



# Development Services Department

## STAFF REPORT

### Public Hearing Item #1

**Date:** August 30, 2016

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#### **DEVELOPMENT SERVICES DEPARTMENT COMMENTS**

In April, the City Council wanted Staff to bring code changes forward to allow for chickens and potentially other types of livestock. These were brought forward to the Commission in May. Based on Commission input Staff has modified the Ordinance request to exclude all other animals except Chickens. Staff will summarize the changes to the present Ordinance below:

1. Excludes chickens from the Special Use Permit (SUP) requirements while retaining all other farm birds as an SUP or allowed by right within the PDD zoning.
2. Sets numbers of chickens as defined in the Animal Control Ordinance
3. Exempts maximum numbers of chickens for up to six (6) months if approved by an SUP.
4. Gives definitions for chickens in the Animal Control Section.
5. Requires these animals be kept in enclosures.
6. Prohibits male species of chickens.
7. Prohibits enclosures closer than fifty (50) feet of any building or dwelling inhabited by human beings or golf course.
8. Required moving provisions for enclosures closer than fifty (50) feet if a building or dwelling inhabited by human beings appears after installation; this becomes a removal provision if the enclosure cannot be moved on the property to keep it further than fifty (50) feet from a building or dwelling inhabited by human beings within one (1) year of such non-compliance.

Staff has also included news clipping from a local newspaper that discussed neighboring communities' animal related ordinances.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING CHAPTER 14, ZONING, EXHIBIT A, PART III, ZONING DISTRICTS, SECTION 6, SUPPLEMENTARY REQUIREMENTS, SUBSECTION 6.35, LIVESTOCK, POULTRY AND PETS, AND PART IV, ADMINISTRATION AND ENFORCEMENT, SECTION 18.20, APPLICABILITY AND USES AND STRUCTURES REQUIRING A SPECIAL USE PERMIT (SUP), ITEM L, AND CHAPTER 2, ANIMAL CONTROL, ARTICLE 2.200, ANIMAL CONTROL GENERALLY, ALL OF THE LAGO VISTA CODE OF ORDINANCES; ADDING PROVISIONS RELATING TO DEFINITIONS, REGULATIONS CONCERNING **CHICKENS**; DISTANCES OF FROM PRIVATE RESIDENCES AND PUBLIC BUILDINGS IN NEW SECTION 2.238; PROVIDING A SAVINGS CLAUSE, EFFECTIVE DATE, AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, Chapter 14, Zoning, Exhibit A, Part III, Zoning Districts, Section 6, Supplementary Requirements, Subsection 6.35, Livestock, Poultry and Pets, City of Lago Vista Code of Ordinances (“Ordinances”) has previously allowed animals that meet the definition of the term “Livestock” within the Ordinances, only in areas granted a Specific Use Permit or within a Planned Development District; and

**Whereas**, Chapter 14, Zoning, Exhibit A, Part IV, Administration and Enforcement, Section 18.20, Applicability and Uses and Structures Requiring a Special Use Permit (SUP), Item L, provides for description of those items that require a Special Use Permit and presently includes “Livestock and/or poultry keeping, caring or shelters”; and

**Whereas**, the Planning and Zoning Commission of the City of Lago Vista has undertaken a review of such regulations and forwarded a recommendation to the City Council and thereafter, the City Council has considered the requests of some residents and hereby desires to modify such Zoning provisions; and

**Whereas**, Chapter 2, Animal Control, Article 2.200, Animal Control Generally, set out in the Ordinances defines “Livestock” and needs to be modified to address more fully animals that the City desires to allow within certain areas of the City and therefore must define and regulate them separately; and

**Whereas**, it is necessary for the City to amend all of the Sections set out above, as well as add an additional section pertaining specifically to the allowance of such specific.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:**

**Section 1. Findings of Fact.** The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the amending or addition of rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

**Section 2. Amending Chapter 14, Zoning, Exhibit A, Part III, Zoning Districts, Section 6, Supplementary Requirements, Subsection 6.35, Livestock, Poultry and Pets, City of Lago Vista Code of Ordinances** Subsection 6.35(A), Section 6, Chapter 14, Exhibit A, Lago Vista Code of Ordinances is hereby amended to read as follows:

6.35 Livestock, Poultry and Pets.

(A) No animals, livestock or poultry of any kind, except as set forth below, shall be raised, bred or kept outside or in a structure designed to feed them, unless permitted by SUP or PDD. Dogs, cats or other household pets may be kept. At no time shall any animals be kept or used for breeding purpose and they may not kept in quantities which create an annoyance or nuisance. The above exceptions must fully comply with all regulations of the City of Lago Vista and with state law.

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(B) Exceptions are as follows:

- (1) Horses are allowed on lot 1980, Lago Vista Estates, Section 6.
- (2) Farm operations that have been in existence for at least one year before October 1, 2009, annexed after October 1, 2009, and are exempt from city regulation in accordance with Chapter 215 of the Texas Agricultural Code.
- (3) Chickens (females only) may be kept in numbers and within enclosures defined in the Animal Control Ordinance throughout the City; all other domestic farm birds must be permitted by SUP or PDD.
- (4) Chickens may be kept in larger numbers than those allowed in the Animal Control Ordinance for educational agricultural purposes (FFA or 4-H) for a period not to exceed six (6) months if permitted by SUP.

