



STAFF REPORT

TOWN COUNCIL MEETING OF JANUARY 10, 2012

CONSENT AGENDA

To: Town Council

From: Town Manager 

Subject: Animal Keeping Ordinance

Date: December 16, 2011

RECOMMENDED ACTION: Adopt Ordinance.

Background: At the December 13, 2011 Town Council meeting, Council directed staff to return with the following changes to the proposed amended Ordinance:

1. Revise Note 6 to Table 4-2 to read: "Animal slaughtering shall be prohibited in the RS zone."
2. Revise the first line in Table 4-2 by striking the words "20 or more".
3. Add new Note 7 to Table 4-2, following the column heading "From Side/Rear Property Lines":

"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 the size and use of the proposed animal structure, provided that the structure 1) does not interfere with emergency vehicle access, and 2) complies with any required setback from dwellings."

FINANCIAL IMPLICATIONS: None at this time.

ATTACHMENTS:

Revised Ordinance

TOWN OF LOOMIS

ORDINANCE NO - 249

AN ORDINANCE OF THE TOWN OF LOOMIS AMENDING SECTIONS 13.42.060, 13.28.030 OF THE MUNICIPAL CODE RELATING TO ANIMAL KEEPING STANDARDS AND PERMIT REQUIREMENTS

RECITALS

WHEREAS, the Town Council directed the Planning Commission to evaluate the Town's Animal Keeping Ordinance and the permit requirements and process as related thereto;

WHEREAS, the Planning Commission held public meetings on June 7th and July 5th, 2011, 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. Section 13.42.060 (Table 4-1) of the Loomis Municipal Code is hereby amended as follows:

TABLE 4-1 - ALLOWABLE ANIMAL-KEEPING AND PERMIT REQUIREMENTS

Type of Animal	Permit Requirement by Zoning District				
	RA	RE	RR	RS	RM/RH
Aviary, fewer than 20 birds confined	P	P	P	P	—
Aviary, 20 or more birds confined	P	P	P	—	—
Beekeeping	P	P	P	—	—
Dog boarding kennels	UP	UP	—	—	—
Dog or cat breeding kennels	P	P	P	—	—
Fish farming	P	P	P	—	—
Fowl and poultry	P	P	P	P(2)	—
Hogs and swine	P	P	—	—	—
Horses and cows	P	P	MUP	—	—
Household pets	P	P	P	P	P
Large animals ⁽¹⁾	P	P	P	MUP	—
Rabbit breeding	P	P	P	P	—
Small animals ⁽¹⁾	P	P	P	P	P
Worm farming	P	P	P	P	

Notes:

(1) See Table 4-2 for definitions of small and large animals.

(2) Maximum of 4 hens allowed if property is under one-half (0.5) acre in size.

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

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 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; 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; 4 of each species on a site of 1 acre or more, where allowed by Table 4-1.	None for 4 or fewer animals; 1 acre for 5 or more animals	None on a site of less than 1 acre; 10 ft on a site of 1 acre or more.	None on a site of less than 1 acre; 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 the size and use of the proposed animal structure, provided that the structure 1) does not interfere with emergency vehicle access, and 2) complies with any required setback from dwellings

SECTION 3. Section 13.42.060 D of the Loomis Municipal Code is hereby amended to read as follows:

Maintenance and Operational Standards. All animal keeping shall comply with all of the following maintenance and operational standards.

1. **Odor and Vector Control.** All animal enclosures, including but not limited to pens, coops, cages and feed areas shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors. Each site shall be maintained in a neat and sanitary manner, and in compliance with Placer County Environmental Health Department and Animal Control standards.
2. **Containment.** All animals shall be effectively contained on the site, and shall not be allowed to run free on any parcel in a separate ownership or in a public right-of-way.
3. **Waterway Protection.** The keeping of horses or cattle within fifty feet of any waterway shall first require director approval of a good housekeeping plan to protect the waterway from the polluting effects of runoff from the animal keeping area.
4. **Erosion and Sedimentation Control.** In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation on any public road, adjoining property, or in any drainage channel. In the event sedimentation occurs, the keeping of animals outdoors on the site shall be deemed a nuisance and may be subject to abatement.
5. **Noise Control.** Animal keeping shall comply with the noise standards established by Section 13.30.070.
6. Animals must be kept according to local and State animal control welfare laws.

SECTION 4. Section 13.42.060 E of the Loomis Municipal Code is hereby amended to read as follows:

E. Animal Husbandry Project Exception. The keeping or raising of a calf, horse, goat, sheep, hog, chickens, rabbits, birds or other animals as a 4-H or Future Farmers of America (FFA) project is not subject to the requirements of this section, provided that:

1. A minimum of one-half acre of site area shall be required for each large animal, hog or swine;
2. The project animals shall be confined in a pen or fenced area that is located not closer than twenty-five feet to any dwelling other than on the project site; except that a hog or swine shall not be located closer than one hundred feet from any dwelling other than on the project site;
3. The number of animals complies with the limitations in subsection C; and
4. The animal keeping complies with the maintenance and operational standards in subsection D.

