

Mr. McLeod responded that it would be, and stated that it will be re-noticed anyway, with 300-foot notices going back out.

Chairperson Brnabic asked for a voice vote on the motion to postpone. She announced that it passed unanimously.

After the vote, Mr. Dettloff asked if there were any other spots open in the complex other than this one.

Mr. Pawlowski responded that the complex would be 100 percent occupied.

Mr. Struzik stressed that if they look to utilize the back, the building inside would have to be redesigned so there was an area at the back that was not simply a door at the back of the studio. He mentioned that the sign installed out front to alert residents said "Planned Unit Development", which is not what it should be as a "Conditional Use Proposed". He stated that the sign should be corrected to the right verbiage and the website link on the sign corrected to a working site.

Dr. Bowyer stated that the inside needed to be designed so that people can use the back door to get in and out, and commented that it would be nice if there was a little portico over it so someone outside can realize that this door is going to be used. She noted that if the gymnastics students had a lit up back parking lot they would use it.

Mr. Rubin stated that they understand and value their concerns, and wanted to add to the community and not create any distractions. He noted that they want to give back to the community as much as the community has given back to them. He stressed that he saw a big opportunity to be in a space where there are kids, and where there is a community that understands them.

A motion was made by Neubauer, seconded by Dettloff, that this matter be Postponed. The motion carried by the following vote:

Aye 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Resolved, in the matter of File No. PCU2023-0010 (ArtLab J), the Planning Commission postpones action on the proposed conditional use to allow the applicant ample time to address Planning Commission comments and revise the plans to address adding lights, restriping the parking, signage, and consider revising the traffic flow of the site, correction of the required conditional use sign onsite and allow the application to be renoticed.

DISCUSSION

2023-0439

Discussion Regarding Amendments to the City's Ordinance to Allow for the Keeping of Chickens

(McLeod memo dated 10-11-23, MSU Extension ordinance suggestions, Other chicken ordinances, news articles, draft PC Minutes from 9-19-23, McLeod memo 9-19-23, Draft amendments, City map with affected parcels and PC Minutes from 7-18-23 had been placed on file and by reference became a part of the record hereof.)

Mr. McLeod noted that previously it was discussed that the Commission did not want to change the property size requirements require for the keeping of chickens within the city. However there was potentially some interest to provide additional requirements to keep chickens on a site of one acre or more. He stated that at this point Staff has not redrafted any ordinance provisions, and are awaiting direction from the Commission; but at the previous meeting the Commissioners requested ordinances from adjacent communities or others that had similar ordinances in terms of regulation. In addition, there was one resident that spoke very intelligently in terms of her experiences in keeping chickens and she had some suggestions.

He stated that Staff received correspondence from that resident with her recommendations and it was forwarded on to the Commissioners. He noted that at this point Staff is looking for direction from the Commission in terms of where they want to go with the provisions.

Mr. McLeod noted that he spoke with the City's Code Enforcement today regarding chickens in the City. Ms. Welch's response was simply that the City has not had a huge issue with ordinance enforcement, and typically it is someone calling to ask if chickens are allowed to be kept at a particular property. The site's size is assessed and details are discussed. Ms. Welch noted that there are also complaints regarding noise generated, typically in response to roosters; but once that is brought to that person's attention, the rooster is usually re-homed or sent to a different location, eliminating the nuisance concern. He noted that Ms. Welch stated that concerns of odor or physical separation typically never come up. He asked the Commissioners whether they had any questions or any direction, to allow for the preparation of a final draft and potentially holding a public hearing, and subsequently moving forward to City Council.

Chairperson Brnabic noted the draft ordinance from the September meeting was provided, and stated that she would comment on what she agrees with. She stated that she agreed that the residence where the chickens will be kept is a single family detached structure, and noted that half acre parcels are not being considered anymore and it would be one acre or more and no more than 12 chickens at a time. She mentioned the slaughtering of chickens being prohibited at the property, and noted the discussion from the resident that came last time expressing concern about dealing with aging or sick chickens and whether that was in the same category. She suggested adding the words "meat" or "broiler" so it reads, "the slaughtering of meat or broiler chickens at the property is prohibited". She noted that this might take out the question of someone putting a laying hen to rest due to age or sickness. She pointed out that there was a question of the 36 square feet being too small for 12 chickens and she asked if there was a recalculation on that.

Mr. McLeod responded that it is a matter of the way it is worded. He stated that the original intention was that the coop itself would be 36 square feet allowing three square feet of inside space per chicken. He noted that other ordinances range anywhere from two to five square feet indoor space. He commented that it was not originally intended to include the outdoor space, and he thought that

they would probably leave it to however the resident wanted to handle the outdoor space.

