



PLANNING COMMISSION
DATE: 2/10/14
AGENDA ITEM: 5B

ITEM: Zoning Text Amendment – Animal Ordinance Update
SUBMITTED BY: Adam Bell, City Clerk/Asst. City Administrator
REVIEWED BY: Nick Johnson, City Planner
Beckie Gumatz, Deputy City 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.

REQUEST DETAILS

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.

Staff previously introduced this topic as a business item at the 10/28/2013 Planning Commission meeting. The input gained from that discussion was incorporated in the new draft language, which was submitted to the Commission for the 1/27/2014 meeting that included a public hearing. The Commission voted 7-0 to postpone passage until staff provided additional information.

Based on the feedback provided by the Commission at the 1/27/14 meeting, staff has made the following additional changes:

- The Minimum acreage required to keep bees has been raised from .5 acres to 1.0 acres as requested.

- Regarding the use of Animal Unit Equivalents to determine the number of allowed animals:
 - Animal Unit Equivalents (AU) are the standard used by most communities throughout the state and country to ensure that the carrying capacity of grazing animals on their habitat. The MPCA and MN Department of Agriculture use and recommend using AU. Staff must note that the City is already using the AU standard and has a currently higher threshold than many other comparable cities. Lake Elmo requires 2 grazable acres per 1 Animal Unit. Most communities only require 1 acre. The proposal further decreases the number of animals allowed to accommodate lots smaller than 10 acres. Animals not specifically listed on the chart are calculated average weight of the animal divided by 1,000 pounds. This is the universal standard. The chart that was created is a worksheet to be used by staff and the public to simplify the calculation of allowed animals. The chart can be further simplified for the public, if the Commission prefers.
 - Concerns expressed regarding noise and odor issues can be addressed by the permitting process as well as the City nuisance ordinances and state regulations.
 - Setbacks for bees were established at 25 feet. The flyway is required for colonies less than 50 feet from the adjacent occupied residential property.
 - Staff does expect to conduct site visits, but the entire permitting/application process has not been completed yet because it will depend on the final ordinance language. Staff did not want to codify this requirement if it determines that it is not necessary for all applications. If the Commission desires, the application process similar to the chickens permit can be added. Included would be: a site plan, setbacks, etc. This new language has been added.
 - If there are any specific animals the Commission recommends excluding, they can do so. There is already a comprehensive list of prohibited animals in the city code that was just re-adopted by the council. *See City Code § 95.92.*
 - Llamas, alpacas, and similar animals were not listed in current livestock ordinance. Due to the increasing popularity of these animals, staff thought it prudent to include them at this time. Most communities do include them along with sheep and goats; however, staff took a more conservative approach to setting their AU. This has been changed in the new proposal.
 - Regarding the definition of chicken, this is the common dictionary definition. Staff recommends adding further specification rather than eliminating the definition. Further specification has been added. In the AU standards, other fowl are distinguished.
 - Regarding the term of the chicken permit, staff believed that it should be an annual permit similar to dog licenses for ease of staff processing, with the exception of the first term to accommodate the chickens and coop to be established depending on when permit was obtained. Bee keeping permits are valid for two years as they involve more time to establish and maintain.
 - Bee-keeping permits were intended to only be required on parcels less than five acres. This clarification has been added.
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RECCOMENDATION

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. Simplified Animal Unit Worksheet
3. Excerpt of 1/27/2013 Planning Commission Minutes related to topic

ORDER OF BUSINESS:

- IntroductionPlanning Staff
- Report by StaffPlanning Staff
- Questions from the Commission Chair & Commission Members
- Open the Public HearingChair
- Close the Public Hearing.....Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission..... Chair & Commission Members