



## Planning & Zoning Commission Meeting Agenda

*Tuesday, September 9, 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
  1. Review of Minutes of Previous Meeting: 7.22.2025
- III. Public Hearing
  1. ZOA25-2: Zoning ordinance amendment in regard to urban chickens.
- IV. Adjourn

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

**Minutes of Meeting  
Newton Planning and Zoning Commission  
Regular Meeting  
July 22, 2025**

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

STAFF PRESENT: Erin Chambers, Community Development Director  
Nicholas Alexander, City Planner

OTHERS PRESENT: Devon Young, 313 E 13<sup>th</sup> St N  
Erika Patterson, 1421 N 8<sup>th</sup> Ave E  
Matt Earl, 611 E 28<sup>th</sup> St S  
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 March 4, 2025, were reviewed. **Motion** by Holschuh, **seconded** by Johnson to approve the minutes. **Voice vote**, approved 6-0.

**Discussion regarding Urban Chickens:**

Alexander conducted presentation on the issue. After the presentation it was open to the public to comment on this issue.

Devon Young, 313 E 13<sup>th</sup> St N. He detailed the personal matters that he deals with and how allowing chickens would make it easier to deal with his personal matters that affect his daily life. He recognized the issues that can potentially occur, but doesn't see it being significantly different from allowing dogs.

Erica Patterson, 1421 N 8<sup>th</sup> Ave E. She exclaimed he hope to amend the code to better allow chickens. Brought attention that one acre eliminates many of the lots in Newton. She detailed that the USDA recommends 8-10 sq ft per chicken in an outdoor run. She suggested that the city not allow roosters as part of an amendment. She also wants to make sure that if the city does allow chickens that there would be ways to ensure chickens are cared for and explained how allowing chickens can allow for pest control for gardening, and manure for composting. She also detailed that bird flu is a concern, but it mostly happens in the large commercial settings.

Matt Earl, 611 E 28<sup>th</sup> St S. Spoke in support of allowing chickens. Explained the benefits that he would be able to see from having chickens. Detailed support for a scalable allowable number of chickens. Explained the differences between coop and run sizes. Also spoke about how leaving food out for a dog or cat outside would attract the same pests and predators that a chicken would.

The commission members then went into discussion. Members discussed many things in regards to the chickens including what to do about if a chicken gets the bird flu, how to manage responsible ownership, fencing requirements, and containing to the run or coop. Additionally, doing annual permits and fees, how to test for bird flu, allowing only in the rear yard, and no free-range chickens. The commission also asked staff to report back on what other cities experiences have been with allowing chickens.

**Other Business.** – Chambers discussed the next potential meeting date for the commission to meet to review the code written by staff. Agreed upon September 9, 2025 at 5:00 pm.

**Motion** by Holschuh to adjourn the meeting, **seconded** by Elbert. **Voice vote**, approved 6-0. Meeting was adjourned at approximately 6:15 PM.

