

City of
WASHINGTON TERRACE
Utah

Planning Commission Meeting
Thursday, August 29, 2024
City Hall Council Chambers
5249 S. South Pointe Dr. Washington Terrace City
801-393-8681

1. **ROLL CALL** 6:00 p.m.
2. **PLEDGE OF ALLEGIANCE**
3. **WELCOME**
4. **RECURRING BUSINESS**
 - 4.1 **MOTION: APPROVAL OF AGENDA**
Any point of order or issue regarding items on the Agenda or the order of the agenda need to be addressed here prior to the approval of the agenda.
 - 4.2 **MOTION: APPROVAL OF MINUTES FOR JULY 25, 2024**
5. **SPECIAL ORDER**
Special orders will proceed as follows: Chair introduction of item, staff/applicant presentation, questions by commission, Chair opens public hearing, citizen input; Chair closes public hearing, then commission final discussion.
 - 5.1 **PUBLIC HEARING: TO HEAR COMMENT IN SUPPORT AND OPPOSITION TO PROPOSED ORDINANCE ADOPTING CHAPTER 17.86 REGULATING URBAN CHICKENS**
6. **NEW BUSINESS**
 - 6.1 **MOTION/ORDINANCE 24-07: RECOMMENDATION TO APPROVE ORDINANCE 24-07 ADOPTING CHAPTER 17.86 REGULATING URBAN CHICKENS**
6. **UPCOMING BUSINESS**
7. **MOTION: ADJOURN THE MEETING**

In compliance with the Americans with Disabilities Act, persons who have need of special accommodation should contact the City Recorder at 395-8283

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in three public places within the City of Washington Terrace City limits and faxed to the *Standard Examiner* at least 24 hours prior to the meeting.
Amy Rodriguez, Washington Terrace City Recorder

1
2
3
4 **City of Washington Terrace**
5
6

7 **Minutes of the Planning Commission Meeting held on**
8 **Thursday, July 25, 2024**
9 **City Hall, 5249 South 400 East, Washington Terrace City,**
10 **County of Weber, State of Utah**
11

12
13 **PLANNING COMMISSION AND STAFF MEMBERS PRESENT**

14 Chairman Steve Jacobson - Excused
15 Vice- Chair Dwight Henderson- Excused
16 Commissioner Amy Morgan - Excused
17 Commissioner Dan Johnson – Acting Chairman
18 Commissioner Jethro Dee Watson
19 Commissioner Morgan Wilkins
20 Commissioner Matthew Roper
21 City Recorder Amy Rodriguez
22 General Planner Tyler Seaman
23

24 **Others Present**

25 Mike , Craig Urry, Chris Jenkins
26

27 **1. ROLL CALL**

6:00 p.m.

28
29 Rodriguez stated that Commissioner Johnson was asked to be acting Chairman for this meeting.
30 The Commission agreed.
31

32 **2. PLEDGE OF ALLEGIANCE**

33
34 **3. WELCOME**

35
36 **4. RECURRING BUSINESS**

37 **4.1 MOTION: APPROVAL OF AGENDA**

38 Seaman asked if we could move item 6.3 to before the public hearings, as the development team
39 for the item are in attendance.

40 **Motion by Commissioner Wilkins**
41 **Seconded by Commissioner Watson**
42 **To approve the agenda**
43 **Approved unanimously (4-0)**
44

45 **4.2 MOTION: APPROVAL OF MINUTES FOR JUNE 27, 2024**

46 **Motion by Commissioner Wilkins**
47 **Seconded by Commissioner Watson**

48 to approve the minutes of June 27, 2024
49 Approved unanimously (4-0)
50

51 **Items 4.1 and 4.2 were approved by general consent.**

52
53 **5. SPECIAL ORDER**
54

55
56 **5.1 PUBLIC HEARING: TO HEAR COMMENT IN SUPPORT AND**
57 **OPPOSITION TO PROPOSED ORDINANCE AMENDING CHAPTER 17.10**
58 **RELATING TO IN-FILL RESIDENTIAL DEVELOPMENT**
59

60 Seaman stated that the ordinance is a text amendment to the current in-fill code.

61 Seaman stated that the City Attorney re-worded some of the text to include language making the
62 in-fill definition and intent clear.

