



Planning Commission
Date: 1/27/14
Item: ??
Public Hearing

ITEM: Animal Ordinance Update

SUBMITTED BY: Adam Bell, City Clerk

REVIEWED BY: Beckie Gumatz, Deputy Clerk

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider a Zoning Text Amendment as part of the comprehensive update of the City's Animal Code. Staff amended the Animals Chapter of the City Code regarding cats, dogs, horses, and dangerous animals in the fall of 2013. We are now looking at moving the Livestock section from the Zoning Code to the Animals Chapter, amending the definition of a Kennel, as well as adding sections on the keeping of Chickens and Bees. Staff is respectfully requesting action from the Planning Commission in two regards.

Staff is first recommending that the Planning Commission recommend approval of the proposed removal of the Livestock section from the Zoning Code to allow it to be placed in the Animals Chapter of the City Code, along with the perfecting amendments to the various sections related to Kennels and stables. In order to remove the Livestock section from the Zoning Code, a public hearing is required. Secondly, as the proposed ordinance involving the keeping of chickens and bees does have limited land use implications, staff is also respectfully requesting input and feedback from the Planning Commission, along with a recommendation for approval of the entire proposed Animals Chapter Ordinance amendment.

BACKGROUND INFORMATION:

City Staff is updating the current Animals Chapter of the City Code. As part of this update, city staff is looking to move the Livestock section from the Zoning Code into the Animals Chapter. Staff also is proposing changes to the definition of a private kennel. Staff would also like to add language to specifically allow chickens and bees on certain parcels in the City. There have been many requests and inquiries from the public on whether or not the city allows these animals. There is also a growing trend of people wanting to produce their own food. There are many communities around the metro area that are starting to allow chickens and bees for this very reason.

Staff previously introduced this topic as a business item at the 10/28/2013 Planning Commission meeting. Some highlighted concerns included the number of chickens being perhaps too high and confusion in determining the allowed number of animals. The input gained from that discussion has been incorporated in the new draft language. The number of allowed chickens has been substantially reduced. Staff has retained the use of the

Animal Unit calculations as this is the standard practice for livestock in most municipalities; however, staff has produced an Animal Unit Equivalency Worksheet to aid in the calculation of allowed animals on parcels five acres or larger. This worksheet is attached.

The proposed ordinance for these updates will have eight sections and they are as follows:

- Removing Livestock section from the Zoning Code. Staff feels this would be prudent because with the addition of Chickens and Bees as allowable animals on smaller lots in the City of Lake Elmo, it will facilitate easier compliance by the public and administration and enforcement by the City.
- Place and amend Livestock section in the Animals Chapter of the Code. Staff has proposed changes to some of the animal units, as well as changing the amount of acreage allowed to have livestock in the City of Lake Elmo. The main change that has been made to the Livestock chapter is allowing domestic farm animals and livestock on parcels of five acres or more. Previously, ten acres were required in order to have domestic farm animals or livestock, with the exception of horses. In accordance with this lowering of the amount of required parcel size, staff has also made changes to the animal unit equivalents. They are detailed in a table in the draft ordinance which is attached to this document. Language was also added to clarify that animal units are cumulative. This means that no one is allowed to have more than a density of one animal unit per two grazable acres.
 - Example 1: Under current code, owner has 8 acres with the presumption that 7.5 are grazable acres. He has a total AU of 3.8. He is allowed to have 3 horses, but not a single chicken, sheep/goat, turkey, duck, all of which arguably require less care and create more impact on land.
 - Example 2: Under proposed amendment, owner has 5 acres with the presumption that 4.5 are grazable acres. He has a total AU of 2.3. He can have 2 horses. Horses are 1 Animal Units.
 - Example 3: Under proposed amendment, owner has 8 acres with the presumption that 7.5 are grazable acres. He has a total AU of 3.8. He can have 2 cows. Cows are 1.4 Animal Units.
 - Example 4: Under proposed amendment, owner has 8 acres with the presumption that 7.5 are grazable acres. He has a total AU of 3.8. He can have 2 horses, 1 cow, and either 3 turkey or 5 fowl or 1 goat or 4 chickens total.
- Amend the Kennel definitions section in the Zoning Code. Most of this language was changed to establish consistency between the updates and existing city code. Currently, the zoning definitions of commercial and private kennels conflicted with the general definition of a kennel. The commercial kennel definition was amended to require four or more dogs, cats or other domestic pets, rather than two. This is to make it consistent with the animal ordinance that was adopted by council on October 1. The private kennel definition was amended to apply to

