

**DOUGLAS CITY COUNCIL
STAFF REPORT
FEBRUARY 25, 2019**

**418 West Clay Street
Conditional Use Permit Application – Keeping of Fowl**

CASE NUMBER: CUP 03-19

PREPARED BY: Sherri Mullinnix, Planning Technician

MEETING DATES: February 19, 2019 – Planning and Zoning Commission
February 25, 2019 – Douglas City Council

REQUEST: Conditional Use Permit

PURPOSE: To keep female fowl.

RECOMMENDATION: The Planning and Zoning Commission and the Community Development Department staff recommend approval of this conditional use permit to allow for the keeping of fowl in an R-2 Medium Density Residential zone at 418 W. Clay Street, with the suggested conditions.

VICINITY MAP:



OWNER: Patricia A. Nelms
418 West Clay Street
Douglas, WY 82633

LOCATION: Legal Description: Riverview Addition, Block 1, Lot 4 and East 25' of Lot 5

General Location: The subject property is located mid-block on the north side of West Clay Street, between West Grant Street and 1st Street West.

SIZE: 23,188 square feet

ZONING: R-2 Medium Density Residential

EXISTING LAND USE: Residential

SURROUNDING LAND USE:	ZONING	ANNEXATION STATUS
North: Residential	R-2	City
South: Residential	R-2	City
East: Residential	R-2	City
West: Residential	R-2	City

ZONING DATA: The subject property is currently zoned R-2 Medium Density Residential. This district intends “*to provide for the development of single family and duplex or townhouse dwellings.*” The keeping of limited numbers of fowl is a permitted conditional use in R-2 zones.

STAFF ANALYSIS: The proposed coop is located in the rear yard and the coop yard is appropriately fenced. They are buffered from adjacent properties by a seven (7) foot solid fence. The proposed coop location meets the code requirements for the distances from the shared property lines and from the residential structures on the adjacent properties; and the adjacent property owners have submitted written confirmation that they are in support of the conditional use permit. Additionally, the configuration of the property and the adjoining lots provides a far larger degree of privacy than is the norm for a residential lot, thereby considerably reducing the expectation of any conflicting interests.

STAFF RECOMMENDATION: The Community Development Department recommends approval of the request for a conditional use permit to allow for keeping up to seventeen (17) female fowl at the subject property with the following conditions:

1. The conditional use permit to keep seventeen (17) female fowl is specific to Patricia Nelms. If this property owner and/or agent, in the future, ceases this use or moves to another location, the Conditional Use Permit will be null and void for the subject property.
2. No rooster shall be permitted.
3. Fowl must be kept in a coop in a rear yard and must remain in the coop or an adjoining fenced enclosure at all times.
4. Enclosures, which are subject to zoning standards for fence height and accessory buildings, must be at least seven and one-half (7.5) feet from any property line.
5. Fencing of a minimum of six (6) feet in height and enclosing the entire perimeter of the coop and chicken exercise area must be maintained at all times.

6. There shall be no slaughtering of fowl on the premises. Harvesting of the chicken for meat or any purpose other than eggs shall be conducted at a USDA approved facility.
7. Provisions for the removal of excrement from the property on a regular basis.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At their regular meeting on February 19, 2019, the Douglas Planning and Zoning Commission considered this request and voted unanimously to recommend approval to the City Council, with the conditions recommended by the Community Development staff.