

ORDINANCE NO. 2016-001

AN ORDINANCE TO AMEND THE EAGLEVILLE ZONING ORDINANCE BY ADDING A NEW SECTION – 4.130 ENTITLED *Accessory Use Standards for Specified Animals: R-2, Residential Medium Density* AND ADDING AN ADDITIONAL USE PERMITTED AS SPECIAL EXCEPTION IN SECTION 5.042.

Whereas, the Eagleville Municipal Planning Commission has duly recommended to the Eagleville City Council that the Official Zoning Ordinance of Eagleville, Tennessee, be amended as hereinafter described; and

Whereas, the Eagleville City Council has reviewed such recommendation and has conducted a public hearing thereon.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF EAGLEVILLE, TENNESSEE, AS FOLLOWS:

That the Official Zoning Ordinance of the City of Eagleville, Tennessee, is hereby amended by adding a new section – 4.130 as follows:

Section 4.130– Accessory Use Standards for Specified Animals: R-2, Residential Medium Density

These standards apply to provide for consideration of specified agricultural animals as an accessory use or activity in an R-2 zone. R-2 agricultural specified animal use is restricted to occupant(s) (owner or tenant) that reside on the property. Tenants must obtain permission from the property owner to keep specified animals on the property. Applicants must notify all property owners and residents within 150 feet of the property lines of the specified parcel.

Some animals, known as specified animals, have special requirements for ownership and maintenance in the R-2 zone. These animals include: chickens, pigeons, doves, turkeys, geese, ducks, cows, horses, cattle, sheep, goats, pigs, rabbits, Llamas and bees.

- A. Uses that may be considered for permit under Agricultural Residential Special Exception
 - a. Residential Specified Animals – A person maintaining livestock, as authorized by this exception, may maintain on each 1.5 acres of land no more than the following:
 - i. One (1) head of cattle, or
 - ii. One (1) horse, or
 - iii. One (1) pig (see further restriction in paragraph I below), or
 - iv. One (1) llama, or
 - v. Three (3) sheep or three (3) goats, or
 - vi. Six (6) chickens, or
 - vii. Three (3) geese, or (3) turkeys, or (3) ducks, or
 - viii. Twelve (12) pigeons or (12) doves, or
 - ix. Twelve (12) rabbits.
 - b. In consideration of larger specified animals, the minimum land requirement must be that land that is available and accessible to the animals. Front yards, side yards, or any other portions of the parcel made up of the residence or other such improvements unavailable for animal pasturing or grazing is not to be taken into consideration in the calculation of the minimum land requirement for larger animals. From the list in section A(a) above, larger animals would be considered cattle, horse, , pig, and llama.
 - c. In consideration of specified animals other than those outlined in section A(b) above, the minimum acreage of the parcel need not be completely designated for the use, grazing, or pasturing of the

animals, but the applicant will be responsible for presenting evidence to the BZA that reasonable dedicated space is available and will be used as such.

- d. To receive consideration for beekeeping pursuant to this section:
 - i. A property shall be a minimum of 1.5 acres
 - ii. No more than three (3) hives shall be permitted unless the applicant's property is five (5) acres or more, in which case the Board of Zoning Appeals may take a larger number under consideration.
 - iii. No hives may be located within fifteen (15) feet of the applicant's property line, street, sidewalk, or public area.
 - iv. No hives may be located within 100 ft. of an occupied building or structure – or such structure intended for such occupation – other than a building or structure occupied or controlled by the owner/keeper of the bees.
 - v. Hives must be concealed from public view by either built (partition) or natural (vegetation) obstruction.
- e. In consideration of reproducing animals, the maximum number of animals permitted shall refer to mature animals and those old enough to have been weaned. Permit holders will have 60 days after animals are weaned to remove animals in order to reduce the total number back to what is permitted.
- B. Minimum land required in consideration of a permit application as specified in this section is limited to the applicant's property and if the land is lacking, any neighboring property that is either
 - a. Owned by the applicant who is the same owner as the subject property, who will also make the property available for maintenance of such animals OR
 - b. Vacant land owned by another party and rented to the subject property owner for the purpose of owning and maintaining animals as specified herein. In this case, the vacant land must be sufficient when combined with the applicant's property to satisfy the minimum land requirements set forth herein. As stated, additional land considered shall require written permission from the owner.
- C. A person commits an offense if he stables, stalls, or pens livestock within 100 ft. of an occupied building or structure other than a building or structure occupied or controlled by the owner of the livestock.
- D. The facility for specified animals shall be maintained in good repair and in a clean and sanitary condition, free of vermin, obnoxious smells and substances.
- E. The facility shall not create a nuisance or disturb neighboring residents due to noise, odor, damage or threats to public health.
- F. The facility should have ground cover that is absorbent and is replaced as often as necessary to prevent odor and vector breeding.
- G. The facility shall reasonably prevent the specified animal from roaming at large or prevent unauthorized access to the specified animal by general members of the public.
- H. Roosters are prohibited in the City of Eagleville.
- I. Pigs and swine are prohibited unless the pig is a miniature potbellied pig (*Susscrofavittatus*) with shoulder height of no greater than 18" and weighing no more than 95 lbs. These pigs require the same acreage per animal as specified in section A, above, except that no more than 2 pigs can be kept at any one address regardless of the acreage.
- J. The City reserves the right to inspect or to contract the inspection of properties where permits have been granted, and to inspect animals on property that have been so permitted.

- K. The City may revoke permits due to failure to abide by the ordinance requirements or any stipulations of a specific permit.
- L. Permits are specific to the type of animal(s) permitted and the number of animals permitted as specified by the Board of Zoning Appeals in approving such permit.
- M. Permits cease with any change in property ownership; new property owner(s) must seek permit even if maintaining the animals previously permitted under prior ownership.
- N. Permits may be revoked upon any finding of an offense relative to this section, including upon confirmation of allegation(s) by other citizens of any nuisance as described herein created by the ownership or maintenance of such animals.
- O. Property owners so ordered as a result of noncompliance will have thirty (30) days to come into compliance with these ordinances or be subject to applicable fines and/or other recourse as may be available to the City.
- P. Applicants under any circumstances may be asked to provide proof of sufficient insurance coverage as a part of the application and/or consideration process.

That the Official Zoning Ordinance of the City of Eagleville, Tennessee, is hereby amended by adding to Section 5.042 language as follows as Section 5.042, Subsection C(6):

Section 5.042

- C. Uses Permitted as Special Exceptions
 - 6. Residential Specified Animal Use, as regulated in Article IV, Section 4.130

BE IT ENACTED that this ordinance shall take effect 15-days after its adoption, the public welfare requiring it.

Recommended by the Eagleville Municipal Planning Commission on: August 17, 2015.

Approved:

Travis Brown, Mayor

ATTEST:

City Recorder, Kathey Burleson

Passed First Reading: September 15, 2015

Passed Second Reading: January 28, 2016

Passed Third Reading: February 25, 2016

Public Hearing held September 15, 2015 with 15-day notice given in the Daily News Journal on August 30, 2015.

APPROVED AS TO FORM:

City Attorney, Leon Sharber