

**PLANNING COMMISSION/
BOARD OF ADJUSTMENT MEETING
CITY COMMISSION ROOM
Tuesday, July 13, 2021
7:00am**

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES: May 11, 2021 Planning Commission Minutes.

APPROVAL OF MINUTES: May 11, 2021 Board of Adjustment Minutes.

APPROVAL OF AGENDA:

APPEARANCES, ACKNOWLEDGEMENTS, CORRESPONDENCE: None

OLD BUSINESS (Planning Commission and Board of Adjustment): None.

NEW BUSINESS (Board of Adjustment): None

NEW BUSINESS (Planning Commission):

1. Discuss Chicken Ordinance and make recommendation.

PUBLIC INPUT:

ADJOURNMENT:

Any person with a disability wishing to attend any board meeting who may require special arrangements may contact the Finance Office at 256-7500 and all attempts shall be made to accommodate those requests

PLANNING COMMISSION PROCEEDINGS
CITY OF MADISON
May 11, 2021

Chairman John Groce called the meeting to order at 7:00am.

The following members were present for roll call: Chairman John Groce, Commissioners Jim Iverson, Bob Maxwell, Donna Fawbush, Roger Olson, Michael Johnson and Jennifer Wolff. Also present were Marvin Parkinson, City Commission Liaison Jeremiah Corbin, and Administrative Official Ryan Hegg.

Motion by Commissioner Maxwell to approve the April 13, 2021 Planning Commission minutes, second by Commissioner Olson. Motion carried unanimously.

Motion by Commissioner Olson to approve the April 13, 2021 Board of Adjustment minutes, second by Commissioner Wolff. Motion carried unanimously.

Motion by Commissioner Iverson, second by Commissioner Maxwell to approve the May 11, 2021 agenda. Motion carried unanimously.

Motion by Commissioner Olson, second by Commissioner Wolff to move into Board of Adjustment at 7:05 am. Motion carried unanimously.

Motion by Commissioner Iverson, second by Commissioner Olson to move out of Board of Adjustment. Motion carried unanimously.

There were no public input comments.

Motion by Commissioner Maxwell, second by Commissioner Wolff to adjourn. Motion carried unanimously.

The meeting adjourned at 7:34am.

Dan Whitlock
Planning Commission

**BOARD OF ADJUSTMENT PROCEEDINGS
CITY OF MADISON
May 11, 2021**

The Planning Commission motioned to move into Board of adjustment at 7:05 am.

The following members were present for roll call: Chairman John Groce, Board Members Jim Iverson, Donna Fawbush, Jennifer Wolff, Roger Olson, Michael Johnson, and Bob Maxwell. Also present were Administrative Official Ryan Hegg, and Board of Adjustment Alternate Jeremiah Corbin.

This being the time and place set for the hearing on Conditional Use Appeal Request No. 653, Marvin Parkinson. The following people were in attendance in addition to the Board and the aforementioned individuals: Marvin Parkinson and City Engineering Technician Dan Whitlock.

Mr. Hegg went through the contents of the agenda packet for Appeal No. 653. He stated that he intends to paint and re-roof the garage that is to be moved in. The driveway for the structure will come in from the south off the alley. Mr Parkinson intends to comply with the setbacks for his particular zoning.

Mr. Parkinson spoke on his behalf. He stated that he does not run a business from his current garage but does some work out of it. Mr. Iverson asked about the size of the garage. The property is zoned R-60 and the garage is 24'x16'. There was concern about the addition of the structure exceeding the maximum lot coverage. Mr. Hegg stated that he had looked at this and the maximum lot coverage would not be exceeded. Mr. Johnson asked about the existing trailer on his property and if it could be moved. Mr. Parkinson said that it could be moved. Ms. Wolff asked about the sidewalk on the highland frontage. Mr. Whitlock stated that the east edge of the sidewalk would need to be approximately 10' off of the back of the curb to meet the minimum 5' setback that the city requires. Mr. Johnson asked about the existing siding. He did not think that it would hold up to just painting. Mr. Maxwell asked about the floor in the garage. Mr. Parkinson stated that it would be gravel for now. He said that he would have it painted and re-roofed by fall. Mr. Iverson is concerned about the appearance since it is on the bypass. The board as a whole is concerned about the painting of the siding not working and not looking good. Ms. Fawbush asked if the trailer that is currently on the property is used for storage. Mr. Parkinson said that it is. Mr. Maxwell asked about anchoring the structure. Mr. Hegg stated that anything under 400 sq ft did not require anchors. Mr. Groce added the date of September 21, 2021 as the date where all improvements need to be completed. Mr. Iverson asked if applicant would be willing to side the structure. Mr. Parkinson said he had not checked into it and the cost of materials right now are very expensive due to the pandemic. T-111 would meet siding requirements. The garage door would face west and the access off of the alley would be gravel.

There were no additional opponents or proponents. Chairman Groce closed the public hearing and proceeded to the decision agenda item for appeal.

Motion by Ms. Wolff , second by Mr. Olson to approve discussion for Appeal No. 653.

Motion carried unanimously.

Motion on conditions to replace roofing and repaint or replace siding by September 21, 2021. Amended to add conditions.

Roll call vote Mr. Johnson – Abstain, Mr. Olson – No, Mr. Iverson – No, Ms. Fawbush – No, Mr. Groce – Yes, Mr., Maxwell – Yes, Ms. Wolff – Yes

Yes-3 – No - 3, motion failed.

