

ANY OTHER BUSINESS

Mr. McLeod stated that he was hoping to have a brief conversation about something that came up at the Zoning Board of Appeals meeting the other night and will be coming up again at the next ZBA meeting. He explained that the Board has two different cases for the keeping of chickens. He stated that he knows that this has been discussed in the past, but it is coming to light at this point. He noted that the current standard is one acre size parcels, and up to 12 chickens or 12 poultry at that particular location. The cases that are being made now, is if they have a number proportional to that, if that is something the City would be acceptable of via the ZBA. He commented that as it was discussed in the past, it seemed like it was somewhat 50/50 in terms of that consideration, and nothing ever came forward. Staff thought they would raise the question again, asking if this was something the Planning Commission would ultimately want to take on. He suggested that it was not to say that the ordinance would change, but whether at least a discussion or draft presentation could take place of what some amendments could be. He stated it is a question whether there could be a proportional standard where if they could have six chickens on a half acre versus 12 on a full acre, making sure the chickens or poultry are fully contained on the site, because right now they do not have to be contained and they can run free. He added that the other item that comes up, and it is somewhat self-regulating, they can technically have a rooster right now, which is typically the noisemaker. He pointed out that the ordinance does have a nuisance provision, and if it does become a nuisance, then there is probably one chicken or one rooster that would end up going. He asked if the Commission would have a quick conversation to see if it was something that they would entertain.

Mr. Struzik stated that this is something that came up in the past and he had expressed an interest in entertaining whether or not they could accommodate this on smaller lot sizes. He commented that he knows there are already some lots in the city that are smaller and have chickens, and that does not seem to be an issue with the neighbors because if it was, there would be complaints to the City and they would be gone. He stated that there may be an opportunity to open this up. He stated that there probably has to be a minimum lot size, but he even has a relative that lives in Royal Oak on a 50-foot wide lot and they have two to three chickens in their backyard on what is maybe 1/10th of an acre.

Mr. McLeod stated that they did ask the Building Department and Code Enforcement as they are the ones who typically field these calls, and there realistically is probably up to 10 calls per month in terms of inquiries of whether people can keep chickens or not. He noted that front staff typically gets three to five calls. Jodi Welch, who is code enforcement, ultimately gets three to five calls a month in terms of whether people can keep them or not. He stated that the inquiries are there and it is a common question.

Ms. Densteadt asked how HOAs play into the question, noting that she had a neighbor who wanted to have a chicken coop and the HOA did not allow it.

Mr. McLeod responded that the City does not enforce private regulations

through an HOA. He explained that if they met the City's requirements, it would be up to whether the HOA had a specific provision that says they could only keep domestic animals. The City would only enforce its ordinances. The City could, as a part of the ordinance, require a sign-off from the HOA prior to getting some sort of annual permit. If that was applicable, the City would have to ask for verification of that sign-off. He mentioned that many HOAs have regulations on accessory structures, sizes or fences.

Ms. Neubauer stated that she does not think that they should do anything that says the HOA would have to sign off, noting there are often conflicts between HOAs.

Mr. Weaver asked if the calls are whether people can purchase a chicken or whether they are reporting neighbors for owning chickens.

Mr. McLeod stated that they get both, and noted that over the course of the last year there have been 13 to 14 enforcements. He noted that the case in front of the ZBA was the result of a neighbor not wanting them to have chickens, so they made a complaint.

Mr. Weaver asked if the complaints were that they were loud, or messy.

Mr. McLeod responded that there are some that are that way. He stated that what code enforcement would do in that situation is determine that there is a nuisance, then the ZBA can take away all the chickens. He stated that typically most hens would not make a nuisance and typically if code enforcement gets involved, the resident will simply say they will get rid of the rooster or roosters.

Mr. Weaver asked if there had to be rooster and hens for egg production, noting that he was not familiar with chickens.

Ms. Neubauer noted that West Middle School keeps chickens as a part of their science program, and the kids hatch them, nurture them, collect eggs and then sell or donate eggs into the community. She stated that most of the people she knows who covertly have chickens have them for the eggs, and most don't care if there is a rooster.

