



City Council Memorandum

To: Mayor Fasbender & City Councilmembers
From: Justin Fortney, City Planner
Date: February 3, 2020
Item: Tabled - Planning Committee of the Council Report - Keeping of Chickens

Council Action Requested:

Review and consider acting on the recommendation of the Council Planning Committee. The Council Planning Committee (Vaughan (chair), Balsanek, and Leifeld) recommend that the City Council direct staff to bring the attached draft ordinance through the public hearing process for consideration (2-1 – Vaughan opposed).

A simple majority of the Council is necessary for a recommendation.

Background Information:

The previous ordinance amendment allowing backyard chickens that failed to pass at the May 20, 2019 Council meeting was sent to the Council Planning Committee for review and to provide direction to the City Council.

The Planning Committee reviewed the failed amendment and made recommendations for a new proposal to go through the public hearing process. The discussion at the July 15th, 2019 Council meeting was tabled, to be brought back for discussion between December 2019 and February 2020.

Financial Impact: N\A

Advisory Commission Discussion:

The Planning Commission has not reviewed this draft ordinance, but had recommended approval of the previous draft (3-2).

Council Committee Discussion:

The Council Planning Committee reviewed the previous proposal and directed a series of changes at the June 6, 2019 Council Planning Committee meeting and directed staff to bring a clean version back to the Committee for review on July 9, 2019. The changes included staff review and approval of permits, removal of notification requirements as it was mentioned there is no opportunity for veto by neighbors, and removal of additional setbacks beyond those already required. The Committee in a 2-1 vote (Vaughan opposed), recommended that the City Council send this draft ordinance through the standard public hearing process including review by the Planning Commission and City Council.

Attachment: Draft Ordinance Amendment as directed by the Council Planning Committee on July 9, 2019

DRAFT - 7/9/2019 Planning Committee (clean version)
ORDINANCE NO. 2019- , THIRD SERIES

§ 155.07 APPLICATION OF DISTRICT REGULATIONS.

(l) *Keeping of chickens.*

(1) *Purpose.* The purpose of this division is to provide a means, through the establishment of specific standards and procedures, by which chickens can be kept in areas that are principally not used for agricultural. It is recognized that the keeping of chickens is clearly incidental and subordinate to the primary use and will not be allowed to negatively affect the character, health, safety or general welfare of the surrounding area.

(2) *Notice.* Consult your Home Owners Association if applicable, as they may prohibit the keeping of chickens or the improvements required by this ordinance to keep them. Pursuant to City Code Chapter § 91.33 Cruelty to Animals, no person shall torture, kill, neglect, injure or abandon any animal.

(3) *Regulations.* The keeping of chickens requires approval of a zoning permit issued by the Planning Department. The following conditions are requirements of the permit:

- (a) Allowed in specified zoning districts.
- (b) No roosters permitted.
- (c) Four chickens are allowed per parcel and an additional four per acre over the first acre.
- (d) Confinement restrictions. Chickens must be kept and confined as follows:
 - (1) Fenced area to keep the chickens contained on the property at all times with a minimum area of 8 square feet per chicken;
 - (2) Feeders must not be accessible to rodents and wild birds;
 - (3) Food storage containers must be kept from access by rodents
 - (4) Sanitary conditions must be maintained;
 - (5) Fecal matter shall not accumulate in a manner that causes odor;
 - (6) Injury or annoyance to others. No chicken may be kept or raised in a manner as to cause injury or annoyance to persons or other animals on other property in the vicinity by reason of noise, odor or filth;
 - (7) Impounding chicken. Any chicken at large or in violation of this section may be impounded by the city, and after being impounded for 5 business days or more without being reclaimed by the owner, may be rehomed, sold, or humanely euthanized without notice. Failure to claim an impounded chicken may result in the revocation of the permit. A person reclaiming any impounded chicken shall pay the cost of impounding and keeping the same; and

- (e) Enclosure (coop) must be provided to protect chickens from the elements and predators. The required enclosure must meet the following requirements:
 - (1) Accessory building regulations under § 155.05(D);
 - (2) Completely covered, secured and with a solid floor; and
 - (3) Any device used for heating must be rated for that use and properly secured.
 - (4) The enclosure must provide at least four square feet per chicken.
- (f) The permit shall not run with the land and shall not be transferable.
- (g) Prior to issuing the permit, staff shall inspect the property to determine if all of the provisions of this section have been met.
- (h) permits shall be renewed every five years
- (i) Staff may revoke the permit if the conditions of this section are not followed or if unresolved nuisances arise.
- (j) Zoning permit and renewal fees shall be paid to the city prior to acceptance of the zoning permit application. The license fee shall be established by ordinance (*Currently \$75*). (Prior Code, § 10.14) (Am. Ord. 2007-05, 3rd Series, passed 9-4-2007; Am. Ord. 2008-6, 3rd Series, passed 3-17-2008; Am. Ord. 2009-08, 3rd Series, passed 9-21-2009; Am. Ord. 2010-08, 3rd Series, Passed 6-21-2010) Penalty, see § 10.99

§ 155.22 R-1 LOW DENSITY RESIDENCE.

(B) Uses Permitted

- (8) Keeping chickens pursuant to 155.07. (This automatically carries to R-1L and R-2)

§ 155.24 R-3 MEDIUM HIGH DENSITY RESIDENCE.

(B) Uses Permitted

- (6) Keeping chickens pursuant to 155.07.
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