**Section 3. Amending Chapter 14, Zoning, Exhibit A, Part IV, Administration and Enforcement, Section 18.20, Applicability and Uses and Structures Requiring a Special Use Permit (SUP), Item L, Lago Vista Code of Ordinances.** Section 18.20, Part IV, Administration and Enforcement, Chapter 14, Zoning, Exhibit A, Lago Vista Code of Ordinances is hereby amended to read as follows:

(L) Livestock and/or poultry keeping, except chickens (female only), caring or shelters.

**Section 4. Amending Chapter 2, Animal Control, Article 2.200, Animal Control Generally, to define “Chickens,” found therein Lago Vista Code of Ordinances.** Section 2.201, Definitions is hereby added to read as follows:

Chickens. Any particular domesticated farm or ranch animal of the particular fowl family, Gallus domesticus developed in a number of breeds for its flesh, eggs, and feathers but does not include ducks, geese, turkeys, or other domesticated fowl.

**Section 5. Amending Chapter 2, Animal Control, Article 2.200, Animal Control Generally, to add Section 2.238 pertaining to Chickens within the city limits.** Article 2.200, Animal Control Generally, is modified to add Section 2.238 pertaining to the allowance of Chickens within the City limits with regulations as follows:

**Sec. 2.238 Chickens within City Limits**

(a) Running at-large prohibited. It shall be unlawful for any person owning chickens to permit such chickens to run at-large within the corporate limits of the city.

(b) Male Chickens. It shall be unlawful for any person to own and/or raise any male chickens within the corporate limits of the city.

(c) Enclosure requirements. No person shall maintain chickens within the city limits unless the following requirements are met:

(1) There shall be a minimum of two (2) square feet for each small chicken (Bantams) or three (3) square feet for light breeds (white leghorn) kept in the city limits. An enclosure shall be provided on the premises which shall be no closer than fifty feet (50') to any building or dwelling occupied and/or used by human beings or nearer than fifty (50') to any portion of the golf course. The enclosure must be of such construction as will allow for ease in cleaning and airing and kept in such a manner as not to become offensive to adjacent neighbors or the public. No more than ten (10) Bantams or six (6) light breed chickens may be maintained on any single lot or tract.

(2) It shall be the duty of every person raising, keeping, or harboring any chickens to keep the premises and/or pen or other enclosure in a sanitary condition.

(d) Should such chickens be kept on a lot in the City and such surrounding area is later developed to bring it closer to any building or dwelling occupied and used by human beings closer than fifty (50) feet, such enclosure may be required to be moved to keep in compliance or if unable to keep in compliance, such animals shall be required to be removed from such premises within one (1) year of such non-compliance.

(e) Chickens, other fowl and rabbits may be kept on property zoned and used for veterinary hospitals or educational facilities for such purposes such as FFA or 4-H in larger numbers than allowed provided such location has sought and obtained a special use permit (SUP) from the City's Planning and Zoning Commission.

**Section 6. Amendment of Ordinances.** Chapter 14, Subsection 6.35 and 18.20 and Chapter 2, Animal Control, Section 2.201 are hereby amended in their entirety as provided

in this Ordinance, and all ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of this Ordinance shall govern.

**Section 7. Savings Clause.** All rights and remedies of the City of Leander are expressly saved as to any and all violations of the provisions of any ordinances affecting animals, licensing and registration within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**Section 8. Effective Date.** This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code.

**Section 9. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

**PASSED AND APPROVED** on this \_\_\_\_\_ day of September, 2016.

ATTEST:

**THE CITY OF LAGO VISTA, TEXAS**

\_\_\_\_\_  
Sandra Barton, City Secretary

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Dale Mitchell, Mayor

**ORDINANCE**

# Leander to update animal ordinances

## Could include changes to chicken regulations

By Caitlin Perrone

Multiple Leander residents have spoken before City Council over the past three months to request a change to a city animal ordinance.

A handful of citizens have asked council members to institute a new limit for the distance chickens are required to be kept from a residence. The current ordinance states that animals such as chickens cannot be kept within 200 feet of any residence or within 500 feet of any building.

Some residents told council members the ordinance has made it difficult to own chickens. During a June 2 meeting, Rosie Miller, an Emerald Isle Drive resident, told the council she previously owned 13 chickens and spoke of the positive benefit the animals had on her family.

