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| UDC Interpretation  | #15-01  |  |
|  | <b>Clarification of small livestock in the definition of Agriculture, Urban</b> |  |
|   | UDC Section: 50-41.1  | Date of Interpretation: 6/16/2015  |
| Approved by:  | Keith Hamre, Acting Land Use Supervisor   |  |

**BACKGROUND:** The Unified Development Chapter of the City of Duluth Legislative Code (UDC) is the official body of rules and regulations to guide land use and development in the City of Duluth, Minnesota. UDC Sec. 50-10 *Interpretation* authorizes the Land Use Supervisor to interpret the provisions of this Chapter.

The question was asked: What is included in "small livestock" in the definition of Agriculture, Urban?

**CODE INFORMATION:** Urban agriculture was a new use allowed by the UDC in 2010. It is permitted in all of the residential zone districts, including the more urban and suburban R-1 and R-2 districts. The definition of Agriculture, Urban is "the raising of crops and small livestock primarily for local sustenance, rather than commercial purposes, for sale and consumption within the immediate Duluth/Superior area."

**UDC INTERPRETATION:**

The definition of livestock typically includes cattle, horses, sheep, donkeys and other domesticated animals raised on a farm or ranch. The UDC urban agriculture definition modifies this with the word "small" and places the additional requirement that the small livestock be sold and consumed in the immediate Duluth/Superior area.

The intention of the definition was to open the community to local food production in order to implement the sustainability goals of the Comprehensive Plan. However, it has become apparent that allowing small versions of larger livestock (cattle, horses, sheep) has negative impacts in urban and suburban areas that are zoned R-1 and R-2, which typically have small sized lots and homes placed close to lot lines. These negative impacts include degraded cover vegetation (especially on small lots) due to the trampling by hooved animals and the associated erosion typical of Duluth's heavy clay soils, the need for fencing to keep the animals and neighbors secure that is not compatible with typical urban and suburban neighborhoods, the need for storage of feed, hay, and bedding straw which can attract vermin, the odors associated with livestock and their waste, and the sounds made by livestock.

The intention was to allow small agricultural operations that would fit into the character of the residential neighborhoods where they are permitted, including garden crops, raising small animals such as rabbits, chickens, bees, etc. and to allow them at a scale appropriate to these residential areas and not create land use conflicts. Several of the UDC Purposes in Sec. 50-2 point to preserving the integrity of residential areas and the visual and aesthetic character of the city and the inclusion of small livestock contravenes those purposes.

Therefore, with this interpretation we find that the definition of Agriculture, Urban includes small animals including rabbits, chickens (not roosters), bees, fish and similar creatures at a scale that do not impact the surrounding residential uses and after having obtained any required State or City permits (i.e. City permits for chickens or bees). This definition does not include hooved creatures of any size.

The City anticipates a technical correction to these provisions will be part of the annual UDC amendment package in the summer 2016.

**DISCLAIMER:** While it is the intent of the administration to submit a technical correction to the City Council consistent with this interpretation, the code can only be amended by City Council action. This interpretation is not intended to be a promise or guarantee that the proposed amendment will be enacted.