Chairperson Brnabic stated that in looking through other ordinances and online, there is a variation with an average of three to five square feet per chicken; but she saw suggestions as high as eight to 10 square feet. She commented that her thought is because she has not heard any complaints perhaps the question of the coop size should be left to the owner, as to what they feel is adequate space for the chickens they have instead of trying to come up with a calculation which would be a maximum. She noted that she agrees with limiting the height to eight feet for a coop.

She stated that the next statement regarding the enclosure being designed, constructed and maintained to be harmonious and appropriate in appearance with the general area is a subjective statement, so unless there is a list of acceptable materials provided for consistency, she would rather see that sentence removed. She mentioned that Ms. Whybrew sent an email with some good suggestions including adding that the coop must be draft free and have proper ventilation, and headlamps or known flammables should be prohibited in the coop and run.

She stated that she did not have a problem with the guideline or regulation of being 10 feet from the property line, and commented that in reading other ordinances, five to 10 feet was pretty standard. She did not have a problem with 40 feet from a neighboring residence, noting that in looking at different cities or the MSU documentation, it was probably 20, 25 or 30 feet for most cities. She suggested for "G" deleting the first sentence as it is already included in E, and adding the second sentence. Also the reference to nearby hiding places for rats, mice, or other rodents or vermin be pushed up to E and then remove the first sentence because it is already in E.

Chairperson Brnabic stated that she does not have a problem leaving it at 12 chickens. She noticed that most cities allowed six, but a lot of the yards are smaller in those cities. She pointed out that nothing is suggested in the draft regarding a permit, and she commented that in her opinion she does not think that the City needs to start a permit process and would not want one unless there are problems that really stand out.

Dr. Bowyer stated that she would concur with Chairperson Brnabic, although when it comes to slaughtering, she would like to add the sentence about proper culling and disposal methods. She said that otherwise laying hens could live another five to seven years and people are then forced to keep the chicken or pay hundreds of dollars to have them euthanized. She concurred with the suggestion to eliminate the idea of elevating the coop 18 inches off of the ground, as it would be an invitation for animals to live under it. She stated that they had heat lamps in all of their coops and could not imagine having hens without having a heat lamp. She commented on the size of the enclosure noting that 36 square feet was okay for three or four birds, but not for 12 because of cannibalism as they are not being allowed to be free range. She noted that at night chickens want to go back in and roost and it is not hard to get them all back in the pen, so she does not see any reason not to let them roam. She

commented that if they got into the neighbor's property there should be an enforcement.

Chairperson Brnabic stated that she only recalls one ZBA case, that took place quite a few years ago, in regard to a nuisance complaint. Chickens were getting out of their run and going into others yards, back and front yards and there were concerns regarding bacteria.

Dr. Bowyer stated that she thought Ms. Whybrew's information was great and she was spot on with most of the information.

Mr. Struzik stated that he would echo what Chairperson Brnabic and Dr. Bowyer stated. He commented that he would like to see the limit to hens, including sanitary conditions language and the agricultural department practices language. He stated that culling needed to be allowed as it is a part of chicken ownership and you cannot have one without the other. He concurred with the idea of allowing roaming on the property, but they need to not be a nuisance to their neighbors. He agreed with regulating the height of the coop but not the maximum area, stating that he thinks this is something that folks can figure out on their own. He stated that because they are eliminating discussion of smaller lot sizes, with larger lots they are not going to have a lot of the issues that they were originally trying to design for.

Mr. Hooper stated that he would agree with the one acre, stripping the first sentence in "B" of the ordinance that allows less than one acre. He suggested language for "D" would be "the harvesting or culling is only allowed within the fence/coop area". He commented that right now it's not allowed at all per the ordinance and it obviously happens. He stated that he likes the Michigan State University bulletin and said that it is within their bailiwick as an agricultural college. He noted that they are recommending one square foot per bird and they are saying no more than six chickens for a single family home, and having a run that is no larger than 8 x 8 feet or 64 square feet. He commented that for discussion purposes he would ask what would be wrong with having six instead of 12 chickens, and for the total size of the enclosure that would be both the indoor and outdoor enclosure must not exceed 70 square feet in size, or 6 x 6 for the run and six square feet for the chickens, so that would be 70 square feet. He stated that he would agree with eliminating the 18 inches off the ground, and a limit of eight feet in height is fine. He commented that he liked Chairperson Brnabic's idea about combining "E" and "G" together. He noted that if the Commission is going to pursue this path, these are the suggested changes he would support. He stressed that he is not so sure that this is really a huge issue within the community, but if it is an ordinance and a revision is needed, so be it.