SECTION 5. Section 13.28.030 Table 2-9 of the Loomis Municipal Code is hereby amended as follows:

Notes:

TABLE 2-9 Allowed Uses and Permit Requirements for Industrial and Public Zoning Districts	P	Permitted Use, Zoning Clearance required				
	MUP	Minor Use Permit required				
	UP	Use Permit required				
	—	Use not allowed				
	S	Permit requirement set by Specific Use Regulations				
LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations	
	BP	ILT	IL	PI		
AGRICULTURE AND OPEN SPACE USES						
Plant nursery	—	P	P	—		
INDUSTRY, MANUFACTURING AND PROCESSING, WHOLESALING						
Agricultural product processing	—	—	P	—		
Artisan/craft product manufacturing	MUP	P	P	—		
Construction contractors	—	MUP	P	—		
Furniture and fixtures manufacturing, cabinet shop	—	MUP ⁽³⁾	P	—		
Industrial research and development	P	—	P	—		
Laboratory - Medical, analytical, research and development	UP	P	P	—		
Laundry, dry cleaning plant	—	—	P	—		
Manufacturing/processing - Heavy	—	—	—	—		
Manufacturing/processing - Intensive	—	—	MUP	—		
Manufacturing/processing - Light	MUP	MUP	P	—		
Media production	P	MUP	P	—		
Printing and publishing	P	MUP	P	—		
Recycling - Scrap and dismantling yards	—	—	MUP	—	13.42.210	
Recycling - Small collection facility	MUP	MUP	MUP	MUP	13.42.210	
Storage - Outdoor	—	MUP ⁽³⁾	P	—	13.42.190	
Storage - Personal storage facility (mini-storage)	—	P	P	—		
Storage - Warehouse, indoor storage	P	P	P	—		
Wholesaling and distribution	P	P	P	—		
Winery	—	—	MUP	—	13.42.290	
RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES						
Adult oriented business	—	—	S	—	13.40	
Club, lodge, private meeting hall	—	UP	UP	UP		
Commercial recreation facility - Indoor	—	—	UP	—		
Community center	—	UP	UP	MUP		
Fitness/health facility	P	P	P	MUP		
Library, museum	—	—	—	MUP		
Religious facility	—	—	—	P	13.42.230	
Religious facility - Incidental, not during business hours	—	—	P	P	13.42.230	
School - Elementary, middle, secondary	—	—	—	UP		
School - Specialized education/training	MUP	MUP	MUP	UP		
Sports and active recreation facility	—	—	—	UP		
Studio - Art, dance, martial arts, music, etc.	—	P	P	MUP		
RESIDENTIAL USES						
Caretaker/employee unit	MUP	MUP	MUP	MUP		
Emergency shelter	—	—	—	UP		

(1) See Division 8 for land use definitions.

(2) Use permit required when site abuts a residential zone.

(3) The review authority shall ensure that proposed outdoor storage activities are compatible with any adjacent residential use.

TABLE 2-9 Allowed Uses and Permit Requirements for Industrial and Public Zoning Districts	P	Permitted Use, Zoning Clearance required			
	MUP	Minor Use Permit required			
	UP	Use Permit required			
	—	Use not allowed			
	S	Permit requirement set by Specific Use Regulations			
LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	BP	ILT	IL	PI	
RETAIL TRADE					
Accessory retail uses	P	P	P	P	13.42.030
Alcoholic beverage sales	—	—	P	—	13.42.050
Auto and vehicle sales and rental	—	MUP	p ⁽²⁾	—	
Auto parts sales	—	P	P	—	
Building and landscape material sales - Indoor	—	P	P	—	
Building and landscape material sales - Outdoor	—	MUP	P	—	13.42.180
Construction and heavy equipment sales and rental	—	—	P	—	
Farm supply and feed store	—	—	P	—	
Mobile home, boat, or RV sales	—	—	MUP	—	
Office-supporting retail	P	P	P	—	
Restaurant	P	P	P	—	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL					
Accessory service uses	P	P	P	P	13.42.030
ATM	P	—	—	—	
Business support service	P	—	P	—	
Medical services - Clinic, urgent care	—	—	—	P	
Medical services - Extended care	—	—	—	P	
Medical services - Hospital	—	—	—	P	
Medical services - Laboratory	P	P	P	P	
Office - Accessory	P	P	P	P	
Office - Government	P	P	P	P	
Office - Processing	P	P	—	—	
SERVICES - GENERAL					
Adult day care	P	P	P	P	
Catering service	P	P	P	—	
Child day care center	P	MUP	MUP	P	13.42.080
Equipment rental	—	p ⁽²⁾	P	—	13.42.180
Kennel, animal boarding	—	p ⁽³⁾	P	p ⁽²⁾	13.42.060
Maintenance service - Client site services	—	MUP	P	—	
Personal services - Restricted	—	—	MUP	—	
Public safety facility	UP	UP	UP	P	
Repair service - Equipment, large appliances, etc.	—	MUP	P	—	
Vehicle services - Major repair/body work	—	MUP ⁽²⁾	MUP	—	
Vehicle services - Minor maintenance/repair	—	MUP ⁽²⁾	P	—	
Veterinary clinic, animal hospital	P	P	P	P	
TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE					
Ambulance, taxi, or limousine dispatch facility	—	—	P	—	
Broadcasting studio	P	P	P	—	
Pipeline, utility transmission or distribution line	UP	UP	UP	UP	
Telecommunications facility	S	S	S	S	13.44
Transit station or terminal	UP	UP	UP	UP	
Truck or freight terminal	—	—	MUP	—	
Utility facility	MUP	MUP	MUP	MUP	
Utility infrastructure	P	P	P	P	

LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	BP	ILT	IL	PI	
Vehicle storage	—	MUP ⁽²⁾	MUP	—	

Notes:

- (1) See Division 8 for land use definitions.
- (2) Use permit required when site abuts a residential zone.
- (3) Use not allowed if site abuts a residential zone.

SECTION 6. 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 7 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 as a regular meeting of the Council of the Town of Loomis held on the 13th day of December, 2011, and was adopted and ordered published and posted at a meeting of the Council held on the January day of 10, 2012, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

 Mayor

ATTEST:

 Town Clerk