

CITY OF URBANDALE

COUNCIL LETTER #7198



3600 86th Street Urbandale, IA 50322
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Meeting: City Council - September 6, 2022

Staff Contact: Steve Franklin, Director of Community Development

Department: Community Development

AGENDA ITEM:

Ordinance 2022-17 - Amendment to the Zoning Code to allow Urban Chickens, Case No. 010-2022-03.01

RECOMMENDATION:

Approve the first reading of Ordinance 2022-17: Amending Title XV, Chapter 160 of the Municipal Code of the City of Urbandale, Iowa to modify the Zoning regulations for urban chickens.

PUBLIC HEARING INFORMATION:

Public Hearing to be held on: September 6, 2022

Notice of Public Hearing published on: August 26, 2022

CITY ATTORNEY REVIEWED: FINANCE REVIEWED:

N/A

N/A

CORRESPONDS WITH:

Ordinance

ATTACHMENTS:

Amendment to Zoning Code-Chickens-Ord 2022-17 - 010-2022-0301

PROJECT DESCRIPTION:

At its August 15, 2022 meeting, by a vote of 6-1 (Ayes: Van Heuvelen, Nickolaus, Hatfield, Hollatz, Racki, Ralston-Hansen; Nays: Smith), the Planning & Zoning Commission recommended approval of an amendment to the Zoning Code to allow chickens in residentially zoned areas subject to the requirements of the attached ordinance.

Summary:

The Mayor and City Council discussed the topic of urban chickens at a Lunch & Learn workshop on June 21, 2022. After discussion, the consensus from Council members was for City staff to prepare an ordinance that would allow chickens within residentially zoned districts in Urbandale.

Staff researched the topic of urban chickens, along with model ordinances and ordinances adopted by other Iowa cities, and prepared a preliminary draft of a revision to Chapter 160.39 of the Zoning Code to allow urban chickens subject to certain requirements. The draft ordinance for appropriate requirements and conditions was then discussed with the Mayor and City Council at a follow-up Lunch & Learn workshop on July 19, 2022.

The ordinance proposed by staff is modeled heavily after the City of Waukee's revision to their Code in 2019 that allows up to 6 urban chickens as a permitted use in all single-family residential districts. The Waukee ordinance requires a permit that must be renewed annually and a \$25 fee. Discussion with their staff indicates that they perform inspections for all new applications and recertification, and they currently have 13 active permits on file. Finally, the Waukee ordinance requires a permit applicant to complete an eCourse from the Iowa State University Extension and Outreach office that covers basic information and best practices for keeping chickens on residential property.

The proposed ordinance would limit the number of chickens to two (2) female chickens, and limit permits to only owner-occupied single-family detached residences.

ORDINANCE NO. 2022-17

AN ORDINANCE TO AMEND TITLE XV, CHAPTER 160, OF THE MUNICIPAL CODE OF THE CITY OF URBANDALE, IOWA TO MODIFY THE ZONING REGULATIONS REGARDING URBAN LIVESTOCK AND URBAN CHICKENS

Be it ordained by the City Council of the City of Urbandale, Iowa:

SECTION 1. That Title XV, Chapter 160, of the Municipal Code of the City of Urbandale, is hereby amended as follows:

1.1 Section 160.39 URBAN LIVESTOCK, paragraph A is hereby amended by adding the underlined text as follows:

A. Livestock may be raised and kept without limit or restriction on farms as defined in this Code, regardless of zoning district. In all other cases urban livestock shall be prohibited in all residential zoning districts, including but not limited to R-1L, R-1I, R1S, R-2, R-3 and R-4 Districts, and those portions of Planned Unit Developments that have correlating minimum lot widths and areas, and any other residential subdivision. However, apiaries (beekeeping), and private stables and paddocks exclusively for horses, may be allowed on any residential property that meets the requirements below for each. However, chickens may be allowed on owner occupied, single-family detached properties that meet the requirements in Section 160.68.

1.2 Add new Section 160.68 as follows:

160.68 URBAN CHICKENS

(A) PERMIT REQUIRED.

1. Permit Required. No person shall raise, harbor, or keep chickens within the City without a valid annual permit obtained from the Code Enforcement Officer or designee under the provisions of this chapter.

2. Application. In order to obtain a permit, an applicant must submit a completed application on forms provided by the Code Enforcement Officer and pay all fees required as approved from time to time by resolution of the City Council.

3. Requirements. The requirements to receive a permit shall include:

A. All requirements of this chapter being met.

- B. All fees, as may be provided for from time to time by City Council resolution, for the permit are paid in full.
- C. All amounts owed to the City, including but not limited to liens, fines, and judgements must be paid in full.
- D. The property to be permitted shall contain only one single family dwelling that is owned and occupied by the permittee.
- E. The applicant has successfully completed an approved class in raising chickens in an urban setting. A certificate or other documentation of completion shall be provided to the Code Enforcement Officer.

4. Issuance of Permit. If the Code Enforcement Officer concludes as a result of the information contained in the application that the requirements for a permit have been met, then the permit shall be issued. The permit shall expire one (1) year from issuance.