63 Seaman stated that the intent of in-fill intent is to allow considerations for vacant lots or property
64 that do not fit into standardized zoning. He stated that the Development Review Committee
65 (DRC) has reviewed the ordinance text changes. He stated that he recommends the changes, as it
66 runs more in line into what we are planning to do with in-fill properties within the city. Seaman
67 stated that there are only a few properties that could be considered for the in-fill program. He
68 stated that a development agreement outlying conditions must be established before construction
69 can occur on any in-fill properties.
70

71 **Commissioner Johnson opened the public hearing was opened at 6:23 p.m.**
72

73 Comments were heard from a resident named Mike who did not want to give his last name to the
74 Commission. Mike thanked the Commission for volunteering their time. He stated that he hopes
75 that the Commission will make an informed decision that affects the entire community.
76

77 He stated that he hopes that the Commissioners realize that the City Council and administration
78 changed the zoning map in 2006 eliminating high-density property within the city. He stated that
79 this was done without property owners knowing of the change.

80 Mike stated that the Harvest Pointe Development which was approved by Council was done with
81 backroom dealings so that they could push the development through. He wanted to know why
82 the development was approved and encouraged by the city administration at the time but those
83 type of developments are not encouraged now.
84

85 Mike stated that he has a legal non-conforming property that was grandfathered in after the
86 zoning changes and stated that he would like to have the property put onto the in-fill map. He
87 stated that the zoning was changed without him knowing he is no longer on the in-fill map. He
88 stated that he believes that this is the exact behind the scenes behavior that occurred during the
89 approval of the high-density development year ago.

90 He stated that many other property owners will be mad to learn that their properties have been
91 removed from the in-fill map without due process by the city.
92

93 Mike stated that the city administration picks and chooses which codes that they like to enforce.
94 He stated that this creates a dangerous situation for residents who wish to report neighboring
95 properties because if they enforce it on one home, but not another home, the property owner will

96 figure out who reported them to the city. He stated that there is no reason to report anything to
97 the city if the city won't stand by their enforcement practices.

98
99 Commissioner Johnson asked clarifying questions about Mike's petition to have his property put
100 on the in-fill map. Mike stated that his property was zoned R-2 when he purchased the property.
101 He stated that the property was re-zoned in 2006, when multi-units were no longer allowed to be
102 built in the city. He stated that being labeled a legal non-conforming property detracts from the
103 value of the property.

104
105 Seaman stated that Mike has petitioned to have his property declared in-fill even though it does
106 not meet the requirements. He stated that his petition was denied because he did not pay the \$500
107 fee required for the DRC and Planning Commission review. Seaman stated that Mike would like
108 to tear down his duplex and re-build it as part of the in-fill process.

109 Seaman explained that the intent is not to take a legal non-conforming property, which is a
110 property that doesn't fit into current zoning and tear it down and say it is in-fill property. He
111 stated that state law lets owners rebuild their property within one year if the property is lost in an
112 act of God. Seaman stated that the city would have to allow him to do so, however, he noted that
113 how he can rebuild it is subjective to city standards. Seaman stated that he cannot stop him from
114 rebuilding it exactly how it currently stands as long as it is done within one year of the event. He
115 noted that it cannot be rebuilt as a multi-family unit with additional units or accessory units.

116
117 Seaman stated that it is important for the Commission to know that city has done its' due
118 diligence. Seaman stated that he has called several banks and lenders and has been told that there
119 are no issues on lending as long as the city does not consider the property non-conforming or
120 illegal. Seaman stated that Mike's property is permitted as a duplex. He stated that it is
121 considered a legal non-conforming duplex and is allowed to be conducted as so.