Mr. Weaver stated that he tends to agree with what everyone is saying and also tends to consider Ms. Whybrew as almost a special counsel on this, as he knows absolutely nothing about it and appreciates her input. He agreed with Mr. Hooper that if this is something that they feel is necessary, they are glad that they are going through it. He asked whether the Commissioners did not feel that they should put a size limit on the coop.

Chairperson Brnabic stated that even listening to Ms. Whybrew and looking at

different city ordinances, there are a wide range of suggestions. She commented that she thought the chicken owner would be trying to do what is best for their chickens as far as space; and unless they started seeing monster coops, it was her opinion to let them pick out the coop.

Mr. Weaver responded that he felt a range might be appropriate, perhaps something within three to six square feet per chicken rather than saying no bigger than 36 square feet or smaller than whatever. He suggested perhaps somewhere between four and six square foot per chicken. He noted that based on what Ms. Whybrew noted, three square feet could be tight and the chickens could be in an unhealthy condition. He commented that going that route in specifying a range could perhaps save a headache down the road. He stated that he was fine with the eight-foot height and not providing rodent houses underneath it. He suggested that perhaps it is worth the Commission's while to dictate or recommend materials for the look so that they do not start getting these jalopies show up that are unhealthy to the birds or become a public nuisance. He expressed concern that if there are not some guidelines included there might be headaches down the road in approving some but not others. He noted that he was not dictating specific materials, but would suggest what they would like to see.

Chairperson Brnabic asked whether the materials should be listed because the way it is stated is too subjective.

Mr. Weaver responded that he was fine in suggesting materials or even putting images of what an acceptable coop would look like, noting that this is done for buildings and he did not think it was out of line to do the same for something like this. He asked if the Commission thought that was overstepping. He commented that he did not want someone to decide they can get chickens and create an unhealthy living condition and an unsavory neighbor feeling. He asked if they are creating a solution that is looking for a problem.

Mr. McLeod noted that of the several cases that came forward, it drew Code Enforcement's attention to the fact that some of the proper ways you would expect to handle the situation were not written in the Ordinance. He commented that as long as everyone plays by the rules everything is fine; however, the problem is when someone does not play by the rules. He likened it to a pendulum effect with ordinances. He stated that he thinks there are probably things in this Ordinance that ultimately need to be there, and he did not think that most of it was going way overboard. He noted that he did not think it was improper for a community like Rochester Hills to say that chickens should stay on their site. He said that right now if they were to run free and cross the street there is nothing to stop them except by saying they are a nuisance. He suggested that if there are certain minimum requirements and expectations, they should be included. He stated that as far as coop guidelines they can either be described or shown in a picture. He suggested that one of the simple things would be to say that the chicken coop should be constructed with materials similar to the principal structure or must take design cues from the primary structure. He stated that he goes back to experiences in his past where you probably wish that they had some design guidelines.

Chairperson Brnabic asked whether there have been complaints from residents regarding the unsightliness of coops.

Mr. McLeod responded not that Ms. Welch has stated. He noted that the biggest complaint begins with a phone call asking if they are allowed to have chickens, and in most instances they are not. He commented that a secondary complaint is a noise issue related to a rooster, and the rooster gets re-homed and the problem goes away. He stated that he would like to think that Rochester Hills would be self-regulating and no one would put a chicken coop in that would not be up to expectations.

Dr. Bowyer stated that the perfect coop is just plywood and chicken wire because they peck at it. She noted that wolmanized wood would not be used and after a while the plywood will look weathered. She commented that as soon as the plywood rots, it will be replaced. She noted that electricity will be needed to keep the water from freezing.

Chairperson Brnabic stated that the Ordinance has been at an acre and 12 chickens for a number of years.

Discussed

ANY OTHER BUSINESS

2023-0478

MAP Annual Conference Update

Mr. McLeod stated that since the Commission's last meeting, he and several Commissioners attended the Michigan Association of Planning's Annual Conference, and asked if anyone wanted to share their experiences or anything they learned of particular note.

Mr. Dettloff stated that it was refreshing to be part of a community that understands the value of education and allows opportunities to attend things like this. He noted that the session he was most drawn to was entitled 13 Ways to Kill Your Community. He encouraged everyone to read the book of the same name, authored by Doug Griffiths. He thanked Staff for the opportunity to attend.

Mr. Struzik stated that the session he found really interesting was called The Trident Approach, reviewing some of the struggles that a community has gone through in problem solving various situations and what prong of City government should get involved in solving these problems.

Mr. McLeod stated that if Commissioners learn of anything they would like to attend, whether a webinar or in-person, they should contact him or Ms. MacDonald. He noted that the City has a budget line item for education.

NEXT MEETING DATE

- November 14, 2023