

# PLANNING COMMISSION AGENDA

CHAIRPERSON:

Adam Peck



VICE CHAIRPERSON:

Roland Soltesz

COMMISSIONERS: Lawrence Segroe, Roland Soltesz, Adam Peck, Brett Taylor, Liz Wynn

MONDAY, MAY 11, 2015; 7:00 P.M., COUNCIL CHAMBERS, 707 W. ACEQUIA, VISALIA CA

1. THE PLEDGE OF ALLEGIANCE –
2. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. The Commission requests that a 5-minute time limit be observed for comments. Please begin your comments by stating and spelling your name and providing your street name and city. Please note that issues raised under Citizen's Comments are informational only and the Commission will not take action at this time.
3. CHANGES OR COMMENTS TO THE AGENDA–
4. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda
  - Revised Resolution 2014-38
5. PUBLIC HEARING – Paul Scheibel  
Municipal Code Amendment No. 2015-06: A request by the City of Visalia to Amend Titles 6 (Animals) and 17 (Zoning) to allow chicken keeping in the R-1-6 and R-1-4.5 Single-family Residential Zone Districts. The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2015-29
6. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-

The Planning Commission meeting may end no later than 11:00 P.M. Any unfinished business may be continued to a future date and time to be determined by the Commission at this meeting. The Planning Commission routinely visits the project sites listed on the agenda.

For the hearing impaired, if signing is desired, please call (559) 713-4359 twenty-four (24) hours in advance of the scheduled meeting time to request these services. For the visually impaired, if enlarged print or Braille copy is desired, please call (559) 713-4359 for this assistance in advance of the meeting and such services will be provided as soon as possible following the meeting.

Any written materials relating to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Office, 315 E. Acequia Visalia, CA 93291, during normal business hours.

**APPEAL PROCEDURE**

**THE LAST DAY TO FILE AN APPEAL IS THURSDAY, MAY 21, 2015, BEFORE 5 PM**

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 425 E. Oak Avenue, Suite 301, Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website [www.ci.visalia.ca.us](http://www.ci.visalia.ca.us) or from the City Clerk.

**THE NEXT REGULAR MEETING WILL BE HELD ON TUESDAY MAY 26, 2015**

# City of Visalia

## **Memo**



**To:** Planning Commission  
**From:** Josh McDonnell, City Planner  
**CC:** Ken Richardson, Deputy City Attorney  
**Date:** May 11, 2015  
**Re:** Consent Calendar Item - Revised Resolution 2014-38

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Attached for your consideration is Resolution 2014-38, which has been revised to reflect the Planning Commission's denial of Tentative Subdivision Map 5551 at the April 27, 2015 meeting. The revised Resolution's findings incorporate the comments made by the Planning Commission and clarify that the Tentative Subdivision Map is being denied without prejudice.

RESOLUTION NO 2014-38

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA DENYING O'GARA PARADISE TENTATIVE SUBDIVISION MAP NO. 5551: A REQUEST BY MICHAEL O'GARA TO SUBDIVIDE 1.46 ACRES INTO EIGHT PARCELS RANGING IN SIZE FROM 7,865 TO 8,087 SQUARE FEET. THE SITE IS ZONED R-M-3 (HIGH DENSITY MULTIPLE FAMILY – 1,500 SQUARE FOOT MINIMUM SITE AREA PER UNIT). THE SITE IS LOCATED ON THE SOUTH SIDE OF PARADISE AVENUE WEST OF SANTA FE STREET. (APN: 097-272-032).

**WHEREAS**, O'Gara Paradise Tentative Subdivision Map No. 5551 is a request by Michael O'Gara to subdivide 1.46 acres into eight parcels ranging in size from 7,865 to 8,087 square feet. The site is zoned R-M-3 (High Density Multiple Family – 1,500 square foot minimum site area per unit). The site is located on the south side of Paradise Avenue west of Santa Fe Street. (APN: 097-272-032); and,

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice scheduled a public hearing before said Commission on April 27, 2015; and,

**WHEREAS**, the Planning Commission of the City of Visalia finds the tentative subdivision map not in accordance with Chapter 16.16 of the Subdivision Ordinance and Chapter 17.16 of the Zoning Ordinance of the City of Visalia; and,

**WHEREAS**, the Planning Commission finds the project to be Categorically Exempt, consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines. (Categorical Exemption No. 2014-50)

**WHEREAS**, if O'Gara Paradise Tentative Subdivision Map No. 5551 is denied, no action needs to be taken on an environmental document subject to Section 15270 of the California Environmental Quality Act.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Visalia makes the following specific findings:

1. That while the proposed density of development is consistent with the General Plan and Zoning Code, the Planning Commission finds that the proposed tentative subdivision map is not consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance. Specifically, General Plan Land Use Element Policy LU-P-52 states:

**LU-P-52** Facilitate high-quality building and site design for multi-family developments by updating development standards in the zoning ordinance and providing clear rules for development review and approval and by creating and adopting design guidelines to be used in the development review and approval process.

*Characteristics of high-quality site and building design include connectivity to the public realm; compatibility with surrounding development; small-scale buildings with variation in architecture and massing; usable open space and recreation facilities; orientation to natural features; and solar orientation.*

Whereas Section 17.16.050 of the Visalia Zoning Ordinance requires a minimum site area of two acres unless a smaller size is approved through an acceptable master plan by the site plan review committee, the master plan provided with the tentative subdivision map does not provide sufficient address that the project would result in a high quality design as required by the General Plan and the Zoning Ordinance.

In this case, the proposal to subdivide the parcel into eight independent lots would result in a development pattern that is dependent on regimented buildings and setback patterns and duplicitous driveways. These marginal design features would have an adverse effect on livability for residents of the project because there would not be useable onsite open space, and distinguishing characteristics such as variations in building treatments and articulation, and other amenities expected of a livable residential development created under a master plan. Further, the regimentation of the buildings would be out of character with other existing residential structures in the immediate area, thus resulting in an incompatible design with the surrounding area, as required by the General Plan and Zoning Ordinance.

2. That the proposed location of the tentative subdivision map and the conditions under which it would be built or maintained are not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. However, the design of the project resulting from the proposed further subdivision of the property by the proposed tentative subdivision map would have the potential to result in conditions that are detrimental to public health, safety, and/or welfare through the further creation of lot sizes that are less than two acres in site area. This in turn may result in a diminishing of services sufficient to address these issues, as opposed to if the site were to remain with its current lot size.
3. That the proposed tentative subdivision map is not compatible with adjacent land uses. As shown in the master plan submitted with the tentative subdivision map to fulfill the requirement in Visalia Zoning Ordinance Section 17.16.050, the map will facilitate a configuration and design of dwelling units that are not in keeping with the character of surrounding land uses, or for an adequately livable environment to

persons or families who would reside in the development if it were constructed as proposed.

**BE IT FURTHER RESOLVED** that the Planning Commission hereby denies the subdivision on the real property herein above described in accordance with the terms of this resolution under the provisions of Section 16.04.040 of the Ordinance Code of the City of Visalia, without prejudice.



# REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: May 11, 2015

PROJECT PLANNER: Paul Scheibel, AICP (713-4369)

**SUBJECT: Municipal Code Amendment No. 2015-06: A request by the City of Visalia to Amend Titles 6 (Animals) and 17 (Zoning) to allow chicken keeping in the R-1-6 and R-1-4.5 Single-family Residential Zone Districts**

## STAFF RECOMMENDATION

Staff recommends that the Planning Commission open the public hearing and make a recommendation of approval to the City Council for Municipal Code Amendment No. 2015-06 based on the conclusion that the Amendment will enhance the opportunities to keep chickens in certain residential zones for the benefit of enjoyment of persons residing in those zone districts.

## RECOMMENDED MOTION

I move to recommend approval of Municipal Code Amendment No. 2015-06 by adoption of Resolution No. 2015-27.

## BACKGROUND/DISCUSSION

**Background:** The proposal is the result of direction provided to staff by the City Council on March 2, 2015, to conduct research on allowing chicken keeping in residential zone districts. On April 6, 2015, staff presented its findings to the City Council (please see City Council Transmittal, Attachment 2). The staff report noted that cities throughout the State and the region vary on whether they allow keeping chickens and other fowl (slightly fewer than ½ of cities reviewed), the number of animals allowed per residence (4 to 12, usually chicken hens only), and the requirements and limitations that are placed on keeping chickens in residential zones (confined to backyards, setbacks from property lines and habitable buildings, etc.) The City Council voted 3/2 (Mayor Nelsen and Councilmember Link opposing) to proceed with the Municipal Code Amendment. The Council included direction to incorporate several key features for the Ordinance in their motion to initiate the action.

**Discussion:** Currently, the City classifies chickens and other fowl as farm animals. Consequently, they are not allowed in residential zones which only allow domestic animals such as dogs and cats. The City presently allows keeping chickens only in the Agricultural and Rural Residential Zone Districts. There are no limitations on keeping chickens in the Agricultural Zone District. In the Rural Residential Zone District, a variety of small and farm animals, including chickens and roosters, are permitted at a ratio of one animal per 1,000 square feet of site area. Coops or other containment structures are required to be located no closer than fifty feet to property lines and adjacent residences and no closer than 25 feet to any dwelling on the subject site.

Other nearby cities are mixed in their allowances for chickens. A summary of these cities is provided in Table 1:

City	Chickens Allowed	Roosters Allowed	Permit/License Required	Setbacks	Coop Required
Tulare	No	No			
Farmersville	Yes 4	No	No	Rear Yard	No
Dinuba	No	No			
Exeter	Yes 10	No	No	Rear yard only	Yes
Lindsay	Yes 5	No	No	5 ft. from P/L	Yes
Woodlake	Yes 4	No	No		
Hanford	No	No			
Clovis	No	No			
Porterville	No	No			

The proposed Municipal Code Amendment involves Title 17, Zoning Code (to revise the definition of “household pets” and to expand their allowance to the R-1 and R-1-4.5 Zone Districts), and Title 6, Animals, to set forth the provisions pertaining to keeping chickens in the added residential zones. The Amendments appear in edited text, as follows:

Title 17 (Zoning)

Chapter 17.04.030 Definitions.

"Household pets" means animals, **including hens (as provided in Chapter 6.08) and** ~~of~~ birds ordinarily permitted in a dwelling and kept only for the company or pleasure provided to the occupants. Household pets shall not include horses, cows, goats, sheep, other equine, bovine, ovine or ruminant animals, pigs, predatory wild animals, **roosters**, ducks, geese, turkeys, pigeons (except as provided in Chapter 17.32), game birds, fowl which normally constitute an agricultural use, poisonous reptiles, and bees. Rodents and rabbits shall not exceed four per property.

Chapter 17.16.020 P (R-M-) Multi-Family Residential Zones

17.16.020 Permitted uses. In the P(R-M) multi-family residential zone, permitted uses include:

- I. The keeping of household pets (**except hens**), subject to the definition of household pets set forth in Section 17.04.030;

Title 6 (Animals)

Chapter 6.04.010 Definitions.

**“Hen” means any female chicken.**

**“Rooster” means any male chicken.**



## **Chapter 6.08.150 Keeping of Hens**

***Notwithstanding any other provision of this chapter, it shall be permissible to keep Hens in single-family residential zones only, subject to the following requirements:***

- A. No more than four (4) Hens shall be allowed on a lot; and***
- B. No Roosters shall be allowed pursuant to this section;***
- C. Hens shall be contained within the rear yard of the lot at all times;***
- D. Coops or enclosures shall not be located closer than ten (10) feet to any property line, and no closer than fifteen (15) feet to any habitable living space on an adjacent lot;***

## **PROJECT EVALUATION**

The City Council directed the initiation of this Ordinance Amendment based on the conclusion that residents of single-family neighborhoods should have the reasonable opportunity to keep chickens on their properties in order to enjoy the benefits of chickens as pets and as potential household food supplement.

The City Council also expressed their intent that the benefits of keeping chickens not incur the unintended consequences of nuisance effects on neighboring properties or the community as a whole. As a result, the City Council directed that the Ordinance Amendment include reasonable controls to minimize the potential nuisance impacts of keeping chickens. These are analyzed as follows:

- **Limiting the allowance to the R-1 and R-1-4.5 Zone Districts:** Properties in these Zone Districts are characterized by single-family dwellings with living and private space wholly self-contained within the boundaries of the property. Further, the back yard open spaces and configurations generally facilitate keeping minimal numbers of chickens without the potential for intruding on their neighbors' enjoyment of their properties. The same conclusions could not safely be drawn concerning the higher density multi-family or mixed use zone districts.
- **Limiting the number of chickens to four, with no roosters allowed:** Four chickens are recommended because it represents a lower end average that most cities allow. These cities generally have an established track record of what has proven to work in single-family residence neighborhoods. Further, it seems to satisfy the needs of persons who desire to keep chickens for daily egg production and periodic meat value. Roosters are not recommended to be allowed based primarily on their propensity to crow, which increases the nuisance potential of keeping chickens.
- **Restricting chickens to rear yards only:** Most cities require that chickens be contained only in rear yards. This reduces the visual presence of chickens in a neighborhood. Further, it contains the key aspects of chickens (feeding and waste) on the beneficiary residence. Finally, it reduces the potential traffic dangers and

predator attraction that would result from chickens roaming in front yards or streets.

- **Coops/enclosures to be no closer than ten feet to any property line and no closer than 15 feet to habitable living space on an adjacent lot:** A minimum separation from property lines and, in particular, from adjacent habitable living spaces, is a standard feature of most ordinances that allow keeping chickens. This includes the City's current regulations that apply to the Rural Residential Zone District. The proposed setbacks are consistent with other cities but less than those of the Rural Residential Zone District. The proposed setbacks are considered to be a reasonable compromise considering the smaller lot areas associated with the R-1 and R-1-4.5 Zone Districts, and considering the reduced number of chickens allowed in these Zone Districts (4 versus up to 22 in the R-R Zone District).

