

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 19-03(AM)**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL AMEND WASILLA MUNICIPAL CODE SECTION 16.04.070, DEFINITIONS, TO ADD A DEFINITION FOR “DOMESTIC ANIMAL”; AMEND SECTION 16.04.070, DEFINITIONS, TO REVISE THE DEFINITION FOR “FARM ANIMAL”; AMEND SECTION 16.16.060, SPECIFIC APPROVAL CRITERIA, TO REVISE THE CRITERIA THAT REGULATES FARM ANIMALS AND POULTRY; AMEND SECTION 16.16.060, SPECIFIC APPROVAL CRITERIA TO ADD A NONCONFORMING USE PROVISION; AMEND SECTION 16.20.020, DISTRICT USE CHART, TO AMEND THE PERMIT APPROVAL REQUIRED FOR FARM ANIMALS AND POULTRY IN THE INDUSTRIAL ZONING DISTRICT; AND OTHER MINOR REVISIONS.

WHEREAS, the Planning Commission is required to make recommendations to the Wasilla City Council for amendments to Title 16 of the Wasilla Municipal Code; and

WHEREAS, the public hearing date and time was publicly advertised; and

WHEREAS, on May 14, 2019, the Wasilla Planning Commission held a public hearing on the proposed amendments; and

WHEREAS, the Wasilla Planning Commission deliberated on this request taking into account the current provisions of the Wasilla Municipal Code and the 2011 City of Wasilla Comprehensive Plan; and

WHEREAS, after due consideration, the Wasilla Planning Commission determines that the proposed amendment is appropriate and is consistent with the goals and objectives of the Wasilla Municipal Code and the 2011 City of Wasilla Comprehensive Plan;

32 NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission
33 hereby approves this resolution recommending that the City Council adopt the following:

34 **Amendment of section.** WMC 16.04.070, Definitions, is hereby amended as
35 follows:

36 **16.04.070 Definitions.**

37 When used in this title, the following words and phrases shall have the meanings set forth
38 in this section:

39 "Agriculture" is a use involving the commercial growing of vegetation or the raising,
40 controlled breeding, management, or keeping of beehives, farm animals, or poultry.
41 Animals may be bred and raised for utility (e.g., meat, milk, eggs, fur), sport, or pleasure,
42 ~~or research.~~

43 "Domestic animal" means an animal of a species that has been bred and
44 raised to live in or about the habitation of humans and is dependent on people for
45 food and shelter. This includes dogs, cats, parrots, parakeets, canaries, guinea
46 pigs, pot-bellied pigs, hamsters, turtles, or any other animals that are tame by
47 nature and not defined as a farm animal, exotic animal, wild animal, or poultry in
48 this section, so long as they are kept and maintained in compliance with other
49 provisions of this article.

50 "Farm animal" means any domestic species of cattle, sheep, swine, goat, horse,
51 mule, donkey, llama, and alpaca ~~which~~ that is normally and has historically been kept
52 and raised on farms in the United States and used or intended for use as food or fiber, or
53 for improving animal nutrition, breeding, management, or production efficiency. This term

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54 also includes animals such as rabbits, mink, and chinchilla when they are used **solely for**
55 **~~purposes of meat or fur~~ for personal utility (e.g. meat or fur), sport, or pleasure.**

56 **Amendment of section.** WMC 16.16.060, Specific approval criteria, is hereby
57 amended as follows:

58 16.16.060 Specific approval criteria.

59 The following uses are subject to the preceding general **approval** criteria and these
60 additional approval standards:

61 E. *Farm Animals, Poultry, and Beehives.* Farm animals, poultry, and beehives are
62 allowed as indicated in the district use chart in WMC 16.20.020(A) as an accessory use
63 subject to the standards below. The uses identified in this section are not subject to the
64 provisions in WMC Title 7. The keeping of these uses consistent with the terms of this
65 title does not in and of itself constitute a nuisance or a disturbance.

66 1. *Farm Animals.* The keeping of farm animals is **allowed**, subject to the
67 following standards:

68 a. ~~Farm animals are prohibited on lots with a total lot area of less~~
69 ~~than 40,000 square feet;~~**Rural Residential zoning district.**

70 **i. Lots with a minimum of two acres total lot area are**
71 **permitted the following quantities of farm animals. Additional**
72 **farm animals in the quantities indicated below may be allowed**
73 **for each additional acre of lot area:**

74 **(A) Two farm animals (e.g. cows, horses, pigs, and**
75 **other similar size animals) with an adult weight typically**
76 **equal to or greater than 250 pounds; or**

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77 (B) Ten farm animals (e.g. goats, sheep, and other
78 similar size animals) with an adult weight typically less
79 than 250 pounds but greater than 25 pounds; and/or

80 (C) Fifty farm animals (e.g. rabbits, chinchillas, mink,
81 and other similar size animals) with an adult weight
82 typically equal to or less than 25 pounds.

