

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	July 13, 2009
	Agenda Item No. 55 Roll Call No. <u>09-</u> Communication No. <u>09-463</u> Submitted by: Larry Hulse, Community Development Director	

AGENDA HEADING:

Amendment to Section 18-4 of the City Code to permit the retention of existing agricultural non-domestic and exotic animals in the newly annexed area in numbers greater than otherwise allowed and for agricultural or commercial operations.

SYNOPSIS:

The newly annexed areas of the City of Des Moines are zoned as agricultural land that may have animals housed in numbers greater than allowed by city code. This amendment would allow property owners to retain the numbers of animals they currently have, until such time as the number is reduced by nature or voluntary reduction. This amendment also allows pre-existing legal animal operations of an agricultural or commercial nature to continue, until such time as the use ceases.

FISCAL IMPACT: NONE

Amount: N/A

Funding Source: N/A

ADDITIONAL INFORMATION:

On June 26, 2009, the City of Des Moines completed annexation of areas in Polk and Warren Counties. The newly annexed land is agricultural. Some of the land is currently used for acreages or farms where nondomestic or exotic animals are being housed.

There may be properties that have numbers of animals housed on them that exceed the numbers allowed in Chapter 18 of the Municipal Code of the City of Des Moines. Additionally, some operations are of an agricultural or commercial nature, and should be allowed to continue until such time as the use ceases.

The city ordinance defines agricultural nondomestic animals as horses, cows, swine, sheep, goats, llamas, camels, ostriches, peacocks, chickens, geese, duck or other agricultural animals. The ordinance allows for not more than two animals on an acre with an additional animal for each additional acre; with 25 fowl per acre and 50 for each additional acre. All animals are to be kept for personal use, and not for commercial use.

An exception needs to be made for properties being brought into the City of Des Moines that currently have numbers of animals in excess of the number allowed in the ordinance or that are kept for agricultural/commercial use. The numbers and use would be allowed until the agricultural or

commercial use ceases. The existing ordinance provides that animals in violation of the ordinance could remain, if they were there prior to June 30, 1989. The proposed ordinance establishes June 5, 2009 as the date for number of animals and agricultural/commercial operation that must be in use on the property, for the animals to remain there legally.

Additionally, the proposed ordinance changes the staff responsibility for collection of information and enforcement from the environmental health officer and the planning director to the Community Development Department.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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