the political subdivision; and

(2) a city may impose reasonable governmental requirements on the raising or keeping of poultry in the boundaries of the city that do not have the effect of prohibiting the raising or keeping of six or fewer chickens, including:

(a) a limit on the number of chickens an individual may raise or keep in excess of six;

(b) a prohibition on breeding poultry;

(c) a prohibition on raising or keeping roosters; or

(d) the minimum distance an individual must maintain between a chicken coop and a residential structure.

Fiscal Impact:

A permit could be required, and a fee introduced if the Ordinance is amended.

Recommendation:

Staff is asking for Council to provide direction on whether to pursue drafting Ordinance Amendments and holding necessary public hearings to allow for chickens in residential neighborhoods.