



STAFF REPORT

DATE: January 9th, 2018

REGULAR

ITEM #: 2

MOTION

TO: Planning Commission
FROM: Ben Prchal, City Planner
AGENDA ITEM: Review of the Chicken Ordinance
REVIEWED BY: Emily Becker, Planning Director

BACKGROUND:

Staff had been asked to prepare an analysis of surrounding communities and their rules relating to the keeping of chickens. Outlined below are several communities that either border Lake Elmo or are in relatively close proximity. The majority of Chapter 95: Animals of the Lake Elmo City Code had been edited in 2014 with one edit since in 2017.

PROPOSAL DETAILS/ANALYSIS:

Outlined below are several different City policies on keeping chickens. There is more relevant information for each city; however, the provided is more or less intended to give a basic idea as to the number of chickens allowed within each jurisdiction. The full ordinances lay out further setbacks from property lines and structures as well as coop requirements. It is also typical in many that roosters or crowing hens are not allowed.

Lake Elmo

The City of Lake Elmo allows property owners to own more chickens based on the number of acres they have. No property owner is allowed to keep chickens on property of .49 acres or less. The table below outlines the number of chickens that are allowed on properties of 0.5-5 acres. A permit must be obtained to keep chickens on properties of 5 acres or less. The permit application requires that notices be mailed to all homes within 150 feet of the applicant's property prior to issuance of the permit, and the permit is valid for up to two years. Chickens kept on properties of 5 acres or more are restricted to 0.02 animal units per acre

<i>Lot Size (Acres)</i>	<i>Chickens Allowed</i>
0.00 - 0.49	0
0.50 - 0.99	4
1.00 - 1.49	6
1.50 - 1.99	8
2.00 - 2.49	10
2.50 - 2.99	12
3.00 - 3.49	14
3.50 - 3.99	16

4.00 - 4.49	18
4.50 - 4.99	22

Additionally, each person keeping chickens shall comply with the following conditions:

- No person shall keep a rooster or crowing hen.
- Chickens are not allowed to range freely without fencing or without a mobile pen; may not be kept in the house or attached garage; and may be kept in a ventilated roof structure that meets setback and all other zoning requirements.

Stillwater

Stillwater allows chickens to be kept on lots 3 acres in size or larger as well as in two other zoning districts RA (single family) and RB (two family), which require a lot size of at least 10,000 square feet and 7,500 square feet in size, respectively. For property owners to raise chickens without a permit they must have 3 acres or more. Property owners are not allowed to keep more than 5 chickens. A written statement must be sent to property owners within 150 feet, if objections are filed the City Council must review the permit.

West Lakeland

West Lakeland has 5 acre minimum with at least 2 acres being grazeable in order to keep livestock (chickens defined as livestock). The 2 acres must be land that is defined as open, non-treed acreage capable of supporting summer grazing. Their code defines chickens as .01 animal units, which means that up to 100 chickens are allowed per 2 acres of grazable land.

St. Paul

The City of St. Paul has a 2 tier system that is based on the number of chickens allowed to be kept on a property. Tier 1 allows 1-6 hens and tier 2 allows 7-15 hens. A Tier 1 permit requires written notification to all adjacent neighbors. A tier 2 permit requires a petition signed by 75% of the neighbors within 150 feet of the property line on the same side of the street. Both permits are inspected by an Animal Control Officer every year. Information relating to minimum lot size was not found.

North St. Paul

The city of North St. Paul does not allow the keeping of farm animals.

Maplewood

The City of Maplewood allows residents to keep up to 10 chickens in all but one residential properties zoning district. The initial permit must be approved by all of the adjacent property owners before it can be issued. There are also requirements on coop/run design which can limit the number of chickens allowed.

Woodbury

The keeping of live stock is permitted on properties zoned for agricultural uses and at least 5 acres in size. Any building housing livestock must be at least 125 feet away from any property line.

Cottage Grove

The Cottage Grove ordinance is based on properties of land with 3 acres to less than 5, a license is needed for properties within this size range. The code only allows up to 4 birds to be kept. The property owner must also seek 100% consent of neighboring property owners.

Oak Park Heights

Applicants shall be allowed to keep up to 4 chickens on single family or two family residential properties, they are not allowed to be kept on properties with 3 or more dwelling units.