The setback from habitable living spaces is recommended to allow greater citing flexibility of the enclosures than the more typical setback requirement from habitable structures. As currently worded, a chicken coop location could be placed closer than 15 feet to a garage located on an adjacent property (but still at least ten feet from the property line) since the garage is not habitable living space (as is a bedroom, kitchen, family room, etc.).

Concerns about controlling the animals and abating their potential nuisance effects in the added residential zones is already addressed in existing portions of Municipal Title 6 (Animals). Consequently, no added Code provisions are recommended. This is in consideration of avoiding redundancy or conflict within the Municipal Code. It should also be noted that the Ordinance would not supersede the Conditions, Covenants, or Restrictions (CC&Rs) that restrict chickens in those neighborhoods that restrict owning chickens. CC&Rs are enforced thru the homeowner's association (HOA), and not thru the City's Code or Animal Control services.

## RECOMMENDED FINDINGS

1. That the proposed Municipal Code Amendment is consistent with the intent of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed Municipal Code Amendment is not inconsistent with any other Element of the General Plan.
3. That the proposed Municipal Code Amendment is considered Categorical Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2015-29), as a minor modification to a land use limitation which does not affect land use or density.

Attachments:

1. Resolution No. 2015-27
2. City Council Transmittal, dated April 6, 2015
3. Categorical Exemption No. 2015-29

RESOLUTION NO. 2015-27

RESOLUTION OF THE VISALIA PLANNING COMMISSION  
RECOMMENDING APPROVAL OF  
MUNICIPAL CODE AMENDMENT  
NO. 2015-06: A REQUEST BY THE CITY OF VISALIA  
TO ALLOW CHICKEN KEEPING IN THE R-1-6 AND R-1-4.5  
SINGLE-FAMILY RESIDENTIAL ZONE DISTRICTS

**WHEREAS**, Municipal Code Amendment No. 2015-06, is a request by the City of Visalia to allow chicken keeping in the R-1-6 and R-1-4.5 Zone Districts; and

**WHEREAS**, Visalia Municipal Code Title 06 (Animals) and Title 17 (Zoning), set forth certain regulations regarding animal keeping; and

**WHEREAS**, the City Council of the City of Visalia has directed that an Ordinance to allow chicken keeping be initiated and brought forth through the public hearing process; and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on May 11, 2015, to consider the adoption of said Municipal Code Amendment and concluded said hearing on that date; and

**WHEREAS**, the Planning Commission of the City of Visalia finds Municipal Code Amendment No. 2015-06 to be in accordance with Section 17.44.070 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, the Planning Commission finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

**NOW, THEREFORE, BE IT RESOLVED** that the project is exempt from further environmental review pursuant to CEQA Section 15305 of the CEQA Guidelines.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends approval of Municipal Code Amendment No. 2015-06 based on the following specific findings and evidence presented:

1. That the proposed Municipal Code Amendment is consistent with the intent of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed Municipal Code is not inconsistent with any other Element of the General Plan.
3. That the project is Categorically Exempt from environmental review under California Environmental Quality Act (CEQA) Guidelines pursuant to CEQA

Guidelines Section 15305, and Notice of Exemption No. 2015-29 has been prepared for this project.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends approval of Municipal Code Amendment No. 2015-06 as provided in Attachment "A", of this Resolution.

## ATTACHMENT "A"

### Title 17 (Zoning)

#### Chapter 17.04.030 Definitions.

"Household pets" means animals, **including hens (as provided in Chapter 6.08) and** ~~or~~ birds ordinarily permitted in a dwelling and kept only for the company or pleasure provided to the occupants. Household pets shall not include horses, cows, goats, sheep, other equine, bovine, ovine or ruminant animals, pigs, predatory wild animals, **roosters**, ducks, geese, turkeys, pigeons (except as provided in Chapter 17.32), game birds, fowl which normally constitute an agricultural use, poisonous reptiles, and bees. Rodents and rabbits shall not exceed four per property.

#### Chapter 17.16.020 P (R-M-) Multi-Family Residential Zones

17.16.020 Permitted uses. In the P(R-M) multi-family residential zone, permitted uses include:

I. The keeping of household pets (**except hens**), subject to the definition of household pets set forth in Section 17.04.030;

### Title 6 (Animals)

#### Chapter 6.04.010 Definitions.

**"Hen" means any female chicken.**

**"Rooster" means any male chicken.**

#### **Chapter 6.08.150 Keeping of Hens**

**Notwithstanding any other provision of this chapter, it shall be permissible to keep Hens in single-family residential zones only, subject to the following requirements:**

- A. No more than four (4) Hens shall be allowed on a lot; and**
- B. No Roosters shall be allowed pursuant to this section;**
- C. Hens shall be contained within the rear yard of the lot at all times;**
- D. Coops or enclosures shall not be located closer than ten (10) feet to any property line, and no closer than fifteen (15) feet to any habitable living space on an adjacent lot;**

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** 4/6/2015

**Agenda Item Number (Assigned by City Clerk):** 1.

**Agenda Item Wording:** Consideration to Initiate a Zoning Text Amendment to Allow Keeping Chickens in Residential Zones.

**Deadline for Action:** 4/6/2015

**Submitting Department:** Community Development

**Contact Name and Phone Number:**

Paul Scheibel, Principal Planner, 713-4369

Josh McDonnell, Assistant Community Development Director, 713-4364

Chris Young, Community Development Director, 713-4392

**Department Recommendation:** That Council receive the report and consider whether to direct staff to initiate a Zoning Text Amendment to allow keeping chickens (or other fowl) in residential zone districts.

**Summary:** Keeping chickens in residential zones is not presently allowed in the Visalia City Limits, except in the Rural Residential and Agricultural Zone Districts. This issue is addressed in a variety of ways throughout the State. Most cities, like Visalia, classify chickens and similar fowl as barnyard or farm animals, and exclude them from being kept as household pets.

Other nearby cities are mixed in their allowances for chickens. A summary of these cities is provided in the table below:

City	Chickens Allowed	Roosters Allowed	Permit/License Required	Setbacks	Coop Required
Tulare	No	No			
Farmersville	Yes 4	No	No	Rear Yard	No
Dinuba	No	No			
Exeter	Yes 10	No	No	Rear yard only	Yes
Lindsay	Yes 5	No	No	5 ft. from P/L	Yes
Woodlake	Yes 4	No	No		
Hanford	No	No			
Clovis	No	No			
Porterville	No	No			

Cities that allow the keeping of chickens have generally concluded that chickens can be both pets and potential supplemental food sources (eggs and meat) and allow from one to several on residential lots, either by permit, or by right. Cities that allow chickens typically include several restrictions such as: no roosters, no killing and/or dressing the animals on the premises, and require enclosure standards including setbacks from property lines or habitable structures. These standards and limitations are intended to minimize the potential nuisance effects of these animals on adjacent and nearby properties.

