

COMMUNITY DEVELOPMENT

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

MEMORANDUM

To: Mayor and City Council Members
Cc: Gregg Mandsager, City Administrator
From: Andrew Fangman, City Planner
Re: Draft of the Chapter of the Proposed New Zoning Ordinance that Regulates the Keeping of Animals in Residential Zoning Districts.

This proposed zoning ordinance chapter would regulate the keeping of animals in residentially zoned districts. The current zoning ordinance spreads regulations covering animals in residential district across a number of chapters. This proposal would place all these regulations in single chapter. This is being proposed in order to make these regulations easier to locate and use.

The biggest difference between the current zoning ordinance and what is being proposed is how the keeping of farm animals of 30 pounds in size animals on residentially zoned parcels between two and twenty acres would be regulated. The current zoning ordinance does not contain clear and direct language regulating the keeping of farm animals of 30 pounds in size on residential zoned parcels between two and twenty acres in size. Currently an interpretation of the definition of "agricultural activities" is relied on to provide regulatory guidance in these situations. This is not an ideal manner in which to deal with these situations, as it is very difficult for someone to read the current zoning ordinance, and come away with a clear understanding of the rules for keeping of farm animals of 30 pounds in size on residential zoned parcels between two and twenty acres in size, without contacting City staff. The proposed chapter will fix this by adding clear and easily understandable regulations regarding these situations.

The proposed chapter would regulate the keeping of farm animals of 30 pounds in size on residential zoned parcels between two and twenty acres, in manner that is based on both the size of the animal and size of the parcel in question. This approach is a common and well tested method used by a large number of communities across the nation. It is based on the idea that the 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 and the size of the animal.

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 or fur. 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. The category 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, 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 would be 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 would be allowed. The keeping of swine, roosters, peacocks, turkey gobblers or guinea fowl is prohibited on all parcels of less than 20 acres. For parcels between two and twenty acres animals would be permitted 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.

There are very few residentially zoned parcels that are twenty 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. This is how these situations are regulated in the current zoning ordinance. As these parcels are subdivided and developed more stringent regulations regarding the keeping of animals will automatically take effect.

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.

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. For residentially zoned 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.

Bee keeping has become a more popular hobby in recent years. The current zoning ordinance does not address bee keeping at all. For this reason the proposed chapter contains regulations on beekeeping that are based on a survey of best practices in other communities.

The current zoning ordinance does not allow for the keeping of any farm type animals, including chickens, on residentially zoned parcels smaller than two acres, the proposed chapter would maintain this policy. The proposed chapter recommends the continuation of this policy, is based on the following factors:

- Throughout the extensive public participation process, which included eight town hall meeting and 26 meetings of four community member advisory groups, to create the comprehensive plan, not a single comment on this policy was received,
- Changing this policy would not directly or indirectly implement any of the Comprehensive Plans 82 goals.

- **There is no ambiguity or confusion that needs to be clear up regarding how the current zoning ordinance regulates this issue.**
- **The Planning and Zoning Commission has reviewed the proposed chapter at two separate meetings at which it discussed this issue at length, and both times declined to make a recommendation that this policy be changed.**



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 or 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. The category does not include domestic companion animals.
- 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. The category does not include domestic companion animals.
- D. **Large Farm Type Animal:** includes, but not limited to, horses, donkeys, burros, llamas, bovines, 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.



- 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.