




Department of Planning and Community and Economic Development  
Building Inspection Division

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

Madison Municipal Building  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2984  
Madison, Wisconsin 53701-2984  
TDD 608 266 4747  
FAX 608 266 6377  
PH 608 266 4551

**TO:** Plan Commission  
**FROM:** Matt Tucker, Zoning Administrator   
**DATE:** December 14, 2009  
**SUBJECT:** Legistar ID 16570, Amendments to MGO 28 and MGO 9, Keeping of Chickens

The draft ordinance language before you was prepared to respond to technical issues that staff discovered as part of the implementation of the changes to the "keeping of chickens" ordinance language that was amended October 2008. The amendment addresses two areas: the *neighbor notification requirement* and the *revocation of license*.

### **Neighbor Notification Requirement**

This amendment simplifies the process for notification relative to the keeping of chickens, and also takes steps to require notice to the people most affected by the keeping of chickens: those resident-neighbors that live on the property (in 2-4 unit buildings); and the landlord of the property (if not owner-occupied). The idea here is to create a requirement for notification at the time the license is initially applied for, so those living at or own the subject property will be provided notice before the chickens show up. Subsequent tenants will see the coop/chickens on-site, and can then make the choice to live there or not. This would replace the current requirement to notice all residents within 200' of the subject property, who then may block the issuance of a license if more than 50% of said residents object to the keeping of chickens.

Brief history: When the question of allowing the keeping of chickens on properties with up to four dwelling units was being discussed at the Common Council meeting, staff was asked if it would be possible to craft a notification process. Concepts of a notification process were discussed and similar notification processes that are currently in place were considered. Ultimately, a notification process was included with the adopted language. The notification requirement was intended to require notice for people that would be most directly impacted, and to allow for majority objection to the issuance of a license. As drafted, the text inadvertently omitted the occupants of the other dwelling units at the specific property where the license is requested, does not offer clarification in regard to noticing requirement at the time of license renewal, and includes a requirement to notice a fairly large area (those residents within 200' of the exterior of the property). This past year, of the 70 licenses that have been issued, staff is aware of only one objection that was registered, and that objector was not a resident, but a landlord of a neighboring property.

Zoning staff quickly discovered that the notification process was not easy for citizens to navigate, was difficult for staff to review or assist with, and omitted the other on-site residents that likely share open space on the property. Also, it was not clear if the noticing requirement was an annual renewal requirement or a one-time notice. Further, staff from the Treasurer's

Office (where licenses are issued) were unclear on their role, and whether they needed to be checking to see if the noticing requirement had been met. It appears as though this was simply overlooked at the time of adoption, since the concept, while well intended, was created from the floor at the Common Council meeting.

### **Revocation of License**

This part of the amendment enables a license revocation to be considered in relation to violation of the ordinance. As an alternative to holding a public hearing in front of the Common Council, this alternative enables the Zoning Administrator to revoke a license for repeat violators within an established timeframe. This is similar to some other revocable licenses found in MGO 9, such as:

- Theaters license (revocable by Mayor)
- Solicitors and canvassers permits (City Clerk)
- Hawker or peddlers (Chief of Police, appeal to CC)

In summary, the change would remove the requirement to notice those residents within 200' of the property, but would still require notice of the owner and residents in dwelling units on the property where chickens are to be kept. The change would also eliminate the ability of resident-neighbors or other residents from blocking the issuance of a license. The other requirements of the "keeping of chickens" ordinance remain unchanged, and lack of compliance can result in the revocation of a license. With a year having passed since the major amendment to the ordinance was approved (and 5 years past its original inception), and 70 licenses issued this past year with very few problems, it is fair to say that the other components of the ordinance are working fairly well.

The Treasurer's office assists with the licensing requirement, and they would like to see this amendment approved in its current form also since it clarifies the noticing and renewal part for their office. They would like to keep the renewal of this minor license as a simple process.