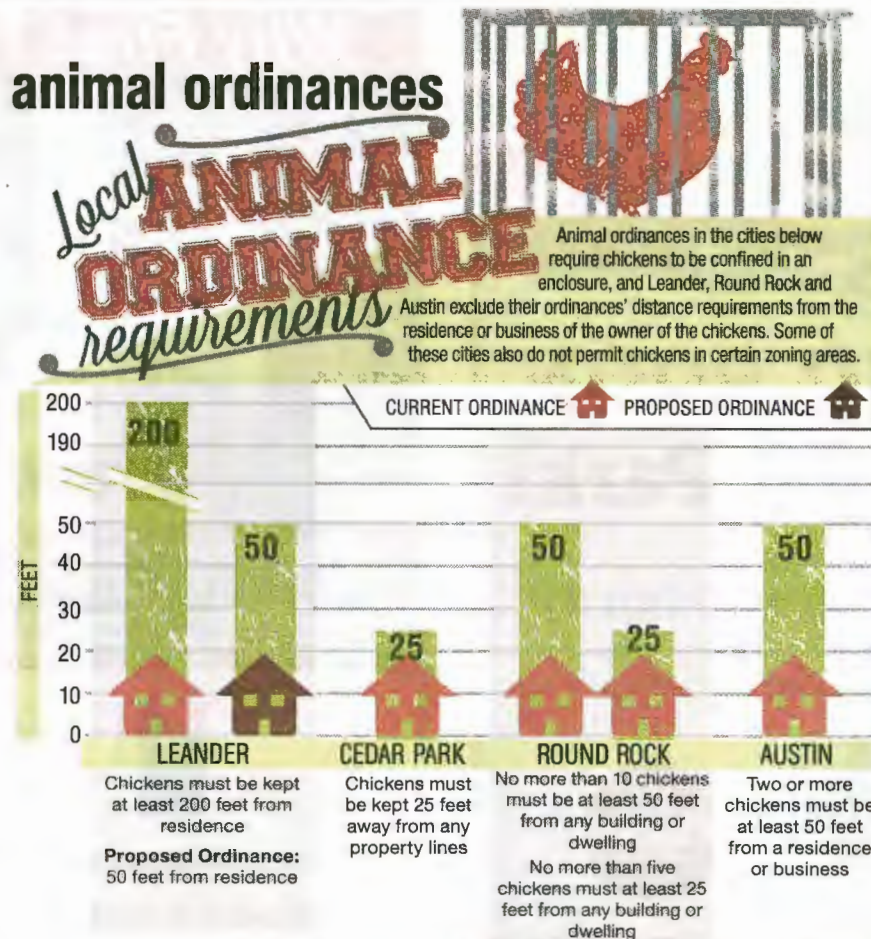
“My kids would take a red fire wagon, load it up with the veggies from our garden and chicken eggs, and we would go around and give eggs to neighbors,” she said. “So we started to build relationships; it really built community; it was a great opportunity for my kids.”

Department of Animal Services Supervisor Edna Stambaugh said the department has reviewed all the ordinances, but has suggested few changes. Some other possible animal ordinance alterations include changing the pet registration ordinance to allow micro-chipping a pet as a form of registration.

The department sent the first draft of possible new ordinances to the city manager’s office in May and followed up with a revised version in the beginning of June. City Manager Kent Cagle said he hopes to bring the revised ordinances before council at its July 21 meeting, which could be followed by public hearings.

Leander Police Chief Greg Minton said the city has been in the process of changing its animal control ordinances, including the chicken ordinance, prior to citizens communicating their concerns to council.

The animal ordinances were last updated in 2003, and Minton said he wanted to ensure city staff is knowledgeable



Sources: cities of Leander, Cedar Park, Round Rock and Austin/Community Impact Newspaper

understandable for our citizens when they read them,” she said. “So that they do understand what is required of them as pet owners and livestock owners.”

One contradiction is seen in article 2.03.008, which states all chickens, or fowl, shall be kept within a pen, coop or hutch that must be at least 50 feet from a residence. However, article 2.03.011 states that chickens must be kept 200 feet away from a residence.

“So [the chickens] have to be kept in a pen, coop or hutch 50 feet from a residence, but the chickens themselves have to be kept 200 feet from any residence,” Stambaugh said. “You can’t do that—you can’t meet keeping the coop 50 feet [away] and putting the chickens 200 feet away when they have to be in that coop.”

Stambaugh said she hopes to lower the distance requirement for chickens from 200 feet to 50 feet. She said the animal control office researched an optimal distance and checked ordinances of other nearby cities and determined 50 feet as the best option for residents who want chickens and for those who prefer some space from their neighbor’s birds.

“We have both types of citizens in our city. We have—just to be frank—our

### Cedar Park ALSO CHANGES ANIMAL ORDINANCE AMENDMENT

The Cedar Park City Council amended an animal control ordinance that involves dangerous dogs and cats in June.

During a public hearing June 9, City Attorney J.P. LeCompte said a few recent cases involving dangerous dogs highlighted the need for clarification of a portion of the ordinance that involves a municipal court’s seizure warrant authority and hearing processes. LeCompte said the proposed amendment clarifies the following:

- How and when municipal court judges can issue warrants to seize animals
- The ways in which a hearing can be set to determine whether a dog or cat is dangerous
- Allows municipal judges to order continued impoundment after the hearing until an owner has complied with court-mandated safety precautions

City staff added a provision regarding false reports to the amendment and council approved the changes during a June 23 meeting.

distance requirement in the chicken ordinance until new ordinances are adopted. In general, however, he said his department is willing to work