



## PLANNING COMMISSION STAFF REPORT

**DATE OF MEETING:** June 10, 2025

**NAME OF APPLICANT:** City of Midway

**AGENDA ITEM:** Code Text Amendment to Midway City Code Sections 16.07.020, 16.08.020, 16.09.020, 16.10.020, 16.11.020, and 16.12.020 Permitted Uses (all residential zones) to raise the points for Rabbits, hens (females), pigeons, pheasants, and other similar birds from two (2) to five (5) points for purposes of calculating the number of animals permitted in residential zones.

### **ITEM: 5**

Proposed code text amendment to Midway City Code Sections 16.07.020, 16.08.020, 16.09.020, 16.10.020, 16.11.020, and 16.12.020 Permitted Uses (all residential zones) to raise the points for rabbits, hens (females), pigeons, pheasants, and other similar birds at H(2)(a) in each section from two (2) to five (5) points for purposes of calculating the number of animals permitted in each residential zone.

### **BACKGROUND:**

The Midway Municipal Code regulates *“the keeping of animals and fowl in numbers according to the following point system on lots/parcels that are at least one acre in size.”* Each of the referenced sections at subsection (H) provides:

1. *Animals may total 50 points per ½ acre.*
2. *Animals shall be worth the following points each:*
  - a. *Rabbits, hens (female), pigeons, pheasants, and other similar birds; 2 points.*
  - b. *Geese, ducks, peafowl, turkey and other similar birds; 10 points;*

- c. Sheep, llamas, calves, foals, and other similar sized animals; 25 points;*
- d. Horses, cattle, and other similar sized animals; 40 points;*
- e. For the purpose of this point system, an animal and one offsprings shall be considered to be one animal until 6 months after the birth of the offspring.*

The proposed amendment is to replace “2 points” with “5 points” at H (2)(a) in each of Midway Code Sections 16.07.020, 16.08.020, 16.09.020, 16.10.020, 16.11.020, and 16.12.020.

Code text amendments fall under the category of legislative action. Therefore, the City Council has broad discretion regarding the proposal.

### **DISCUSSION:**

- The City has received past complaints of residential homeowners keeping excessive numbers of birds in residential zones. For example, complaints received last year included thousands of pheasants kept on an approximately one acre lot and home necessitating enforcement. Chickens are ongoing complaints. The current code allows 25 hens, pheasants, and similar sized birds per half acre, or 50 per acre. The proposed amendment would allow 10 such birds per half acre, or 20 per acre.
- With increasing development and infill, increasing the points and in turn reducing numbers of birds in residential areas may aid enforcement and better suit residential zones.
- The increase to 5 points makes the classification more consistent with the general point system set forth in this section, which makes geese, ducks, and turkeys worth 10 points. Chickens and pheasants would now be worth half the point value of geese, ducks, and turkeys rather than 1/5<sup>th</sup>.

### **POSSIBLE FINDINGS:**

- The current code allows 25 hens, pheasants, and similar sized birds per half acre, or 50 per acre. The proposed amendment would allow 10 such birds per half acre, or 20 per acre
- The City receives ongoing complaints about birds. With increasing development and infill, increasing the points and in turn reducing numbers of birds in residential areas may aid enforcement and better suit residential zones.
- The increase to 5 points makes the classification more consistent with the general point system set forth in this section, which makes geese, ducks, and turkeys worth 10 points.

Chickens and pheasants would now be worth half the point value of geese, ducks, and turkeys rather than 1/5<sup>th</sup>.

**ALTERNATIVE ACTIONS:**

1. Recommendation of Approval. This action can be taken if the Planning Commission finds that the proposed language is an acceptable amendment to the City's Municipal Code.
  - a. Accept the staff report
  - b. List accepted findings
2. Continuance. This action can be taken if the Planning Commission would like to continue exploring potential options for the amendment.
  - a. Accept the staff report
  - b. List accepted findings
  - c. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - d. Date when the item will be heard again.
3. Recommendation of Denial. This action can be taken if the Planning Commission finds that the proposed amendment is not an acceptable revision to the City's Municipal Code.
  - a. Accept the staff report
  - b. List accepted findings
  - c. Reasons for denial

**PROPOSED CONDITIONS:**

None