122 Mike stated that his duplex is a two- family structure. He told the Commission that the city
123 eliminated all R-2, R-3, and R-4 zones and the only high density allowed will be commercial. He
124 stated that the city wants mixed-use commercial property.

125 Seaman stated that Council can allow for a commercial property to be used as mixed-use,
126 meaning that there is commercial property on the bottom floor, and residential units above. He
127 stated that there would need to be a development agreement in place outlying conditions before
128 the project would be approved.

129
130 Seaman stated that the Harvest Pointe properties that Mike referred to is better taken care of than
131 32 individual homes. Seaman stated that there were no backroom deals associated with those
132 properties or the zoning changes as Mike stated. He stated that all the minutes are available.
133 Seaman noted that Public Hearings were held as required.

134
135 Mike stated that the city has already made a declaration that there are problems with enforcement
136 within the city. He stated that is because there is no "teeth" in the code and no one is enforcing
137 codes. Mike stated that there would not be problems if the codes were fully enforced and not just
138 haphazardly enforced.

139 Mike stated that he has little trust in the city administration and feels that he has been
140 intentionally misled through this process as well as his property being rezoned.

141

142 Seaman stated that the in-fill properties are approved by ordinance and that no one has been
143 removed from the property map. He stated that property owners can go through process to be
144 added on to the map as Mike is attempting to do.

145 Seaman stated that staff and the Commission need to review the ordinance and make sure that it
146 is in line with the goal of the city. Seaman stated that Mike is going through the process to put
147 his 0.18 acre property onto the infill map. Seaman stated that Mike will receive an email from
148 our attorney explaining his options in this regard. Seaman stated that the goal of staff and the
149 DRC is helping someone be successful in presenting something to the Planning Commission. If
150 the proposal is not in line with the intent of city goals, staff will let the resident know so that they
151 can align their vision with what is allowed and potentially pass through the Planning
152 Commission.

153 Seaman stated that it is not the intent of the in-fill program to take down an existing duplex and
154 make three separate properties on the parcel if they meet the density considerations allowed.

155 Seaman stated that it can get out of hand if everyone was allowed to be considered an in-fill
156 property and allow them to put more units on their property because the density consideration
157 allows for it in the ordinance.

158
159 Seaman stated that it costs \$500 for an applicant to come present to the Planning Commission.
160 He stated that he has tried to help Mike save time and fee money by letting him know that he will
161 be denied at the Planning Commission level because what he is trying to do is not in line with the
162 intent of the ordinance. Seaman stated that he tries to work with developers ahead of the meeting
163 so that they can be successful in their project.

164 Moving forward, Seaman stated, he has been advised by legal that if someone really wanted to
165 push something through to the Commission, that he will let them, noting that he will give his
166 recommendations to support or not support a project with his supporting reasons and let the
167 Planning Commission decide.

168
169 Mike stated that he sent a letter and he has not been given direction from the city. He stated that
170 his intention was not to build three units on his property. He stated that his intention be put on
171 the in-fill map was so that if his duplex was ever damaged, he could build closer to the fence
172 lines. Mike stated that the Planning Commission was not given all the information on his
173 petition. Seaman stated that Mike should be receiving a letter from the city Land Use Attorney
174 within the next few days.

175
176 **Commissioner Johnson closed the public hearing was closed at 6:52 p.m.**

177
178
179 **5.2 PUBLIC HEARING: TO HEAR COMMENT IN SUPPORT AND**
180 **OPPOSITION TO PROPOSED ORDINANCE AMENDING CHAPTER 17.76**
181 **RELATING TO THE APPEAL AUTHORITY**

182
183 Rodriguez stated that the Appeal Authority section of the Administrative code was repealed and
184 replaced in 2010. It was found that the section relating to the Appeal Authority in chapter 17.76
185 still referenced the repealed code. The amendment to the ordinance is to align Chapter 17.76 of
186 the Municipal Code with state law and City Code.

