



MAYOR & COUNCIL COMMUNICATION

DATE: February 18, 2014
PUBLIC HEARING
ITEM # 11

AGENDA ITEM: Livestock/Animal Ordinance Amendment
SUBMITTED BY: Adam Bell, City Clerk/Assistant City Administrator
THROUGH: Dean Zuleger, City Administrator
REVIEWED BY: Beckie Gumatz, Deputy Clerk

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation.....City Administrator
- Questions from Council to Staff..... Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECOMMENDER: Staff

FISCAL IMPACT: +\$25 per chicken or bee permit accepted

SUMMARY AND ACTION REQUESTED:

Last year, staff began a comprehensive rewrite of the Animals Chapter of the City Code. This rewrite included removing the Livestock section from the Zoning Code, adding chickens as allowable animals on parcels of .5 acres or greater and bees as allowable animals on parcels greater than 1 acre, as well as other clean up language. Council recently amended the portion regarding dog licensing.

Staff is recommending that the City Council adopt the proposed changes to the Animals Chapter of the City Code through the following motion:

“Move to approve Ordinance 08-100, amending the Zoning Code concerning Livestock and Kennels, and also amending the Animals Chapter of the General Regulations of the City of Lake Elmo.”

In Addition, Staff is recommending that the City Council authorize summary publication of the approved Ordinance through the following motion:

“Move to approve Resolution 2014-12, authorizing summary publication of Ordinance 08-100.”

In addition, staff further recommends that the City Council adopt Ordinance 08-101, an ordinance amending the Municipal Fee Schedule, by taking the following action:

Move to approve Ordinance 08-101, an Ordinance amending municipal fees.”

LEGISLATIVE HISTORY:

Last year, Staff began a comprehensive rewrite of the Animals Chapter of the City Code. The changes made regarding cats and dogs were passed last October. The second part of this update includes removing the Livestock section from the Zoning Code, making chickens and bees allowable on parcels greater than one acre, and some clean up language regarding kennels.

Section one of the proposed Ordinance just removes the Livestock section from the Zoning Code. Section two puts the Livestock Section back into the Code by inserting it into the newly created Animals Chapter. It also adds a ‘purpose’ section and makes the ‘animal units’ section easier to understand by creating a table.

Sections three through five amend the Zoning Code regarding kennels. Section three changes the definition of a commercial kennel from the keeping of more than two dogs to the keeping of four or more. It also amends the definition of a private kennel to not allow more than six dogs. Section four clarifies that a commercial kennels require a CUP. Section five updates the Code to allow commercial or private kennels on parcels of five acres or greater as opposed to ten acres or greater.

Section six adds some clean up language to the sections of the current Animals Chapter regarding kennels. It clarifies that there will not be a license will not be required to operate a kennel. It also clarifies that properties zoned RT, A, or RR are allowed to have more than three cats or dogs.

Section seven adds an Article allowing Chickens to the Animals Chapter of the City Code. Currently, chickens are only allowed on parcels of ten acres or greater. This section of the Code would allow up to two chickens on parcels of .5 acre. The keeping of chickens on less than five acres is regulated by a table that was developed by staff along with input from the Planning Commission. A permit is required for parcels less than 5 acres. No permit is required for parcels 5 acres or greater. On parcels of over five acres, the keeping of chickens will be regulated by the animal unit equivalents. This section of the Code also lays out the requirements for having chickens, as well as permit conditions and the application process.

Section eight adds an Article allowing Bees to the Animals Chapter of the City Code. This article would allow bees to be kept on parcels of one acre or greater. The article also lays out the standards of practice, permit requirements and the application process for the keeping of bees.

Staff brought this update to the Planning Commission on October 28, 2013, January 27, 2014, and February 10, 2014. Their approval was needed to remove the Livestock section from the Zoning Code and their feedback was taken into consideration when writing the proposed Ordinance. The vote was 6-1, with Commissioner Lundgren voting no. Her opinion was the proposal was too conservative and restricting. Staff did take a very conservative stance on establishing these standards compared to other cities that have gone this direction.

BACKGROUND INFORMATION (SWOT):

Strengths The keeping of chickens and bees has become popular around the metro area. Staff has received quite a few inquiries as to our policy on the keeping of these animals. By developing standards and requirements for the keeping of these animals, it will allow Lake Elmo residents to partake in this growing trend and embrace the rural nature beloved by the community. By allowing livestock on parcels less than 10 acres, including chickens and bees, which have a much lower impact, it will be consistent with the current treatment of horses.

Weaknesses There is the potential for increased code enforcement and administration. This will at the same time be reduced due to the activity now being permitted.

Opportunities This program has potential to aide residents in having more control over their healthy and natural food choices.

Threats Problem permit holders could develop into nuisance properties; however, under current code enforcement efforts, this should not happen.

RECOMMENDATION:

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ATTACHMENTS:

1. Ordinance 08-100
2. Resolution 2014-12
3. Ordinance 08-101
4. Animal Ordinance Research Lot Size Analysis Map
5. Current Animal Unit Equivalency Chart
6. Proposed Animal Unit Equivalency Chart
7. Partial List of Metro Cities That Allow Backyard Chickens
8. Planning Commission Memo from January 27, 2014 and February 10, 2014
9. Excerpts from Planning Commission Minutes from October 28, 2013, January 27, 2014 and February 10, 2014