**Background Discussion:** On March 2, 2015, the Council directed staff to research the issue and prepare a report for future Council consideration and potential action. Since receiving the City Council's direction, staff has researched Municipal Codes of other California cities, well as literature on backyard fowl husbandry.

Based on the information gathered, staff recommends that if the City Council directs initiation of an Ordinance Amendment to allow chickens in residential zones, the following features may also be included:

- Limit the allowance to the R-1 and R-1-4.5 Zone Districts- This would preclude keeping chickens in medium and high density multi-family residential zones where space is limited and potential for conflicts is greater.
- Limit the maximum number to four chickens and no roosters per parcel. This would allow a reasonable number of chickens for egg production and for eventual dressing and consumption of the chickens. However, this number would also minimize the potential for nuisance impacts on other residences (noise, odors, vermin and predator attraction).
- Require coops/enclosures that provide shelter for each chicken at a rate of a minimum of three square feet per animal, as recommended by industry literature for chicken coops. Council may also consider allowing free range keeping during daylight hours or without any time restrictions so long as chickens do not leave the property.
- If coops/enclosures are required, set a minimum separation of at least ten feet from habitable structures. This separation distance can be met by most residential lot configurations in the City's residential zones.
- Limiting the killing and dressing of chickens to indoor locations only. This would limit the potential for offending adjacent residents in the course of keeping chickens for eventual consumption.
- Consider requiring an over the counter permit for all chicken keeping. The permit process could ensure education about City standards and compliance with the above provisions. However, enforcement would admittedly be difficult. Thus, the Council would be asked whether a permit should be required at all. If so, it is anticipated that the permit fee would be a one-time fee in the range of the annual license fee for cats (\$8) and dogs (\$18)

For reference purposes, staff has provided the City of Exeter's chicken keeping provisions. In addition, a conceptual draft ordinance based on the City of Sacramento's ordinance, is provided for Council consideration/direction.

**Fiscal Impact:** None

**Prior Council Action:** . March 2, 2015 – Direction to staff to research and report back on the topic.

**Other:** N/A

**Committee/Commission Review and Action:**  
N/A

**Alternatives:** The City Council may either:

1- Direct initiation of a Zoning Text Amendment (ZTA) to allow the keeping of chickens in residential zones. In conjunction with this motion, the City Council may direct inclusion of the specific provisions provided in the Discussion section above.

2- Take no action at this time

3- Provide staff further direction and return the item back at a future Work Session.

**Attachments:**

- 1 - City of Exeter Municipal Code, Animals
- 2 - Sample Ordinance
- 3 - Petition supporting chicken keeping, dated March 5, 2015

**Recommended Motion (and Alternative Motions if expected):**

If Council wishes to pursue an ordinance allowing chickens in certain residential zones: Move to direct staff to initiate a Zoning Text Amendment (ZTA) with any modifications directed by Council; or,

(Alternative Motion) direct staff to provide further research and analysis for future consideration as specified by Council.

Copies of this report have been provided to:

**Environmental Assessment Status**

**CEQA Review:** Cat Exempt CEQA GL 15301 (minor change in land use limitations)



Chapter 6.16 - FOWL AND OTHER ANIMALS

Sections:

6.16.010 - Number of fowl and other animals.

- A. Not more than ten animals, in all, including hares, rabbits and guinea pigs shall be kept on any residential parcels within the city.
- B. Not more than ten birds, in all, including pigeons, doves, chickens, ducks, game birds or similar fowl shall be kept on any residential properties within the city. Roosters are not permitted on any properties within the city limits other than those parcels that are zoned RA (rural residential), UR (urban reserve) or A (agriculture) districts.
- C. Birds, excluding the above-listed birds, kept as household pets are permitted in all residential districts.

(Ord. No. 661, § 1, 2-12-2013)

6.16.020 - Prohibited animals.

- A. The following animals are prohibited within the city limits, excluding properties that are zoned to the RA (rural residential), UR (urban reserve) or A (agriculture) districts:
  - 1. Swine;
  - 2. Cattle, sheep, goats, and other members of the bovine and ovine families;
  - 3. Horses;
  - 4. Reptiles and amphibians as defined in the California Fish and Game Code;
  - 5. Turkeys, geese and roosters.

(Ord. No. 661, § 1, 2-12-2013)

6.16.030 - Containment.

- A. All permitted fowl and other animals shall be housed in cages, hutches, or coops that shall be maintained in a clean and sanitary condition at all time.
- B. All cages, hutches and coops shall be located in the rear yard area of parcels in residential districts.

(Ord. No. 661, § 1, 2-12-2013)

**ATTACHMENT 1**

# SAMPLE ORDINANCE

Section 1: Amend Section 17.04.030 to read:

"Household pets" means animals or birds ordinarily permitted in a dwelling and kept only for the company or pleasure provided to the occupants. Household pets shall not include horses, cows, goats, sheep, other equine, bovine, ovine or ruminant animals, pigs, predatory wild animals, chickens (except as provided in Chapter 17.32 Article 4), ducks, geese, turkeys, pigeons (except as provided in Chapter 17.32 Article 3), game birds, fowl which normally constitute an agricultural use, poisonous reptiles, and bees. Rodents and rabbits shall not exceed four per property.

*[Already have Chapter 17.32, Article 3 which establishes rules for homing, racing, sporting pigeons (allows up to 100 per parcel) – The above amendments do not change those rules (other than to correct the reference to Chapter and Article rather than section) but adds a new reference to a new Article 4 regarding allowing chickens to be kept as household pets, to be added to the same section of the ordinance that has the pigeon requirements.]*

Add Chapter 17.32, Article 4, Sections 17.32.300 et seq. as follows:

## Article 3. Keeping of Hen Chickens as Household Pets

### 17.32.300 Purpose and intent.

Hen chickens shall be considered to be household pets subject to the limitations of this article.

### 17.32.310 Applicability.

The provisions of this article shall apply only to parcels located within the R-1-6, R-1-12.5, and R-1-20 zones.

*[Already permitted in RA zone; this does not permit chickens in multi family or smaller lot zones, which would probably not be a good idea]*

### 17.32.330 Limitations.

1. A maximum of [three] hen chickens per parcel may be kept as pets, but only if authorized under a permit issued pursuant to this article.

*[The number of hens varies from jurisdiction to jurisdiction. The number 3, like all the rest of the below limitations (other than No. 8), is based on Sacramento's ordinance.]*

2. All hen chickens shall be confined in a pen, coop, or cage, or other enclosure at all times.

3. All hen chickens shall be kept within an enclosure that is at least 20 feet distant from any dwelling unit on an adjacent parcel. Enclosures shall be situated in the rear yard. Enclosures shall not obstruct or partially obstruct any required exits from any dwelling unit.

4. No hen chickens shall be kept in the front yard.

5. No hen chickens shall be allowed to create a noise disturbance audible on any adjoining parcel.

6. No hen chickens shall be slaughtered on the subject parcel.
7. Roosters are not permitted.
8. Hen chickens may not be kept pursuant to this article for commercial purposes, including the selling of eggs or egg products.

