

ORDINANCE NO. 3994

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING SECTION 20-42.040 (ANIMAL KEEPING), SECTION 20-26.060 (PLANNED DEVELOPMENT ZONING DISTRICT STANDARDS), AND SECTION 20-70 (DEFINITIONS) OF THE ZONING ORDINANCE TO ALLOW HEN KEEPING (NO ROOSTERS) IN RESIDENTIALLY ZONED AREAS AND IN CONJUNCTION WITH RESIDENTIAL USES CITYWIDE; CITY FILE NO. REZ11-003

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. The Council finds, based on evidence and records presented, that:

- A. The proposed zoning amendment is consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan. The proposed zoning changes will result in land uses in residentially zoned areas that are compatible with existing and future residential uses.
- B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
- C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA); and
- D. The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/ developments.

Section 2. Amend Section 20-42.040 (Animal Keeping) to read in full as follows:
“Animal keeping shall comply with the requirements of this Section, where allowed by Division 2 (Zoning Districts and Allowable Land Uses).

- A. The care and keeping of any animal shall comply with the provisions of City Code Title 7 and all applicable provisions of this Zoning Code.
- B. On any lot in a residential zoning district, or in conjunction with any residential use in any other district, a total of five animals (domestic or exotic) may be kept on one lot, of which not more than three may be dogs, and not more than one may be a pot-bellied pig. In addition to the five animal total, hens may be kept in accordance with the limitations of Table 4-1 and the development standards below.
- C. Development Standards for Hen Keeping

All hen keeping shall be in compliance with all of the following development standards and requirements.

1. Roosters are prohibited.
2. Hens shall be kept in a securely fenced area within the rear yard of the residential property. A coop and pen are required.
3. The coop and pen shall comply with the following development standards:
 - a. Setbacks. For keeping of six or fewer hens, the coop shall be set back a minimum of five feet from side or rear property lines. For keeping of more than six hens, the coop shall be set back a minimum of 10 feet from side or rear property lines. For all hen keeping, the coop shall be located a minimum of 20 feet from habitable structures on adjacent properties; greater distances are encouraged where practicable.
 - b. Coop height. Coops shall be no taller than eight (8) feet in height.
 - c. Coop and pen design and maintenance. The coop and pen shall be designed, constructed, and maintained such that the hens are securely contained.
 - d. Ongoing maintenance and care. The coop and pen shall be maintained in a clean and sanitary condition. All enclosures shall be constructed and maintained to prevent rats or other rodents from being harbored underneath, within, or within the walls of the enclosure. All feed and other items associated with hen keeping shall be managed to minimize contact with rodents.

Table 4-1: Number of Hens Allowed

Lots 5,000 sq ft or less	Lots 5,001 - 10,000 sq ft	Lots 10,001 - 43,560 sq ft	Lots over one acre
3	6	6 hens per 10,000 sq ft of lot area up to 12 hens	6 hens per 10,000 square feet of lot area up to 30 hens

- D. Where allowed by Division 2 (Zoning Districts and Allowable Land Uses), livestock farming shall be limited to the raising, feeding, maintaining, and breeding of livestock, subject to a minimum 20,000 square foot gross lot area and the following cumulative limitations and conditions:
1. One hog or pig per each 20,000 square feet of gross lot area; or
 2. One horse or mule or cow or steer per each 20,000 square feet of gross lot area; or
 3. 25 chickens per each 20,000 square feet of gross lot area; or
 4. Three goats or sheep or similar livestock per each 20,000 square feet of gross lot area; or
 5. 10 ducks or rabbits or similar livestock per each 20,000 square feet of gross lot area; or
 6. 25 pigeons or 50 ornamental or song birds per each 20,000 square feet of gross lot

area.

The development standards for hen keeping are not applicable to livestock farming. The lot area used to justify one class of animals shall not be used concurrently to justify another class of animals.”

Section 3. Amend 20-26.060 PD zoning district standards subsection (C) to read in full as follows:

“C. Allowable land uses. Allowable land uses within the PD district shall be limited to those identified in the adopted Policy Statement or Development Plan. The uses authorized by the City through the approval of a Policy Statement and Development Plan shall be limited to those that are consistent with the General Plan land use classification applicable to the site. Animal keeping shall comply with Section 20-42.040 unless the Policy Statement allows for different uses in which case the least restrictive regulations would apply.”

Section 4. Amend Section 20-70 (Definitions) to change the definition of “Animal, Domestic” to read in full as follows:

“**Animal, Domestic.** Any animal customarily kept by humans for companionship, including dogs, cats, birds, rabbits, hamsters, mice, turtles and the like. Includes female chickens (hens).”

Section 5. Amend Section 20-70 (Definitions) to add the following definitions:

“**Chicken.** A domestic fowl kept for its eggs or meat, esp. a young one.
Coop. The house or cage of sufficient size that provides overnight shelter and security for hens.”

“**Hen.** Female chicken; includes juveniles and adults.”

“**Fowl.** Includes hens and other edible or game birds used as food or hunted for sport, e.g. a goose or pheasant.”

“**Pen.** Enclosed area of sufficient size where hens may be secured. Typically includes a covered area.”

“**Rooster.** An adult male chicken.”

Section 6. Environmental Determination. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA). Because the proposed Zoning Code text amendment are consistent with General Plan 2035, the project relies upon the General Plan 2035 Environmental Impact Report (November 3, 2009, SCH No. 2008092114), and is consistent with CEQA Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

Section 7. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent

jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 8. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

IN COUNCIL DULY PASSED AND ADOPTED this 25th day of September, 2012.

AYES: (6) Mayor Olivares, Vice Mayor Sawyer, Council Members Bartley, Gorin, Vas Dupre, Wysocky

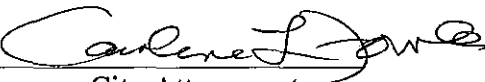
NOES: (0)

ABSENT: (1) Council Member Ours

ABSTAIN: (0)

ATTEST:  APPROVED: 
City Clerk Mayor

APPROVED AS TO FORM:


City Attorney