Planning Commission Recommendation for Urban Animal Keeping January 4, 2013

Additions shown in **bold italics** and deletions shown in strikeout.

Section 1. The following entry in Table 9.2010 of the Eugene Code, 1971, is amended to provide as follows:

9.2010 Agricultural Zone Land Use and Permit Requirements.

Table 9.2010 Agricultural Zone Uses and Permit Requirements			
	AG		
Agricultural, Resource Production and Extraction			
[Farm] <i>Urban</i> Animal[s,] <i>Keeping</i> , including pastureland[, excluding a slaughter house]	S		
(See 9.5250)			

Section 2. A new subsections (1)(c) is added to Section 9.2682 of the Eugene Code,

1971, and subsection (c) is renumbered to (d) to provide as follows:

9.2682 <u>Public Land Zone Land Use and Permit Requirements.</u>

- (1) Permitted Public or Semi-Public Uses. The following uses are permitted in the PL public land zone:
 - (a) Accessory Uses, excluding those uses subject to the provisions of EC 9.2683 <u>Special Use Limitations</u>. Examples include caretaker dwellings; service stations for government vehicles; building maintenance services for government facilities; storage, utility and printing for government services; and small scale commercial services to primarily serve users of the public facility.
 - (b) Public Uses, operated by the public agency that owns the development site, except for the intensification of uses that require a site review or conditional use permit according to EC 9.2683 Special Use Limitations. Examples include government offices, libraries, park and recreation facilities, neighborhood and community centers, post offices, fire stations, pump stations, electrical substations, school district offices, schools, reservoirs, and specialized housing. (Refer to EC 9.2683 Special Use Limitations.)
 - (c) Urban Animal Keeping, including pastureland, subject to the Urban Animal Keeping Standards in EC 9.5250.
 - (ed) The following uses <u>not</u> operated by the public agency that owns the property when the owner declares that the property is not currently needed for public uses:
 - 1. Athletic Field, outdoor.
 - 2. Ballet, Dance, Martial Arts, and Gymnastic Schools/Academies/ Studios.

- 3. Community and Allotment Gardens.
- 4. Community and Neighborhood Centers.
- 5. Day Care Facilities.
- 6. Meal Services, non-profit.
- 7. Parks and Playgrounds.
- 8. Schools, Elementary through Middle School.
- 9. Combinations of the above uses.

Section 3. The following entry in Table 9.2740 of the Eugene Code, 1971, is amended to provide as follows:

9.2740 Residential Zone Land Use and Permit Requirements.

Table 9.2740 Residential Zone Land Use and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
Agricultural, Resource Production and Extraction					
[Farm] Urban Animal[s,] Keeping, including pastureland [, excluding a slaughter house] (See 9.5250)	S		S	S	S

Section 4. The text of section 9.3115 is amended, and the following entry in Table

9.3115 of the Eugene Code, 1971, is added to provide as follows:

- **9.3115** S-CN Chase Node Special Area Zone Land Use and Permit Requirements. The following Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements identifies those uses in the S-CN zone that are:
 - (P) Permitted, subject to zone verification.
 - (C) Subject to an approved conditional use permit.
 - (S) Permitted, subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000.
 - (#) The numbers in () in the table are uses that have special use limitations described in EC 9.3116.

Examples of uses in Table 9.3115 are for informational purposes and not exclusive. Table 9.3115 does not include uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Table 9.3115 S-CN Chase Garden Node Special Zone Land Uses and Permit Requirements				
Land Use Type	C HDR/MU HD			
Agricultural, Resource Production and Extraction				
Urban Animal Keeping, including		S	S	
pastureland (See 9.5250)				

Section 5. The following entry in Table 9.3210 of the Eugene Code, 1971, is added to provide as follows:

9.3210 <u>S-DW Downtown Westside Special Area Zone Land Use and Permit Requirements.</u>

Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements	
	S-DW
Agricultural, Resource Production and Extraction	
Urban Animal Keeping, including pastureland (See 9.5250)	S

