

**TO:** Planning and Zoning Commission  
**FROM:** Matt Wyant  
**DATE:** August 5, 2022  
**RE:** Case #ZTA-2022-01

**APPLICANT:** Pottawattamie County

**REQUEST:** Zoning text to amend the Pottawattamie County, Iowa, Zoning Ordinance, Section 8.004.085.15. (See Attachment #1).

**BACKGROUND:**

**History:** Pottawattamie County, Iowa Zoning Ordinance prohibits the keeping of farm animals and fowl in the R-3 (Urban Residential) and R-5 (Planned Residential) zoning districts and/or on properties with less than one acre of pasture. In the past, there have been requests by residents in the R-3 district and properties with less than one acre of pasture to allow the keeping of small flocks-chickens. There have also been complaints on people having chickens in the R-3 district and on properties with less than one acre of pasture, some complaints from noise and others from smells.

Staff has looked at other urban areas where code has been adopted for Urban Chickens and spoke with those jurisdictions about the pros and cons. We have used portions of their code sections and combined them into something that should be successful here.

**Proposal:** Add into Pottawattamie County, Iowa Chapter 8 Zoning Ordinance and Chapter 3.5 Animal Control a permitting process to allow for the keeping of Chickens in the R3 district and properties with than one acre of pasture. By use of a permit the County would be able to regulate sites and allow residents to keep small flocks of chickens when they own less than one acre of pasture. The permit process would allow us to ensure that they only have hens, that the coop would meet zoning setbacks and that a manure plan was in place and followed. The initial permit would cost \$125.00 with an annual renewal fee of \$75.00 and would include an annual onsite inspection by the Animal Control Officer.

Attachment #2 – Chapter 3.5 Animal Control

Attachment #3 – Urban Chicken Permit Application

- 8.004.085 The following accessory uses shall be permitted in the Class "A" and "R-1, R-2 and R-3" Districts, unless otherwise denoted: (*Ordinance #2015-05/12-18-2015*)
- .01 Accessory dwelling unit (ADU). (*Ordinance #2015-05/12-18-2015*)
  - .02 Accessory uses and structures normally incidental and subordinate to one of the permitted *principal* or *conditional* uses, unless otherwise excluded. (*Ordinance #2015-05/12-18-2015*)
  - .03 *Agricultural buildings and structures* including dams, equipment sheds, outbuildings and other *buildings, structures* or erections which are primarily adapted for use for *agricultural* purposes, except in the R-2 and R-3 Districts. (*Ordinance #2015-05/12-18-2015*)
  - .04 All-weather school bus shelters permitted in the *front yard* subject to the provisions of Section 8.004.070 and 8.004.080. (*Ordinance #2015-05/12-18-2015*)
  - .05 Bathhouses, tool or storage sheds, and non-habitable playhouses when located in the *rear yard*. (*Ordinance #2015-05/12-18-2015*)
  - .06 Display signs, subject to the provisions of Chapter 8.090. (*Ordinance #2015-05/12-18-2015*)
  - .07 Fences, walls and hedges, subject to the provisions of Section 8.004.070 and 8.004.080. (*Ordinance #2015-05/12-18-2015*)
  - .08 Gardening and private greenhouses, but not on a scale that would be obnoxious to adjacent lots because of noise, odor or dust. (*Ordinance #2015-05/12-18-2015*)
  - .09 Home occupations and home professional offices, subject to the provisions of Section 8.004.160. (*Ordinance #2015-05/12-18-2015*)
  - .10 *Noncommercial vehicle and equipment sales*. (*Ordinance #2015-05/12-18-2015*)
  - .11 Outdoor advertising signs and billboards, subject to the provisions of Chapter 8.090, except in the "'R" Districts. (*Ordinance #2015-05/12-18-2015*)
  - .12 *Private kennels*, provided that no such *structure* shall be located closer than fifty (50) feet to any property line, nor shall the animals be kept or pastured closer than twenty-five (25) feet to any *dwelling* on the site. The area devoted to such uses shall be kept in a clean and sanitary condition, and shall be maintained so as drainage will not affect the health and safety of adjacent property owners. (*Ordinance #2015-05/12-18-2015*)
  - .13 Private parking facilities including *garages*, carports and other parking spaces. (*Ordinance #2015-05/12-18-2015*)

