

MINUTE Tuesday, February 19, 2013

Land Use Committee

4:30 PM

Carnegie

Town Hall

235 West

10th Street

Members Present: Council Member Kermit L. Staggers, Council Member Kenny Anderson Jr., Council Member Dean Karsky, Council Member Rex Rolwing
Members Absent: None
Staff Present: Denise D. Tucker, CMC, Assistant City Clerk; Jim David, Legislative/Operations Manager
Guests: Council Member Sue Aguilar, Council Member Michelle Erpenbach, Shawna Goldammer, Paul Bengford

1. Call To Order

Committee Chair Rex Rolwing called the meeting to order at 5:26 p.m.

2. Approval of Minutes

A. Tuesday, November 20, 2012

A motion was made by Kenny Anderson Jr. and seconded by Dean Karsky to approve the minutes of Tuesday, November 20, 2012.

Rolwing called for a voice vote. All members voted yes.

3. Discussion

A. Final Urban Agriculture Task Force Presentation by Shawna Goldammer, Zoning Enforcement Manager

Shawna Goldammer, Zoning Enforcement Manager, said she served as the facilitator for the Urban Agriculture Task Force. She said today's focus is on animals. The City Council approved a Community Gardens ordinance in June 2012.

Goldammer gave a PowerPoint presentation. She said the keeping of animals is not clear in the Shape Sioux Falls plan, but not much has changed in the current zoning ordinance. Having animals in a residential district is considered an accessory use and hasn't changed since the 1950s.

She provided a brief history of animal ordinances. The Urban Agriculture Task Force began their review of the ordinance with Chapter 90: Animals and Fowl, which includes: Keeping of Animals (but not as a nuisance), Abandoning of Animals, Hunting Prohibited, and Number of Pets limited (except birds and fish). Also discussed was Chapter 160, the zoning ordinance, which allows for keeping animals in a residential district.

Goldammer reviewed a number of questions that the Task Force considered. Video clips were shown of public testimony (an opponent and proponent). Overall the Task Force held nine meetings to discuss animals, beginning on March 30, 2012. Public input was allowed at each of the meetings. Goldammer reviewed the list of animal topics that were discussed, they ranged from: the number of animals allowed to effects on neighboring properties.

The Task Force proposed new definitions for: domestic animal, nondomestic animal, exotic animal, fowl, livestock, and pet. Goldammer said they are recommending, for fowl and rabbits, allowing up to six without a license. She discussed the procedures if someone wanted to have more. The group recommended that livestock only be allowed in the Agricultural Zoning District; and roosters, slaughter and exotic animals be prohibited within the city limits. Discussion followed.

B. Recommended Amendments for Chapter 90: Animals and Fowl ("Keeping of Animals" and "Licensing") and Chapter 92: Health and Sanitation ("Illustrative enumeration") by Paul Bengford, Assistant City Attorney; and Shawna Goldammer, Zoning Enforcement Manager

Goldammer reviewed the proposed changes to the ordinance. Some of the changes include: definitions for domestic animal, exotic animal, fowl, livestock, non-domestic animal, and pet; allowing domestic fowl and rabbits under "Keeping of Animals", including the maximum number allowed, license requirements and prohibiting roosters; keeping livestock on property classified as Agricultural District; and prohibiting slaughter of animals.

Committee Member Kermit L. Staggers asked about horses in the city limits. Discussion followed.

Goldammer reviewed the recommendation for licensing of animals and fowls. Committee Member Kenny Anderson Jr. asked if there was a fee structure set up for licenses. The Task Force did not determine any fees. Discussion followed.

The final recommendation by the Task Force involved food storage and removal. Goldammer said the proposed ordinance has been reviewed by the City Attorney's Office.

Rolfing asked if a fee amount needed to be attached to licensing. Paul Bengford, Assistant City Attorney, said whatever fee is deemed appropriate should be made by the Council. Officer Mike Colwill, supervisor for Animal Control, discussed the current license fees for cats and dogs.

A motion was made by Dean Karsky and seconded by Kenny Anderson Jr. for a \$50.00 licensing fee to cover three years and to be filed at the time of application (for additional animals). Discussion followed. Staggers suggested that there should be a year without a fee to figure out the costs to administer the program. Discussion followed. Karsky and Anderson Jr. withdrew their motion.

C. Public Input

Councilor Sue Aguilar asked about enforcement of the number of animals, and if it is a part of the ordinance. Goldammer said enforcement was discussed and explained procedures to investigate.

Citizen Darin Cox said he was an active participant in the Urban Agriculture Task Force meetings. He said he may have found a loophole in the proposed ordinance. He said rabbits were added with chickens, to be viewed as a food source and not a pet. Cox said no one attended the meetings to speak about rabbits as a food source. He spoke about a number of concerns regarding rabbits. Cox asked for a 100% of signatures from neighbors, when going over the allotted allowance of animals. He asked for rabbits to be placed in the pet category and limited to four. Discussion followed.

Karsky asked Colwill about enforcement of the ordinance, regarding the number of rabbits. Bengford said rabbits are defined as a pet. He said if you want to limit the number of rabbits, then pull them from the definition of pets and put them in the Keeping of Animals , with fowl and livestock to limit them to six. Currently you are allowed to have four pets, if the rabbits reproduce and if you have rabbits less than six months of age, there is no limit on them. Under the Keeping of Animals , a license would need to be obtained for any rabbits past the limit. Karsky suggested taking rabbits from the definition of pets.

A motion was made by Dean Karsky and seconded by Kenny Anderson Jr., to move the ordinance to the full Council.

Staggers said one of the objectives of the proposed ordinance was to create a situation where we rarely cause nuisances, with the animals. He said that was a worthy objective. Staggers said he doesn't want any of the animals causing any nuisances. He said the proposed ordinance isn't going to do that; the best way to do this would be to have general ordinances, dealing with: smell, drainage and noise. Staggers said he was going to vote against the ordinance.

Rolfing called for a voice vote. Staggers voted no. The motion passed.

A motion to amend, the main motion, was made by Dean Karsky and seconded by Kenny Anderson Jr. to remove rabbits from the definitions of pets and place them with livestock.

Rolfing called for a voice vote. Staggers voted no. The motion passed.

D. Council Discussion

Occurred during public input.

4. Open Discussion

Rolfing said, according to the November 20, 2012 minutes, we are looking for some continued information on arterial streets. He said it should be discussed at the next meeting.

5. Adjournment

Rolfing adjourned the meeting at 6:34 p.m.

Denise D. Tucker, CMC

Assistant City Clerk