White Bear Lake

In no case is the number of hens (chickens) per property allowed to exceed 4. The applicant must also obtain a zoning permit prior to keeping any birds.

Ham Lake

Keeping chickens is allowed in single family residential (R-1) and Shoreland Residential (RS-1), they are allowed up to 15 chickens.

Rogers

Rogers does not allow chickens to be kept on property that is not used for agricultural purposes, chickens equal .01 animal units.

Mahtomedi

The keeping of chickens is a permitted use with a permit. The number of hens allowed to be kept is limited to 6.

Waconia

Waconia allows residents to keep chickens on parcels that are not zoned for agricultural uses with a permit. They are allowed to keep up to 6 hens.

Orono

The City does not allow the keeping of chickens.

Vadnais Heights

Chickens are a permitted accessory use on single family residential properties. For properties less than .5 acres 75% consent must be obtained from abutting property owners. Properties with less than 2 acres shall be allowed a maximum of 5 chickens. Properties 2 acres or greater are allowed an additional 5 chickens per acre up to 20 chickens.

PLANNING AND ZONING ISSUES

There are no legal issues with increasing or decreasing the number of chickens allowed on a property regardless of size. However, we must consider the idea that some residents may find the maintenance and keeping of chickens to be a nuisance.

League of Minnesota Cities

Chickens Like other animals, cities take different approaches for regulating chickens. Some cities include chickens in the same regulations that apply to other farm animals or livestock. Other cities have ordinances that allow chickens in the city under certain circumstances. However the city decides to

regulate chickens, it is important to be clear about the regulations. *State v. Nelson*, 499 N.W.2d 512 (Minn. Ct. App. 1993). A Minnesota court has found that, unless specifically included in the definition, chickens and roosters do not fall under the regulation of ordinances that reference livestock. If the city would like to include chickens in this category, it may do so by defining the term to include chickens, poultry, fowl, or other similar descriptions. The bottom line here is that if the city wants to regulate chickens, it should make sure that chickens are covered by the ordinance. “Urban chickens,” also called “city chickens,” are becoming a more common issue in cities across the state and country. The urban chicken “movement” is often linked to the increased desire for people to be closer to their food sources. Urban chickens allow people to raise chickens at their homes to have access to fresh eggs on a regular basis. This small-scale keeping of chickens is different than a business that raises hens for eggs and meat. Those businesses are regulated differently than residents who want to keep a few chickens in their backyards.

ATTACHMENTS:

1. Table of Municipalities

Municipality		Number of Chickens Allowed
Lake Elmo	Acres	Chickens
	.00-.49	0
	.5-.99	4
	1-1.49	6
	1.5-1.99	8
	2-2.49	10
	2.5-2.99	12
	3-3.49	14
	3.5-3.99	16
	4-4.49	18
	4.5-4.99	22
Lake Elmo allows an increase in chickens based on the size of the property. After 5 acres the number of chickens kept goes up to .02 animal units (50 chickens per 2 acres of grazable land)		
Stillwater	5	Restricted to single family and two family residential lots
West Lakeland	100 chickens per 2 acres of grazable land	5 acre minimum with 2 acres minimum being grazeable- must be open and non-treed acreage
St. Paul		The number of chickens allowed is determined by a tier system. The difference between the tiers is the number of signatures needed from neighbors
	Tier 1	1-6
	Tier 2	7-15
North St. Paul	0	They do not allow the keeping of chickens
Maplewood	10	On residential properties except small lot zoning R1S
Woodbury	the number allowed was unclear	The keeping of livestock is permitted on properties zoned for agriculture and is at least 5 acres in size
Cottage Grove	4	Properties of at least 3 acres but less than 5.
Oak Park Heights	4	To be kept on single and two family lots only. If the parcel has 3 or more dwelling units chickens are not allowed.
White Bear Lake	4	Residents may only keep chickens on properties zoned for single and two family residential properties
Ham Lake	15	
Rogers	.01 animal units	only for agricultural properties
Mahtomedi	6	
Waconia	6	
Orono	0	
Vadnais Heights	5 to 20 hens	Every acre of land over 2 acres will allow residents to add 5 more hens up to 20