- .14 Private recreational facilities including swimming pools, tennis courts, and other recreational facilities commonly accessory to a *dwelling*. (Ordinance #2015-05/12-18-2015)
- .15 *Private stables* and other *structures* for raising and keeping animals and fowl, provided that not more than one (1) *animal unit* per acre of pasture shall be permitted and further provided that no such *structure* (to include corrals and other similar portable structures) shall be located closer than fifty (50) feet to any property line, nor shall the animals be kept or pastured closer than twenty-five (25) feet to any *dwelling* on the site. The area devoted to such uses shall be kept in a clean and sanitary condition, and shall be maintained so as drainage will not affect the health and safety of adjacent property owners. Private stables ~~and other such structures~~ shall not be permitted in the R-3 and R-5 Districts. Notwithstanding the provisions of this section, the keeping of domestic chickens (members of the subspecies of Gallus gallus domesticus) shall be permitted on properties with a single-family dwelling that have less than one acre of pasture and/or are in the R-3 (Urban Residential) Zoning District, so long as such keeping is in strict compliance with this subsection and all other applicable County ordinances unless, despite compliance with the following, the presence of any particular chickens endangers the health, safety, peace, quiet, comfort, enjoyment of, or otherwise becomes a public nuisance to nearby residents or occupants or places of business. (Ordinance #202215-05/12-18-2015)

3.50.035 URBAN CHICKENS:

.01 Notwithstanding the provisions of this section, the keeping of domestic chickens (members of the subspecies of *Gallus gallus domesticus*) shall be permitted on properties with a single-family dwelling that have less than one acre of pasture and/or are in the R-3 (Urban Residential) Zoning District, so long as such keeping is in strict compliance with this subsection and all other applicable County ordinances unless, despite compliance with the following, the presence of any particular chickens endangers the health, safety, peace, quiet, comfort, enjoyment of, or otherwise becomes a public nuisance to nearby residents or occupants or places of business.

- A. No person shall keep chickens inside a single-family dwelling unit.
- B. A tenant must obtain the landlord's written permission to keep chickens, which shall be submitted as part of the application for a permit.
- C. Chickens must be confined in a coop or fowl house not less than 18 inches in height or, in the alternative, within a fenced pen area. Chickens must be kept within the coop, the fowl house, or the fenced pen area at all times unless removed for a temporary time for cleaning or for the safety of the chicken. Chickens must be housed in the coop from dusk until dawn.
- D. The coop, the fowl house, or the fenced pen area shall be located in the rear yard only (as defined in Section 8.002.260.02 of the Pottawattamie County, Iowa Zoning Ordinance), must be of such a design to be reasonably expected to prevent entry by dogs, cats, or other animals, shall be completely enclosed (except fenced pen area), shall be well maintained, and shall be well drained so there is no accumulation of moisture.
- E. The materials used in making a coop or fowl house (stationary or mobile) 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.
- F. Any coop, fowl house, or fenced pen area shall be kept clean, sanitary and free from accumulation of chicken excrement and objectionable odors. All droppings and body excretions shall be either placed in fly-proof containers and double-bagged in plastic bags or, in the alternative, used as fertilizer on the same property so long as the droppings and body excretions are spread and incorporated into the soil within twenty-four (24) hours.
- G. Odors from chickens, chicken manure or other chicken related substances shall not be perceptible beyond the boundaries of the permitted tract of land. Noise from chickens shall not to disturb persons on adjoining properties or beyond based on an objective or reasonable person standard.
- H. All chicken feed shall be stored in rodent-proof containers.
- I. No more than twelve (12) chickens shall be kept or maintained per property.
- J. All chickens shall have wings clipped at any given time so as to eliminate the possibility of flight from the permittee's property.
- K. All such chickens must be hens; no roosters are permitted.
- L. The County shall not be liable for injury or death of chickens caused by dogs, cats, or other animals, domestic or wild, whether such animals are licensed by the County or