187
188 **Commissioner Johnson opened the public hearing was opened at 6:55 p.m.**

189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235

Mike suggested that the city attorney should not be the appeal authority overseeing the appeal project and is glad that Bill Morris recused himself from his appeal hearing. He stated that the city needs to follow our codes and make them clear for citizens.

Commissioner Johnson closed the public hearing was closed at 6:58 p.m.

6. NEW BUSINESS

**6.1 MOTION/ORDINANCE 24-05: RECOMMENDATION TO APPROVE
ORDINANCE 24-05 AMENDING CHAPTER 17.10 “ IN-FILL RESIDENTIAL
DEVELOPMENT”**

**Motion by Commissioner Roper
Seconded by Commissioner Watkins
To approve recommendation to Council to
Approve Ord. 24-05 amending Chapter 17.10 “In-fill Residential Development”
Approved unanimously (4-0)**

**6.2 MOTION/ORDINANCE 24.06: RECOMMENDATION TO APPROVE
ORDINANCE 24-06 AMENDING CHAPTER 17.76 “APPEAL AUTHORITY”**

**Motion by Commissioner Wilkins
Seconded by Commissioner Roper
To recommend approval of Ordinance 24-06
Amending Chapter 17.76 “Appeal Authority”
Approved unanimously (4-0)**

**6.3 DISCUSSION/ MOTION: APPROVAL OF PRELIMINARY PLAT FOR
TERRACE PLAZA CHILDREN’S ACADEMY, LOCATED AT
APPROXIMATELY 99 WEST 4700 SOUTH**

Urry and Jenkins introduced themselves to the Commission as the engineer and representatives for the owners of Terrace Plaza Playhouse. Seaman stated that the plans include construction of a brand-new building next to the Playhouse.

Seaman stated that the Academy will be used for a youth program for theatre. He stated that they have been through the development review committee (DRC). Seaman stated that there is a concern regarding the grandfathering-in of storm water. He stated that the property does not comply with current state regulations for storm water. The Developer and City engineer are working on adding different landscaping to have the water absorbed.

Seaman stated his concern regards parking. He stated that there will be conditions of approval stating that the youth program and plays cannot coincide at the same time. He stated that the site plan will promote the pull-thru mentality so that there is not a backup of cars when kids are being dropped off.

Seaman stated that conditions include:
-Escrow

- 236 -Payment of fees and applications
- 237 -Landscaping requirements
- 238 -Letter stating that the two businesses will not be run at the same time
- 239 -Storm water calculation final approval with the City Engineer

240
241 Seaman stated that the Terrace Muffler is encroaching on the parking. He stated that the owners
242 may have to put in a buffer to establish that the parking is for the Academy or Terrace Plaza
243 Playhouse.

244
245 Jenkins stated that he believes there will be morning and afternoon classes. Seaman stated that
246 their goal is to have classes for school children across the street.

247 Seaman stated that that staff is supportive of the plans. He stated that with the letter stating that
248 the two businesses will not be run at the same time, he has no concerns with the parking situation

249
250 Seaman stated that they will use LID landscaping to absorb water and eliminate run-off. He
251 stated that the challenge entails the flow line. He stated that there is not a basin on the property at
252 all. Seaman stated that he believes that the LID should meet the requirements for storm water. He
253 stated that they should meet the 100-year rain requirement with the LID. Seaman stated that the
254 City Engineer will need to review the calculations and approve the project.

255

256 **Motion by Commissioner Watkins**

257 **Seconded by Commissioner Roper**

258 **To approve the preliminary plat for the**

259 **Terrace Plaza Children's Academy**

260 **Approved Unanimously (4-0)**

261

262

263 **7. UPCOMING BUSINESS**

264 Seaman stated that the in-fill situation has been a top priority of staff. He stated that there has
265 been a lot of research making sure that we are following state law and keeping in line with city
266 ordinance.

