

ORDINANCE NO. 162

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING SECTION 19.35.090 OF THE UNIVERSITY PLACE ZONING CODE TO EXEMPT THOSE PERSONS LICENSED THROUGH THE STATE DEPARTMENT OF WILDLIFE TO REHABILITATE WILDLIFE ANIMALS FROM THE FOLLOWING WILDLIFE CATEGORIES: SMALL AND MEDIUM SIZED MAMMALS, LAGOMORPHS, AND NON-RAPTOR AVIAN SPECIES.

WHEREAS, a citizen from the community has expressed concern regarding the restrictive provisions governing the possession and rehabilitation of wildlife and has requested relief; and

WHEREAS, on June 9, 1997 the City Council held a study session to review the issues and directed staff to draft a proposed amendment to the Zoning Code; and

WHEREAS, on July 7, 1997 the City Council held a public hearing to consider the proposed amendment; now therefore,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1 Amending The Zoning Code. The University Place Zoning Code is amended as follows:

19.35.090 AGRICULTURAL USES AND ANIMALS

- A. Purpose
- B. Exceptions
- C. Standards
- D. Urban Area Requirements
- E. Rural Area Requirements
- F. Additional Standards for Environmentally Sensitive Areas
- G. Farm Management Plans
- H. Commercial Agricultural Activities

A. **Purpose.** The purpose of this section is to regulate agricultural uses and animals and to provide certain limitations for the placement of these uses. Minimum lot sizes, setbacks, and best management practices are used to reduce conflicts between land uses that may not be compatible and to protect environmentally sensitive areas.

B. Exceptions

1. **Hobby Farms.** Farm animals, agricultural activities, and associated structures may be established on any lot as a non-commercial use without an associated dwelling unit, provided:
 - a. The applicant completes a Hobby Farm Agreement provided by the Department. Each Hobby Farm Agreement shall:
 1. Define the type and intensity of all proposed agricultural activities.
 2. Clarify that the use of the site is for private non-commercial use.
 3. Provide time frames for periodic Departmental monitoring.
 4. Be signed by the property owner and recorded as a title notice with the Pierce County Auditor.
 - b. Hobby farms must comply with all other requirements of this section.

2. Those persons licensed through the State Department of Wildlife for wildlife rehabilitation are exempt from the provisions of this code to care for the following categories of wildlife as defined by the Washington Department of Fish and Wildlife:

1. small mammals
2. medium mammals
3. lagomorphs
4. non-raptor avions

Other categories, including carnivores and raptors, are excluded from this exemption.

- C. **Standards.** Agricultural uses and animals shall be permitted in all zone classifications as an accessory use to a residential dwelling subject to the following requirements:

1. **Animals Accessory to Residential Use.** Animals kept shall be permitted subject to the following criteria:

- a. Livestock. Livestock shall be permitted as an accessory use to a dwelling unit on any lot subject to the following provisions:

1. A fence used to enclose pasture lands may be constructed on the property line provided such pasture is maintained as required in this section.
2. A fence constructed to permanently keep livestock out of buffers abutting streams, rivers, and wetlands shall be required pursuant to **Wetlands and Fish & Wildlife Habitat Areas Codes**. Such fence shall be constructed before livestock are introduced to a site.

b. Small Animals. Small animals shall be permitted as an accessory use to a dwelling unit on any lot subject to the following provisions:

(1) Poultry, Pigeons, Peacocks and Rabbits. Poultry, peacocks, pigeons and similar birds, or rabbits and similar mammals raised for domestic, noncommercial use, provided:

- (a) A minimum setback of 35 feet from all property lines shall be required for all pens, hutches, coups or similar enclosures.
- (b) No more than 12 poultry, peacocks, or rabbits and similar mammals shall be permitted per acre.
- (c) Aviaries or lofts shall provide for 1 square foot for each pigeon or similar birds, and shall not exceed 2000 square feet.

(2) Dogs and Cats. Any combination of 5 dogs or cats that individually exceed 7 months of age are permitted. Kennels for 5 or more dogs or cats are prohibited.

c. Wild Animals and Reptiles. No person shall have, maintain, or possess any wolf, fox, chimpanzee, emu, ostriches, exotic, vicious, or poisonous animal or reptile.

2. **Crop Production Accessory to Residential Use**. Agricultural activities such as gardens and orchards shall be permitted and shall not be limited in any zone classification.

D. **Area Requirements**. Agricultural uses and animals shall be permitted in all urban zoning classifications as an accessory use to a residential dwelling subject the standards in this section. The following requirements apply to livestock:

1. Livestock are not permitted on lots less than 1 acre.
2. On any lot from 1 acre to less than 2 acres in size, the number of animals shall not exceed 2 such animals which are 12 months or more of age.

3. On any lot exceeding 2 acres in size, there may be one more livestock animal for each additional acre beyond the initial 2 acres.
4. All pens, stables, barns, corrals, or similar concentrated enclosures used or the keeping of livestock shall be setback a minimum of 35 feet from all property lines.

E. Additional Standards for Environmentally Sensitive Areas. The following areas have been classified as environmentally sensitive in the City Code - areas designated Natural in the City Shoreline Management Use Regulations. In addition to the other requirements of this section, the following standards shall apply to all commercial and non-commercial agricultural uses in these environmentally sensitive areas.

1. Livestock shall be limited to one per acre of fenced usable pasture.
2. Small animals shall be limited as follows:
 - a. Poultry, Pigeons, Peacocks, and Rabbits are limited to 8 per acre.
 - b. ~~Kennels that exceed any combination of 5 dogs or cats that individually exceed 7 months of age require a conditional use permit.~~

F. Farm Management Plans. The requirements in this section may be exceeded provided the property owner completes a Farm Management Plan in conjunction with the Pierce County Conservation District, the Natural Resources Conservation Service, or other agency acceptable to the Department. The plan must address, at a minimum, best management practices for the control of animal wastes, stormwater runoff, and erosion.

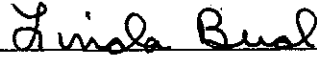
G. Commercial Agricultural Activities. See **Section 19.25.310**, Resource Use Category, for commercial agricultural uses, and **Section 19.35.060**, Home Occupations, for same.

Section 2 Copy To Be Available. One copy of this ordinance shall be available in the office of the City Clerk for use and examination by the public.

Section 3 Severability. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 4 Publication And Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON JULY 21, 1997.



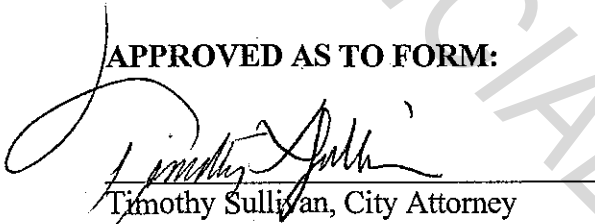
Linda Bird, Mayor

ATTEST:



Susan Matthew, City Clerk

APPROVED AS TO FORM:



Timothy Sullivan, City Attorney

Date of Publication: 7-23-97

Effective Date: 7-28-97