Motion by Mr. Iverson, second by Mr. Olson to move out of the Board of Adjustment at 7:34am

Motion carried unanimously.

Dan Whitlock
Board of Adjustment

CITY OF MADISON

CHICKEN ORDINANCE

Chapter 8 – Animals and Fowl

Sec. ??? - Fowl generally.

No person shall keep any ducks, geese, turkeys, pheasants, quail, partridges, guineas, or other like domestic fowl within the city limits, except for chickens kept within the provisions of this article.

Sec. ??? – Definitions regarding chickens.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Brooding means the period of chicken growth when supplemental heat must be provided due to the bird's inability to generate enough body heat.

Chick means a baby chicken not more than six (6) weeks old.

Chicken means a domesticated bird of the order of Galliformes in the genus of Gallus (chickens) that serves as a source of eggs or meat.

Cockerel means a young male chicken.

Coop means the structure for the keeping or housing of chickens permitted by the ordinance.

Exercise yard means a larger fenced area that provides space for exercise and foraging for the birds when supervised.

Hen means a female chicken.

Officer means any person designated by the city manager as an enforcement officer.

Rooster means a male chicken.

Run means a fully enclosed and covered area attached to a coop where the chickens can roam unsupervised.
(Ord. No. 16-11-02, 12-15-2016)

Sec. ??? – Revocable permit.

It is the purpose and intent of this ordinance to permit the keeping and maintenance of brooding chicks and hens for egg and meat sources in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety, and welfare of the community. The keeping and maintenance of brooding chicks and hens is permitted to all residents who comply with all requirements, limitations, or prohibitions of this article. Such permit may be revoked if

the person holding the permit refuses or fails to comply with this chapter or with any state or local law governing cruelty to animals or the keeping of animals. Any revocation shall be effective after ten (10) days following written notice thereof to the person or persons keeping or maintaining such chickens. Any person whose permit is revoked within ten (10) days thereafter shall humanely dispose of all chickens being owned, kept, or harbored by such person. (Ord. No. 16-11-02, 12-15-2016)

Sec. ??? - Investigation and Enforcement.

Officers designated by the city shall have authority in the investigation and enforcement of this article, and no person shall interfere with, hinder, or molest any such officer in the exercise of such powers. The animal control officer shall make investigations as is necessary. (Ord. No. 16-11-02, 12-15-2016)

Sec. ??? – Limitations on the number and keeping of chickens.

(a) Chickens may only be kept within areas of the city zoned to permit single family dwellings as outlined below.

(b) No more than eight (8) hens shall be housed or kept on any one (1) residential lot. Residents may possess a like number of brooding chicks intended for the cyclical replacement of hens, but not for the purpose of sale or resale.

(c) Roosters and chicken breeding are prohibited. Cockerels must be culled from broods when identified.

(d) A separate coop is required to house the chickens together with a reasonably satisfactory exercise yard, run, or yard fencing so as to keep chickens confined at all times. Chicken facilities must be constructed and maintained to meet the following minimum standards:

- (1) Located in the rear or side yard.
- (2) Setback as required by the zoning district for structures on the real property. Such structures will still require a zoning permit as specified by section 12-49.
- (3) Coop construction and materials must be adequate to prevent access by rodents.
- (4) Coops must be maintained in good repair.
- (5) Coops or cages housing chickens shall be kept at least twenty (20) feet from the door or window of any dwelling of an occupied structure other than the owner's dwelling.
- (6) Coops and manure storage shall be kept twenty (20) feet from streams, tributaries, ditches, storm water management facilities, drop inlets, or other storm drainage areas that would allow fecal matter to enter any city storm drainage

system or stream. Dumping chicken manure into the city's storm drainage system is prohibited.

(e) Chickens must not be housed in a residential house or an attached or detached garage, except for brooding purposes only.

(f) All premises on which chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding area must be cleaned frequently enough to control odor. Manure and coop waste shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property. Manure and coop waste that is not composted or immediately spread as fertilizer must be secured and double bagged in solid waste bags and kept in a solid waste container as set forth in section 9-3.

(g) Chickens shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property.

(h) Except for chickens properly slaughtered for consumption, dead chickens must be disposed of within forty-eight (48) hours after death. Legal forms of chicken carcass disposal include burial and off-site incineration or rendering. All slaughtering of chickens shall be conducted so as not to be visible to the public or adjacent property owners and occupants.

(i) All grain and food stored for the use of the chickens shall be kept in a rodent proof container.

(j) Chickens shall be kept so that visibility is substantially obstructed at a height of five (5) feet above ground level to the traveling public or surrounding property owners. (Ord. No. 16-11-02, 12-15-2016)

Sec. ??? - Violations.

(a) Any person violating this article shall be deemed guilty of a class 2 misdemeanor, upon conviction, shall be punished in accordance with a fine amount of \$100 plus court costs.

(b) Any person violating this article shall reimburse the city for all costs borne by the city to enforce the conditions of this article including but not limited to the collection and humane disposal of chickens.

(c) All chickens of any person violating this article may be forfeited to the city and may be removed and euthanized and properly buried or otherwise disposed of in a sanitary manner. (Ord. No. 16-11-02, 12-15-2016)

Sec.???- City Impoundment:

(a) Due to the risk of disease, the City Animal Control Shelter cannot receive and hold (i.e., impound) chickens that come into the possession of the Animal Control Officer. Therefore, the Animal Control Officer is authorized to euthanize and properly dispose of any chickens found running at large or that come into the officer's possession.