267

268 Seaman updated that Commission on the city property next to the library, stating that a plan will
269 be submitted to the DRC next month. He stated that the proposed plan will be commercial only
270 and will fall in line with the C-1 zoning. He stated that they may need a sprinkler system, and the
271 city may need to cut into the road to install a larger water line to accommodate the sprinkler
272 system.

273

274 Seaman stated all requests for in-fill development are tabled until the ordinance is approved.

275

276 Seaman stated that the backyard chicken ordinance was not brought to the Commission tonight
277 because we would prefer that the entire group was present for the discussion. Seaman stated that
278 he knows of 8-9 families who want chickens and may already have them. Seaman stated that our
279 code is complaint based, noting that the department was directed by Council around 2 years ago
280 to be progressive and aggressive on violation citations and code and within 3 months was
281 directed to stop and go back to complaint-based enforcement. Seaman stated that the main
282 purpose of the Code Enforcement and Building Department is for life safety of the entire city and

283 to protect entire city property rights and the residents. He stated that the city will step in and get
284 involved if it is aware of a hazard or safety concern. He stated that the city will step in if there
285 are significant issues.

286

287

288

7. MOTION: ADJOURN THE MEETING

289

Motion by Commissioner Roper

290

Seconded by Commissioner Wilkins

291

To adjourn the meeting

292

Approved unanimously (4-0)

293

Time: 7:12 p.m.

294

295

296

297

Date Approved

City Recorder

**CITY OF WASHINGTON TERRACE
ORDINANCE NO 24-07**

URBAN CHICKENS

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE CITY, UTAH,
ADOPTING CHAPTER 17.86 REGULATING URBAN CHICKENS; SEVERABILITY;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Washington Terrace (“City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;

WHEREAS, there is renewed interest in raising chickens in the urban environments and the City desires to allow for such while mitigating adverse impacts;

WHEREAS, after publication of the required notice the Planning Commission held its public hearing on August 29,2024, to take public comment on this proposed Ordinance, and subsequently gave its recommendation to _____ this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on _____, and desires to act on this Ordinance;

NOW, THEREFORE, be it ordained by the City Council of the City of Washington Terrace as follows:

Section 1. Repealer. Any Ordinance that conflict with this Ordinance is repealed.

Section 2. Amendment. Chapter 17.86 is hereby adopted to read as follows:

**Chapter 17.86
URBAN CHICKENS**

Sections:

17.86.010	Purpose.
17.86.020	Land Use Permit.
17.86.030	Application.
17.86.040	Regulations.
17.86.050	Inspection.
17.86.060	Enforcement and Appeal.

17.86.010 Purpose.

The purpose of this Chapter is to permit the keeping and/or raising of chickens in certain single-family zones as provided in this Chapter for the sole purpose of family food production. Any chicken kept as provided in this Chapter is not considered or otherwise deemed a household pet.

17.86.020. Land Use Permit.

Any person keeping and/or raising one or more chickens in the City shall first obtain a Land Use Permit under this Chapter. Any Land Use Permit issued under this Chapter shall be made by application of the property owner and continue under this Chapter for the duration of ownership upon which time any Land Use Permit shall cease. No Land Use Permit under this Chapter shall run with the land.