not. Further, injury or death of a chicken caused by an animal is not, in and of itself, sufficient grounds for Animal Control to determine that the animal is a dangerous/vicious animal pursuant to Section 3.50.010. Any dead chicken, not caused by slaughtering, shall be disposed of immediately upon discovering in a manner so as not to cause a nuisance pursuant to Chapter 8, Zoning Ordinance.

- M. Any slaughter of chickens not regulated by state law or otherwise forbidden or regulated shall be done only in a humane and sanitary manner and shall not be done open to the view of any public area or adjacent property owned by another.

.02 No person shall keep any chickens unless they possess a Pottawattamie County, Iowa Urban Chicken (Hen) Permit issued by Animal Control.

- A. Animal Control shall provide an application form upon request, which shall include consent forms for landlords and owners of adjacent properties.
- B. The fees and associated costs shall be set by resolution.
- C. Permits will be granted for one (1) year valid from January 1 through December 31. Permits may be purchased at any time during the year but will be valid only through December 31.
- D. The applicant shall successfully complete an approved class in raising chickens in an urban setting prior to being issued a permit. Animal Control shall maintain a current list of such approved classes.
- E. By the granting of the permit to raise chickens and the application thereof, the permittee authorizes that the County or its agents have the right to go onto permittee's property any time and without prior notice for the limited purpose of inspection of the premises to ensure that all applicable conditions have been met.
- F. Within thirty (30) days after the expiration of any permit, the permittee shall apply for and secure a renewal of the permit in the manner provided for in this chapter. Failure to renew a permit within the time herein provided shall result in a delinquent fee, in addition to the regular permit fee, as set by the Pottawattamie County, Iowa Board of Supervisors. All applicants shall be furnished with permit rules and regulations at the time the application is made.
- G. The permit is a limited license for the activity, and no vested zoning rights arise from the permit being issued.
- H. The permit does not run with the land. Private restrictions on the use of the property shall remain enforceable and shall supersede the permit. The private restrictions include, but are not limited to, deed restrictions, neighborhood association bylaws, covenants and restrictions, and rental agreements. A permit issued to a person whose property is subject to private restrictions that prohibit keeping of chickens is void.

.03 In the event that an applicant or permittee does not fully and strictly comply with the requirements of this section, the application may be denied or the permit may be revoked. If an application is denied or a permit is revoked, the applicant or permittee shall be so informed in writing and also informed of the right to appeal said decision.

- A. In any instance where Animal Control has denied, revoked, suspended, or not renewed a permit, the applicant or permit holder may appeal the decision to the Pottawattamie

County, Iowa Board of Health within ten (10) business days of receipt by the applicant or holder of the permit of the notice of the decision.

- B. When an application for a permit is denied or when a permit is revoked:
  - 1. The applicant may not re-apply for a new permit for a period of 1 year from the date of the denial or revocation unless the denial or revocation is due to administrative reasons only, as determined by Animal Control.
  - 2. Any chicken(s) shall be removed immediately.
  - 3. Any coop, fowl house, fencing or other structures shall be removed within ten (10) days of the date of the permit being denied or revoked.
- C. Animal Control shall issue a permit within 7 to 10 working days from receipt of application.





### Urban Chicken Permit Application

*Failure to complete all sections of the application and provide supporting documentation will result in a denial of your application.*

#### Applicant Information

Name \_\_\_\_\_

Address \_\_\_\_\_

Home or Cell Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

**\*\*24-hour emergency contact phone number** \_\_\_\_\_

*This is the number that will be called if we receive a complaint about the chickens on your property.*

Number of chickens to be kept \_\_\_\_\_. ***No roosters are allowed. Max number of hens (12)***

Complete the following attachments:

- Attachment A: Description of the chicken coop and pen, including materials used and cubic feet
- Attachment B: Sketch identifying the property boundaries and indicating the location of coop and pen
- Attachment C: For tenants only—Landlord Approval form.

