

Memorandum Department of Planning



To: Planning and Public Works Committee
From: Petree Powell, Assistant City Planner
Date: February 23, 2023
RE: Chickens

Interest in having backyard chickens has increased significantly across the nation. There are a host of reasons: providing locally sourced/organic food; reduction of personal carbon footprint/sustainability; eliminating food scarcity; reducing food costs; use of chicken waste as a good supplement to composting for other gardening needs; and increased quality of eggs (lower cholesterol, lower saturated fats, increased vitamin content versus store bought eggs). Typically, the space requirements to successfully raise chickens is small compared to other farming related ventures. However, concerns about noise, odor, waste removal and possible contamination/disease have been raised by opponents to chickens in residential zoning districts.

Thus, City Council has requested information on factors to consider when expanding the allowance of chickens in some or all residential zoning districts. Currently, under City Code Chapter 205.150 person[s] cannot “keep, raise, harbor or offer for sale any” chickens within the city, unless the property is two (2) acres or more in size. If persons have farm animals on properties less than two (2) acres but more than one (1) acre as of February 2, 2009, they can retain those animals. There are no further code provisions regulating chickens.

Staff has reviewed several other cities’ ordinances on chickens. These are the factors the City Council might consider in developing an ordinance:

Number of Chickens. Most cities that permit chickens in single family residential districts have space requirements tied to the number of chickens that are permitted. These can be based on the square footage of the entire parcel, and/or the square footage of undeveloped portions of the parcel. Most cities have a maximum number of chickens in addition to the square footage requirements and can have a sliding scale of increasing the number of allowable birds depending on square footage available. Most cities allow between 4 to 12 chickens max. To prevent noise issues, most cities restrict possession to hens and prohibit roosters altogether. Cities also exclude possession of chickens for commercial breeding, or chicken or by-product sales.

Coops, Shelters or Aviaries. Most cities have regulations that govern the structure and fencing used to contain the chickens. Chickens are typically not allowed to “run at large” outside coops. There are often location restrictions (rear yard only is common), minimum square footage requirements, height restrictions, gross floor area restrictions, and setback requirements. Some cities require an applicant to get approval through an architectural review process of pen/coop/shelter/aviary design and materials.

Some cities require movable coops to allow turf protections and prevent the build up of waste and pathogens.

Cleanliness and Nuisances. Most cities include a separate provision to prevent nuisances arising from the possession of chickens. Cross referencing ordinances on noise and noxious odors is common. Some state clearly that no chickens are allowed to create a nuisance, or disturb neighboring residents due to noise, odor, damage or injury. Accommodation and parameters for the storage of feed and removal of waste/foul water/liquids is addressed in at least one city. Some cities have a prohibition on slaughtering chickens and some permit the “occasional” slaughtering as long as the process cannot be seen by persons from properties outside the permitted property.

Permitting/Violations. If possession of chickens is allowed, cities typically have permitting, fee and inspection requirements. Fees are usually nominal and inspections often are set bi-annually. Notice to adjacent neighboring property owners is often required to obtain a permit. Failure to maintain a permit is normally a violation if chickens are still in the person’s possession on the property. Often cities detail circumstances in which permits are revocable, usually related to the cleanliness of the site. Citations with fines can also be issued for failure to comply with cleanliness codes and penalties imposed for violations. Permitting in Chesterfield could be difficult since City does not employ building inspectors. Depending on structure requirements, St. Louis County could be implicated in a permit process. Police and/or code enforcement officers could handle nuisance complaints, however.

Below is a sampling of neighboring cities that permit chickens in single family residential zones that are less than two (2) acres:

	Brentwood	Creve Coeur	University City	Ladue	Ellisville
Parcel/Lot size limitations	No	Yes-7500 sq ft in total land/ or 5500 sq ft unimproved land; for each 2500 sq ft of lot size above min. one additional hen permitted for max 12	No-except coop/pen size	Yes-4000 sq ft of green space min.	No
Coop/shelter size limitations	Yes-4 sq ft per chicken, 32 sq ft max	Yes-< 12 ft height; <100 sq ft gross floor area	Yes-4 sq ft per chicken	Yes- 4 sq ft per chicken, 32 ft sq ft max; <7 ft in height	Yes-3 sq ft per chicken and may be kept garage/unfinished or non-habitable areas in basements/ accessory buildings
Number of Chickens limitations	Yes- 6 max.	Yes-8 max-except as described above	Yes-7 max	Yes-6 max, sliding scale depending on lot size	Yes-4 max

	Brentwood	Creve Coeur	University City	Ladue	Ellisville
Coop/Shelter required	Yes	Yes	Yes	Yes-must be predator proof	Yes
Outdoor Pen/Enclosure required	Yes-but roaming permitted in rear fenced yard	No-<6 ft fence	No	Yes-10 sq ft per chicken	Yes-10- sq ft per chicken min. Not permitted to run at large; must be outdoors
Minimum Outdoor space	Yes-10 sq ft per chicken, 80 sq ft max.	No	No-10 sq ft per chicken max	Yes	Yes
Rear Yard only	Yes	Yes	Yes-must be 10 ft from all dwelling units including neighboring homes	Yes-50 feet from all res dwelling units including neighboring homes	Yes
Setbacks	Yes-same as accessory structures	Yes-5 ft rear yard; and same side yard setback as principal dwelling	Yes-1.5 feet from prop line	Yes-same as accessory structures	Yes-10 ft setbacks
Waste management	Yes	Yes	No	Yes	No
Roosters permitted	No	No	Yes	No	No
Commercial sales of Chickens or byproducts	No sale of eggs on premises	Yes (no provision prohibiting sales in chicken ordinance)	Yes (no provision prohibiting sales in chicken ordinance)	No	No
Feed Containment	No	Yes	No	No	Yes
Slaughtering permitted	No	Yes (no provision prohibiting)	Yes (no provision prohibiting)	Yes (no provision prohibiting)	Yes-not visible on premises
Permit Required	Yes	No	Yes	Yes	Yes
Inspections Required	Yes-at all reasonable times	No	Yes-2 years	Yes-3 years	Yes
Nuisance delineated	Yes-Permit revocation	Yes	Yes	Yes	Yes
Other regulations	Aggressive bird ban.	Dead chicken disposal requirements. Fly larvae presence is a nuisance.		Predator proof enclosures required	Neighbor notification

Finally, staff reached out to these cities to see if there were any lessons learned from having the chicken ordinance. Most said the process of getting the ordinance passed was contentious but there have been no issues in the application of their ordinances to report.