**17.32.340 Additional limitations.**

The limitations set forth in Section 17.32.330 shall be deemed minimum limitations required for the keeping of hen chickens as provided for herein. The city may, as a condition to issuance of the permit required in Section 17.32.290, set forth additional requirements in said permit as may be necessary to maintain the health, safety and general welfare of its citizens.

*[This and the permit requirements section below are exactly as currently provided for homing pigeons in Visalia.]*

**17.32.350 Permit requirements.**

A. The keeping of hen chickens, in accordance with the limitations specified in Section 17.32.350, may be permitted upon issuance of a permit by the planning and building division. A permit for keeping hen chickens may be processed as an administrative matter by the planning and building division and no public hearing shall be required. The permit application shall be made on a form prescribed by the planning and building division, and shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application.

B. The permit may be granted for a maximum period of three years. The permit may be renewed upon reapplication and a site inspection to verify compliance with the requirements of this article.

C. The city shall have the right to enter the property for verification of permit compliance, consistent with the provisions and limitations of Section 17.45.030.

D. The permit shall be revoked by the planning and building division upon violation of any condition, regulation or limitation of the permit issued, unless such violation is corrected within ten days of notice of such violation. Any permit may be revoked for any violation. In the event of permit revocation, or objections to limitations placed thereon, an appeal may be made in writing to the planning commission. The planning commission shall review the appeal consistent with the provisions of Section 17.38.110. The decision of the planning commission may be appealed to the city council consistent with the provisions of Section 17.58.120.

March 5, 2015

Honorable Mayor and City Council  
425 East Oak, Suite 301  
Visalia, CA 93291

**Subject: Request to allow a limited number of chickens in residential areas.**

Some interested Visalians are asking the City Council to allow a limited number of chickens in residential areas. Allowing chickens in cities is a growing movement because chickens, unlike most farm animals, can peacefully coexist within residential areas.

Our group is not asking for roosters, just hens. These hens would provide the following benefits:

- Chickens keep scrap food and yard waste out of the waste stream
- Eggs are expensive and this is an alternate food supply
- Chickens reduce the carbon footprint by having egg production right at home
- Chickens promote urban gardens by eating local pest and providing fertilizer
- Chickens can be great pets, enhancing our local community

The City's local ordinance currently classifies homing pigeons as pets and allows up to 100 homing pigeons in the City (17.32.270). We, the undersigned, are asking that the City allow homeowners in residential neighborhoods to have up to 6 hens, no roosters. We respectfully ask for your consideration:

Name	Address	Phone #
<u>Marion D. Mondak</u>	<u>1803 E. Copper Ct.</u>	<u>559-280-9989</u>
<u>John Smith</u>	<u>3044 S Spruce Ct</u>	<u>559-732-4890</u>
<u>Daniel Allen</u>	<u>2126 E. HARVARD</u>	<u>741-9322</u>
<u>Bethany Muhammad</u>	<u>4319 S. Sun Ave</u>	<u>805-296-7711</u>
<u>Kate Kern</u>	<u>2404 E. Howard</u>	<u>559-732-4080</u>
<u>Mill Vary</u>	<u>5223 W. Lark Ct</u>	<u>559-967-0274</u>
<u>Jeffrey L Hagen</u>	<u>13821 Ave 320</u>	<u>559 738 9368</u>
_____	_____	_____

ATTACHMENT 3

Public Comment  
3/14/15

March 5, 2015

Honorable Mayor and City Council  
425 East Oak, Suite 301  
Visalia, CA 93291

**SUBJECT: Request to allow a limited number of chickens in residential areas**

Some interested Visalians are asking the City Council to allow a limited number chickens in residential areas. Allowing chickens in cities is a growing movement because chickens, unlike most farm animals, can peacefully coexist within residential areas.

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Sincerely,

Name	Address	Phone #
<u>Christine Wood</u>	<u>1550 N. Rio Vista Ct.</u>	<u>972-7257</u>
<u>C. Lynch</u>	<u>21876 Ave. 300 Woodlake</u>	<u>(559) 967-4946</u>
<u>Jim Hunt</u>	<u>3200 E. Douglas</u>	<u>802-6297</u>
<u>Dawn Stehler</u>	<u>1826 S. San Joaquin</u>	<u>(998) 203-9611</u>
<u>Marcos J. Lopez</u>	<u>2036 N Auburn Ct.</u>	<u>735-0107</u>
<u>Conrad Sanchez</u>	<u>2132 N. Duke</u>	<u>(425) 2761</u>
<u>Cynthia P. Koe</u>	<u>6000 W. School</u>	<u>734-8989</u>
<u>Erik Johnson</u>	<u>1807 S. Royal Oaks</u>	<u>734-9584</u>
<u>Jeetika Sarabia</u>	<u>4941 W. Westgate Ct</u>	<u>714768-5606</u>

Ann Valdez - Ann	3237 N. Mendocino	733-7304
S. H.	3418 E Sycamore Ave	951-515-7967
J. Dean	3437 E. Howard Ct	559-967-0205
John Rish	2836 E Parker Ct	733-7344
Walter Lewis	2404 E. HOWARD AVE.	732-4080
Charles Proctor	3048 Sycamore	734-1986
Janet Ruster	2330 E. Parker Ct	302-8387
Rosemary Isaacs	2733 W. Walnut Ave	786-9986
W. T. G.	3825 E. Oak	733-5157
E. Paige Perkins	1040 SCASABLANCA ST.	208-284-0809
Marcel Brumby	3615 N. Leida Ct.	559-309-3174
John Bruckner	3048 E. Sycamore Ave	734-1986
W. J. M. W.	505 S. Angus St	733-8616
Craig B. Dick	2836 E. Parker Ct.	733-7344
Sheri M. Frost	3200 E. Douglas Ave, Visalia	802-6296
Rich Johnson	2511 E. HANCOCK CT VISALIA	802-8621
M. R. D. Thom	2851 W. Sedona Ave Visalia	733-1708
Gina Espinosa	100 N. FRODO ST - VISALIA CA 93293	673-5044
Craig L. W.	4406 Emeraldy Visalia	735-1155
John Andrews	20281 W. Madera Ct. Visalia	799-8820
Barbara Coleman	2527 E. La Vida Ave.	909-534-7500
Shirley	3302 E. Birch Ct	920-5308
Baron Don	3927 E. Cambridge Ave	738-9839
Lucinda Tower	2618 S. VIMMERGA CT	734-1749
H. J.	235 S. Grand	736-1582



## California Chicken Friendly Laws

**Anaheim, CA:** (Title 8, Ch 8) Annual permit fee for any number of hens.

**Bakersfield, CA:** (Municipal code 6.08.010) Chickens must be "kept securely enclosed in a yard or pen at all times."

**Belmont, CA:** Up to 20 hens (no roosters over 4 months old) confined in a clean coop.

**Berkeley, CA:** Chickens must be kept penned and 30 ft. away from any bedrooms.

**Campbell, CA:** Chickens allowed (no roosters) provided there are no more than six animals in all at household. Larger quantities allowed upon successful appeal to city manager.

