



## Planning & Zoning Commission Meeting Agenda

*Tuesday, July 22, 2025 - 5:00 PM*

Newton City Hall - Council Chambers  
101 W 4th St S  
Newton, IA 50208

**View this Meeting:** Mediacom Channel 12/85/121.12 or [www.newtongov.org/cablecast](http://www.newtongov.org/cablecast)

- I. Call to Order and Roll Call
- II. Review of Minutes of Previous Meeting
- III. Urban Chickens Discussion
- IV. Adjourn

**Chair:** Dana Woody; **Vice Chair:** Jane Johnson; **Members:** Joshua Cantu, Andrew Elbert, Jeff Holschuh, Don Poynter, Dana VanGilder

**Minutes of Meeting  
Newton Planning and Zoning Commission  
Regular Meeting  
March 4, 2025**

ROLL CALL: Board members present: Johnson, Elbert, Holschuh, Woody, McCormick  
Board members absent: Cantu, Van Gilder

STAFF PRESENT: Erin Chambers, Community Development Director  
Craig Armstrong, Economic Development Specialist

OTHERS PRESENT: Tim Malone, MP25-2 Applicant  
Chuck Griffith, MP25-2 Applicant  
Nick Carter, Carter Surveying, MP25-2 Surveyor  
Steve Mullan, Newton City Council

A quorum being present, Chair Woody called the meeting to order at 5:00 PM.

**Minutes.** Minutes of the previous meeting from January 7, 2024, were reviewed. **Motion** by Johnson, **seconded** by Elbert to approve the minutes. **Voice vote**, approved 5-0.

**Public Hearing.**

**MP25 -2:** Whispering Pines Estates Minor Plat- an 8-lot subdivision at 501 East 19<sup>th</sup> Street South

Chambers reviewed the prepared staff report. Chambers reviewed the history of the property- initially designed as a detached condominium development with 14 housing units. Only five units were constructed, before the development stalled. Now, in an effort to create traditional single family lots, the applicant proposes a total of 8 residential lots- 5 for the 5 existing homes and 3 for future development. Chambers continued by highlighting that the proposed minor plat satisfies zoning requirements and the comprehensive plan. Additionally, the existing private drive will remain a private drive/road once the subdivision on land occurs. Easements will be provided over public utilities.

Nick Carter, Carter Surveying, Altoona, Iowa spoke on behalf of the applicant. Carter stated that there is a strong desire to move this development forward.

Commissioner Johnson stated she was glad to see progress in the area. She stated it is a lovely neighborhood. Johnson wondered if water from the creek is going to be a problem. Carter (Carter Surveying) stated that the location of the 100 year flood line indicates that flooding will not be a concern here.

Commissioner Holschuh noted the tucked-away nature of the development and thought it was a nice place for a few new homes.

**Motion** by Holschuh to close the public hearing, **seconded** by Seconded by Johnson. **Roll Call Vote:** approved 5-0.

No further discussion on the proposal.

**Motion** by Holschuh to recommend approval of MP25-2Whispering Pines Estates Minor Plat as submitted **seconded** by Elbert. **Roll Call Vote:** approved 5-0.

**Other Business.** – Chambers announced that ISU Extension is offering workshops on the topic of Planning and Zoning. The City would encourage and cover the cost for commissioners who may want to attend.

**Motion** by Holschuh to adjourn the meeting, **seconded** by Johnson. **Voice vote**, approved 5-0. Meeting was adjourned at approximately 5:15 PM.



## Memorandum

To: Newton Planning & Zoning Commission

From: Community Development Department

Date: June 30, 2025

Re: Urban Chicken Ordinance

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**Background:** The residents of the City of Newton have brought attention to the current zoning ordinance that allows urban chickens on parcels that are currently one acre in size or more and/or zoned A-1 Agricultural. The City Council directed the Planning and Zoning Commission to review and study the matter of urban chickens at the City Council Meeting on June 2, 2025.

Urban chickens that are typically kept within city limits are usually done so as a source of eggs. They provide both benefits, and drawbacks for a community and its residents.

Benefits of raising chickens in an urban setting include the ability for educational opportunities, healthier eating habits, pest management, less food waste, and increased food security. Allowing residents to raise chickens on their property, enhances the opportunities for education in regards to food production and living. This also allows residents to sustain healthier lifestyles through fresher food. Residents raising chickens may also create less food waste, through feeding them some (primarily fruit, vegetable, and grain) food scraps. Further, residents are likely to have stronger food security by producing food on their own property.

Allowing urban chickens also has its drawbacks. Drawbacks of allowing urban chickens includes potential nuisances, higher likelihood of disease transmissions, neighborly disputes and conflicts, along with enforcement challenges. The biggest potential drawback of allowing residents to have chickens is the potential nuisances that might come about from it. If residents aren't cleaning the coop, an odor could start to form. Another nuisance is that although they carryout pest control measures, they can also attract more pests, and bring in more predators.

Finally, research shows that urban chickens raised for meat production, is generally, incompatible in an urban setting. However, it would be difficult to monitor and enforce this nuisance.

