



**PLANNING BOARD MEMORANDUM**

To: Auburn Planning Board  
From: Zach Mosher, City Planner  
Re: Discussion of Planning Board Initiated Text Amendment for Livestock.  
Date: August 8, 2017

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As you may know, late last year, staff was approached by a citizen requesting to keep goats as pets in the Low Density Rural Residential District. According to Chapter 60 Zoning definitions, goats could be allowed on the .39 acre lot owned by the citizen, barring any complaints from neighbors or the creation of a nuisance. The definitions in Chapter 60 Zoning relevant to the discussion are as follows:

**Livestock** – Domestic animals kept, used or raised on a farm for the production of income.

**Farm, Animal** – Any parcel of land used for the keeping of horses, mules, cows, goats, sheep, hogs and similar sized animals for the domestic use of the residents of the lot, provided that adequate land area for each animal unit contains at least the following, excluding water bodies of one-quarter (1/4) acre surface area or larger:

1. Cattle – 1 bovine animal unit per acre of cleared hay-pasture land.
2. Horse – 1.5 animal units per acre of cleared hay/pasture land.
3. Sheep – 3 animal units per acre of cleared hay/pasture land.
4. Swine – 2 animal units per acre of cleared land.
5. Other animal farms – The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animals.

**Household Pet** – Any animal kept as a pet and normally housed at night within the owner’s dwelling or an accessory building on the same lot; but not including any animal normally raised as livestock or poultry, nor any animal raised for commercial gain. No household pet shall be kept that creates a public nuisance by reason of (1) objectionable effects perceptible outside the owner’s property, such as excessive or untimely noise or offensive odors; or (2) being a hazard to the health, safety and welfare of neighbors, invited guests or public servants visiting the property in the pursuit of their normal duties.

Staff interpreted the definitions from Chapter 60 Zoning to mean that goats, since they were not being raised for the **production of income or commercial gain**, were not considered livestock and instead were considered household pets.

Earlier this year the citizen was visited by Auburn Police who had received a complaint about the goats and was informed that goats were not allowed to be kept on lots less than 1 acre, according to Chapter 8 Animals of the Auburn Code of Ordinances. Chapter 8 Animals defines goats as livestock, irrespective of purpose, and also sets a 1 acre minimum lot size for the keeping of livestock. The definitions in Chapter 8 Animals relevant are as follows:

*Livestock means, but may not be limited to, any horses, mules, donkeys, cattle, goats, sheep or swine.*

*Sec. 8-264. - Keeping of livestock generally.*

*It shall be unlawful for any person to keep or permit the keeping of livestock on premises owned by him or under his control, except in compliance with the following regulations:*

- (1) Livestock shall only be kept on lots or tracts of land zoned or designated for rural or agricultural purposes by the city.*
- (2) Livestock shall not be kept on lots and tracts of land less than one acre in area.*
- (3) The provisions of article III of this chapter, pertaining to animal care and control, relative to animal care in general, shall specifically apply to the keeping of livestock.*

Chapter 8 Animals defines goats as livestock and says livestock shall not be permitted on lots less than an acre. Staff is looking for feedback concerning the conflict between Chapters 8 and 60 in the Auburn Code of Ordinances concerning livestock. The simplest and most effective change would remove the “production of income” from the definition of livestock in Chapter 60 and define the animals considered livestock as Chapter 8 does. This change would maintain the existing 1 acre minimum for goats or other livestock; The Council has indicated that the 1 acre standard makes sense.

The definition and standards for animal density could also be amended to read as follows:

***Farm, Animal*** – *Any parcel of land used for the keeping of horses, mules, cows, goats, sheep, hogs and similar sized animals for the domestic use of the residents of the lot, provided that there is a minimum of 1 acre of land as required by Chapter 8, Animals and adequate land area for each animal unit contains at least the following, excluding water bodies of one-quarter (1/4) acre surface area or larger:*

- 1. Cattle – 1 bovine animal unit per acre of cleared hay-pasture land.*
- 2. Horse – 1.5 animal units per acre of cleared hay/pasture land.*
- 3. Sheep – 3 animal units per acre of cleared hay/pasture land.*
- 4. Swine – 2 animal units per acre of cleared land.*



City of Auburn, Maine  
Office Economic and Community Development  
[www.auburnmaine.gov](http://www.auburnmaine.gov) | 60 Court Street  
Auburn, Maine 04210  
207.333.6601

5. *Other animal farms – The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animals.*

If the Planning Board would like to explore other changes or address other concerns between the definitions of Chapter 8 and Chapter 60, staff is open to hearing them and preparing a document that summarizes those changes/concerns at the next meeting.