



MAYOR AND COUNCIL COMMUNICATION

DATE: 8/16/2016

REGULAR

ITEM #: 22

AGENDA ITEM: Pigeon Ordinance
SUBMITTED BY: Emily Becker, City Planner
THROUGH: Kristina Handt, City Administrator
REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

In late 2015, Planning Director Wensman had received an inquiry regarding the keeping of pigeons in the City and found that the City Ordinance did not address the issue. Chapter 95: Animals, of the City Code, does not currently address the keeping of pigeons. Pigeons are not considered farm animals nor are they pets. Without an ordinance for the keeping of pigeons, any future pigeon issues would be regulated by complaints through the nuisance ordinance. The issue was originally discussed at the Planning Commission and it was recommended that an ordinance written to regulate the keeping of pigeons. Staff prepared a draft ordinance, held a public hearing on the ordinance at the January 11, 2016 Planning Commission meeting and the Commission recommended that the City Council approve the ordinance.

ISSUE BEFORE COUNCIL:

The Council should consider if an ordinance should be adopted regulating the keeping of pigeons. If the Council decides such an ordinance should be adopted, it should consider if the provisions set forth in the Ordinance are appropriate for the City.

PROPOSAL DETAILS/ANALYSIS:

The ordinance was drafted based on review of several Wisconsin ordinances, the Gem Lake and Forest Lake ordinances, and followed the City of Lake Elmo Chicken Ordinance as a template. Gem Lake's ordinance regulating pigeons is most similar to the proposed ordinance. Staff research found that the cities of Oakdale, Woodbury, Maplewood, and Stillwater do not have ordinances for the keeping of pigeons.

The proposed ordinance has the following key components:

- A property must be zoned RR – Rural Residential or A – Agricultural and be 2.5 acres or greater in size.
- There cannot be more than 20 pigeons per lot.
- Property must be the primary residence of the pigeon keeper.
- A permit is required, requiring much of the same application materials as a Chicken Keeping Permit requires.
- Permit conditions are set forth including:

- The requirement to keep the pigeon premises clean.
- Food storage restrictions.
- Treatment of pigeons.
- Disposal standards.
- Loft requirements:
 - Setback 50 feet from property line and adjacent habitable structures.
 - Must be no more than 12 feet high and 200 square feet in floor area.
 - Enclosure standards.
- Violations and permit issuance and revocation are outlined and are very similar to those of the current ordinance that sets forth standards for the keeping of chickens.

FISCAL IMPACT:

Setting forth such standards may reduce future staff time spent on nuisance complaints pertaining to the keeping of pigeons.

PLANNING COMMISSION/PUBLIC HEARING:

A public hearing was held on January 11, 2016 with no public comment. Commissioner Dodson questioned why the loft requirements were so specific and why restricting the keeping of pigeons to the Agricultural and Rural Residential Districts. There was also a question by Commissioner Williams as to how the number of birds (20) was arrived at. Commissioner Williams also requested 2 additional requirements to the ordinance. Staff has included both. As a whole the Commission discussed the appropriate number of pigeons to allow. Commissioner Dodson thought 60 would be appropriate and Commissioner Larson thought no more than 100. The Commission ultimately decided it was better to be more restrictive and settled back to the number 20.

Since the Commission meeting, Staff reevaluated the number of pigeons that could be housed in a 200 sq. ft. loft and it is upward of 200 depending on how the loft were designed with a center aisle. It is Staff's understanding that most pigeon fanciers prefer to keep flocks of 100 or more pigeons at a time. The person who initially inquired about keeping pigeons wanted to keep 100 pigeons. The City of Gem Lake restricts the number of pigeons to 120.

OPTIONS:

The Council may:

- Approve the ordinance as proposed.
- Amend the ordinance and approve the ordinance as amended.
- Deny the ordinance.

RECOMMENDATION:

Staff respectfully requests that the Council approve, as recommended by the Planning Commission, the proposed ordinance regulating the keeping and maintaining of pigeons.

“Move to approve Ord. 08-___ regulating the keeping and maintaining of pigeons.”

In addition, Staff is recommending that the City Council authorize summary publication of the approved ordinance through the following resolution:

“Move to adopt Resolution 2016-__, authorizing summary publication of Ordinance 08-__”

ATTACHMENTS:

- Ord. 08-__
- Resolution 2016-__
- Planning Commission meeting minutes, 1/11/16
- Gem Lake Ordinance