Section 6. The following entry in Table 9.3310 of the Eugene Code, 1971, is amended to provide as follows:

9.3310 S-E Elmira Road Special Area Zone Land Use and Permit Requirements.

Table 9.3310 S-E Elmira Road Special Area Zone Uses and Permit Requirements			
	S-E		
Agricultural, Resource Production and Extraction			
[Farm] <i>Urban</i> Animal[s,] <i>Keeping,</i> including pastureland [, excluding a slaughter	S(1)		
house] (See 9.5250)	, ,		

Section 7. The following entry in Table 9.3810 of the Eugene Code, 1971, is added to provide as follows:

9.3810 S-RN Royal Node Special Area Zone Land Use and Permit Requirements.

Table 9.3810 S-RN Royal Node Special Area Zone Land Uses and Permit Requirements					
	LDR	MDR	RMU	CMU	MSC
Agricultural, Resource Production and Extraction					
Urban Animal Keeping, including pastureland (See 9.5250)	S	S			

Section 8. The following entry in Table 9.3910 of the Eugene Code, 1971, is added to provide as follows:

9.3910 S-W Whiteaker Special Area Zone Land Use and Permit Requirements.

Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements		
	S-W	
Agricultural, Resource Production and Extraction		
Urban Animal Keeping, including pastureland (See 9.5250)	S	

Section 9. Section 9.5250 of the Eugene Code, 1971, is amended to provide as follows:

- 9.5250 [Farm] *Urban* Animal *Keeping* Standards. [All of the following standards are applicable to farm animals:]
 - (1) Purpose. The purpose of these standards is to allow for increased opportunities for residential urban animal keeping and farming within the city limits, while encouraging compatibility within the urban environment. Animal keeping is the practice of raising domesticated animals that are used primarily as food or product sources.
 - (2) Application of Standards. In addition to applicable provisions contained elsewhere in this land use code, where this land use code allows Urban Animal Keeping, all of the standards in this section apply.
 - (3) General Standards.
 - (a) Animals not addressed in this section are not permitted under the "Urban Animal Keeping" use category.
 - (b) Except for an animal kept on-site by an educational or religious institution, the person responsible for keeping an animal shall reside on or adjacent to the development site on which the animal is kept.
 - (c) In addition to applicable provisions contained in this land use code, the keeping of one or more animals under these provisions shall also comply with all other applicable provisions of the Eugene Code, including but not limited to sections 4.083 through 4.084 Noise

 <u>Disturbance</u>, section 4.335 <u>Animal Abuse</u>, section 4.340 <u>Animal Neglect</u>, and section 4.430 <u>Continuous Annoyance</u>.
 - (14) [Farm] Animals Allowed.
 - (a) [Except as provided in subsection (1)(b) below, up to 2 adult rabbits or fowl (no roosters) over 6 months of age are allowed in any residential zone.] On development sites of less than 20,000 square feet and located in a zone that allows "Urban Animal Keeping," any two of the following four categories of animals are allowed:
 - 1. Chickens and Domestic Fowl. Up to 6 of any combination of chickens and domestic fowl over six months of age and up to 6 of any combination of chickens and domestic fowl under six months of age For purposes of EC 9.5250, "domestic fowl" means quails, pheasants, ducks, pigeons, and doves. Roosters, geese, peacocks, and turkeys are prohibited.
 - 2. Rabbits. Up to 6 over six months of age and up to 6 under six months of age
 - 3. Miniature Goats. Up to 2 miniature goats, commonly known as pygmy, dwarf, and miniature goats, provided that males are neutered.
 - 4. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.

In addition to the above, Honey Bees are allowed (up to 2 hives)

provided that they are located at least 15 feet from all property lines and a water source is provided on site within 15 feet of each hive.

