



August 30, 2019

***Draper City Planning Division
Administrative Interpretation***

RE: Vang Rooster Interpretation

This letter is in regards to a requested interpretation as to the legal nonconforming status of roosters on the property located at 694 East 12100 South. The administrative interpretation application is APPL-765-2019. The subject property is located within the RA1 (Residential Agricultural, 40,000 square foot lot minimum) zoning designation.

The applicant has asserted that he has had roosters on the subject property since moving onto the property in 1997. The applicant has also obtained a letter from a neighbor certifying that he has had roosters for at least 20 years.

The City's aerial map history shows the chicken coop has not moved since 2000, and is clearly visible on the 2000 aerial. The aerials from 1999 and 1997 are not good enough quality to verify if the chicken coop was there, although the pixel coloring would indicate that something may be in that location on the property. Aerial imagery does not mean that the property has housed chickens, but that the coop has been present since at least 2000.

Roosters and crowing hens are prohibited under current Draper City Municipal Code (DCMC) Section 9-27-055. This prohibition was adopted by the City Council on June 23, 2009.

9-27-055(C): KEEPING OF CHICKENS FOR FAMILIAL GAIN

C. Standards Of Care: The following standards for care of chickens shall be required in all cases where the provisions of this section are applied:

4. There shall be no roosters or crowing hens.

The City's 1999 Zoning Code did not prohibit roosters. The 1999 DCMC Section 9-4-050 permitted animals and fowl for recreation or family food production at a rate of 1 animal unit per half acre of property in the RR-43 zone. The definition found in DCMC Section 9-1-020 for animal unit allowed 20 fowl per animal unit. The code did not provide a distinction between types or gender of fowl.

Section 9-1-020 Meaning of Words

(g) Animal Unit. Each horse and cow or other similar large domestic animals shall be counted as one (1) animal unit. Each medium size domestic animal such as sheep and goats shall be counted at a ratio of five (5) per animal unit. Small domestic animals and fowl shall be counted at a ratio of twenty (20) per animal unit.



(h) Animals and Fowl for Recreation and Family Food Production. The keeping of animals for the exclusive use of persons residing on the lot provided that the number of animal units maintained for food production at anyone time shall not exceed that required to supply the household needs for a one (1) year period.

The City does not have a copy of the zoning map from 1997, but the 1984 zoning map shows the property in the RR-43 designation. This is a single-family one-acre lot zone. When the city adopted the 2001 zoning code, they modified the names of some zoning districts, which included changing the RR-43 zone to the RA1 zone. This indicates the subject property has had a one-acre single-family lot zoning since at least 1984.

It is the Zoning Administrators position that roosters on the property pre-date the current code and are considered legal nonconforming. The roosters do not need to be removed from the property.

There are a couple options available to you if you believe this interpretation has been made in error. You may seek a text amendment in order to change the code, or you may appeal this determination. An appeal is subject to DCMC Section 9-5-180 and 9-6-140 and shall be made within 14 days of the decision which is appealed. Applications for both options can be found on the city's website.

If you have further questions, please contact me at jennifer.jastremsky@draper.ut.us or at 801-576-6328.

Respectfully,

Jennifer Jastremsky, AICP
Senior Planner/Zoning Administrator
Community Development Department

Attachments

Cc File