

AGENDA
Planning & Zoning Commission
Tuesday, June 9, 2020 – 5:30 p.m.

Because of the COVID-19 situation. This hearing will be held electronically. To participate in this meeting go to the following link:

<https://global.gotomeeting.com/join/761758165>

or

dial into (872) 240-3122 and then use access code 761-758-165.

Roll Call

Mission Statement

Minutes: 5/12/20 & 5/26/20

Zoning Ordinance

Review of Regulations Regarding the Keeping of Chickens in Residentially Zoned Areas, Chapter 29 of Title 10 of City Code

At its May 7, 2020 meeting, the City Council requested the Planning and Zoning Commission review current regulations regarding the keeping of chickens in residential zoning districts and make a recommendation on changing current regulations to allow for more Muscatine residents to keep chickens at their residences.

At the May 26, 2020, at which the Planning and Zoning Commission discussed this issue, a motion was offered to recommend that the current regulations regarding the keeping of fowl in residentially zoned areas not be changed. This initial motion failed. Members of the Commission expressed a desire to examine, discuss in greater detail, and potentially make recommendations to the parameters and operational standards that as whole create a regulatory framework for the keeping of fowl in residentially zoned areas.

To facilitate this a number of questions relating to the parameters and operational standards that as whole create a regulatory framework for the keeping of fowl in residentially zoned areas have been prepared.

The Commission is being asked to discuss the following question and make a recommendation each. The recommendation on each of these questions does not represent an overall recommendation that the current regulations on the keeping of fowl be changed. Once the commission has worked its way through all of these questions, it will then decide on its overall recommendation on if the current regulations should be changed, and if so how it should be changed.

Regulations regarding the keeping of chickens and other fowl in residential areas are comprised of parameters regarding required setbacks, number of fowl allowed, parcel size and type upon which fowl are allowed, type of fowl allowed, and permitting requirements if any, Following are series of categorized questions relating to these parameter upon which the Planning and Zoning Commission is be asked to make a recommendation on.

Setbacks

- A.1.** What should the setback from property lines for areas used for the keeping of fowl be?
- A.2.** What should the setback from occupied structures on other parcels for areas used for the keeping of fowl be?
- A.3.** Should the keeping of fowl be permitted in front yards?

Number of Fowl Allowed

- B.1.** What should the maximum number of fowl that is allowed on a residentially zoned parcel be?
- B.2.** Should the maximum number of allowable fowl be the same for all parcels, or should larger parcels, or parcels capable of maintain large set backs be allowed more fowl? How should parcel over 2 acres be handled? How should parcels over 20 acres be handled?

Parcel Size and Type

- C.1.** Should the keeping of fowl be restricted to parcels containing only one dwelling unit?
- C.2.** Should the keeping of fowl be restricted to owner occupied parcels?
- C.3.** Should there be an absolute minimum parcel size, or should keeping of fowl be allowed on all residentially zoned parcels on which the required setback can be met?

Types of Fowl Allowed

- D.1.** Should the keeping of fowl be restricted to just hens, or should to current standard of allowing for all type of fowl, except for roosters, turkey gobblers, or Guinea fowl be maintained?

Permitting

- E.1.** Should the keeping of fowl on residentially zoned parcels be allowed right or should a permit be required?
- E.2.** If a permit is required, should one of the requirements for obtaining a permit be completing a class on fowl rearing?
- E.3.** If a permit is required, should an inspection be part of the permitting process?
- E.4.** If a permit is required, should it be annual, such a pet license is, or a one- time thing, such as building permit is?

Operational Standards

Regulations relating to keeping of fowl in residential areas typically contain operational standards relating to health, sanitation, and public welfare. Following are operational standards from other Iowa communities, broken down by category.

It is the opinion of staff that these operational standards are easy to understand, easy to enforce, and effective in protecting health, sanitation, and public welfare. As such It is this the recommendation of staff that if regulations relating to the keeping of fowl in residential areas are changes, that they be included.

The Planning and Zoning Commission is being asked to review each of these operational standards and make recommendation that said operational standards be: included as presented, include with modification (specifying the recommended modification), or not be included in any change to the regulations relating to keeping of fowl in residentially zoned areas.

