

City Council Staff Report

September 7, 2016

Applicant: Mapleton City**Location:** City Wide**Prepared by:** Brian Tucker,
Planner**Public Hearing:** Y**Zone:** All**Attachments:**

1. Proposed
Amendment
2. Planning
Commission
Minutes from
03/24/2016

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, as recommended by the Planning Commission, does the following:

- Allows chickens on any single-family parcel with at least 6,000 square feet of land area
- Allows as many as four chickens on parcels between 6,000 and 9,999 square feet
- Allows as many as eight chickens on parcels between 10,000 and 14,499 square feet
- Allows as many as twelve chickens on parcels between 14,500 and 19,999 square feet
- Allows as many as sixteen chickens on parcels large than 20,000 square feet with an additional eight 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
- The on-site slaughter of chickens must be humane and out of the public view

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.

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.

PLANNING COMMISSION ACTION

On March 24, 2016 the Planning Commission held a Public Hearing on the proposed ordinance and after a great deal of discussion regarding the appropriate number chickens, location of coops, construction of coops, fencing opacity and other concerns, the Planning Commission recommended that the City Council adopt the ordinance with a number of changes. The changes are reflected in the above information and within the proposed ordinance as attached to this staff report. The changes were as follows:

Commissioner Murray moved that the City Council amend MCC Chapters 18.08.035 and 18.84.240 as described in the attached ordinance, with the proposed changes listed below:

- The number of chickens allowable in each land size category were doubled from the staff proposal.

- The coop and enclosure were not required to be “hidden from public view” as originally proposed.
- The coop shall not be allowed within the front setback.
- The original staff proposal included language requiring “a watering device that incorporates a water warming device shall be supplied, used and maintained” was struck from the Planning Commission’s recommended ordinance.
- The original staff proposal that “chickens shall not be slaughtered on site” was changed to allow on site slaughter so long as it is humane and not within the public view.
- A proposal to remove chickens from the definition of an “Animal Unit” for the purposes of keeping animals on lots in excess of 20,000 square feet was rejected but a reference to the new ordinance in that definition was retained.

STAFF RECOMMENDATION

Adopt the attached ordinance.

ORDINANCE NO. 2016-

CONSIDERATION OF AN ORDINANCE AMENDING MAPLETON CITY CODE (MCC) CHAPTER 18.84.240 TO ALLOW THE KEEPING OF CHICKENS ON LOTS THAT DO NOT OTHERWISE HAVE ANIMAL RIGHTS

WHEREAS, Utah Code Section 10-9a-102 allows municipalities to enact ordinances that they consider necessary or appropriate for the use and development of land within the municipality; and

WHEREAS, the proposed ordinance would allow keeping of chickens in residential areas that do not traditionally have animal rights; and

WHEREAS, the proposed ordinance includes standards and requirements designed to mitigate potential negative impacts and to ensure compatibility with the semi-rural and suburban character of the various residential zones with the city; and

WHEREAS, the Planning Commission held a public hearing on the proposed ordinance and recommended that the City Council adopt the ordinance with the changes they had suggested.

NOW THEREFORE, BE IT RESOLVED by the City Council of Mapleton, Utah, to amend Mapleton City Code chapters 18.84.240 allowing the keeping of chickens on lots that do not otherwise have animal rights as described in Exhibit "A".

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON, UTAH,

This ___ Day of September, 2016.

Brian Wall
Mayor

ATTEST:

Camille Brown
City Recorder

Publication Date:
Effective Date:

Exhibit "A"

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 sixteen chickens for the first twenty thousand square feet and up to eight 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 twelve.
 - c. Lots with between ten thousand (10,000) and fourteen thousand four hundred ninety-nine (14,499) square feet: up to eight.
 - d. Lots with between six thousand (6,000) and ten thousand (10,000) square feet: up to four.
 - 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 and shall not be located nearer any street than the primary residential structure. 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.
 - 6. Chickens shall not be slaughtered on site unless it can be done humanely and not within the public view.

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 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.

MAPLETON CITY
PLANNING COMMISSION MINUTES
March 24, 2016

PRESIDING AND CONDUCTING: Chairman Rich Lewis – arrived at 6:38pm

Commissioners in Attendance: Therin Garrett
Sharee Killpack
Golden Murray
Keith Stirling

Staff in Attendance: Brian Tucker, Planner

Minutes Taken by: April Houser, Executive Secretary

Vice Chairman Murray called the meeting to order at 6:30pm. Keith Stirling gave the invocation and Sharee Killpack led the Pledge of Allegiance.

