

Planning Commission Staff Report

March 24, 2016

Item 3

Applicant: Mapleton City

Location: City wide

Prepared by: Brian Tucker,
Planner

Public Hearing: Yes

Zone: All

Attachments:

1. Proposed
Amendment.

REQUEST

Consideration of an ordinance amending Mapleton City Code (MCC) Section 18.84.240 related to the keeping of animals on lots without animal rights and Section 18.08.035 related to the definition of an animal unit.

BACKGROUND AND DESCRIPTION

Currently Mapleton allows citizens to keep chickens only when they own or rent a parcel with at least 20,000 sf, just short of ½ acre. Chickens are included within the larger grant of animal rights for larger parcels in the A-2, RA-1 and RA-2 zones. A property not found in those three zoning districts, no matter the size, is ineligible for the keeping of animals beyond household pets, including chickens. Properties in those three zones that do not include the required area are similarly ineligible.

City Staff are often approached by citizens wanting to keep chickens on ineligible parcels and from time to time Staff must open code enforcement cases on citizens who keep chickens in violation of the applicable ordinances. As part of the larger movement in the country toward sustainability, urban farming, and specifically urban chickens, more and more people have expressed a desire to keep chickens in their yards and more and more cities, both state and nationwide have created ordinances to allow just that.

In accordance with this desire among some citizens to keep chickens, Staff have proposed an ordinance that would allow the keeping of chickens with certain regulatory safeguards. The proposed ordinance is intended to mitigate the potential impacts to neighboring property such as noise, noxious odors, unsightly structures and rodents, among other potential concerns.

The proposed ordinance would allow the keeping of chickens, in quantities tied to the size of the parcel and the existence of a single family home on the parcel. The ordinance requires that a chicken coop of a size sufficient for humane treatment and either an enclosure that allows sufficient space for the animals to roam or a thoroughly fenced rear yard. The ordinance sets standards for adequate access to food and water in a rodent free environment. The ordinance does not allow for the slaughter of chickens on site. The ordinance itself is the result of research as to the best practices among the urban chicken community, research into potential health, safety and nuisance concerns, and research into what other cities have done to reasonably facilitate urban chickens.

The proposed Ordinance does the following:

- Allows chickens on any single-family parcel with at least 6,000 square feet of land area
- Allows as many as two chickens on parcels between 6,000 and 9,999 square feet
- Allows as many as four chickens on parcels between 10,000 and 14,499 square feet
- Allows as many as six chickens on parcels between 14,500 and 19,999 square feet
- Allows as many as eight chickens on parcels large than 20,000 square feet with an additional 4 chickens for each 10,000 square feet
- Prohibits roosters
- Requires a structurally sound, predator resistant coop large enough for chickens to lay and roost humanely (based on best practices in urban chicken literature)
- Requires an enclosure or fenced rear yard that keeps the chickens in and predators out
- If the yard is not sufficiently secure the enclosure or coop must be of a sufficient size for chickens to roam humanely (based on best practices in urban chicken literature)
- Coops and enclosures must be maintained in a neat and sanitary condition, and cleaned weekly
- Feed must be stored in a rodent and predator proof container and water provided at all times
- No on-site slaughter of chickens
- Removes chickens from the “animal unit” calculation for the A-2, RA-1 and RA-2 districts

EVALUATION

The current ordinance allows 36 chickens per 20,000 square feet, meaning that an acre parcel could have 72 chickens, two acres 144, five acres 360, etc. This kind of chicken “density” is reasonable in a commercial farming operation but there are few if any parcels that either qualify as a true commercial farm or could become a commercial farm. Those that do exist, such as the sheep feed lot on 300 West and 800 North, are being encroached upon by development as former farms are sold to developers. These existing operations become more and more marginal as property develops.

In recognition of the fact that commercial agriculture was on the wane in Mapleton, the 1971 Zoning Ordinance allowed for 100 turkeys on a parcel zoned A-2, no matter the size (when located 300 feet from a dwelling) but the 1998 Zoning Ordinance allowed only such a use on lots with at least 5.25 acres. This same 1998 ordinance incorporated the current language permitting 36 chickens per ½ acre where there did not seem to be much regulation of chickens before. Between the years 2000 and 2010 Mapleton added more than 2000 residents and since 2010 the city has added approximately 1300 more. Large scale farming, and especially large scale chicken farming are not as attractive or necessary within the City as they once may have been. Staff believes that an ordinance geared toward the keeping of chickens in rural and semi-rural subdivisions is more applicable than an ordinance geared toward a primarily agriculture intensive past. If needed an ordinance concerning commercial chicken farming could be adopted for those few remaining parcels upon which such a use would be feasible.

