**STAFF REPORT**

**TOWN COUNCIL MEETING OF MAY 8, 2012**

**CONSENT AGENDA**

To: Honorable Mayor and Members of the Town Council

From: Matt Lopez, Assistant Planner

Subject: Revision to Animal Keeping Ordinance
[2nd Reading]

Date: April 24, 2012

**RECOMMENDED ACTION:**
Adopt the attached Ordinance revising the Town's Animal Keeping Standards.

**REVISION TO ORDINANCE:**
**Red text** = Revision added after 1st reading per Council direction.
**Bold text** = Revisions approved during 1st reading.

Notes: (7) The Zoning Administrator may reduce required side and rear yard setbacks to as little as zero for large lots after taking into account the lot size, **structure size,** and use of the proposed animal structure **and determining that: (a) the structure** will not interfere with emergency vehicle access; **(b) the structure will** comply with any required setback from dwellings; **and (c) the proposed use of the structure will not create a nuisance. A proposed use will be considered to create a nuisance if the use is likely to cause discomfort or annoyance to any reasonable person of normal sensitivity residing in the area.**

**FISCAL IMPLICATIONS:**
None at this time.

**ATTACHED:**
Revised Ordinance

# TOWN OF LOOMIS

ORDINANCE NO. 250

AN ORDINANCE OF THE TOWN OF LOOMIS AMENDING SECTION 13.42.060 OF THE MUNICIPAL CODE RELATING TO ANIMAL KEEPING STANDARDS

## RECITALS

WHEREAS, the Town Council wishes to amend the Town's Animal Keeping Ordinance;

WHEREAS, the Planning Commission and Town Council have held multiple public meetings on the Animal Keeping Ordinance and took testimony from those in attendance;

NOW, THEREFORE, the Loomis Town Council does ordain as follows:

SECTION 1. Authority. The Town Council enacts this Ordinance in accordance with the authority granted to cities and towns by state law.

SECTION 2. Amendment to Section 13.42.060. Section 13.42.060 (Table 4-2) of the Loomis Municipal Code is hereby amended as follows:

***FROM:*** **TABLE 4-2 - ANIMAL-KEEPING STANDARDS**

| **Type of Animal or Facility** (6) | **Max. No. of Animals per Site** (1) | **Minimum Lot Area** (2) | **Minimum Setbacks** (3)(7) | |
|---|---|---|---|---|
| | | | **From Side/Rear Property Lines** | **From Streets and Dwellings** |
| **Aviary for 20 or more birds other than fowl and poultry** | 20 per acre | 1/2 acre | 25 ft | 50 ft |
| **Dogs and cats** | 4 animals total on a site less than 1 acre;<br>4 of each species on a site of 1 acre or more | None required | None required | None required |
| **Fowl and poultry** (4) (5) | 12 per acre | 1/2 acre (5) | 20 ft | 20 ft |
| **Hogs and swine** | 1 per acre | 2 acres | 50 ft | 100 feet |
| **Horses and cows** | 2 per acre | 1 acre | 25 ft | 50 ft |
| **Other household pets and small animals** - Including **pygmy goats (and other similar, small breeds),** birds, chinchillas, guinea pigs, hamsters, pot belly pigs, rabbits, rodents, and other non-poisonous small animals, not raised for commercial purposes. | 4 animals total on a site less than 1 acre;<br>4 of each species on a site of 1 acre or more, where allowed by Table 4-1. | None for 4 or fewer animals;<br>1 acre for 5 or more animals | None on a site of less than 1 acre;<br>10 ft on a site of 1 acre or more. | None on a site of less than 1 acre;<br>25 ft on a site of 1 acre or more. |
| **Large animals** - Emus, goats, llamas, miniature horses and donkeys, ostriches, sheep, and similar sized animals. | 6 per acre | 1/2 acre | 25 ft | 50 feet for accessory structure, none for pasture |

**Notes**:
(1) Offspring allowed in addition to maximum number until weaned.
(2) Minimum lot area required for the keeping of animals.
(3) Minimum setbacks from all property lines for barns, shelters, pens, coops, cages, and other areas and structures where animals are kept in concentrated confinement; but not including areas continuously maintained as pasture. Animals shall not be kept in any required front yard setback except in pasture areas.
(4) Guinea hens, peacocks, roosters, swans and geese are prohibited in the RS zoning district.
(5) Maximum of 4 hens allowed if property is under one-half (0.5) acre in size.
(6) Animal slaughtering shall be prohibited in the RS zone.
(7) The Zoning Administrator may reduce required side and rear yard setbacks to as little as zero for large lots after taking into account the lot size and use of the proposed animal structure (1) does not interfere with emergency vehicle access, and (2) complies with any required setback from dwellings.