**Current City Code:**

As described below in the current city of Newton code, residents can only keep up to four chickens on their land if the parcel is one acre in size or more. The current code also requires residents to have the stabling, tethering, and grazing areas more than 100 feet away from any neighboring residential dwelling.

§ 158.016 A-1: AGRICULTURAL.

(A) Intent.

(1) The A-1: Agricultural District is intended to encompass those areas which are presently used primarily for agriculture.

(2) It is further intended to preserve and protect prime agricultural land from indiscriminate and undesirable encroachment by, and conversion to, urban uses; provided that, such limited residential uses as will not detract from the crop producing capability of the land, may be permitted; and, further provided, that certain commercial and industrial uses having a particular need to locate away from high density urban areas, may, after due consideration of their environmental and economic impact, be permitted.

(B) *Conditions of use.*

(1) On a farm, as defined, any use listed as “agricultural” shall be exempt from all regulations of this chapter, except applicable regulations set forth in the Floodplain District, and except the following conditions relating to accessory uses;

(2) No accessory use shall occupy more than 25% of the land area of a farm or lot, nor shall the appraised value of land, buildings and improvements occupied by an accessory use exceed 25% of the value of the farm or lot, including all improvements thereto;

(3) Animal rearing and feeding operations shall be carried on in strict accord with the requirements of the state’s Department of Natural Resources;

(4) The keeping of domestic livestock and kenneling or pet boarding [See division (D)(3)] on a lot used principally for residential purposes shall be limited as follows:

Type of Animal	No. of Animals Per Acre
Horses and cattle	2
Sheep, goats, swine, alpacas, chickens	4

NOTES TO TABLE:

For the purposes of this chapter, miniature pigs, as regulated by § [90.13](#) of the of code of ordinances, shall not be considered swine.

(5) A minimum of one acre is required to keep domestic livestock. No stabling, grazing or tethering area for such livestock shall be located closer than 100 feet from any residential dwelling on a neighboring property;

**Model Ordinances:**

Attached below are two potential model ordinances that involved code changes from the City of Ankeny, and City of Urbandale.

The first ordinance is the city of Ankeny. This was passed by Ankeny city council in 2023. This ordinance proves to be a potential model ordinance for the City of Newton, as it allows the residents to have chickens, while also ensuring public health, safety, comfort, order and general welfare. Ankeny requires residents before submitting a permit to complete an online course of Getting Started with Backyard Chickens through Iowa State University Extension and Outreach. This course costs \$25.00, but is pivotal to ensuring the health and safety of both the chickens and the residents. This code is a potential model code as it sets clear and concise instructions on how chickens within their city limits should be kept and cared for. The permitting cost for residents to keep chickens in Ankeny is \$100. It also does a great job of trying to limit the impacts that neighboring property owners might encounter.

The second ordinance is from the City of Urbandale. This was passed by the Urbandale city council in 2022. Urbandale's code is similar to the City of Ankeny's. One of the differences with Urbandale's code for urban chickens, is that residents are only allowed two female chickens (hens). The other main difference is that the distance from the coop to the property line only has to be ten feet, while still being 25 feet away from any residential dwelling place. This potential model code would work for Newton as it allows residents to keep chickens, while still maintaining the neighboring property owner's health and safety.

**Staff Recommendation:** The purpose of the meeting on July 22, 2025 is to begin the discussion and obtain guidance from the Planning and Zoning Commission on a direction that staff should explore. A future meeting of the Planning and Zoning Commission would likely bring forth code recommendations for a vote.

## Attachment #1: Ankeny, Iowa Urban Chicken Code

### CHAPTER 58 URBAN CHICKENS

#### 58.01 Definitions.

“Chicken: shall mean a member of the subspecies *Gallus gallus domesticus*, a domesticated fowl.

“Urban Chicken” shall mean a chicken kept on a permitted tract of land pursuant to a permit issued under this Chapter.

“Permitting Officer” shall mean the City Manager or designee.

“Tract of land” shall mean a property or a zoned lot that has one single family dwelling located on that property or zoned lot.

“Single Family Dwelling” shall mean any building that contains only one dwelling unit used, intended, rented, leased, let or hired to be occupied for living purposes.

“Permitted tract of land” shall mean the tract of land as identified by the application upon which a permit is granted for keeping chickens pursuant to this Chapter.

“Permittee” shall mean an applicant who has been granted a permit to raise, harbor or keep chickens pursuant to this Chapter.

#### 58.02 Permit Required.

- (a) Permit Required. No person shall raise, harbor or keep chickens within the City of Ankeny without a valid permit obtained from the Permitting Officer under the provisions of this Chapter.
- (b) Application. In order to obtain a permit, an applicant must submit a completed application on forms provided by the Permitting Officer, either on-line or in paper form, and paying all fees required by this Chapter.
- (c) Requirements. The requirements to the receipt of a permit include:
  - 1) All requirements of this Chapter are met;
  - 2) All fees, as may be provided for from time to time by City Council resolution, for the permit are paid in full;
  - 3) All judgments in the City's favor and against the applicant have been paid in full;
  - 4) The tract of land to be permitted shall contain only one Single Family Dwelling occupied and used as such by the permittee.