Best practices from available urban chicken literature, city chicken ordinances from around the state and country, as well as Staff experience in code enforcement related to nuisance complaints in rural and semi-rural areas, stemming from chickens and similar fowl, are the basis for the proposed regulations.

STAFF RECOMMENDATION

Recommend that the City Council amend MCC Chapters 18.08.035 and 18.84.240 as described in the attached ordinance.

18.84.240: ~~RESERVED~~ KEEPING OF ANIMALS ON LOTS WITHOUT ANIMAL RIGHTS:

A. Chickens. Subject to the requirements of this section and any other applicable provision of this code, hen chickens (and no roosters or other types of fowl) regardless of age, in the amount set forth below, may be kept on a lot or parcel of land for the sole purpose of producing eggs.

1. The number of hen chickens which may be kept shall be limited based on the size of the lot or parcel as follows:

a. Lots with at least twenty thousand square feet: up to eight chickens for the first twenty thousand square feet and up to four additional chickens for each ten thousand square feet of lot area.

b. Lots with between fourteen thousand five hundred (14,500) and nineteen thousand nine hundred and ninety nine (19,999) square feet: up to six.

c. Lots with between ten thousand (10,000) and fourteen thousand four hundred ninety-nine (14,499) square feet: up to four.

d. Lots with between six thousand (6,000) and ten thousand (10,000) square feet: up to two.

e. Lots with less than six thousand square feet: none.

2. The principal use on the lot or parcel shall be a single-family dwelling.

3. Chickens shall be confined within a secure enclosure that includes a coop.

a. The coop shall be covered, weatherproof, and well ventilated.

b. The enclosure, including the coop, shall be predator-resistant.

c. The coop shall have a minimum floor area of at least two and one-half square feet per chicken.

d. If chickens are not allowed to roam within an enclosure or a properly fenced rear yard outside the coop, the coop shall have a minimum floor area of six square feet per chicken.

e. The coop shall be structurally sound and located in a rear yard at least thirty feet from any neighboring residential structures. The coop shall also meet the minimum setback for accessory structures within this zoning district. The coop and enclosure shall be hidden from the public view through the use of opaque fencing materials, vegetative screening, or other means allowed within this part. Because a corner lot technically does not include a rear yard, the owner of a corner lot may choose one of the "side"

yards to function as a rear yard for the purposes of keeping chickens and locating the coop.

f. The coop and enclosure shall be maintained in a neat and sanitary condition and shall be cleaned as necessary to prevent any odor detectable at a property line. At a minimum the coop and enclosed area shall be cleaned weekly, although waste may be composted so long as the composting area meets the setback requirements that apply to the coop and prevent any odor detectable at the property line.

g. No chicken shall be permitted to roam outside the coop or enclosure except that a rear yard enclosed with a six foot fence with links or slats spaced at intervals small enough to keep chickens enclosed and predators out.

4. Chicken feed shall be stored in rodent- and predator-proof containers.

5. Water shall be available to the chickens at all times. A watering device that incorporates a water warming device shall be supplied, used and maintained.

6. Chickens shall not be slaughtered on site.

18.08.035: ANIMAL UNIT:

An "animal unit" shall be one or a proportionate combination of the following:

A. Two (2) cows, or two (2) horses, or two (2) pigs, or two (2) llamas, or two (2) other similar large animals.

B. Eight (8) adult sheep or feeder lambs, or four (4) alpacas (similar to llama).

C. Four (4) goats.

D. ~~Thirty six (36) chickens, or thirty~~ Thirty six (36) pigeons, or thirty six (36) similar small fowl. For regulations regarding the keeping of chickens, see section 18.84.240 of this ordinance.

E. Thirty six (36) rabbits, or thirty six (36) similar small animals.

F. Four (4) large birds such as ostriches, or emus, or peacocks.

G. Sixteen (16) turkeys.

H. One deer, or one elk, or one moose, or one bison, or one other such wild animal.

For the purpose of determining compliance, said definition shall not include the unweaned offspring of any residing animal which is less than six (6) months in age. (Ord. 2002-24, 12-4-2002)