Fowl at Large

- F.1.** Fowl must be kept in an enclosure that keeps them from leaving the portion of subject parcel upon which the keeping of fowl is allowed under these regulations.
- F.2.** Fowl outside of an enclosure or coop meeting the requirement of these regulations shall be considered at large and subject to all applicable provision regarding at large animals contained with Chapter 6 of Title 8 or any other applicable portion of City Code.

Enclosures and Coops

- F.3.** Enclosures and coops must be kept in sanitary conditions at all times, causing no safety or health hazards to the those keeping the fowl, the general public, other animals, or wildlife.
- F.4.** Fowl shall be secured within a coop during non-daylight hours
- F.5.** Coops may be mobile, but they shall at all times remain in a location on the subject parcel in which the construction a non-mobile coop would be allowed under these regulations.
- F.6.** Fences that serve as enclosures for fowl shall be constructed in a sturdy manner so as to contain the fowl and prevent entry by predators, dogs and cats.
- F.7.** Coops shall be enclosed on all sides and shall have a roof and at least one door. Access doors must be able to be shut and locked at night. Opening windows, vents or doors must be covered with predator and bird proof wire of less than one-inch openings.

Manure and Odors

- F.8.** Odors from fowl, fowl manure or other fowl related substances shall not be perceptible beyond the boundaries of the parcel that said fowl are being kept on.
- F.9.** Fowl manure and waste shall be removed from enclosures and coops at least once per week.

F.10. Manure and waste may be stored on the permittee's property. Feces and waste must be stored in a fully enclosed unit with a roof or lid. The storage unit may allow sunlight and movement of air so the materials dry, but must be designed, used and maintained in such a manner as to keep the material fully contained so that it does not blow or otherwise erode onto other properties. When stored, manure and waste must be stored in a manner to not attract flies, rodents or other vermin.

F.11. Manure and waste may be used as fertilizer on the permitted property subject to being turned in to the soil completely immediately upon application and there is no odor perceptible beyond the boundaries of the subject parcel.

Noise

F.12. Noise from fowl shall not cause serious annoyance or disturbance to any person or persons by frequent and habitual crowing, cackling and gobbling, or otherwise.

Health and Welfare

F.13. No owner shall fail to provide their fowl with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

F.14. All feed and other items associated with keeping chickens shall be protected in a manner to prevent rodents, wild birds, and predators from coming into contact with them.

F.16. Fowl found to be infested with insects or parasites, that may result in safety or health hazards to the those keeping the fowl, the general public, other animals, or wildlife, shall be removed by the owner and may be removed by the city at the owner's expense.

F.17. Fowl found to be diseased and as a result may result in safety or health hazards to the those keeping the fowl, the general public, other animals, or wildlife, shall be removed by the owner and may be removed by the city at the owner's expense.

Injury to Fowl by Dog, Cat, or Other Domestic Animal

F.18. Injury or death to fowl that is caused by a dog, cat or other domesticated animal shall not be considered sufficient grounds, in and of itself, to designate the animal as dangerous or vicious pursuant to City Code.

Slaughter and Disposal of Dead Fowl

F.19. Any slaughter of fowl shall be performed in a humane manner and shall not be done in open view to any public area or adjacent to property owned by another.

F.20. Dead fowl shall be disposed of in a sanitary manner. Dead fowl shall not be composted.

Non-Commercial Use Only

F.21. Selling of eggs, fowl, or fertilizer produced from fowl manure that are produced on residentially zoned parcels is prohibited.

Vacant Parcels

F.22. No person shall keep fowl on a vacant parcel unless they reside on a directly adjoining parcel.

Conclusion and Overall Recommendation

Discussion on and potential action on an overall recommendation to City Council that:

- Recommends that the current regulations on keeping of fowl in residentially zoned areas not be changes;

or

- Recommends that the current regulations on keeping of fowl in residentially zoned be changed in a manner that incorporates all or some (specifying which) of the Planning and Zoning Commission previous recommendations on the parameters and operational standards that as whole create a regulatory framework for the keeping of fowl in residentially zoned areas.

or

- Any other motion related to an overall recommendation to City Council that Planning and Zoning Commission wishes to entertain.

Adjourn.