**Chula Vista, CA:** Up to 12 chickens are permitted on a minimum of 7,000 square feet of land, up to 25, on land where one family occupies one home. An enclosure is required, but must be no closer than 50 feet from neighboring homes.

**Davis, CA:** A total of not more than six hens (in combination with other animals) in a sanitary pen no less than 40 feet from neighboring residences.

**Del Mar, CA:** No ordinance regarding raising chickens. City officials refer to county codes, if necessary.

**Downey, CA:** Up to five chickens allowed per lot.

**El Cajon, CA:** Up to 24 chickens are permitted on single-family lots of at least 20,000 square feet in certain residential areas. Chickens must be kept 50 feet from any neighboring residence.

**Encinitas, CA:** Up to 10 chickens are permitted in all residential areas. More allowed on larger lots. Coops must be no closer than 35 feet of neighboring homes.

**Folsom, CA:** Not more than any combination of two chickens, ducks, pigeons and rabbits shall be kept within any zoning district of the city other than agricultural or agricultural combining districts; and said animals shall be kept or maintained at least twenty feet from any property line.

**Irvine, CA:** 2-4 hens over the age of four months allowed, kept in a sanitary, odor free enclosure. No roosters are allowed.

**Lafayette, CA:** Residents can keep approximately 4 chickens.

**Lemon Grove, CA:** Up to three chickens are permitted, in enclosures, in certain residential areas. One chicken per 1,000 square feet, up to 25 are permitted in other residential areas. Coops must be no closer than 20 feet from neighboring homes.

**Long Beach, CA:** Up to 20 hens allowed per household. No roosters. Must be 20 feet from a dwelling and confined.

**Los Altos, CA:** 1 hen per 1,000 square feet of lot space. No restrictions on coop location. No roosters.

**Los Angeles, CA:** (Ch 1, Art 2) No permit required for 5 or less.

**Mission Viejo, CA:** You are allowed up to two chickens, and roosters are not allowed.

**Mountain View, CA:** Up to 4 hens without a permit, more w/permit. Keep 25 ft. from residences. Within 25 ft. is o.k. with written consent from residences. No roosters.

**Oakland, CA:** Keep chicken enclosed, & 20 ft. from any dwelling, church or school.

**Oceanside, CA:** Up to six chickens are permitted in residential areas, but they must be 35 feet from neighboring houses.

**Petaluma, CA:** Up to twenty animals of mixed combination. Chickens must be kept five feet from a neighbors fence or property line, and they must be kept 20 ft. from neighboring dwellings.

**Poway, CA:** Up to six chickens are permitted on lots measuring between 6,000 and 20,000 square feet. More are allowed on larger lots, but coops must be at least 35 feet from neighboring homes.

**Redwood City, CA:** Up to three hens (no roosters) confined within a clean coop.

**Roseville, CA:** Maximum 10 chickens kept 20 ft. from any property line &/or building.

**San Diego, CA:** Up to 25 chickens in certain residential areas. Coops must be no closer



than 50 feet from neighboring homes.

**San Francisco, CA:** (Health code Art 1, Ch 37) No permit needed for 4 or fewer (permit for more) must be 20 feet from any door or window.

**San Jose, CA:** Up to 6 chickens at least 20 ft. from residences. Up to 4 chickens 15 ft. away from residences. 0 less than 15 ft. No roosters.

**Santee, CA:** One chicken permitted per 2,000 square feet in certain residential areas. Enclosures must be a certain distance from property lines.

**Woodland, CA:** Up to 6 hens allowed provided they are kept over 40 feet from neighboring residences.

**Vallejo, CA:** You are allowed to keep up to 25 chickens if they are kept 15 ft. from neighboring dwellings. Roosters are allowed but subject to noise nuisance violations.

**Vista, CA:** Two chickens are permitted in certain single-family residential areas, and up to 25 in other areas.

Edited by freelancer79d - 7/20/10 at 10:18am

Chapter 6.16 - FOWL AND OTHER ANIMALS

Sections:

6.16.010 - Number of fowl and other animals.

- A. Not more than ten animals, in all, including hares, rabbits and guinea pigs shall be kept on any residential parcels within the city.
- B. Not more than ten birds, in all, including pigeons, doves, chickens, ducks, game birds or similar fowl shall be kept on any residential properties within the city. Roosters are not permitted on any properties within the city limits other than those parcels that are zoned RA (rural residential), UR (urban reserve) or A (agriculture) districts.
- C. Birds, excluding the above-listed birds, kept as household pets are permitted in all residential districts.

(Ord. No. 661, § 1, 2-12-2013)

6.16.020 - Prohibited animals.

- A. The following animals are prohibited within the city limits, excluding properties that are zoned to the RA (rural residential), UR (urban reserve) or A (agriculture) districts:
  - 1. Swine;
  - 2. Cattle, sheep, goats, and other members of the bovine and ovine families;
  - 3. Horses;
  - 4. Reptiles and amphibians as defined in the California Fish and Game Code;
  - 5. Turkeys, geese and roosters.

(Ord. No. 661, § 1, 2-12-2013)

6.16.030 - Containment.

- A. All permitted fowl and other animals shall be housed in cages, hutches, or coops that shall be maintained in a clean and sanitary condition at all time.
- B. All cages, hutches and coops shall be located in the rear yard area of parcels in residential districts.

(Ord. No. 661, § 1, 2-12-2013)

**ATTACHMENT 1**

# SAMPLE ORDINANCE

Section 1: Amend Section 17.04.030 to read:

"Household pets" means animals or birds ordinarily permitted in a dwelling and kept only for the company or pleasure provided to the occupants. Household pets shall not include horses, cows, goats, sheep, other equine, bovine, ovine or ruminant animals, pigs, predatory wild animals, chickens (except as provided in Chapter 17.32 Article 4), ducks, geese, turkeys, pigeons (except as provided in Chapter 17.32 Article 3), game birds, fowl which normally constitute an agricultural use, poisonous reptiles, and bees. Rodents and rabbits shall not exceed four per property.

*[Already have Chapter 17.32, Article 3 which establishes rules for homing, racing, sporting pigeons (allows up to 100 per parcel) - The above amendments do not change these rules (other than to correct the reference to Chapter and Article rather than section) but add a new reference to a new Article 4 regarding allowing chickens to be kept as household pets, to be added to the same section of the ordinance that has the pigeon requirements.]*

Add Chapter 17.32, Article 4 Sections 17.32.300 et seq. as follows:

## Article 3. Keeping of Hen Chickens as Household Pets

### 17.32.300 Purpose and intent.

Hen chickens shall be considered to be household pets subject to the limitations of this article.

### 17.32.310 Applicability.

The provisions of this article shall apply only to parcels located within the R-1-5, R-1-12.5, and R-1-20 zones.

