



MEMORANDUM

TO: Sunfish Lake Mayor and City Council

FROM: Michelle Barness, City Planner

DATE: July 30, 2014

RE: Sunfish Lake – Chicken Keeping Ordinance Review

FILE: 211.02

8/5/14 CC Mtg.
**Agenda
Item
6b**

BACKGROUND

The City has received several requests from Sunfish Lake residents over the last few years for the keeping of chickens. Recently, residents raised concerns over the City's review and regulation of this land use. It is anticipated that requests for the keeping of chickens and other non-domestic animals, such as bees, will continue into the future. This memorandum serves as a brief review of the history of this issue in the community, and a summary of the existing zoning and permitting requirements for this use.

HISTORY

The issue of chicken keeping was presented before the City Council in 2010 at the request of a few neighbors who were interested having chickens on their property. At that time, the City Council was made aware that residents wishing to keep chickens are required to 1) adhere to criteria for the keeping of farm animals in Zoning Ordinance Section 1225 Animals, and 2) get approval of an administrative permit. The City discussed how other cities have regulated chicken keeping and reviewed example chicken ordinances in places like Minneapolis, Shoreview, Otsego and Montrose. The City then decided against amending the Ordinance to provide specific regulations or permitting for chicken keeping, and felt it was sufficient to continue the current process of approving the use according to existing animal ordinance and by administrative permit.

ANALYSIS

Section 1225 of the Sunfish Lake Zoning Ordinance currently regulates the keeping of animals within the City. Under the Definitions portion of the Ordinance, chickens are classified as farm animals:

Farm Animals Definition (Section 1202.02.A). Cattle, hogs, bees, sheep, goats, chickens, turkeys, horses and other animals traditionally and commonly accepted as farm animals in the State of Minnesota.

Farm animals are allowed in the City, subject to the approval of an administrative permit by the City Forester, and according to requirements of Section 1225.01.E:

Farm and Non-Domestic Animals (Section 1225.01.E).

- Farm or other non-domestic animals may be allowed subject to the approval of an administrative permit by the City Forester.
- The consideration involving the approval or denial of an administrative permit shall include, but not be limited to:
 - o The notification of immediately abutting property owners and an assessment of the possible negative impacts upon such properties.
 - o The adequacy of the site and buildings to accommodate the animals in question.
 - o The public health, safety, and general welfare concerns posed by the animals in question.
- Approval of an administrative permit may be issued for a period of 1 year after which the permit may be reissued for periods of up to 3 years. In cases where complaints from neighbors have been received or where there has been a change in conditions, renewal requires City Council approval.

Current ordinance regulations do not state any specific conditions to be placed upon the issuance of the administrative permit for chicken keeping in particular. The opportunity to implement specific conditions was considered in 2010, but not pursued.

Administrative Permit Requirements (Section 1211).

Aside from meeting the basic farm animal criteria described in Section 1225, chicken keeping requires approval of an administrative permit, which entails the following:

- The applicant submits an application & fee. The standard, non-refundable fee for an administrative permit is \$200 (provided in the City approved fee schedule).
- The applicant submits a written statement describing the proposed use and provides other pertinent information (e.g. site map for location of use on property, details of enclosure, number of animals, maintenance, etc.).
- The City reviews the application and materials for conformance with requirements, including consideration of criteria provided in Zoning Ordinance Section 1225 Animals (described above), and the following:
 - o Compliance with Comprehensive Plan and public facilities plan.
 - o The use will not be detrimental to or endanger the public health, safety, morals or comfort.
 - o The use will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor diminish property values.
 - o The use will not impede the development and improvement of surrounding properties.
 - o Adequate public facilities and services are available or can be reasonably provided to accommodate the use.
 - o The use, in all other respects, conforms to the applicable regulations of the district in which it is located.
 - o The use conforms to the performance standards as outlined in Section 1208 and all other applicable provisions of this Ordinance.
- The City agent provides written notice of the request to the Mayor, City Council, Planning Commission, and immediately abutting property owners, who are allowed 7 days to respond with potential concerns.
- If potential concerns can't be resolved, final approval of the permit may be forwarded to the City Council.
- Unless referred to the City Council, the City agent approves or denies the permit within 15 days & provides written notification.
- If approved, specific conditions to ensure compliance with City standards may be attached to the permit. Typically conditions limit the number of chickens, limit the size of the operation, require maintenance, address free ranging, etc.

- If denied, non-compliance related to City requirements must be explained, and the applicants are given 10 days to come into compliance.

SUMMARY

The request to keep farm animals such as chickens and bees requires approval of an administrative permit, notification of abutting neighbors and City officials, and verification by City staff that the proposed land use can be safely accommodated on the site and will not create public health, safety, and general welfare concerns. In addition, all structures or activities associated with the keeping of these animals must be understood and reviewed by City staff for compliance with applicable City standards.

This process requires the homeowner to:

- Submit an application and fee.
- Provide pertinent information on the use (e.g. site map, narrative, graphic materials that demonstrate the type and size of the proposed use, etc.).
- Allow 7 days for neighbors or City officials to express potential concerns, and respond to concerns before gaining approval.
- Demonstrate that the animal keeping use adheres to zoning standards.
- Adhere to administrative permit conditions that further address the design, scale, and maintenance of the animal keeping use.
- Reapply for a permit in 1 year, then every 3 years. If complaints are received or violations have occurred, future approval must come from the City Council.

CONCLUSION

Residents have expressed concerns over the current requirements for homeowners that would like to keep chickens on their property. After consideration of how such uses are currently regulated in the community, the City may choose to:

- 1) Maintain the current review and regulation process, or
- 2) Instruct City staff to provide additional analysis of the issue. Additional analysis may entail considering current regulation of chicken or bee keeping in other communities; providing a summary of how Zoning Ordinance standards may be

amended to integrate new conditions and permitting requirements; or the possible creation of a permit specific to such land uses.

In addition, the City may consider options for educating residents regarding how chicken keeping is currently permitted in the community. An article in the Sunfish Lake newsletter, for example, could communicate that chicken keeping is allowed but requires approval of a permit and review by the City. This information can be found in the Ordinance, but as the requests for such uses rise it is helpful to pursue additional measures for familiarizing homeowners with City requirements.

Planning staff requests the City provide guidance on how to move ahead on the issue of chicken and bee keeping in the community.

cc. Cathy Iago, City Clerk
Tim Kuntz, City Attorney
David Neameyer, Building Inspector
Don Sterna & Tom Voll, City Engineers
Jim Nayer, City Forester
Ron Wasmund, Septic System Inspector