



**BUSINESS OF THE CITY COUNCIL
AGENDA STATEMENT**

Item No. 12
For Meeting of 6.02.2016

ITEM TITLES: Discussion on urban chicken regulations.

CONTACT PERSONS: Luke Parris, AICP
City Planner

SUMMARY EXPLANATION

At the May 19, 2016 City Council meeting, City staff presented a memo (included as Attachment A) analyzing the current practices for handling urban chicken requests and several alternatives for formalizing a procedure for future use. The City Council requested that City staff bring back a past proposed ordinance on urban chickens that was not approved by Council (included as Attachment B). This past proposal included a list of criteria that applicants would be required to meet. To begin the process staff feels the following questions should be considered:

- Does the City want to allow the keeping of chickens in residential areas in town?

If, yes then the following should be considered:

- Does the City want to allow the keeping of chickens by right on any property the Council would wish to allow?
- Does the City want to allow the keeping of chickens via a special use permit issued by the Board of Adjustment?
- Does the City want to allow the keeping of chickens via a license issued to individual residents?

For this issue it is important to understand that zoning decisions and special use permits are considered land use regulations and are tied specifically to a piece of property, not to the landowner. If a special use permit were to be granted for a specific piece of property, then urban chickens would be allowed on the piece of property regardless of a change in landowner of the property. Additionally, please note that the Zoning Ordinance and the Board of Adjustment can put conditions on the issuance of a special use permit.

STAFF RECOMMENDATION

City staff recommends that urban chickens either be allowed by right in any single-family residential property or not be allowed within the City. From review of information regarding the keeping of chickens, it appears to be a relatively benign activity that would have limited impact on neighboring property owners as long as the chickens are kept properly. An amendment to

the zoning ordinance would need to be prepared to allow the keeping of chickens in the desired districts and to define the necessary requirements of keeping chickens.

ATTACHMENTS

Attachment A: Regulating Urban Chickens in Norwalk Memo

Attachment B: 2009 Proposed Chicken Ordinance

Attachment C: Draft Zoning Amendment for Urban Chickens

Resolution Ordinance Contract Other (Specify) _____

Funding Source: NA



APPROVED FOR SUBMITTAL _____
Planning and Economic Development Director



MEMO

TO: Mayor Tom Phillips
City Council Members
Wade Wagoner, Planning & Economic Development Director

FROM: Luke Parris, City Planner

DATE: May 18, 2016

RE: Regulating Urban Chickens in Norwalk

Recently the City has been considering the allowance of urban chickens on a case by case basis decided by the City Council. The City Staff has been receiving an increasing number of requests for the City Council to consider allowance of urban chickens on specific property. At the May 5, 2016 City Council meeting, the City Council directed staff develop a proposal for a formal process to regulate urban chickens.

CURRENT PRACTICES

The City currently regulates urban chickens in the City Code and the City Zoning Ordinance. The City Code defines livestock as "an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the Code of Iowa; or **poultry**." Chapter 55.05 of the City Code regulates livestock by stating:

It is **unlawful for a person to keep livestock** within the City except by **written consent of the Council** or except **in compliance with the City's zoning** regulations.

The City's Zoning Ordinance defines Agriculture as "the use of land for agricultural purposes, including animal husbandry, apiculture, dairying, farming, floriculture, forestry, groves, horticulture, orchards, **poultry husbandry**, ranching, viticulture, and the necessary accessory uses for packing, treating or storing the produce; however, the operation of the accessory uses shall be subordinate to that of the normal agricultural activities."

The City's Zoning Ordinance allows agricultural activities as a principal use in the Agricultural Reserve District (A-R). The City's residential districts (RE-1, R-1, R-2, R-3, and R-4) only allow for crops and private gardens, with the exception that the Single-Family Rural Estates District (RE-1) allows for stables and the keeping of horses. **The City's Zoning Ordinance does not currently allow for the keeping of chickens in any residential district.**

Recent requests have been brought forward under Chapter 55.05 because the City's Zoning Ordinance does not allow the keeping of chickens in residential districts. This allowance is similar to the issuance of a special use permit which is traditionally a responsibility of the City's Board of Adjustment. Because of the recent increase in requests, it is Staff's opinion that the City Council's role in this matter, with recommendation from the Planning & Zoning Commission, should be setting the legislation going forward, and then letting the issue be regulated as they determine in the legislation.