*[Already permitted in R-1 zone; this does not permit chickens in multi-family or smaller lot zones, which would probably not be a good idea.]*

### 17.32.330 Limitations.

1. A maximum of [three] hen chickens per parcel may be kept as pets, but only if authorized under a permit issued pursuant to this article.

*[The number of hens varies from jurisdiction to jurisdiction. The number 3, like all the rest of the below limitations (other than No. 8), is based on Sacramento's ordinance.]*

2. All hen chickens shall be confined in a pen, coop, or cage or other enclosure at all times.

3. All hen chickens shall be kept within an enclosure that is at least 20 feet distant from any dwelling unit on an adjacent parcel. Enclosures shall be situated in the rear yard. Enclosures shall not obstruct or partially obstruct any required exits from any dwelling unit.

4. No hen chickens shall be kept in the front yard.

5. No hen chickens shall be allowed to create a noise disturbance audible on any adjoining parcel.

# ATTACHMENT 2

6. No hen chickens shall be slaughtered on the subject parcel.
7. Roosters are not permitted.
8. Hen chickens may not be kept pursuant to this article for commercial purposes, including the selling of eggs or egg products.

**17.32.340 Additional limitations.**

The limitations set forth in Section 17.32.330 shall be deemed minimum limitations required for the keeping of hen chickens as provided for herein. The city may, as a condition to issuance of the permit required in Section 17.32.350, set forth additional requirements in said permit as may be necessary to maintain the health, safety and general welfare of its citizens.

*[This and the permit requirements section below are exactly as currently provided for housing pigeons in Visalia.]*

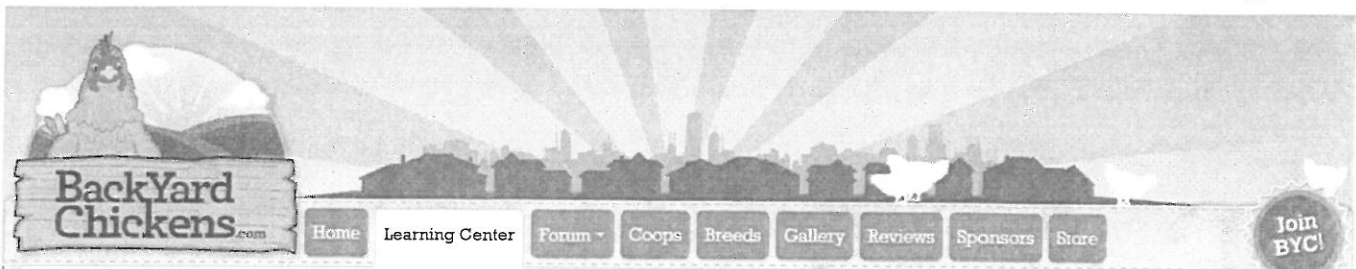
**17.32.350 Permit requirements.**

A. The keeping of hen chickens, in accordance with the limitations specified in Section 17.32.330, may be permitted upon issuance of a permit by the planning and building division. A permit for keeping hen chickens may be processed as an administrative matter by the planning and building division and no public hearing shall be required. The permit application shall be made on a form prescribed by the planning and building division, and shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application.

B. The permit may be granted for a maximum period of three years. The permit may be renewed upon reapplication and a site inspection to verify compliance with the requirements of this article.

C. The city shall have the right to enter the property for verification of permit compliance, consistent with the provisions and limitations of Section 17.46.030.

D. The permit shall be revoked by the planning and building division upon violation of any condition, regulation or limitation of the permit issued, unless such violation is corrected within ten days of notice of such violation. Any permit may be revoked for any violation. In the event of permit revocation, or objections to limitations placed thereon, an appeal may be made in writing to the planning commission. The planning commission shall review the appeal consistent with the provisions of Section 17.38.110. The decision of the planning commission may be appealed to the city council consistent with the provisions of Section 17.38.120.



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## Chicken Laws and Ordinances (And how to change them)



Alphabetical Article List

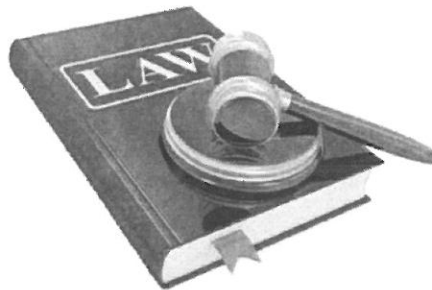
# A B C D E F G H I J K L M N  
O P Q R S T U V W X Y Z (All)

 By: BYC Project Manager

Posted 6/26/13 • Last updated 3/5/14 • 22,182 views • 4 comments

### IS IT LEGAL TO KEEP CHICKENS WHERE YOU LIVE?

As with any agricultural enterprise, keeping chickens is subject to a variety of often complex laws and regulations. Most towns and cities in the USA have some local law and/or ordinance regarding livestock and poultry in place and no two towns' restrictions and allowances are identical, so before you get started with chickens you should find out what the local laws and ordinances in your area is.



First of all find out what jurisdiction you are in, municipality, township, parish. Then contact your local government and find out what the laws and ordinance in your city or town is. Go to the information desk at your local municipality and ask to speak to a person who is knowledgeable about the local laws regarding livestock. Most local governments also have online resources available, so it is well worth an online search. If the law is unclear or confusing or if no-one at your local municipality knows for sure what the laws are regarding chickens, your local animal control officer may be able to assist you. If you don't live in a city or town, visit your local courthouse to find out what your local laws are. Also view our database of local laws and ordinances to see if your town or city is listed.

Depending on where your property is located you may run into subdivision covenants. These are even more vague than municipal ones. They are not enforced by the government so the association has to get a lawyer to go after you which they may not want to do, so you may have some room to bargain. Also your association may have gone inactive after the development you are occupying was built, so their may not be anyone left to try and enforce anything.

### LAWS AND ORDINANCES YOU MAY ENCOUNTER

#### Permits and fees

Some towns and cities may require a permit or a fee, or both. This is no different than requiring one for dogs and cats, which is the case in most cities. Some towns and cities will require permits only if the number of birds exceed the amount set in the ordinance.

#### Number of birds permitted

Most towns and cities have a limit on the number of chickens you can keep on your property, though some towns and cities do not have limits in place. Distances from property lines and lot sizes are usually taken into consideration when determining the number allowed. Most cities, however, state a specific number, usually between 2 and 25 birds. The most common number of birds permitted is either 3 or 4. However, in some cities the ordinances are flexible and if you wish to keep more than the stated number of birds, for example 3, you are allowed to apply for a permit to do so.

#### Regulation of roosters

Roosters are subject to noise ordinances in some towns and cities. Though a few towns and cities allow them, many of them don't. Some towns and cities will allow you to keep a rooster only if he is under 4 months of age. Since one of the main reasons people keep chickens is for eggs, it is generally accepted to only allow hens.

