



## COMMUNITY DEVELOPMENT

### MEMORANDUM

**To:** Planning and Zoning Commission

**From:** Andrew Fangman, City Planner

**Date:** August 6, 2015

**Re:** Second Draft of the Portion of the New Zoning Ordinance that Regulates the Keeping of Animals in Residential Zoning Districts.

Planning,  
Zoning,  
Building Safety,  
Construction Inspection Services,  
Public Health,  
Housing Inspections,  
Code Enforcement

This proposed zoning ordinance chapter regulates the keeping of animals in a residential zoned district. One change from regulations contained in the current zoning ordinance is that these proposed regulations are placed in their own standalone chapter. This is being proposed in order to make these regulations easier to locate and use.

How the keeping of animals in residential districts is regulated is dependent on the size of the parcel in question. The proposed regulations contain a set of regulations that are applicable to parcels under two acres, between 2 and 20 acres, and parcels over 20 acres in size. The reasoning for this is that appropriateness of keeping certain types of animals at certain densities in residential areas is directly dependent on the size of the parcel on which the animals are being kept.

The current zoning ordinance does not allow for the keeping of any farm type animals on parcels smaller than two acres. Throughout the extensive public participation process portion of the process to create the comprehensive plan, not a single comment on this policy was received. Based on this, the assumption is being made that the community continues to support a policy that only allows for domestic companion animals on parcels smaller than two acres. The proposed regulations reflect this.

There are very few residentially zoned parcels that are 20 acres or more in size. Typically these parcels are being used for agricultural purposes or otherwise undeveloped, and are zoned residential in anticipation of future development. Because such parcels are rural/agricultural in nature it is logical that the regulations governing the keeping of animals on such parcels be similar to the regulations that apply to keeping animals in the agriculture zoning district. As these parcels are subdivided and developed more stringent regulations regarding the keeping of animals will automatically take effect.

The most significant difference between current regulations regarding the keeping of animals in residential zoned areas relates to the regulations that apply to parcels between 2 and 20 acres in size. Current regulations allow for the keeping of up to 24 fowl or small animals, with no grain fed species to exceed 25 pounds, on a parcel larger than two acres. However given the semi-rural nature of parcels of this size and that the very size of such parcels provides buffering to surrounding properties, it is appropriate to allow for a limited number of farm type animals larger than 25 pounds.

The proposed regulations will allow for this, with the number of such animals allowed being based on a formula that accounts for both the size of an animal and the size of the parcel that it is to be located on.

The proposed regulations define and regulate animals based on following four categories of animals.

- **Domestic Companion Animal:** A domestic animal customarily kept, and cared for, by the occupants of a dwelling for personal pleasure, and which are not raised for food, fur, or monetary gain. Typically, this includes dogs, cats, birds and other small mammals and reptiles, but not fowl, herd animals, goats, horses, other farm type animals, or types of animals prohibited elsewhere in City Code.
- **Small Farm Type Animal:** Small sized animals or fowl normally raised on a farm, or as part of commercial agricultural or animal husbandry operation, or normally used for purposes related to agricultural production. Includes, but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, mink, and other animals or fowl of similar size and type, whose mature weight is less than 30 pounds. Young or miniature large animals are not included in this definition and are considered large animals. Does not include domestic companion animals.
- **Medium Farm Type Animal:** Medium sized animals or fowl normally raised on a farm, or as part of commercial agricultural or animal husbandry operation, or normally used for purposes related to agricultural production. Includes, but not limited to sheep, goats, or similar medium sized animals whose mature weight is between 30 and 500 pounds. Does not include domestic companion animals.
- **Large Farm Type Animal:** Includes, but not limited to, horses, donkeys, mules, llamas, bovines, swine, bison, camels, ostriches, emu, and other animals or livestock of similar size and type, whose mature weight exceeds 500 pounds.

Where and how many of these types of animals are allowed to be kept in a residential zoning district is dependent on the size of the subject parcels. For parcels less than two acres in size only the keeping of domestic companion animals of a type and in a manner that is in compliance with all relevant sections of City Code is allowed. For parcels between 2 and 20 acres animals may be kept at the following number and density:

- **Domestic Companion Animal:** permitted in accordance with all other relevant sections of City Code.
- **Small farm type animals:** Maximum of four small farm type animals per acre.
- **Medium farm type animals:** Maximum of two medium farm type animals per acre.
- **Large farm type animals:** Maximum of one large farm type animal per acre.

On parcels of at least 20 or more acres domestic companion animal and farm type animals are permitted without any additional restrictions on the number and density of animals. However kennels or any other forms of boarding animals for compensation, feed lots, livestock confinement areas, or confined animal feeding operations are prohibited.

The proposed regulations also cover accessory buildings relating to the keeping of farm type animals. The key components of how these types of accessory structures are regulated are:

- All pens, stalls, quarters, or any other structure related to the keeping of animals as well as any grazing areas shall be maintained in a sanitary manner free from noxious odor.
- Any accessory structure associated with the keeping of less than 60 small, 20 medium, or less than 10 large type farm animals, other than swine, shall be set back 60 feet from the nearest parcel line.
- Any accessory structure associated with the keeping of 60 or more small type farm animals, 20 or more medium type farm animals, or 10 or more large type farm animals, or any number of swine shall maintain a 200 feet setback from the nearest parcel line.

For parcels of all sizes kennels or any other forms of boarding animals for compensation are prohibited, as are services offered in exchange for compensation that are related to or make use of farm type animals located onsite.