17.86.030 Application.

A complete application for a Land Use Permit filed with the City under this Chapter shall include:

1. A one-time license fee of one hundred dollars (\$100.00).
2. Property Owner Authorization and Affidavit that states: The undersigned, being duly sworn, depose that I am (we are) the applicants of the property involved and that we agree to abide by the provisions contained herein and acknowledges that he or she is responsible to know and understand all local, state, or federal regulations related to the keeping of one or more chickens at the location of the property listed in the application.
3. Applicant's contact information, including:
 - a. Legal name.
 - b. Phone number.
 - c. Email.
 - d. Other contact information as needed.
4. Address of the property where chickens are proposed to be located and proof of ownership.
5. Site Plan showing the:
 - a. North arrow.
 - b. Building lot size.
 - c. All property boundaries.
 - d. All existing and proposed public streets, private streets, drives, right-of-ways, and easements shown including widths.
 - e. Location of existing curb, gutter, and sidewalk.
 - f. Location of all existing structures and accessory buildings on the property with accurate square footage.
 - g. Location of proposed structures and/or proposed additions to existing structures with proposed square footage.
 - h. Location and size of any existing or proposed septic tanks and leach fields, if applicable.

17.86.040 Regulations.

The keeping and/or raising of one or more chickens is subject to the following regulations:

1. Compliance. Any chicken shall be kept in a manner consistent with this Chapter.
2. Family Only. Any chicken shall be kept strictly for family food production, and not for commercial sale or personal income. No egg sales whatsoever.
3. Prohibited. No roosters shall be kept, and no breeding is permitted on the property.

4. Keeping. Up to six (6) chicken hens may be kept on a residential lot in accordance with the following:
 - a. Any chicken shall only be kept on a property containing a single-family detached dwelling unit with a minimum lot size of 20,000 square feet.
 - b. Any chicken shall be kept in one coop or one properly enclosed area at all times in the rear yard as depicted on an approved Site Plan.
 - c. No chicken shall be permitted to roam outside a coop or enclosed area.
 - d. A coop shall be covered, ventilated, and rodent and predator resistant.
 - e. A coop shall not be constructed of scrap or dilapidated materials.
 - f. The coop shall be built with a finished, all weather exterior material.
 - g. Any crowing hen shall be culled.
5. Setbacks. The coop or enclosure shall be located:
 - a. At least twenty five (25) feet from any primary residential dwelling.
 - b. At least twenty five (25) feet from any primary residential dwelling on an adjoining property.
 - c. At least five (5) feet from any property line.
 - d. Maximum coop height is seven (7') feet, at its highest point.
 - e. Any time a heating device used in a pen or coop, such pen or coop must be separated at least ten (10) feet from any residential dwelling.
6. Maintenance.
 - a. Any coop and/or enclosure shall be maintained in a orderly and sanitary condition, and in a manner that prevents a detectable odor at the property line.
 - b. Chicken feed shall be stored in a covered container and in a manner that prevents access from rodents or other animals.
 - c. No growth or vegetation other than sod grass is permitted within five (5) feet of any coop.
 - d. The area within five (5) feet of the perimeter of any coop shall be unobstructed, except the side where a coop may be attached to an accessory building.
 - e. No coop, pen, cage, or similar structure shall exceed one hundred fifty (150) square feet (including the coop, run, and/or enclosure).
 - f. Any chicken found at-large is subject to being culled or confiscated.

17.86.050 Inspection.

The property will be inspected upon application and periodically to verify compliance with this Chapter. Upon an initial application, reinspection is required if property does not meet requirements of this Chapter. For each reinspection the applicant is subject to a fifty (\$50.00) reinspection fee.

17.86.060 Enforcement and Appeal.

A Land Use Permit may be denied, suspended, or revoked for a violation of this Chapter. A violation of this Chapter is subject to an infraction and a fine not to exceed \$750 per violation. Appeals are subject to this Title.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 4: Effective date. This Ordinance takes effect immediately upon adoption and posting.

PASSED AND ADOPTED by the City Council on this ____ day of _____, 20__.

Mayor

ATTEST:

City Recorder

RECORDED this ____ day of _____, 20__.

PUBLISHED OR POSTED this ____ day of _____, 20__.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the City Recorder of Washington Terrace City, hereby certify that foregoing ordinance was duly passed and published, or posted at: 1) _____, 2) _____, and 3) _____ on the above referenced dates.