#### Enclosure Requirements

Some towns and cities have set requirements regarding coops and enclosures, some are unclear and some have no set requirements. Many do not permit birds to "run at large", i.e. free range around your backyard. In some towns and cities you may need to have your coop plans and building materials approved before you can start building.

#### Nuisance Clauses

There is a variety of nuisance clauses stated by different towns and cities and some have unclear nuisance regulations. The nuisances stated, however, include one or more of the following: noise, smell, public health concerns, attracting flies and rodents, cleanliness of coops and disposal of manure.

#### Slaughtering Restrictions

Regulations regarding the slaughtering of chickens in residential areas are unclear in many towns and cities. A few towns and cities do not permit it at all and some do allow it, but put restrictions on the process. For example some towns and cities will only allow the slaughtering to take place inside a building, which could help prevent neighbours' complaints.

#### Distance Restrictions

Distance restrictions between the location of the chicken coop and property lines or nearby residences are stated in some ordinances. Again, some towns and cities have no restrictions and some are unclear. Most distance requirements are coop location distance from nearby residences and fewer were distance from property lines. The distance required from property lines could range from 10 to 90 feet and the distance from residences range from 20 to 50 feet. If a town or city chooses to have distance regulations, average lot sizes will need to be taken into consideration. Distance requirements to neighbouring homes are generally easier to achieve as the distance includes part of the neighbouring property as well as the chicken owner's property.

#### Unique Regulations

Most towns and cities' regulations have some of the above in common, but some have unique regulations in place as well. For example:

- Chicken feed must be stored in rodent proof containers
- Pro-chicken regulations are on a 1-year trial basis, with only a set number of permits issued before the yearly re-evaluation.
- For every additional 1 000 sq feet of property, 1 additional chicken may be added to the set minimum for that area.
- Chickens are allowed in some multi-zoned areas. (Allowance in single family zoning is more common)
- Coops must be mobile to allow protect turf and prevent the build up of waste and pathogens.
- Some have minimum square feet requirements per bird in the coop and run.

#### CHANGING THE LAWS

Many people have been successful in changing their local laws and ordinances. Here are some tips for changing the law where you live:

1. Find out exactly what your local ordinances are and make sure they are sufficiently specific. Some ordinances may be vague enough for you take advantage of, for example one that prohibits "barn animals", but doesn't specify poultry.
2. Start a thread in our Local Chicken Laws & Ordinances section. Name your city/town in your thread title to make sure others in your area read it and ask if anyone else is already busy trying to change your local laws. If not, invite others from your area and create a support group. There is strength in numbers and the more people sign on, the better your chances of success will be.

3. Make sure you know and understand the current laws. Find out if chickens will be allowed under certain conditions that can be amended or if a new ordinance is needed. Get your information directly from the city, in writing.
4. Find out if there are any chicken friendly cities or towns near you, then contact their code compliance office, mayor's office and other officials. Ask about their policies, how it works and if it has been successful. Then draft an ordinance that is appropriate to your town.
5. Assemble an informational packet, based on the information you get. State facts, cite your references, include maps charts, photographs and letters of support.
6. Once you've got all the information you need, contact your city council and request the issue be placed on the agenda. Find out how your council meetings work and when public comments are allowed. Learn the protocol for submitting an item for discussion with your public officials.
7. Expect for this to take months. Changing city ordinances is neither easy nor quick, but it can be done. Stay polite, friendly, firm and persistent. This will help win your council's favour and show them you are serious.

For more helpful links and references on changing local laws and ordinances see here.



#### Comments (4)



rivergypsy 10/28/13 at 9:47am

Question: Is there an accepted definition in place that excludes chickens as livestock? My deed restrictions say "no livestock", and my position is chickens are poultry / fowl, not livestock. So far so good, but if it comes up again I need a definition that excludes chickens from livestock. To me, livestock generally has four legs/hooves. Any suggestions on where I might find something to support my position?



RaZ 11/6/13 at 1:26pm

You may not get a definition, accepted or otherwise, of what is "livestock". Don't just stop with your local officials either. You may not get an accurate answer. You may be getting one person's opinion. Check your state laws as well. You may have some type of right to farm law that takes precedence over local jurisdiction.

Even if you are permitted or protected or otherwise allowed to have fowl on your property you may still run into issues with neighbors or local authorities. You may have to fight for your rights.

You can see what I've been going through by reading my article in this forum.



Blooie 3/6/14 at 10:35pm

If your community has a "Planning and Zoning Commission" that would be a good place to start. Ask to put on their agenda. Then go in to the meeting with your plans, a sketch of your proposed coop and run area (be sure to include setbacks) and state your case clearly. In our town the P & Z checks for compliance and ascertains whether there are conflicts in the town's development code. If they see something they can work with, they will usually issue a "Compliance Permit" and then they'll report that to the town council at the council's next meeting. They either forward your application, sketches and plans to the council with a report that they have approved your plan, or will forward it to them with a recommendation to approve or deny a variance if your plans have some issues that might cause problems. And it never hurts to go into either meeting with a fistful of letters from your closest neighbor saying that they have no objections to your plans for a few backyard chickens. Be prepared to answer questions honestly.



dogfish7 12/29/14 at 1:11pm

Mine says, No Livestock or Poultry. But my chickens are pets, like cats and dogs:)

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**NOTICE OF EXEMPTION**

City of Visalia  
315 East Acequia  
Visalia, CA 93291

To: County Clerk  
County of Tulare  
County Civic Center  
Visalia, CA 93291

Municipal Code Amendment No. 2015-06 (Chicken Keeping in Residential Zone Districts)

**PROJECT TITLE**

The Municipal Code Amendment is applicable to R-1-6 and R-1-4.5 Residential Zone Districts within the jurisdiction of the City of Visalia, situated within Tulare County.

**PROJECT LOCATION - SPECIFIC**

Visalia

Tulare

**PROJECT LOCATION - CITY**

**COUNTY**

Municipal Code Amendment No. 2015-06: A request by the City of Visalia to Amend Titles 6 (Animals) and 17 (Zoning) to allow chicken keeping in the R-1-6 and R-1-4.5 Single-family Residential Zone Districts

**DESCRIPTION - Nature, Purpose, & Beneficiaries of Project**

City of Visalia

**NAME OF PUBLIC AGENCY APPROVING PROJECT**

City of Visalia, Attn: Planning Division, 315 E. Acequia Avenue, Visalia, CA 93291

**NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT**

N/A

**NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT**

**EXEMPT STATUS:** (Check one)

- Ministerial - Section 15073
- Declared Emergency - Section 15071
- Emergency Project - Section 15071
- Categorical Exemption - State type and Section number: **Class 5, Section 15305**
- Statutory Exemptions - State code number:

The activity affects the regulations pertaining to keeping chickens in the single-family residential zone districts.

**REASON FOR PROJECT EXEMPTION**

**Paul Scheibel**  
**CONTACT PERSON**

**(559) 713-4369**  
**AREA CODE/PHONE**

**May 11, 2015**  
**DATE**

  
**PAUL SCHEIBEL, AICP**  
**ENVIRONMENTAL COORDINATOR**