ALTERNATIVE PRACTICES

The City has several options to consider in regulating urban chickens:

1. Determine that chickens are not appropriate in residential districts.
 - o This would likely still require an amendment to Chapter 55.05 of the City Code to remove the current loophole that allows for Council to give written consent.
2. Determine that chickens should be allowed by right in residential districts.
 - o This would require an amendment to Chapter 55.05 to remove the current loophole
 - o This would require an amendment to the Zoning Ordinance to allow the keeping of chickens in whichever residential districts the City felt appropriate.
 - Staff would recommend limiting chickens to no more than 4 egg laying hens, no roosters, and limiting them to the RE-1 and R-1 districts. Staff does not feel that chickens are an appropriate accessory use in the multi-family districts.
3. Determine that chickens should be allowed chickens by special use permit in residential districts.
 - o This would require an amendment to Chapter 55.05 to remove the current loophole
 - o This would require an amendment to the Zoning Ordinance to allow the keeping of chickens, by special use permit, in whichever residential districts the City felt appropriate.
 - The special use permits are issued by the Board of Adjustment.
 - Staff would recommend limiting chickens to no more than 4 egg laying hens, no roosters, and limiting them to the RE-1 and R-1 districts. Staff does not feel that chickens are an appropriate accessory use in the multi-family districts.

OTHER CONSIDERATIONS

The City may also want to visit the issue of other agricultural activities in urban areas. Recent trends have seen more and more requests for different types of minor agricultural activities in urban areas throughout the Country. In addition to chicken requests, Staff has received inquiries regarding peacocks, goats, potbelly pigs, and bee keeping. As part of the process to develop amendments for urban chickens, the City could also explore the option of allowing other minor agricultural activities as allowed accessory uses to single family homes. As part of the process, the City could also prescribe any limitations that were believed necessary.

Prepared by:	City of Norwalk, City Hall, 705 North Ave., Norwalk, IA 50211
	Mike Johnson, Associate City Planner (515) 981-0228

ORDINANCE NO. 09-02

AN ORDINANCE AMENDING CHAPTER 55, ANIMAL PROTECTION AND CONTROL OF THE CITY OF NORWALK MUNICIPAL CODE

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NORWALK, IOWA:

SECTION 1. AMENDMENT. Section 5. LIVESTOCK. Is hereby amended to include the following: It is unlawful for a person to keep livestock within the City except by written consent of the Council or in compliance with the City's zoning regulations. However, in any Residential Zoning District the keeping of up to four (4) chickens on a lot with up to four (4) dwelling units will be permitted, provided that:

1. No person shall keep any rooster.
2. No person shall slaughter any chickens.
3. The chickens shall be provided with a covered, fully secure enclosure that they can be locked in at night consisting of 5 square feet per chicken. The enclosure shall have a minimum height of four feet. A completely fenced in area outside of the covered enclosure shall be provided with a minimum of 10 square feet per chicken and a height of five feet. These enclosures shall be completely secure and free of any attractive nuisances as spelled out in Chapter 50 of the municipal code.
4. No enclosure shall be located closer than twenty-five (25) feet to any residential structure on an adjacent lot.
5. The owner, operator, or tenant obtains a \$25.00 license from the City. Upon application, the City will provide a map of the 200 foot buffer and the petition that will need to be circulated to fulfill the requirements of this section.
6. The applicant for a license notifies all residents within two hundred (200) feet of the lot.
7. Each resident shall sign the petition that signifies they are in favor of the applicant's license. Failure to receive a signature from an occupied dwelling will result in a no vote for the applicant.
8. Not more than fifty percent (50%) of the residents notified object within fourteen (14) days of notification.
9. The application for a chicken license runs with the owner and their current location, any change in ownership or change of address with require the submittal of a new application.
10. More than two violations of Chapter 50 Nuisance Abatement in a calendar year will result in the revocation of the license and the subsequent removal of the chickens.

Upon revocation, the applicant must submit a new application and petition of support to city staff.

SECTION 2. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Approved and adopted this _____ day of _____, 2009.

ATTEST:

Pat Wahl - Mayor

Jeff Rosien – City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, 2009.

Jeff Rosien, City Clerk

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE FOLLOWING SECTIONS OF THE ZONING ORDINANCE:
17.10.030: R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.**

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NORWALK, IOWA:

SECTION 1. PURPOSE. The purpose of this ordinance is to amend Section 17.10.030 R-1 Single-Family Residential District of the City of Norwalk Zoning Ordinance.

SECTION 2. AMENDMENT. The City of Norwalk Zoning Ordinance Section 17.10.030.3 Permitted Accessory Uses is hereby amended with the following:

- K. The keeping of up to four (4) chickens on a lot will be permitted provided that:
 - a. No person shall keep any rooster.
 - b. No person shall slaughter any chickens.
 - c. The chickens shall be provided with a covered, fully secure enclosure that they can be locked in at night consisting of 5 square feet per chicken. The enclosure shall have a minimum height of four feet. A completely fenced in area outside of the covered enclosure shall be provided with a minimum of 10 square feet per chicken and a height of five feet. These enclosures shall be completely secure and free of any attractive nuisances as spelled out in Chapter 50 of the municipal code.
 - d. All chicken coops shall obtain the property accessory structures permit and meet all setback requirements for accessory structures.

SECTION 3. SEVERABILITY CLAUSE. In any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed and approved by the City Council of the City of Norwalk, Iowa on the ____ day of _____, 2016.

Tom Phillips, Mayor

ATTEST:

Jody Eddleman, City Clerk

PREPARED BY: Luke Parris, City Planner