5. Denial, Suspension, Revocation, Non-Renewal. The Code Enforcement Officer may deny, suspend, revoke, or decline to renew any permit issued for any of the following grounds:

- A. False statements on any application or other information or report required by this chapter to be given by the applicant.
- B. Failure to pay any application, penalty, re-inspection or re-instatement fee required by this chapter or City Council resolution.
- C. Failure to correct deficiencies noted in notices of violation in the time specified in the notice.
- D. Failure to comply with the provisions of an approved mitigation/remediation plan by the Code Enforcement Officer or designee.
- E. Failure to comply with any provision of this chapter.

6. Notification. A decision to revoke, suspend, deny, or not renew a permit shall be in writing, delivered by ordinary mail or in person to the address indicated on the application.

7. Effect of Revocation. When an application for a permit is denied, or when a permit is revoked, the applicant may not re-apply for a new permit for a period of one year from the date of the denial or revocation.

8. Appeals. No permit may be denied, suspended, revoked, or not renewed without notice and an opportunity to be heard is given the applicant or holder of the permit. In any instance where the Code Enforcement Officer has denied, revoked, suspended, or not renewed a permit, the applicant or holder of urban chickens may appeal the decision to the City Manager, or designee other than the Code Enforcement Officer within 10 business days of receipt by the applicant or holder of the permit of the notice of the decision. The applicant or holder of the permit will be given an opportunity for a hearing. The decision of the

officer hearing, the appeal, or any decision by the Code Enforcement Officer which is not appealed in accordance to this chapter shall be deemed final action.

(B) NUMBER AND TYPE OF CHICKENS ALLOWED.

A maximum of two (2) female chickens, meaning members of the subspecies *Gallus domesticus*, a common domesticated fowl, are allowed on a permittee's property.

(C) ZONING DISTRICTS ALLOWED.

Permits can be granted for owner occupied, single-family detached properties in all residential zoning districts, including but not limited to R-1L, R-1I, R-1S, R-2, R-3 and R-4 Districts, and those portions of Planned Unit Developments that have correlating minimum lot widths and areas, and any other residential subdivision.

(D) NON-COMMERCIAL USE ONLY.

A permit shall not allow the permittee to engage in chicken breeding or fertilizer production for commercial purposes.

(E) ENCLOSURES.

1. Chickens must be kept in an enclosure or fenced area at all times. Chickens shall be secured within a henhouse during non-daylight hours.
2. Enclosures must be kept in a clean, dry, odor-free, neat, and sanitary condition at all times.
3. Henhouses and chicken pens must provide adequate ventilation, adequate sun, and shade and must be impenetrable to rodents, wild birds, and predators, including dogs and cats.
4. Henhouses.
 - A. Henhouses shall be designed to provide safe and healthy living conditions for the chickens with a minimum of four (4) square feet per bird while minimizing adverse impacts to other residents in the neighborhood.
 - B. A henhouse shall be enclosed on all sides and shall have a roof and doors. Access doors shall be able to be shut and locked at night. Opening windows and vents shall be covered with predator and bird proof wire of one inch or smaller openings.
 - C. The materials used in making a henhouse shall be uniform for each element of the structure such that the walls are made of the same

material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar materials is prohibited. Henhouses shall be well maintained.

D. Henhouses and chicken pens shall only be located in the rear yard.

E. Henhouses and chicken pens must be located at least 10 feet from the property line and at least 25 feet from any adjacent residential principal structure and shall meet all other accessory structure provisions of the zoning ordinance.

(F) ODOR AND NOISE IMPACTS.

1. Odors from chickens, chicken manure, or other chicken related substances shall not be perceptible beyond the boundaries of the permitted tract of land.

2. Noise from chickens shall not be loud enough beyond the boundaries of the permitted parcel at the property boundaries to disturb persons of reasonable sensitivity.

(G) PREDATORS, RODENTS, INSECTS, AND PARASITES.

The permittee shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation must be removed at the direction of the Code Enforcement Officer.

(H) FEED AND WATER.

Chickens shall be provided with access to feed and clean water at all times. The feed and water shall be unavailable to rodents, wild birds, and predators.

(I) WASTE STORAGE AND REMOVAL.

All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three cubic feet of manure shall be stored on the permitted property. All other manure not used for composting or fertilizing shall be removed. The henhouse, chicken pen, and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

(J) UNLAWFUL ACTS.

1. It shall be unlawful for any person to keep chickens in violation of any provision of this chapter or any other provision of this Code of Ordinances.
2. It shall be unlawful for any owner of property to allow chickens to be kept on the property in violation of the provisions of this chapter.
3. No person shall keep chickens inside a single-family dwelling unit or any other structure than an approved henhouse.
4. No person shall slaughter any chickens within the City outside of legally operating poultry production facilities.
5. No person shall keep a rooster.
6. No person shall keep chickens on a vacant or uninhabited property.

(K) NUISANCES.

Any violation of the terms of this chapter that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated under the general nuisance abatement provisions in Chapter 97 of this Code of Ordinances.

SECTION 2. If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed and approved by the Council of the City of Urbandale, Iowa this _____ day of _____, 2022.

Robert D. Andeweg, Mayor

ATTEST:

Nicole Lunders, City Clerk

Published _____, 2022