**Initial:**

- \_\_\_\_ 1) I have read the Pottawattamie County Urban Chicken Ordinance Chapter 3.50.035 understand the requirements for keeping chickens.
- \_\_\_\_ 2) I am aware that I first must receive approval from the County prior to obtaining chickens.
- \_\_\_\_ 3) I will follow all County ordinances and state laws relating to the care and keeping of animals.
- \_\_\_\_ 4) I am aware that I am responsible for keeping chickens within the confines of my property at all times.
- \_\_\_\_ 5) I am aware that I may not make any dimensional changes to my chicken coop without first obtaining approval from the County.
- \_\_\_\_ 6) I grant the right for County staff to inspect my property prior to approval of this permit. I further grant the right for County staff to inspect my property with notification one year after the permit is granted and at any other time to possibly investigate a complaint.
- \_\_\_\_ 7) I acknowledge that I live in a single-family dwelling as per zoning code.
- \_\_\_\_ 8) I affirm that I have never been found guilty of any animal welfare, neglect or cruelty code.
- \_\_\_\_ 9) I am aware that I may not add to the number of chickens listed on this application without first obtaining approval from the County.
- \_\_\_\_ 10) I understand that the permit is limited to one year for the activity and no vested zoning rights arise from the permit being issued and that the permit does not run with the land.

\_\_\_\_ 11) I understand the private restrictions on the use of the property shall remain enforceable and shall supersede the permit. I affirm that there are no private restrictions including, but not limited to, deed restrictions, neighborhood association bylaws, and covenants. A permit issued to a person whose property is subject to private restrictions that prohibit keeping of chickens is void.

*I affirm that all statements contained in the application and Attachments A-C are true and correct and that I the permit holder will keep the chickens in compliance with all related ordinances and Urban Chicken ordinance. I understand that failure to comply with regulations may result in revocation of the permit and/or issuance of a County infraction.*

Signature \_\_\_\_\_ Date \_\_\_\_\_

**For County Use Only**

Initial Permit Application Fee: \$125      Paid \_\_\_\_\_ Receipt # \_\_\_\_\_

Annual Renewal Permit Fee: \$75      Paid \_\_\_\_\_ Receipt # \_\_\_\_\_

Design Approval:      Date \_\_\_\_\_ Official \_\_\_\_\_

County Inspection:      Date \_\_\_\_\_ Officer \_\_\_\_\_

Applicant Meets Requirements \_\_\_\_\_ Does Not Meet \_\_\_\_\_ Corrections Needed \_\_\_\_\_

Supervisor's Review \_\_\_\_\_

Approval Date \_\_\_\_\_ Denied \_\_\_\_\_

Reason for denial \_\_\_\_\_

Permit Number: \_\_\_\_\_

Issue Date \_\_\_\_\_ Expiration Date \_\_\_\_\_

Next Inspection Review Due \_\_\_\_\_ Adjusted # of Chickens \_\_\_\_\_

Pottawattamie County Public Health  
Animal Control  
600 S 4th Street Suite 100, Council Bluffs, IA 51503 (712) 366-1143



**POTTAWATTAMIE COUNTY**  
PUBLIC HEALTH

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**ATTACHMENT A**

*Describe the chicken coop and pen including materials used and cubic feet*

**ATTACHMENT B**

*Sketch a diagram below of the property including the dimensions and (Or attach)*

- *Identify the adjacent properties by street address*
- *Indicate the location of coop and pen*

**ATTACHMENT C**

To be completed only if the applicant is a tenant.

I am the owner/landlord of \_\_\_\_\_ Pottawattamie County, IA, and I give permission for my tenant \_\_\_\_\_ to install a chicken coop and keep chickens on the property.

\_\_\_\_\_  
Signature of Owner/Landlord

\_\_\_\_\_  
Date