- (b) [Rabbits, fowl (no roosters), cows, horses, sheep, goats, emus, and llamas are allowed in AG and R-1. There is no limit on the number of fowl (no roosters) or rabbits over 6 months of age permitted in AG and R-1 provided they are on a development site that contains at least 20,000 square feet and they meet the farm animal standards.] On development sites 20,000 square feet or greater and located in a zone that allows "Urban Animal Keeping," all of the following are allowed:
 - 1. Chickens, Rabbits, and Domestic Fowl. Limited by the area requirement in section (8) below. Roosters, geese, peacocks, and turkeys are prohibited.
 - 2. Miniature Goats. Up to 2 miniature goats, commonly known as pygmy, dwarf, and miniature goats, provided that males are neutered. Additional miniature goats are allowed subject to the area requirement in section (8) below.
 - 3. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.
 - 4. Cows, miniature cows, horses, miniature horses, sheep, goats, emus, alpacas, and llamas. Limited by the area requirement in section (8) below.
 - 5. Honey Bees. Up to 4 hives, provided that they are located at least 25 feet from all property lines and a water source is provided on site within 15 feet of each hive.
- (25) Sanitation. Proper sanitation shall be maintained for all [farm] animals at all times to prevent any condition which may be dangerous or detrimental to the health of the public or animals, or constitute a nuisance. Proper sanitation includes:
 - (a) [Not allowing farm] **Disposing of** animal waste matter **and not allowing it** to accumulate;[,]
 - (b) Compost piles that contain animal waste matter shall be located at least 5 feet from all property lines and be within a container or bin enclosed on all sides and covered to deter rodents, flies, and other pests;
 - (bc) [Taking necessary steps to be sure] **Ensuring** odors resulting from **the** [farm] animals are not detectable beyond property lines;[-] and
 - (ed) Storing all [farm] animal food in metal or other rodent-proof containers.
- (36) Fencing. Fencing is required and [S]shall be designed and constructed to confine all [farm] animals to the [owner's property] site on which the animal is kept. The fence location and height are those required for fences in the applicable base and overlay zone.
- [(4) Setbacks: All structures that house farm animals shall be located at least 25 feet from all existing residences (except the animal owner's) and at least 10 feet from interior lot lines.]
- (7) Enclosures.
 - (a) An enclosure is required and shall be designed and constructed to provide shelter from the weather for all animals kept outdoors on the development site.
 - (b) The enclosure shall be roofed and have at least two solid sides.
 - (c) The enclosure shall comply with the required height for accessory structures in the applicable base and overlay zone.

- (d) All structures designed and used to provide shelter for all animals shall be located at least 10 feet from all property lines, except where an adjacent property owner authorizes in writing that an enclosure can be located closer to the neighbor's property.
- (58) [Minimum Lot Size and] Area Requirement for [Large] Animals.[:]

 Minimum area of development site per animal over 6 months of age is as follows:
 - [(a) Minimum lot size of 20,000 square feet for cows, horses, sheep, goats, emus, and llamas.
 - (b) Minimum area per animal over 6 months of age: Cows, horses: 10,000 square feet Sheep, goats, emus, and llamas: 5,000 square feet]
 - (a) Cows and horses: 10,000 square feet per animal.
 - (b) Miniature cows, miniature horses, sheep, miniature goats, goats, emus, alpacas, and llamas: 5,000 square feet per animal.
 - (c) Chickens, Rabbits, and Domestic Fowl: 1,000 square feet per animal.
- (9) Harvesting.
 - (a) Only chickens, domestic fowl, or rabbits can be harvested on site.
 - (b) Harvesting shall occur only on the development site on which the animals are kept, and shall not occur in view from any public area or any adjacent property owned by another.
 - (c) Harvesting shall be done in a humane and sanitary manner.
 - (d) No commercial slaughterhouse shall be allowed.
- (10) Enforcement. Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0000 through 9.0280 General Administration.

Section 10. A new subsection (5) of Section 4.996 of the Eugene Code, 1971, is added to provide as follows:

4.996 Administrative Civil Penalty.

(5) In addition to, and not in lieu of any other enforcement mechanism authorized by this code the city manager or designee may impose upon the person responsible for violation of sections 4.083 through 4.084, section 4.335, section 4.340 and section 4.430 of this code, an administrative civil penalty as provided by section 2.018 of this code.