Mr. McLeod stated that there does not have to be a rooster for eggs.

Mr. Weaver asked if people were granted permission to get chickens if a coop would come into play as an accessory structure.

Mr. McLeod responded that the technical answer is that if the coop is large enough it would. He commented that right now the ordinance does not necessarily say that a coop is required. He stated that in Michigan, odds are that they would need to be kept in the house or would have to have some form of a coop within the garage, or detached garage. He commented that ultimately it would get into yard coverage or accessory structures. He noted that typically a coop is relatively small, requiring perhaps five square foot per chicken as a general ratio.

Mr. Weaver stated that he does not know chickens and asked if they have to be confined to a backyard and what that would mean to the grass. He asked what the neighbors would be looking at. He agreed that he does not think that the City should get involved in any HOA designation or enforcement. He stated that his general thought is if the neighbors do not care, why should the City.

Mr. McLeod stated that much of the commentary is in terms of where chickens can be kept and where they can run, and he noted that all of this can be written into an ordinance. He mentioned a couple things that could be considered, such as if there should be no visual evidence on the site from any neighbor, if six foot fences should be required, and if they need to be in the backyard. He stated that it is important to ensure that they are not creating nuisances or issues for neighbors.

He commented that this issue will not be solved tonight, but stated that it is trendy now to raise chickens and urban farming is a thing whether it is crops or herbs or chickens. He stated that people are inquiring and if the answer is still no at least they can simply say that it has been discussed. He noted that it seems to be more frequently asked and staff wants to make sure that this is still the direction of the Planning Commission, and then ultimately City Council. He noted that the ordinance has a current provision that says if they become a nuisance, the Zoning Board of Appeals is the one tasked to either say something must be done to mitigate it or they totally lose the right to have chickens on the site. He pointed out that in the case the other night, they were considered as pets, the eggs were a byproduct, and it was designed as a way to teach a child how to ultimately bond and deal with raising an animal. He stated that in these two cases, the sites are not large enough so that is why they are in front of the Zoning Board of Appeals, and they are asking for variances for lot size.

Mr. Hooper noted that they just discussed this during the ordinance revisions.

Mr. McLeod noted that it was almost a year-and-a-half, when the City covered home occupations and that whole grouping of text amendments. He stated that it was discussed and then nothing went further.

Mr. Hooper stated that he remembers talking about it and nothing has changed from that perspective. He commented that he is not opposed to looking at it. He stated that typically raising chickens should be in a more rural-type environment and the City is urban for the most part. He stated that his HOA would for sure never entertain it.

Chairperson Brnabic stated that she would agree, and noted that she sits on the ZBA. She commented that her opinion is with what they are seeing and hearing from the departments about the phone calls is that it might be a new trend because groceries are up or eggs are expensive. She stated that she is sure that some people were always interested in having chickens, but there is probably a larger volume now. She commented that looking at the big picture it would only be fair for the Commission to review the ordinance. She stated that it is at one acre now and it sounds like that could use a little bit of tweaking. She noted that the Commission could have the discussion, regulations will be put in

place, and obviously with an ordinance update it not only would go through Planning Commission review but would go to City Council for finalization. She stated that there is enough interest in a request, and for some people it is a pet that is teaching children how to care for an animal, and it would be fair to review it, and have the Planning Department bring something forward, a proposed new ordinance and a review of the current ordinance. Whatever is decided, whether yes or no, the process would be on record that they took an interest in reviewing it.

Ms. Neubauer stated that she would agree to do a review, and make a decision based on an informed presentation and move forward from there.

Chairperson Brnabic asked if the Commissioners would concur.

There was agreement among the Commissioners.

NEXT MEETING DATE

- August 15, 2023

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Neubauer, seconded by Denstaedt, Chairperson Brnabic adjourned the Regular Meeting at 9:15 p.m.

*Deborah Brnabic, Chairperson
Rochester Hills Planning Commission*

Marvie Neubauer, Secretary