## Planning & Zoning Commission Staff Report: ZOA25-2

Applicant: City of Newton

Proposal: To amend the City of Newton Zoning Code – To allow urban chickens

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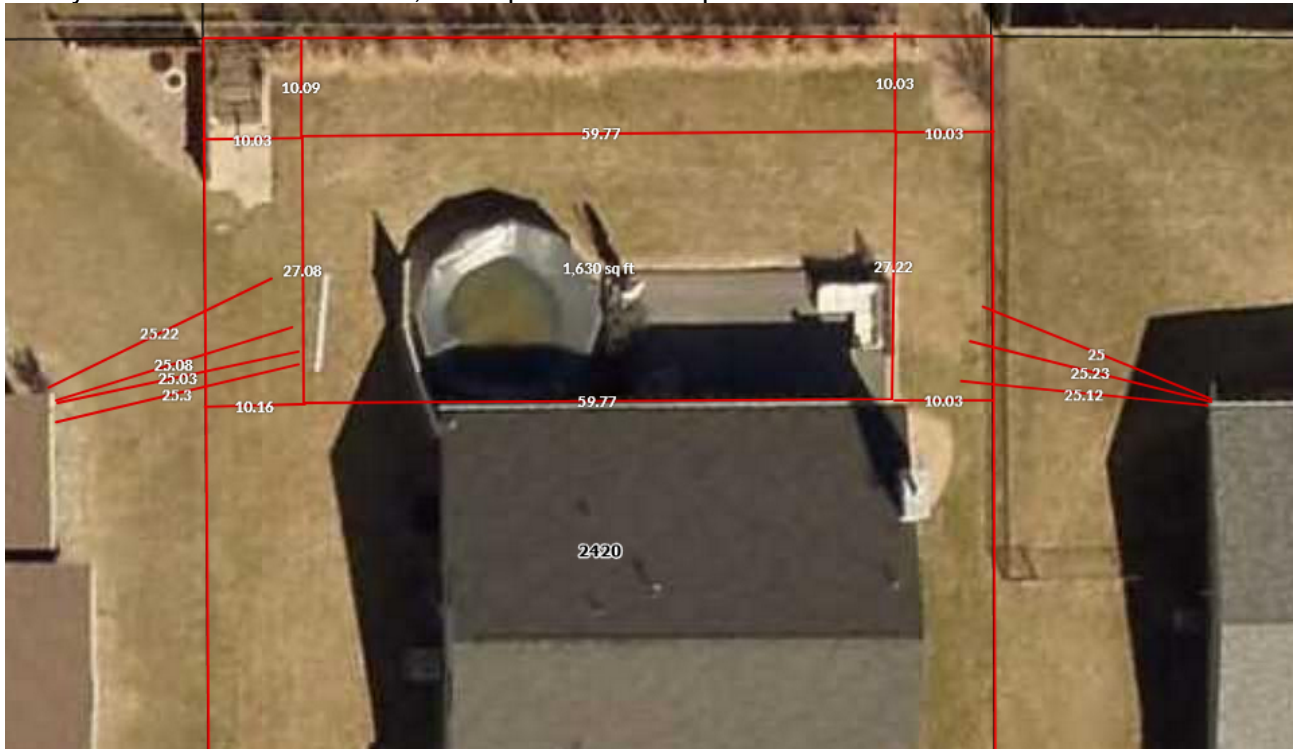
**Proposal:** To amend the Newton Zoning Code (Ch. 158), and to amend the Newton Public Nuisance code (Ch. 94). The first proposed ordinance amendment amends the current zoning code to allow Urban Chickens in residential areas. The second proposed ordinance amendment amends the current nuisance code to be more inclusive for offensive smells.

**Analysis:** At their June 2<sup>nd</sup>, 2025 meeting, the City Council directed the Planning and Zoning Commission to study and review the potential of urban chickens in Newton. On July 22<sup>nd</sup>, 2025 the planning and zoning commission held a public meeting. At this meeting, city staff presented the potential benefits and drawbacks that urban chickens might present if allowed in Newton. City staff also presented other cities urban chicken ordinances. At this meeting, the planning and zoning commission directed city staff to move forward with writing a potential ordinance for urban chickens. The commission also directed city staff to gather more information from Urbandale and Ankeny, the two model ordinances that staff presented. Below are the answers that city staff received from both Ankeny and Urbandale.

- What has been the general feedback since allowing urban chickens?
  - o There really hasn't been much for either city. Both cities believed there would be a lot of negativity but in reality, there has been minimal feedback. Ankeny said they have actually had positive feedback since allowing urban chickens. Both cities believed there would be more applications for a permit.
- How many initial permits has the city approved since allowing urban chickens?
  - o Ankeny has issued 18 total initial permits. Ankeny had some people drop out from the first year to the second year. Ankeny noted that they think there are low numbers because of the size requirement and permit fee. Urbandale has issued 19 total initial permits. 11 of those permits are still open, 8 have been closed. Both cities noted that they thought there would be a lot more permits.
- How many revocations of a permit has the city had to make for violations?
  - o Neither city has had any revocations of a permit. Ankeny has had two complaints, and one warning has been issued for an individual letting their chickens loose in the yard.

