
MEMORANDUM



TO: Mayor & City Council
FROM: Mary Lou DeWitt, Comm. Dev. Zoning Specialist
SUBJECT: **Interim Use Permit for Chickens at 402 4th Ave. S.**
DATE: March 8th, 2024

Background:

Jackson Wheeler and Josie Anderson have submitted an Interim Use Permit application for the raising and keeping of chickens on their property located at 402 4th Avenue South in the R-2, Residential District.

The Planning Commission held a public hearing on February 26th, 2024. There were no concerns from those that received the public hearing notice. The proposal meets the Ordinance criteria, as reviewed by the Planning Commission, whom recommended approval of the Interim Use Permit subject to the conditions.

Analysis: The applicant would like one female chicken each of the following breeds; Black Cooper Maran, a Lavender or a Buff Orpington, and a Blue Laced Red Wyandotte. Photos and descriptions of each breed is attached for review.

The applicant has provided plans for the coop with an enclosed run area. The applicant has researched what is an appropriate size of run for four chickens and what they intend to build would work well for the chickens.

The housing and keeping of chickens in the R-2 District requires an Interim Use Permit. Chapter VI.BB lists the review criteria for the housing of chickens:

No person shall own, keep, harbor, or have custody of any live chickens without first obtaining an Interim Use Permit in writing from the City, in accordance with the provisions of Section IV.6 of the Zoning Ordinance and subject to the following conditions:

a. *The keeping of any poultry besides chickens is prohibited.*

Comment: This shall be a condition of approval.

b. *Roosters are prohibited.*

Comment: This shall be a condition of approval.

c. *No more than four (4) chickens shall be housed or kept on any one residential lot in any area of the city zoned R-1, R-2, or R-3.*

Comment: The applicant is requesting to have 4 (four) chickens and understands this is the allowed limits, and will be a condition of approval.

d. *Chickens shall only be allowed on single family home lots.*

Comment: This condition is met, still will be a condition of approval.

- e. *Outdoor slaughtering of chickens in city limits is prohibited.*
Comment: This shall be a condition of approval.
- f. *Chicken fighting shall not be allowed within city limits.*
Comment: This shall be a condition of approval.
- g. *Leg banding of all chickens is required. The bands must identify the owner's name, address, and telephone number.*
Comment: This shall be a condition of approval.
- h. *Chickens shall not be housed in a residential house or an attached or detached garage.*
Comment: The applicant has provided a layout of a chicken coop and run area that will be installed, still will be a condition of approval.
- i. *A separate coop is required to house the chickens. Coops must be constructed and maintained to meet the following minimum standards:*
- 1) *Located in the side or rear yard.*
Comment: The applicant provided two options for the coop placement. The first option is the back southeast corner of the lot, but this area does not have as much room. The applicant would prefer the second option where the photo shows the swimming pool on the back northeast corner of the lot and the pool would be removed and the chicken coop would be put in that spot.
 - 2) *Meet the accessory structure setback requirements.*
Comment: The chicken coop would be installed inside the six-foot wood fencing area.
 - 3) *Construction shall be adequate to prevent access by rodents.*
Comment: The design of the chicken coop will prevent access by rodents.
- j. *A run or exercise yard is required to be provided and must be enclosed by a fence.*
Comment: The coop design has an enclosed fence and the coop itself is inside a six-foot property fence.
- k. *All premises on which chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surroundings must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property.*
Comment: This shall be a condition of approval.
- l. *All food shall be stored in an enclosed, rodent proof container.*
Comment: This shall be a condition of approval.
- m. *Dead chickens shall be disposed of according to the Minnesota Board of Animal Health rules, which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of chicken carcass disposal include offsite burial, offsite incineration or rendering, or offsite composting.*

Comment: This shall be a condition of approval.

Findings of Fact:

When reviewing an application for an interim use, the City shall base its judgment on the following factors and any other factors it may deem appropriate for the specific property. The interim use may be granted if:

1. *The proposed use is an interim use listed in the district in which the application is being made.*

Comment: The keeping of chickens is an Interim Use in the R-2 District.

2. *The date or event that will terminate the use can be identified with certainty and continued.*

Comment: The Planning Commission shall recommend to the City Council a date or event that will terminate the keeping of the chickens. Staff would recommend that the keeping of chickens terminate when the current property owners sell the property. The Interim Use Permit can also be reviewed upon complaints.

3. *The interim use does not result in adverse effects on the public health, safety and welfare nor does it create additional pollution potential for ground and surface waters.*

Comment: If the listed conditions are met, the interim use does not appear that it will result in adverse effects on the public health, safety, and welfare, nor does it create additional pollution potential.

4. *Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.*

Comment: It does not appear the use will impose additional costs on the public if it is necessary for the public to take the property in the future.

Longevity, Termination and Expiration:

1. Any interim use may be terminated by a change in this chapter or violations of any of the conditions imposed after the original or subsequent hearings held by the city.

2. Any interim use permit issued by the city automatically expires upon the termination date noted in the permit or upon change of the ownership of the property, whichever comes first.

Conclusion / Recommendation:

Based on the findings that the proposed Interim Use appears to meet the standards for the keeping of chickens and the general review standards for an Interim Use Permit, as listed in the Zoning Ordinance. The Planning Commission recommends approval of Resolution #24-10 Interim Use Permit for Jackson Wheeler and Josie Anderson to allow the raising and keeping of chickens at their property located at 402 4th Avenue South, subject to the following conditions (as listed in the Ordinance):

1. The keeping of any poultry besides chickens is prohibited.
2. Roosters are prohibited.
3. No more than four (4) chickens shall be housed.
4. Outdoor slaughtering is prohibited.

5. Chicken fighting shall not be allowed.
6. Leg banding of all chickens is required. The bands must identify the owner's name, address, and telephone number.
7. A separate coop is required to house the chickens. Coops must be constructed and maintained to meet the following minimum standards:
 - a) Located in the side or rear yard.
 - b) Meeting the accessory structure setback requirements.
 - c) Construction shall be adequate to prevent access by rodents.
 - d) If the coop is 120 SF or larger, a building permit is required.
8. A run or exercise yard is required to be provided and must be enclosed by a fence.
9. All premises on which chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property.
10. All food shall be stored in an enclosed, rodent proof container.
11. Dead chickens shall be disposed of according to the Minnesota Board of Animal Health rules, which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of chicken carcass disposal include offsite burial, offsite incineration, or rendering, or offsite composting.
12. The keeping of chickens terminate when the current property owners sell the property.