## ***TO:*** TABLE 4-2 - ANIMAL-KEEPING STANDARDS

| **Type of Animal or Facility** (6) | **Max. No. of Animals per Site** (1) | **Minimum Lot Area** (2) | **Minimum Setbacks** (3)(7) | |
|---|---|---|---|---|
| | | | **From Side/Rear Property Lines** | **From Streets and Dwellings** |
| **Aviary for 20 or more birds other than fowl and poultry** | 20 per acre | 1/2 acre | 25 ft | 50 ft |
| **Dogs and cats** | 4 animals total on a site less than 1 acre;<br>4 of each species on a site of 1 acre or more | None required | None required | None required |
| **Fowl and poultry** (4) (5) | 12 per acre | 1/2 acre (5) | 20 ft | 20 ft |
| **Hogs and swine** | 1 per acre | 2 acres | 50 ft | 100 feet |
| **Horses and cows** | 2 per acre | 1 acre | 25 ft | 50 ft |
| **Other household pets and small animals** - Including **pygmy goats (and other similar, small breeds),** birds, chinchillas, guinea pigs, hamsters, pot belly pigs, rabbits, rodents, and other non-poisonous small animals, not raised for commercial purposes. | 4 animals total on a site less than 1 acre;<br>4 of each species on a site of 1 acre or more, where allowed by Table 4-1. | None for 4 or fewer animals;<br>1 acre for 5 or more animals | None on a site of less than 1 acre;<br>10 ft on a site of 1 acre or more. | None on a site of less than 1 acre;<br>25 ft on a site of 1 acre or more. |
| **Large animals** - Emus, goats, llamas, miniature horses and donkeys, ostriches, sheep, and similar sized animals. | 6 per acre | 1/2 acre | 25 ft | 50 feet for accessory structure, none for pasture |

**Notes**:
(1) Offspring allowed in addition to maximum number until weaned.
(2) Minimum lot area required for the keeping of animals.
(3) Minimum setbacks from all property lines for barns, shelters, pens, coops, cages, and other areas and structures where animals are kept in concentrated confinement; but not including areas continuously maintained as pasture. Animals shall not be kept in any required front yard setback except in pasture areas.
(4) Guinea hens, peacocks, roosters, swans and geese are prohibited in the RS zoning district.
(5) Maximum of 4 hens allowed if property is under one-half (0.5) acre in size.
(6) Animal slaughtering shall be prohibited in the RS zone.
(7) The Zoning Administrator may reduce required side and rear yard setbacks to as little as zero for large lots after taking into account the lot size, **structure size**, and use of the proposed

animal structure and determining that: (a) the structure will not interfere with emergency vehicle access; (b) the structure will comply with any required setback from dwellings; and (c) the proposed use of the structure will not create a nuisance. A proposed use will be considered to create a nuisance if the use is likely to cause discomfort or annoyance to any reasonable person of normal sensitivity residing in the area.

SECTION 3. Severability. If any provision of this chapter, or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this chapter, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this end the provisions of this chapter are severable.

SECTION 4. Effective Date and Publication. This Ordinance shall take effect 30 days after its adoption. The Town Clerk shall cause this Ordinance to be published as required by law in the Loomis News, a newspaper of general circulation and posted at three (3) locations within fifteen (15) days after its passage; shall certify to the adoption and posting of this ordinance; and shall cause this ordinance and its certification to be entered in the Book of Ordinances of this Town.

The foregoing ordinance was introduced at a regular meeting of the Council of the Town of Loomis held on the 10th day of April and was adopted and ordered published and posted at a meeting of the Council held on the 8th day of May, 2012, by the following roll call vote:

**AYES:**
**NOES:**
**ABSENT:**
**ABSTAIN:**

_____
Mayor

ATTEST:

_____
Town Clerk