Below are examples of where urban chickens could be located in backyards, while also ensuring the setbacks and regulations are followed. This is to help provide a visual representation of how the setbacks and regulations would determine where chickens could be located.

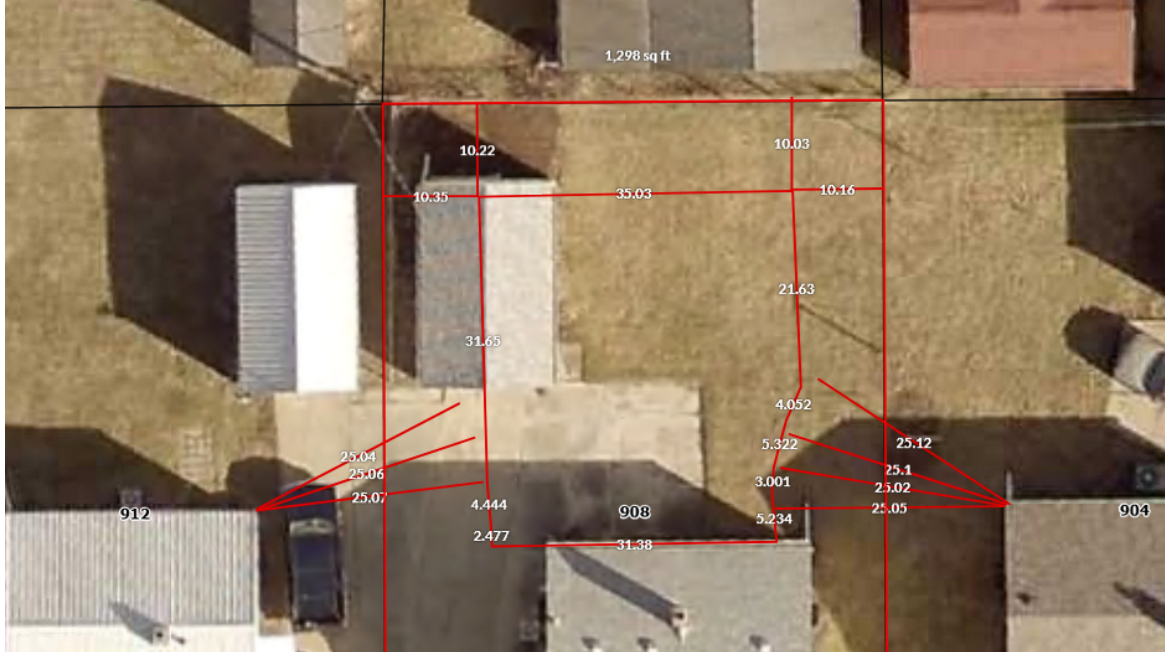
Backyard #1: Total Lot Size – 9,600 Sq. – 4 chickens permitted



Backyard #2: Total Lot Size – 18,229 Sq. Ft. – 9 chickens permitted



Backyard #3: Total Lot Size – 5,500 Sq. Ft. – 2 chickens permitted



As part of this zoning ordinance amendment, one additional amendment will need to occur. The additional amendment is for Chapter 94.02 (15). This section needed to be amended as it was encompassing primarily commercial and industrial uses as shown below.

“(15) *Offensive smells.* The erecting, continuing or using of any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public;”

As shown below in the amended code for 94.02 (15) it encompasses other uses that might produce offensive smells, such as urban chickens.

(15) *Offensive smells.* Allowing offensive smells, noxious exhalations, or odors and other such annoyances to carry beyond property boundaries that become injurious and dangerous to the health, comfort or property of individuals or the public. Such smells may be natural or man-made.

94.02 (16) though is still applicable and does not need to be amended as shown below.

(16) *Filth or noisome substance.* The causing of suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others;

Recommened Permit Application Fee: Initial Payment Fee \$15, Renewal Fee: \$15. These are the same fees that dogs, cats, and miniature pigs require for annual registration.

