

To: **Mayor and City Council**
Through: **Ryan Schroeder, City Manager**
From: **Brian Sturgeon, Chief of Police**
Date: **July 27, 2020**

First Reading -Animal Ordinance Modification

BACKGROUND INFORMATION:

At the open council work session on July 13, 2020 staff brought forth a request to modify the Farm and Other Small Domestic Animal Ordinance. The changes were desired by some due to the restrictive nature of the 100 foot rule in which a chicken enclosure could not be closer than 100 feet from another property owner's dwelling, store, apartment, restaurant, etc.

Currently, in addition to the 100 foot rule, a property owner cannot have more than four hen chickens or two ducks. There are two ways to obtain an exception to these rules.

- Residential Variance
 - Apply for a residential variance through Community Development.
 - \$100.00 application fee plus \$400.00 escrow fee.
 - Internal staff reviews the application.
 - Staff distributes public notice in both the newspaper and to all of the residents within 100 feet of the property.
 - Planning Commission holds a public hearing at which time the applicant comes forward to speak about the project and answers relevant questions.
 - Variance is approved or denied by the Planning Commission.
- Special Animal Permit
 - Application for a special permit is made along with a fee of \$200.00. The yearly renewal fee is \$100.00.
 - The premise is inspected to ensure no nuisances will be created if the permit is issued.
 - Notification is made to all residential properties with 350 feet of the applicant's residence.
 - A report is presented to the Council who ultimately approve or deny the permit.
 - The Special Animal Permit only allows for an increase in the number of animals. It does not allow for any exceptions to other requirements of the ordinance such as setback requirements.

A review of suburban cities in Dakota County, including South St Paul, Inver Grove Heights, Eagan, Burnsville, Farmington, and Rosemount revealed that the number of chickens allowed range from four to six hens. Most cities require a permit and that fee ranges from \$25.00 for two years to \$100.00 per year with a \$25.00 per year renewal. Rosemount is the only city that does not require a permit. Setbacks range from 25 feet to 50 feet. South St Paul, additionally has a requirement to obtain written

permission from 75 percent of the abutting owners on a form provided by the city during the application process.

Before you tonight is a proposed change to the ordinance that will reduce the setback from other buildings and dwellings from 100 feet to 50 feet. Staff understands there has been discussion between community members and council members since the last open council work session and additional changes or modifications may be desired before passage of the final reading which can take place in August.

FISCAL IMPACT:

		Amount
Fund:		None
Department:		
Account:		

STAFF RECOMMENDATION:

Council is asked to discuss the changes from 100 feet to the 50 feet setback requirements. Additionally, Council can pass oral amendments to the ordinance which can be brought back next month for the public hearing and final reading and passage. Another option is to have staff incorporate additional language in the ordinance, table the first reading, and have a clean copy of the modified ordinance for discussion on a first reading at the next council meeting.