Items are not necessarily heard in the order listed below.

Alternate Commissioner Sharee Killpack was seated as a voting member this evening. Vice-Chairman Golden Murray conducted the meeting for Items 1 & 2. Chairman Rich Lewis conducted the meeting for Item 3.

Item 1. Planning Commission Meeting Minutes – March 10, 2016.

Motion: Commissioner Killpack moved to approve the March 10, 2016 Planning Commission Minutes.

Second: Commissioner Garrett

Vote: Unanimous

Item 2. Consideration of Preliminary and Final Plat approval for the Sadey Subdivision Plat “A”, consisting of one lot, located at approximately 540 East 1200 North in the Residential Minor-Agriculture (RA-2) Zone.

Brian Tucker, Planner, went over the Staff Report for those in attendance. This is a one lot subdivision for final approval, with a Preliminary Plat that needs to be addressed in order to make this possible. There are 2.52 acres in the RA-2 Zone, which allows for 1/3 acre lots with 100’ of frontage. The applicant is asking for one 1/2 acre lot, leaving the remaining piece intact. Staff has asked the applicant to do a concept plan for the entire parcel. They have come up with 5 lots that vary from 1/3-1/2 acre in size. The additional 4 lots will be part of a future phase. In

Commissioner Garrett feels the requirement for the improvements should not be required at this time.

Motion: Commissioner Garrett moved the below:

1. Approve the 5 lot Sadey Subdivision Preliminary Plat.
2. Approve the 1 lot Sadey Subdivision Plat "A" Final Plat with the condition that the stub road providing access to the future phase(s) not be constructed as part of the Plat "A" approval, in addition to the attached findings and condition.
3. Approve the 1 lot Sadey Subdivision Plat "A" with the attached findings and condition and defer road construction to future phases.
4. The applicant shall address all outstanding items of the Development Review Committee (DRC) comments dated 3/8/16 prior to plat recording.

Second: Commissioner Lewis

Vote: Unanimous

Item 3. 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.

Brian Tucker, Planner, went over the Staff Report for those in attendance. The movement across the nation is there for the return of chickens to urban areas. Currently the code requires a person to have 20,000 square foot lots in order to have chickens. Previously there have been approximately 1-2 calls per year with complaints in regards to chickens. However, there are a large number of calls from individuals interested in having them. Brian went over the proposed ordinance amendment. The allowance, based off square footage, was discussed. The requirements were in line with those simply of good nature. Both the coop and the enclosure must be kept clean, and no odor visible at the property lines.

Chairman Lewis opened the Public Hearing. No comments were given and the Public Hearing was closed. **Commissioner Stirling** is appreciative of this request, and feels it is an appropriate action. **Commissioner Garrett** agrees, and feels many people will be in favor of this. There was a discussion that the opaque fencing requirement be removed, and listed as unsightly and maintained in a neat and sanitary way. The coop should not be allowed within the front yard setback. The slaughter wording can be changed to allow it if it is out of the public view and in a humane manner. The number of allowed chickens was proposed to be doubled from those proposed, leaving those under 6,000 square feet at zero.

Motion: Commissioner Murray moved that the City Council amend MCC Chapters 18.08.035 and 18.84.240 as described in the attached ordinance, with the proposed changes listed below:

1. 18.84.240:

- Section 1A – “Lots at least 20,000 square feet can have up to 16 chickens, with up to 8 additional chickens per each additional 10,000 square feet of property” and that “8” be changed to “16”
 - Section 1B – “6” be changed to “12”
 - Section 1C – “Up to 4” should be changed to “Up to 8”
 - Section 1D – “Up to 2” should be changed to “Up to 4”
2. 18.84.240 Section A.3.E:
- Strike the third sentence beginning with “the coop and enclosure shall be hidden from public view...”
 - Include language requiring that the coop NOT be within the front setbacks.
3. 18.84.240 Section A.5:
- Strike the second sentence stating that “a watering device incorporates...”
 - #6 be changed to “slaughtering of chickens must be done in a humane fashion, not within public view”
4. 18.08.035:
- Section D – Unstrike the beginning “36 chickens and 36 pigeons...”
 - Section D – Keep the proposed addition which states “for regulations regarding the keeping of chickens...”

Second: Commissioner Killpack
Vote: Unanimous

Item 4. Adjourn.

 April Houser, Executive Secretary

 Date