83 (D) In addition to the farm animals(s) permitted above,
84 additional juvenile farm animals may be approved as a
85 temporary use for up to six months by the city planner,
86 provided that a determination is made that the additional
87 animal(s) will not create a nuisance or disturb nearby
88 property owners.

89 **ii. Lots with a minimum of 40,000 square feet total lot area**
90 **are permitted the following quantities of farm animals:**

91 (A) One farm animal (e.g. cows, horses, pigs, and other
92 similar size animals) with an adult weight typically equal
93 to or greater than 250 pounds; or

94 (B) Five farm animals (e.g. goats, sheep, and other
95 similar size animals) with an adult weight typically less
96 than 250 pounds but greater than 25 pounds; and/or

97 (C) Twenty-five farm animals (e.g. rabbits, chinchillas,
98 mink, and other similar size animals) with an adult weight
99 typically equal to or less than 25 pounds.

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100 (D) In addition to the farm animal(s) permitted above,
101 additional juvenile farm animals may be approved as a
102 temporary use for up to six months by the city planner
103 provided that a determination is made that the additional
104 animal(s) will not create a nuisance or disturb nearby
105 property owners.

106 b. Single Family Residential (R1) and Residential (R2) zoning
107 districts.

108 i. Lots with a minimum of 40,000 square feet total lot area
109 are permitted the following quantities of farm animals.
110 Additional farm animals in the quantities indicated below may
111 be allowed for each additional 40,000 square feet of lot area:

112 (A) One horse; or

113 (B) Twenty-five farm animals (e.g. rabbits, chinchillas,
114 mink, and other similar size animals) with an adult weight
115 typically equal to or less than 25 pounds.

116 (C) In addition to the farm animal(s) permitted above, a
117 maximum of two additional juvenile farm animals may be
118 approved as a temporary use for up to six months by the
119 city planner, provided that a determination is made that
120 the additional animal(s) will not create a nuisance or
121 disturb nearby property owners.

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122 bc. A suitable fence must be provided to safely contain the farm
123 animal(s);

124 ed. All fenced areas, pens, enclosures, stables, shelters, food
125 storage areas/structures, or other similar buildings or improvements
126 for a farm animal ~~Stables or buildings used as shelter or storage of~~
127 ~~food for farm animals~~ must be a minimum of 25 feet from any exterior lot
128 line. For lots with more than one dwelling on the same lot, the areas
129 above must also be a minimum of 25 feet from all other dwellings on
130 the lot except the dwelling of the farm animal owner;

131 de. All fenced areas, pens, enclosures, stables, shelters, or other similar
132 buildings or uses for a farm animal must be a minimum of ~~75~~100 feet from
133 the ~~high water~~high-water mark of any water course or body of water,
134 excluding manmade ponds on private property;

135 ef. All facilities shall be kept in good repair, maintained in a clean and
136 sanitary condition, and be free of vermin, obnoxious smells and substances
137 to the greatest extent feasible. The facilities may not create a nuisance nor
138 disturb neighboring residents due to excessive noise, odor, damage, or
139 threats to public health. No storage of manure or other waste materials shall
140 be permitted within 50 feet of any exterior lot line; and

141 ~~f. On lots with a minimum lot area of 40,000 square feet or more~~
142 ~~in the RR, R1, or R2 zoning districts, the following farm animals are~~
143 ~~allowed. Additional farm animals in the quantities indicated below may~~
144 ~~be allowed for each additional 20,000 square feet of lot area:~~

145 i. ~~One farm animal (with an adult weight of 250 pounds or~~
146 ~~greater); or~~

147 ii. ~~Ten or fewer rabbits or similarly sized farm animals; or~~

148 iii. ~~Three or fewer animals with an adult weight less than 250~~
149 ~~pounds;~~

150 g. ~~In the industrial zoning district, farm animals are only allowed~~
151 ~~as an accessory use to a primary industrial use; and~~

152 hg. If the applicant does not own the property, written proof of the
153 owner's consent must be submitted with the permit application.

154 h. An administrative approval permit may be approved by the city
155 planner to allow the temporary addition of one additional farm animal
156 for a period of up to six months.

157 2. *Poultry.* The keeping of poultry is allowed as an accessory use **to a**
158 ~~residential dwelling and must meet~~ subject to the following standards:

159 a. Excessively noisy poultry including, but not limited to, roosters,
160 turkeys, guinea fowl, peacocks, or geese are prohibited unless the total lot
161 area is a minimum of 80,000 square feet and the animals and supporting
162 structures and pens are a minimum of 100 feet from an adjoining lot;

163 b. All poultry must be contained by a suitable structure, fenced
164 enclosure, pen, and/or fenced area that safely contains the poultry at all
165 times. All structures, enclosures, and pens must meet the following
166 dimensional standards:

- 167 i. Maximum height of structures, coops, enclosures, or runs is
168 15 feet in height;
- 169 ii. All facilities shall be kept in good repair, maintained in a clean
170 and sanitary condition, and be free of vermin, obnoxious smells and
171 substances to the greatest extent feasible. The facility ~~will~~ may not
172 create a nuisance or disturb neighboring residents due to excessive
173 noise, odor, damage, or threats to public health; **and**
- 174 iii. Chicken coops or other shelters may not be located in a front
175 yard or side yard that abuts a street in the R1, R2, and RM zoning
176 districts; **and**
- 177 **iv. Free-ranging within fenced yards is only allowed under**
178 **direct supervision by the poultry owner and with the consent of**
179 **all tenants and/or property owners who have legal access to the**
180 **premises at the time of permit application.**
- 181 c. No storage of manure shall be permitted within 50 feet of the exterior
182 lot line;
- 183 d. If the applicant does not own the property, written proof of the
184 owner's consent must be submitted with the application;
- 185 e. All structures, runs, and enclosures must be a minimum of 25 feet
186 from residential dwellings on neighboring lots. For lots with more than one
187 dwelling on the same lot, the structures, runs, and enclosures must also be
188 a minimum of 25 feet from all other dwellings on the lot except the poultry
189 owner's dwelling;

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190 f. On lots with a total area less than 40,000 square feet, the following
191 additional standards apply:

192 i. Maximum of six poultry on lots up to 20,000 square feet and
193 a maximum of 12 poultry on lots greater than 20,000 square feet and
194 less than 40,000 square feet. Poultry under the age of six months do
195 ~~not~~ count towards the ~~allowed numbers~~maximum number of
196 permitted poultry;

197 ~~ii. Free-ranging within fenced yards is only allowed under~~
198 ~~direct supervision by the poultry owner and with consent of all~~
199 ~~tenants and/or property owners who have legal access to the~~
200 ~~premises at the time of permit application;~~

201 g. On lots with a total area of 40,000 square feet or greater, the
202 following additional standards apply:

203 i. Maximum of 15 poultry on lots between 40,000 square feet
204 but less than 50,000 square feet; an additional three poultry are
205 allowed for each additional full 10,000 square feet of lot area. No
206 proration of the number of poultry is allowed for lots with less than
207 an additional full 10,000 square feet of lot area. Poultry under the
208 age of six months do not count towards ~~the allowed number~~the
209 maximum number of poultry permitted above for lots greater
210 than 80,000 square feet in area. For lots less than 80,000 square
211 feet, in addition to the maximum number of poultry allowed
212 above, an additional 24 poultry under the age of six months may

213 be approved as a temporary use for up to six months by the city
214 planner; and

215 h. In the industrial zoning district, poultry is only allowed as an
216 accessory use to a primary industrial use.

217 3. *Beehives*. The following standards apply:

218 a. Beehives are allowed in all zoning districts as an accessory use;

219 b. Four beehives are allowed per 10,000 square feet of lot area. No
220 proration of the number of beehives is allowed for lots with less than an
221 additional full 10,000 square feet of lot area;

222 c. Colonies shall be managed in such a manner that the flight path of
223 bees to and from the hive will not bring the bees into contact with people on
224 adjacent property. To that end, colonies shall:

225 i. Be situated at least 25 feet from any lot line not in common
226 ownership; or

227 ii. Oriented with entrances facing away from adjacent property;
228 or

229 iii. Placed at least eight feet above ground level; or

230 iv. Placed behind a fence at least six feet in height and extending
231 at least 10 feet beyond each hive in both directions;

232 d. The maximum height for a beehive at ground level is eight feet
233 measured from the base of the beehive, inclusive of any temporary or
234 permanent stand or foundation. Beehives are permitted on rooftops or
235 elevated decks; provided, that the beehive does not exceed five feet in

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236 height above the surface of the rooftop or deck and the rooftop or deck is a
237 minimum of eight feet above ground level;

238 e. If the applicant does not own the property, written proof of the
239 owner's consent must be submitted with the application; and

240 f. All beekeeping shall comply with applicable laws and regulations.

241 **4. Nonconforming use. Those possessing farm animals in compliance**
242 **with the provisions of city code in effect immediately prior to the effective**
243 **date of the ordinance adopting Planning Commission Resolution Serial No.**
244 **19-03 may be grandfathered in as a nonconforming use if they possess or**
245 **obtain the necessary permit from the Planning Department within six months**
246 **of the effective date of the ordinance adopting Planning Commission**
247 **Resolution Serial No. 19-03. Permits for nonconforming uses described in**
248 **this section will remain valid so long as the permit holder is compliant with**
249 **the provisions of city code in existence immediately prior to the effective**
250 **date of the ordinance adopting Planning Commission Resolution Serial No.**
251 **19-03. This permit and the exemption for the nonconforming use are not**
252 **transferable and will lapse upon transfer, sale, lease, or sublease of the**
253 **property.**

254 **Amendment of section.** WMC 16.20.020, District use chart, is hereby amended
255 as follows:

256 **16.20.020 District use chart.**

257 A. The following chart summarizes the uses allowed and the standard of review for
258 each use. In the commercial and industrial districts, more than one building housing a

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