

PLANNING COMMISSION

February 3, 2011

The City of Portage Planning Commission meeting of February 3, 2011 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Five citizens were in attendance.

MEMBERS PRESENT:

Miko Dargitz, Wayne Stoffer, Paul Welch, Jim Pearson, Mark Siegfried, Bill Patterson, Allan Reiff, and Chairman James Cheesebro.

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Rick Bosch.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning and Development Services; Michael West, Assistant City Planner and Randall Brown, City Attorney

PLEDGE OF ALLEGIANCE:

The Planning Commission, staff and the audience recited the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Cheesebro referred the Commission to the January 20, 2011 meeting minutes. A motion was made by Commissioner Dargitz, seconded by Commissioner Patterson, to approve the minutes as submitted. The minutes were unanimously approved.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Preliminary Report: Ordinance Amendment #10-A, Keeping of Hens and Other Animals. Mr. West summarized the January 28, 2011 staff report regarding an amendment to the Zoning Code, initiated by the Planning Commission in response to a request from a Portage resident, to raise/keep chickens and other animals in residential areas. Mr. West also referred the Commission to the January 28, 2011 binder that included background information regarding this issue including past staff reports, working draft or ordinance amendment, meeting minutes and citizen comments received. Mr. West indicated the ordinance language had been revised based on Commission discussion and consensus during the January 6th meeting and reviewed the various sections including definitions, number of chickens allowed, permitting and processing, location on property and coop/pen requirements, keeping of other fowl and animals and nuisance/sanitation provisions. Mr. West also summarized two additional changes proposed by staff including a requirement that each permit application include authorization from the property owner (42-121.D.3) and a requirement that both the owner and occupant of adjacent properties be notified, and when mailing is required, the mailing occur at least 15 days prior to the scheduled Planning Commission meeting (42-121.D.3.g).

Commissioner Pearson asked for staff comments and clarification regarding three issues he believes were not included in the revised ordinance language: 1) Allow chickens to roam within a backyard if an opaque fence was provided; 2) Prohibit the keeping of chickens on lakeside lots; and 3) Allow the keeping of more than four chickens based on lot size, similar to the keeping of horses. Mr. West indicated these three issues were previously discussed by the Commission, however, consensus was not reached during the January 6th meeting. Mr. West stated there were previous concerns expressed by some citizens and Commissioners regarding allowing chickens to roam within the backyard and the bird possibly flying over the fence. Mr. West again summarized the additional 40-foot rear yard, lakeside setback for a coop/pen placement on lake lots that will help preserve views of the lake. Mr. West then discussed the ordinance differences between keeping of horses (for enjoyment) and the keeping of chickens (as a locally grown food source). Attorney Brown stated the ordinance was revised based on Commission consensus items that were detailed in the January 6th meeting minutes. Attorney Brown indicated additional discussion and changes to the ordinance language can be made, if desired by the Commission.

Commissioner Welch stated he would be in favor of allowing chickens to roam outside of the coop/pen if the backyard was fully enclosed by a 6-foot tall opaque fence. Other Commissioners concurred and suggested language was discussed. Attorney Brown suggested a sentence be included at the end of Section 42-121.D.3.a to state that chickens may be permitted outside the coop/pen, if the coop/pen are located within, and enclosed by, a 6-foot tall opaque fence. The Commission concurred with this language. The Commission also discussed issues associated with allowing chickens on two-family residential properties. After a brief discussion, a motion was made by Commissioner Siegfried, seconded by Commissioner Patterson, to remove the phrase “two-family dwelling” from Section 42-121.D.3 of the revised ordinance language. This would result in chickens only being permitted for residents occupying a one-family dwelling. The motion was unanimously approved.

Chairman Cheesebro reconvened the public hearing. Three citizens spoke in regards to the proposed ordinance amendment: Andrea Stork, 1515 Dogwood Drive; Bryan Mohny, 7911 Lakewood Drive; and Fernando Costas, 7639 Harvest Lane. Ms. Stork supported the proposed ordinance amendment, however, indicated the various provisions being discussed are extremely restrictive and will create hardships for citizens wishing to keep chickens. Ms. Stork stated that chickens are much quieter than dogs and there were no restrictions on the number of dogs or cats a citizen can keep and no fencing/housing related requirements. Ms. Stork suggested eliminating the 6-foot tall opaque fence requirement and allow chickens to roam outside of the coop/pen as long as they are maintained on the property at all times. Mr. Mohny stated he would rather have the 6-foot opaque fence restriction with an ordinance than not allow the chickens to roam outside of the coop/pen. However, Mr. Mohny suggested flexibility in any ordinance requirement. Mr. Costas spoke in support of allowing up to six chickens, particularly on larger lots and also indicated the maximum 80 square foot coop/pen size is plenty large to house the chickens. No additional citizens spoke during the public hearing.

The Commission discussed issues associated with the number of chickens permitted and fencing requirements if chickens are allowed to free range within the backyard area, outside of the coop/pen. After a brief discussion, the Commission concurred that ordinance language should be revised to allow the keeping of up to six chickens without Planning Commission review/approval. Commissioner Stoffer and Commissioner Dargitz suggested inserting language similar to that adopted by the City of South Portland, ME regarding an allowance for chickens to roam outside, while supervised, during daytime hours and a requirement that chickens be secured within the coop/pen during non-daytime hours. The Commission also discussed the requirement for a 6-foot tall opaque fence for chickens to free range within the rear yard of the site, outside of the coop/pen. Some of the Commissioners indicated that this requirement would likely only be enforced if a complaint was received from a neighbor. After additional discussion, a motion was made by Commissioner Dargitz, seconded by Commissioner Patterson, to include language in the proposed ordinance similar to the City of South Portland, ME that would state as follows: During daylight hours, chickens are allowed to roam

outside the coop/pen, in the rear yard, within a 6-foot tall opaque fenced area, if supervised. During non-daylight hours, chickens shall be secured within the coop/pen. The motion was unanimously approved. After additional discussion, a motion was made by Commissioner Welch, seconded by Commissioner Dargitz, to adjourn the public hearing for Ordinance Amendment #10-A, Keeping of Hens and Other Animals, to the February 17, 2011 meeting. The motion was unanimously approved.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

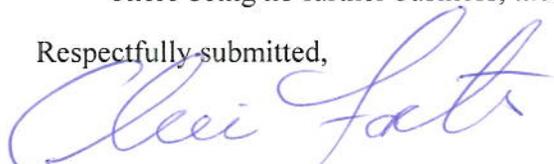
STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,



Christopher Forth, AICP
Deputy Director of Planning and Development Services