- 5) The applicant has successfully completed an approved class in raising chickens in an urban setting.
- (d) Issuance of Permit. If the Permitting Officer concludes as a result of the information contained in the application that the requirements for a permit have been met, then the Officer shall issue the permit. The permit shall be effective for one (1) year from the date of issuance. The permittee shall re-apply annually.
  - (e) Denial, suspension, revocation, non-renewal. The Permitting Officer may deny, suspend, revoke, or decline to renew any permit issued for any of the following grounds:
    - 1) False statements on any application or other information or report required by this section to be given by the applicant;
    - 2) Failure to pay any application, penalty, reinspection or reinstatement fee required by this section or City Council resolution;
    - 3) Failure to correct deficiencies noted in notices of violation in the time specified in the notice;
    - 4) Failure to comply with the provisions of an approved mitigation/remediation plan by the Permitting Officer, or designee.
    - 5) Failure to comply with any provision of this Chapter or other relevant Chapter of the Municipal Code.
  - (f) 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. The notification shall specify reasons for the action.
  - (g) Effect of revocation, etc. 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 1 year from the date of the denial or revocation.
  - (h) Appeals. In any instance where the Permitting Officer has denied, revoked, suspended, or not renewed a permit, the applicant may appeal the decision to the City Manager, or designee other than the Permitting Officer within ten (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 Permitting Officer which is not appealed in accordance to this Chapter shall be deemed final action.

### **58.03 Number and type of Chickens allowed.**

- (a) The maximum number of chickens allowed is six (6) per tract of land.
- (b) Only female chickens (hens) are allowed.

#### **58.04 Zoning Districts Allowed.**

Permits will be granted only for tracts of land of at least one-quarter acre (10,890 sq. ft.) in size, containing only one single family home and located in residential districts as identified on the current Official Zoning Map on file with the City of Ankeny.

#### **58.05 Non-commercial use only.**

A permit shall not allow the permittee to engage in chicken breeding or fertilizer production or the sale of eggs or chickens for commercial purposes. The permittee may use the eggs and chickens for non-commercial use only.

#### **58.06 Enclosures.**

- (a) Chickens must be kept in an enclosure or fenced area at all times. Chickens shall be secured within a henhouse or chicken tractor during non-daylight hours.
- (b) Enclosures must be kept in a clean, dry, odor-free, neat and sanitary condition at all times.
- (c) Henhouses, chicken tractors and chicken pens must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats.
- (d) Henhouses and chicken tractors.
  - 1) Henhouses and chicken tractors 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.
    - i) A henhouse or chicken tractor shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird proof wire of less than one (1) inch openings.
    - ii) The materials used in making a henhouse or chicken tractor 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 and chicken tractors shall be well maintained.

- 2) Henhouses, chicken tractors and chicken pens shall only be located in the rear yard as defined by Ankeny Municipal Code.
  - 3) Henhouses, chicken tractors and chicken pens must be located at least twenty-five (25) feet from any property line.
  - 4) Henhouses, chicken tractors and chicken pens must be located at least ten (10) feet from any storm water drainage/storm water detention/overland flowage easement and should not be located within any drainage swale that is not covered by easement.
- (e) Any enclosed chicken pen shall consist of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing.

#### **58.07 Odor and noise impacts.**

- (a) Odors from chickens, chicken manure or other chicken related substances shall not be perceptible beyond the boundaries of the permitted tract of land.
- (b) Noise from chickens shall not be loud enough beyond the boundaries of the permitted tract of land at the property boundaries to disturb persons of reasonable sensitivity.

#### **58.08 Predators, rodents and living conditions.**

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 kept in conditions in violation of Chapter 55.02 of the Municipal Code may be removed by an Ankeny Animal Control Officer.

#### **58.09 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.

#### **58.10 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 (3) cubic feet of manure shall be stored on the permitted tract of land. All other manure not used for composting or fertilizing shall be

removed. The henhouse, chicken tractor, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

**58.11 Chickens at large.**

- (a) The Permittee shall not allow the Permittee's chickens to roam off the permitted tract of land. No dog or cat or other domesticated animal which kills a chicken off the permitted tract of land will, for that reason alone, be considered a dangerous or vicious animal or the city's responsibility to enforce its animal control provisions.
- (b) The Permittee shall place and keep leg bands on all chickens showing the permit number.

**58.12 Unlawful acts.**

- (a) It shall be unlawful for any person to keep chickens in violation of any provision of this Chapter or any other provision of the Ankeny Municipal Code.
- (b) It shall be unlawful for any owner, renter or leaseholder of property to allow chickens to be kept on the property in violation of the provisions of this article.
- (c) No person shall keep chickens inside a dwelling unit.
- (d) No person shall slaughter any chickens within the City of Ankeny.
- (e) No person shall keep a rooster.
- (f) No person shall keep chickens on a vacant or uninhabited tract of land.

**58.13 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 of Ankeny Municipal Code Chapter 50.

## Attachment #2 – Urbandale, Iowa Urban Chicken Code

### § 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 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 ten 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 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 hen house 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 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 ten 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