

STAFF REPORT:

Agenda Bill 274

To: Planning Commission
From: Doug Fortner, Town Planner
Date: 2/17/2021
Subject: Animal keeping regulations
Attachments: none

Summary:

The Town Council is considering revisions to the Animal Control regulations in Chapter 8.08 SMC. A companion regulation in the zoning ordinance should be revised to remain consistent.

Current Status:

The Town's animal control regulations are in Title 8 of the municipal code. SMC 8.08.020 provides:

8.08.020 Animal Keeping In accordance with SMC 18.16.040, in residential zones, no more than three dogs or cats, older than four (4) months of age shall be kept per dwelling unit.

The Town Council is considering changes to the animal control regulations, including revising SMC 8.08.020 to read:

8.08.020 Animal Keeping In accordance with SMC 18.16.040, in residential zones no more than 6 dogs or 6 cats or any combination of both older than four (4) months of age may be kept per dwelling unit.

SMC 18.16.040 is a section of the Zoning Code which reads:

18.16.040 Animal keeping.

(A) In residential zones, no more than three (3) dogs or cats, older than four (4) months of age, shall be kept per dwelling unit.

(B) In residential zones, the following area requirements shall apply: fowl, including chickens, ducks and geese, shall not be kept in excess of one (1) fowl per 2,000 square feet; farm animals, including cattle, swine, sheep, horses, llamas and goats, shall not be kept in excess of one (1) animal per 20,000 square feet.

(C) All animals, including fowl, shall be confined within buildings or securely fenced areas. No such building shall be within 40 feet of a property line or street right-of-way, nor within fifty (50) feet of a dwelling. No such fenced area shall be within ten (10) feet of a property line or within fifty (50) feet of a dwelling other than the dwelling of the owner.

(D) No open air storage of manure shall be maintained within forty (40) feet of a property line, 40 feet of a street right-of-way or fifty (50) feet of a dwelling.

Background:

All changes to the Zoning Code must first be reviewed by the Planning Commission in a public hearing, before action by the Town Council.

14.08.040 Planning Commission.

(a) The Planning Commission shall review, hold public hearings and make recommendations to the Town Council on the following legislative matters:

- (1) Amendments to the Comprehensive Plan.
- (2) Amendments to the Building and Construction Code, SMC Title 15.
- (3) Amendments to the Environment Code, SMC Title 16.
- (4) Amendments to the Subdivision Code, SMC Title 17.
- (5) Amendments to the Zoning Code, SMC Title 18, except quasi-judicial small area rezones.
- (6) Other matters requested or remanded by the Town Council.

(b) The Planning Commission shall conduct informational workshops on the following applications:

- (1) Rezones, except area-wide legislative rezones.
- (2) Subdivisions and Planned Area Developments, except Short Subdivisions, as defined by SMC Title 17.
- (3) Conditional use permits, as defined by SMC Title 18.
- (4) Shoreline Substantial Development Permits and Shoreline Conditional Use Permits pursuant to Chapter 16.08 SMC
- (5) Other applications requested by the Town Council.

Analysis:

The Town Council is undertaking a revamp of the animal control regulations, including numbers of pets allowed, pet license fees, penalties, potentially dangerous dog regulations, horse regulations, prohibited animals and beekeeping. Only the numbers of dogs and cats allowed per dwelling unit are in both Title 8 and Title 18.

The wording in the current version of both SMC 8.08.020 and SMC 18.16.040 regarding the number of dogs and cats allowed is identical. If the Council changes SMC 8.08.020 as proposed, its companion regulation in SMC 18.16.040 should be revised to match.

The proposed re-wording of SMC 18.16.040(A) is:

18.16.040 Animal keeping.

(A) In residential zones, 6 dogs or 6 cats or any combination of both, older than four (4) months of age may be kept per dwelling unit.

The rationale for the proposed change is that the current language is ambiguous and could be read to be a limit of 3 dogs *or* 3 cats, or 3 dogs *and* 3 cats for a total of 6 animals. In order to both be clear and to not penalize anyone who had interpreted the

current language as allowing 6 animals, the proposed limit is set at 6 animals total in any combination.

The Town Council may change the regulations in Title 8 as they deem suitable for the Town. Changes to the Zoning Code in Title 18, however, first require the recommendation from the Planning Commission following a public hearing, prior to Council action.

Recommendation:

Staff recommends approval of the proposed language.

Motion:

I move to approve the revision of SMC 18.16.040(A) to state that “In residential zones, 6 dogs or 6 cats or any combination of both, older than four (4) months of age may be kept per dwelling unit.”