**Notice of Proposal:** The Notice of the meeting and proposal was published in the Newton Daily News once on Tuesday, September 2<sup>nd</sup>, 2025.

**Staff Recommendation:**

**As this ordinance is in the drafting stage, staff is not looking for any action on this**

**ordinance. Instead, staff is looking for discussion on the draft ordinance to see what changes need to be made to it.**

## **§158.115 Urban Chickens**

### **(A) Permit required.**

- (1) No person shall raise, harbor or keep chickens within the City of Newton without a valid permit renewed annually and obtained from the Community Development Department 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 Community Development Department and pay all fees required as approved from time to time by resolution of the city council.
- (3) Requirements. The requirement for an applicant to receive a permit shall include:
  - (a) All requirements of the chapter being met;
  - (b) All fees, as may be provided from time to time by City Council resolution, for the permit are paid in full;
  - (c) All judgements in the city's favor and against the applicant have been paid in full;
  - (d) The property to be permitted shall contain only one single-family dwelling unit 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.
- (4) Issuance of permit. If the Community Development Department 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 Community Service Officer or Community Development Department 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 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
  - (c) Failure to correct deficiencies noted in notices of violation in the time specified by the notice.
  - (d) Failure to comply with the provisions of an approved mitigation/remediation plan
  - (e) Failure to comply with any provision of this chapter.
- (6) Notification. A decision to deny, suspend, revoke, 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 denial, or revocation. When an application for a permit is denied, or when a permit is revoked, the applicant may not reapply 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 to the applicant or holder of the permit. In any instance where the permit has been denied, suspended, revoked, or not renewed, the applicant or holder of the permit may appeal the decision 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 hearing, the appeal, or any decision by the Community Service Officer or Community Development

Department which is not appealed in accordance to this chapter shall be deemed final action.

**(B) Number and type of chickens allowed.**

- (1) When a tract of land has a total lot size that is less than 4,000 square feet, chickens are prohibited.
- (2) When a tract of land has a total lot size that is 4,000 square feet or more, no more than 1 female chicken (hen) is allowed per 2,000 square feet of lot size with a maximum total of 10 female chickens are allowed on a permittee's property.
- (3) Female chickens; meaning members of the subspecies *Gallus domesticus*, a common domesticated fowl are allowed on a permittee's property.

**(C) Tracts of land allowed.** Permits will be granted only for tracts of land that contain one single family dwelling unit unless in A-1 Agricultural Zone.

**(D) Non-commercial use only.** A permit shall not allow the permittee to engage in chicken breeding, sale of chickens, or fertilizer production for commercial purposes.

**(E) Enclosures.**

- (1) Enclosures include henhouses, chicken coops, chicken runs, and chicken tractors
- (2) Chickens must be kept in an enclosure at all times. Chickens shall be secured within a henhouse or coop during non-daylight hours.
- (3) Enclosures must be kept in a clean, dry, odor-free, neat, and sanitary conditions at all times.
- (4) Enclosures must provide adequate ventilation, adequate sun, and shade and must be impenetrable to rodents, wild birds, and predators, including dogs and cats.
- (5) Henhouses and coops
  - (a) Henhouses or coops shall be designed to provide safe and healthy living conditions for the chickens with a minimum of 4 square feet per bird while minimizing adverse impacts to other residents in the neighborhood.
  - (b) Henhouses or coops 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 1 inch or smaller openings.
  - (c) The materials used in making a henhouse or coop 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) Enclosures shall only be located in the rear yard as defined by Newton Municipal Code.
  - (e) Enclosures must be located at least 10 feet from the rear and side property lines and at least 25 feet from any neighboring residential dwelling.

**(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 Community Service 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. All other manure not used for composting or fertilizing shall be removed. The enclosures, and surrounding areas must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.
- (J) Chickens at large.** The Permittee shall not allow the Permittee's chickens to roam off the permitted tract of land. No dog, 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.
- (K) 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
- (L) 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 Chapter 94 of this Code of Ordinances.