



**BUSINESS OF THE CITY COUNCIL
AGENDA STATEMENT**

Item No. 07 and 08
For Meeting of 08.04.2016

ITEM TITLES: Public hearing and consideration of first and possibly more readings of an ordinance amending the sections of the zoning ordinance Chapter 55 animal control and protection chapter 177 rates and fees.

CONTACT PERSONS: Luke Parris, AICP
City Planner

SUMMARY EXPLANATION

At the June 2, 2016 City Council meeting, the Council directed staff to develop a finalized draft of an ordinance amendment that would allow up to four chickens at a residence provided specific criteria was met and that an annual license was obtained. Staff has developed the requested draft using the 2009 Proposed Urban Chicken Ordinance as a guide. The draft ordinance amendment also includes relevant changes needed to other sections of the City's codes to allow for urban chickens.

On July 25, 2016, the Planning and Zoning Commission was set to hold a public hearing and vote on an amendment that would regulate the enclosure of chickens as an accessory use in the R-1 Single Family Residential zoning district. That hearing and vote did not take place due to a lack of quorum at the meeting.

To continue forward, the City Council can consider an ordinance that amends sections of the City Code allowing for urban chickens. This will give the City Council the opportunity to determine if urban chickens are appropriate in the City or not. If the City Council approves the amendment allowing for urban chickens, then staff will proceed with the process of a Zoning Ordinance amendment that would regulate which the enclosure of chickens as an accessory use in the R-1 Single Family Residential zoning district. The proposed language to regulate the enclosure in Zoning Ordinance Section 17.10.030.3 Permitted Accessory Uses is as follows:

- K. A chicken enclosure for the keeping of chickens in accordance with City Code Chapter 55.16 Urban Chickens, provided the following standards are met:
1. The enclosure is covered and fully enclosed.
 2. The enclosure shall have a latch mechanism or lock to ensure that access to the enclosure remains secure.
 3. The enclosure provides a minimum of 5 square feet per chicken.
 4. The enclosure shall have a minimum height of four feet.

5. The enclosure shall be located inside a fenced area that provides a minimum of 10 square feet per chicken, excluding the square footage of the enclosure. The fence shall have a height of 6 feet.
6. The enclosure and fenced area shall not be located closer than 25' to any principal structure on an adjacent lot.

ATTACHMENTS

Attachment A: 2009 Proposed Chicken Ordinance

<p>____Resolution ____ Ordinance ____ Contract <u> X </u> Other (Specify) <u> Discussion </u></p> <p>Funding Source: <u> NA </u></p> <p>APPROVED FOR SUBMITTAL <u> Jean Furler </u> Interim City Manager</p>
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ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE FOLLOWING SECTIONS OF THE ZONING ORDINANCE:
CHAPTER 55 ANIMAL CONTROL AND PROTECTION AND CHAPTER 177 RATES AND FEES.**

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

SECTION 1. PURPOSE. The purpose of this ordinance is to amend Chapter 55 Animal Control and Protection, and Chapter 177 Rates and Fees of the City of Norwalk City Code.

SECTION 2. AMENDMENT.
The City of Norwalk City Code Chapter 55 Animal Control and Protection is hereby amended by removing the following struck through language in Section 55.05:

~~55.05 LIVESTOCK. 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 of Norwalk City Code Chapter 55 Animal Control and Protection is hereby amended by adding the follow new Section 55.16:

55.16 URBAN CHICKENS. The keeping of chickens within the City is allowed in compliance with the City's zoning regulations and the following criteria:

1. No more than four (4) chickens allowed per lot.
2. An annual chicken license shall be obtained by the property owner.
 - a. The cost of the license shall be established in Chapter 177 of this Code of Ordinances.
 - b. The license and fee shall be for up to 4 chickens.
 - c. If the property owner acquires possession of the chicken(s) less than six (6) months prior to the expiration date of a license, the license fee shall be reduced fifty percent (50%).
 - d. All license fees shall be deemed delinquent on April 1 of the year in which they are due and not paid, and a delinquent penalty of ten dollars (\$10.00) shall be added to each unpaid license on and after said date.
 - e. The application for a chicken license runs with the owner and his/her current location, any change in ownership or change in address will require the submission of a new license application.
3. No person shall keep any rooster.
4. No person shall slaughter any chickens.
5. No chickens may be kept without an approved enclosure that meets the standards of the zoning ordinance.
 - a. The enclosure shall be covered and fully secured so that it can be locked at night.
 - b. The enclosure shall be completely secure and free of any attractive nuisances as spelled out in Chapter 50 Nuisance Abatement of the municipal code.

6. All chicken coops shall obtain the proper accessory structures permit and meet all setback requirements spelled out in the zoning ordinance.
7. More than two violations of Chapter 50 Nuisance Abatement in a calendar year may result in revocation of the license and subsequent removal of the chickens, subject to City Council review.

The City of Norwalk City Code Chapter 177 Rates and Fees is hereby amended by adding the following license fee for Urban Chickens:

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|--|-----------------------------|
| 4. Chapter 55 – Urban Chicken Licenses | |
| License Fee | \$25.00 per year |
| Delinquency Fee | \$10.00 per delinquent year |

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

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