- dogs, cats, and other domestic pets rather than just applying to dogs. Language was also added to this definition that states that it applies to parcels of land five acres or greater and that the maximum number of animals allowed is six.
- Amending ‘General Businesses – Conditional Use’ Table in Section 154.051(A). Language is added to clarify that only commercial kennels require a CUP.
 - Amending Table 9.1: Permitted and Conditional Uses, Rural Districts, and corresponding Development Standards section. These sections were amended to allow private kennels and stables to be permitted uses in RT, A, and RR districts. Language was also added to clarify that commercial kennels may not be located on parcels less than 10 acres while accessory kennels and stables only require parcels of 5 acres. This change is needed to comply with preexisting horse regulations.
 - Add clean up language to ‘Prohibition of Kennels’ and ‘Number of Dogs and Cats Limited’ sections of Animal Code. This is merely clean up language. Based on the changes made in section 3 regarding Kennels, updates were needed to the Animal Code to maintain consistency. The language referencing kennel licenses was removed, as the City will not be issuing kennel licenses.
 - Add a section to the Animal Code regarding Keeping of Chickens. As stated previously, the city has received quite a few inquiries about the rules regulating the keeping of chickens in the city. After extensive research by staff of surrounding and similar communities, staff is proposing adding a section the Animal Code that would allow chickens in the City of Lake Elmo on parcels less than ten acres. Roosters and crowing hens are strictly prohibited on parcels less than five acres. Staff broke down the number of chickens allowed into two different sections. First, a minimum of a half-acre is required for any property to have any chickens. If you live on one half-acre to an acre of land you are allowed two chickens. If you live on one acre to one and one-half acres you are allowed four chickens. The number goes up by two chickens per half acre until you get to five acres. Chickens on parcels of five or more acres are restricted to 0.02 animal units per acre. The City also would require a permit for the keeping of chickens on parcels of less than five acres. The first permit will be valid for up to two years, with subsequent permits being valid from Jan 1 to Dec 1 of the same year. The requirements for application and the permit conditions are detailed in the proposed ordinance. Of note, Stillwater just recently passed an ordinance allowing the keeping of chickens, which staff used as part of its research.
 - Add a section to the Animal Code regarding Keeping of Bees. Staff also received requests to allow bees to be kept in the city. Staff also researched similar and surrounding communities when drafting the section of the ordinance that deals with bees. Bees are not allowed on properties of less than one-half acre. The ordinance also lays out how many colonies are allowed to be kept on parcel sizes. Lots equal to or larger than one-half acre but less than one acre are allowed two colonies. Lots one acre or larger but smaller than two and one-half acres are allowed four colonies, while lots two and one-half acres to five acres are allowed six colonies. There are no restrictions on lots which are five or more acres in size.

Permits are also required for the keeping of bees in the city. The permits are valid for two years. The ordinance also states that beekeeping training from a credible course is required before any beekeeping permits will be issued. More information on the bee section of the animal ordinance can be found in the attached ordinance. Of note, Stillwater just recently passed an ordinance allowing the keeping of bees, which staff used as part of its research.

RECOMMENDATION:

1. Staff is recommending that the Planning Commission recommend approval of the proposed removal of the Livestock section from the Zoning Code to allow it to be placed in the Animals Chapter of the City Code, along with the perfecting amendments to the various sections related to kennels and stables as well as provide input and recommend approval of the proposed ordinance related to the keeping of chickens and bees to the City Council through the following motion:

“Move to recommend approval of the adoption of Animal Ordinance, amending the Zoning Code concerning Livestock and Kennels and amending the Animals Chapter of the General Regulations of the City of Lake Elmo.”

ATTACHMENTS:

1. Ordinance 08-0XX
2. Current Livestock Ordinance
3. Lot Size Analysis Map
4. Animal Unit Worksheet
5. Excerpt of 10/28/2013 Planning Commission Minutes related to topic
6. List of area municipalities that allow backyard chickens

ORDER OF BUSINESS:

- Introduction.....Planning Staff
- Report by Staff.....Deputy City Clerk
- Questions from the Commission..... Chair & Commission Members
- Discussion by the Commission..... Chair & Commission Members