City Recorder

DATE: _____



RESIDENTIAL CHICKEN LICENSE APPLICATION

Applicant Name: _____ Date: _____

Applicant Address: _____

Applicant Phone #: _____ Applicant E-mail: _____

???.??.??: CHICKENS IN SINGLE-FAMILY RESIDENTIAL ZONES OWNERSHIP AND MAINTENANCE

- A. The keeping and maintenance of residential chickens is allowed within the City only as provided in this Title.
- B. Any chicken kept as provided by this Title shall not be deemed a household pet.
- C. A City license is required for the keeping of chickens allowed by this Title.
 - 1. A license shall be a one-time application and shall be signed by the property owner.
 - 2. A license does not run with the land.
 - 3. There shall be a one-time license fee of one hundred dollars (\$100.00).
 - 4. Property will be inspected to verify compliance with ordinance following approval.
 - 5. Reinspection will be required if property does not meet guidelines on the initial property inspection and will result in an additional fifty (\$50.00) fee for each reinspection.
 - 6. Application for, and acceptance of a license is prima facie evidence that a person agrees to abide by all the conditions and regulations of this Title.
 - 7. A license may be revoked for any violation of this Title.
 - 8. Applicant shall submit a site plan to the Community Development office.
- D. It shall be unlawful for any person to keep any chicken in a manner contrary to the provisions of this Title. Any such violation shall be a class B misdemeanor.
- E. A chicken shall be kept strictly for familial gain from the production and consumption of eggs, and there shall be no sale or income resulting from the keeping of a chicken.
- F. Up to six (6) hens may be kept on a residential lot in accordance with the following:
 - 1. A chicken shall only be kept on a property containing a single-family detached dwelling unit.
 - 2. A chicken shall be kept in a coop or enclosed area at all times.
 - 3. No chicken shall be permitted to roam outside a coop or enclosed area.
 - 4. A coop shall be covered, ventilated, and rodent and predator resistant.
 - 5. A coop shall not be constructed of scrap or dilapidated materials.
 - 6. The coop shall be built with a finished, all weather exterior material.
 - 7. It is unlawful to keep a rooster or crowing hen.
 - 8. No lot smaller than eight thousand (20,000) square feet shall be used for the keeping of chickens
 - 9. Any coop or enclosure shall be located in the rear yard of the main dwelling.
 - 10. Any coop or enclosure shall be located at least twenty (25) feet from any primary residential dwelling on an adjoining property, and at least five (5) feet from any property line.
 - 11. No coop shall be taller than seven (7') feet, at its highest point.
 - 12. Any time a heating device is employed in a pen or coop, such pen or coop must be separated at least ten (10) feet from any dwelling structure.
 - 13. Any coop and any roaming area shall be maintained in a neat and sanitary condition and shall be cleaned as necessary to prevent a detectable odor at the property line.
 - 14. Chicken feed shall be stored and dispensed in a rodent-proof and predator proof container.
 - 15. No growth or vegetation other than sod grass is permitted within five (5) feet of any coop.
 - 16. The area within five (5) feet of the perimeter of any coop shall be unobstructed, except that the rear of a coop may be attached to another structure.
 - 17. A chicken may not be kept, and a coop may not be constructed, on any property that is in violation of a City Ordinance or where the owner or resident is being prosecuted for a violation.
 - 18. No coop, pen, cage, or similar structure shall exceed one hundred fifty (150) square feet (includes coop space and chicken run)
- G. Any chicken that is outside of an approved coop or enclosed area may be confiscated by any agent of the City.

Property Owner Authorization and Affidavit:

The undersigned, being duly sworn, depose that I am (we are) the applicants of the property involved and that we agree to abide by the provisions contained herein and acknowledges that he or she is responsible to know and understand all local, state, or federal regulations related to the keeping of chickens at the property listed above as the "Applicant Address."