Based on comments from the Commission's initial review of this draft language there have been changes to the proposed regarding the keeping of bee hives. The proposed regulations no longer sets a minimum parcel size for the keeping of bees, rather it sets a limit of two beehives per acre and requires that they be located at least 60 from the nearest property line. The purpose of this change is to provide for maximum flexibility in where bee hives can be located, while sufficiently protecting adjoining property owners.



# **Title 10 – Zoning**

## **Chapter XXX – Keeping of Animals in Residential Districts**

### **10-XXX-1 Applicability**

- A. The raising and keeping of any animals within a residential zoned district shall comply with the regulations contained within this chapter.
- B. Nothing in this section shall be construed as permitting a type or species of animal that is prohibited elsewhere in the City Code.

### **10-XXX-2 Definitions**

- A. **Domestic Companion Animal:** a domestic animal customarily kept, and cared for, by the occupants of a dwelling for personal pleasure, and which are not raised for food, fur, or monetary gain. Typically, this includes dogs, cats, birds and other small mammals and reptiles, but not fowl, herd animals, goats, horses, other farm type animals, or types of animals prohibited elsewhere in City Code.
- B. **Small Farm Type Animal:** Small sized animals or fowl normally raised on a farm, or as part of commercial agricultural or animal husbandry operation, or normally used for purposes related to agricultural production. Includes, but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, mink, and other animals or fowl of similar size and type, whose mature weight is less than 30 pounds. Young or miniature large animals are not included in this definition and are considered large animals. Domestic companion animals are not included.
- C. **Medium Farm Type Animal:** Medium sized animals or fowl normally raised on a farm, or as part of commercial agricultural or animal husbandry operation, or normally used for purposes related to agricultural production. Includes, but not limited to sheep, goats, or similar medium sized animals whose mature weight is between 30 and 500 pounds. Domestic companion animals are not included.
- D. **Large Farm Type Animal:** includes, but not limited to, horses, donkeys, burros, llamas, bovines, swine, bison, camels, ostriches, emu, and other animals or livestock of similar size and type, whose mature weight exceeds 500 pounds.

### **10-XXX-3 Regulations Applying to Parcels Under 2 Acres in Size**

- A. Keeping of domestic companion animals of a type and in a manner that is in compliance with all relevant sections of City Code is permitted.
- B. Keeping of small farm type animals, medium farm type animals, or large farm type animals is prohibited.



## **DRAFT City of Muscatine, Iowa—Zoning Ordinance**

*Chapter XXX: Keeping of Animals in Residential Districts*

- C. Kennels or any other forms of boarding animals for compensation are prohibited.

### **10-XXX-4 Regulations Applying to Parcels More than 2 Acres but Less than 20 Acres in Size**

- A. Keeping of domestic companion animals of a type and in a manner that is in compliance with all relevant sections of City Code is permitted.
- B. **Maximum number of farm type of animals permitted:**
  - 1. **Small farm type animals:** Maximum of 4 small farm type animals per acre.
  - 2. **Medium farm type animals:** Maximum of 2 medium farm type animals per acre.
  - 3. **Large farm type animals:** Maximum of 1 large farm type animal per acre.
- D. Keeping of roosters, peacocks, turkey gobblers or guinea fowl is not permitted.
- E. Any accessory structure related to the keeping of farm type animals shall comply with all of the following:
  - 1. Any accessory structure associated with the keeping of small, medium, or large type farm animals, other than swine, shall be set back 60 feet from the nearest parcel line.
  - 2. Not more than one animal shelter building for the housing of livestock or small animals or fowl shall be permitted on one parcel.
- F. All pens, stalls, quarters, or any other structure related to the keeping of animals as well as any grazing areas shall be maintained in a sanitary manner free from noxious odor
- G. Kennels or any other forms of boarding animals for compensation are prohibited.
- H. Services offered in exchange for compensation that are related to or make use of farm type animals are prohibited.
- I. Keeping of swine prohibited.

### **10-XXX-5 Regulations Applying to Parcels More than 20 acres in Size**

- A. Keeping of domestic companion animals of a type and in a manner that is in compliance with all relevant sections of City Code.
- B. All farm type animals are permitted.
- C. Feed lots, livestock confinement areas, or confined animal feeding operations are prohibited.
- D. Any accessory structure related to the keeping of farm type animals shall comply with all of the following:



## **DRAFT City of Muscatine, Iowa—Zoning Ordinance**

*Chapter XXX: Keeping of Animals in Residential Districts*

1. Any accessory structure associated with the keeping of less than 60 small, 20 medium, or less than 10 large type farm animals, other than swine, shall be set back 60 feet from the nearest parcel line.
2. Any accessory structure associated with the keeping of 60 or more small type farm animals, 20 or more medium type farm animals, or 10 or large type farm animals, or any number of swine shall maintain a 200 feet setback from the nearest parcel line.
- E. All pens, stalls, quarters, or any other structure related to the keeping of animals as well as any grazing areas shall be maintained in a sanitary manner free from noxious odor.
- F. Kennels or any other forms of boarding animals for compensation are prohibited.
- G. Services offered in exchange for compensation that are related to or make use of farm type animals are prohibited

### **10-XXX-6 Keeping of Hives or Colonies of Bees**

Keeping of hives or colonies of bees is permitted subject to the following:

- A. No more than 2 hives per acre is permitted.
- B. Hives or colonies of bees shall be kept in a manner inaccessible to the general public.
- C. Hives or colonies of bees shall be kept in a manner so that bee movements to and from the hive do not interfere with the ordinary movements of persons on adjacent properties or the public right-of-way.
- D. Hives shall be located at least 60 feet from the nearest property line.