



**HEARING DATE: MARCH 9, 2017
AGENDA ITEM NO.: 5**

SUMMARY

CASE NUMBER(S): P17-0106 (Zoning Code Text Amendment)

PROPOSAL: A workshop by the City of Riverside to review and provide input on potential amendments to the Municipal Code pertaining to the keeping and sales of animals. The potential amendments proposed by City staff pertain to rabbits, dogs, cats, bees, racing pigeons, and chickens. All sections of the Municipal Code related to the keeping and sales of animals may be discussed.

LOCATION: Citywide

APPLICANT: City of Riverside, Community Development Department

CASE PLANNER: Christina Bartscher, Associate Planner
(951) 826-2393
cbartscher@riversideca.gov

PURPOSE

The purpose for this workshop is to review and obtain direction from the Planning Commission on animal related regulations within the Municipal Code. The workshop will focus on evaluating the City's existing animal keeping regulations for the purpose of correcting discrepancies within the Zoning Code (Title 19), and other sections of the Municipal Code. In addition, the workshop will consider the establishment of new or modified regulations pertaining to rabbits, dogs, cats, bees, racing pigeons, and chickens.

DISCUSSION

TITLE 19 and TITLE 8

The City of Riverside regulates the keeping of animals in Title 19: Zoning, and Title 8: Animals. The Community and Economic Development's Planning Division oversees the regulations contained within Title 19: Zoning, which is principally focused on land use compatibilities. Title 8: Animals is overseen by the Public Works Department, and mostly focuses on animal wellbeing.

In reviewing the Municipal Code, staff identified numerous discrepancies within Title 19, and between Title 19 and Title 8. In part, this workshop and any subsequent text amendments are intended to resolve existing inconsistencies, which will require the Planning Division and Public Works Department to coordinate updates to both Titles. Additionally, the workshop and amendments are intended to bring the Municipal Code in line with the expectations of the Riverside community.

The following is an overview of the topics under discussion as part of the workshop:

Definition of Domestic vs. Non-Domestic Animals

The City's Zoning Code (Chapter 19.910) defines "Domestic" and "Non-Domestic" animals. Determining whether an animal is domestic or non-domestic is a critical step in applying the City's Zoning Ordinance, as domestic and non-domestic animals are regulated differently.

In summary, a domestic animal is defined as a small animal generally accepted as a pet. The definition specifically lists dogs, cats, rabbits, songbirds, and rodents as domestic animals; and excludes chickens, ducks, geese, hoofed animals, swine other than pot-bellied pigs and non-domestic animals.

The definition of a non-domestic animal is as an animal that is not a domestic animal, and which is typically kept in a coop, corral, stable, or pen. The definition specifically lists equine, bovine, porcine, ratite, and fowl as non-domestic animals.

Chapter 19.455 - Animal Keeping, and Chapter 19.150.020B - Incidental Uses Table, specify the zones where domestic and non-domestic animal keeping can occur. Unfortunately a discrepancy between Chapter 19.455 and Incidental Use Table 19.150.020.B exists, which should be resolved as part of this Code update. In brief, Chapter 19.455 allows the keeping of domestic animals in all zones; while, Chapter 19.150.020B - Incidental Use Table permits domestic animals only in residential and mixed use zones. Staff believes that the keeping of animals as an incidental activity should be allowed in all zones, so that it includes all residential, commercial and industrial properties, as some domestic animals are often taken to work, and/or used as a security measure.

Chapter 19.455 - Animal Keeping specifies zoning regulations, such as the number of animals allowed and setback requirements. For the most part these regulations apply to non-domestic animals, as in detail below; and the keeping of domestic animals is not regulated (i.e., there are no limitations on domestic animals). It should be noted that in 2005, the City staff proposed a cap on the amount of domestic animals permitted. However, the public was not receptive to the proposal, therefore the limits were not adopted.

Dogs and Cats

The keeping of dogs and cats is addressed in both Title 19: Zoning and Title 8: Animals. The Planning Division and Public Works Department have been discussing ways to create cohesion between both titles, as there are discrepancies and shortcomings in the regulations. In addition, staff seeks to identify appropriate zones for residential and commercial kennels/catteries, and to establish regulations to ensure humane living and breeding conditions.

The following outlines revisions staff has identified for Title 19, Zoning. Planning staff is not currently proposing any changes to Title 8, Animals, as the Public Works Department oversees that portion of the Municipal Code.

In Chapter 19.910, the definitions for the "Boarding of Animals" and "Kennel" essentially say the same thing. Having two definitions within Title 19 that essentially define the same use provides unnecessary confusion. Therefore staff recommends the two definitions be combined into one (i.e., amend the Kennel definition).

Title 8 defines "commercial kennel" by referencing the definition of "kennel" in Title 19. In addition, Title 8 defines "residential cattery" and "residential kennel." Title 19 does not distinguish kennels as "commercial kennels", and does not define "residential cattery" or "residential kennel." Ensuring that definitions in Title 19 and Title 8 are consistent is essential to regulating animal keeping; therefore staff recommends incorporating the definitions of Title 8 into Title 19.

In addition, staff is considering new regulations for businesses that sell and breed animals. These regulations seek to reduce the amount of animals in animal shelters and prevent inhumane conditions. While many localities within the State have adopted regulations to prevent "puppy mills" and "kitten factories", staff is recommending that the City consider regulations that are modeled after the City of Long Beach, which recently adopted comprehensive updates to their Animal Ordinance.

To provide direction to the Commission's discussion, staff will be seeking feedback on the following recommendations regarding the keeping and sales of dogs and cats:

1. *Combine duplicative definitions in 19.910 - Definitions for the "Boarding of Animals" and "Kennel" to provide clarity.*
2. *Change "Kennel" to "Commercial Kennel" in 19.910 - Definitions.*
3. *Add definitions for "Residential Cattery" and "Residential Kennel" to 19.910 - Definitions.*
4. *Coordinate with Public Works the establishment of a maximum number of animals for catteries and kennels.*
5. *Identify appropriate zones for animal keeping, sales, and breeding.*
6. *Draft pet sales and breeder regulations.*

Beekeeping

Beekeeping has been on the rise with both hobbyist and activist alike. Some see backyard beekeeping as way to create natural honey and pollinate their garden; some see it as part of a bigger effort to combat a decline in bee colonies worldwide, which are essential to crop pollination. However, there are public health and safety considerations that must be considered when locating bees in urban areas.

Title 19 - Zoning permits beekeeping only in the RR, RA-5, and RC zones, and defers to Title 8 for beekeeping regulations. Title 8 - Animals establishes a 300 feet setback from public streets, roads, and freeways; a 500 feet setback from houses or buildings; and a 6' height barrier, if located within 500 feet of a school yard or where people congregate. Additionally, a fresh water supply provided for the bee hive must be within 100 feet; or a stream/reservoir must be within 300 feet, and that water source cannot be within 0.25 miles of another water source where people/animals are present, such as a pool, river, etc. The regulations found in Title 8 mirror those established by the Riverside County Department of Environmental Health.

To provide direction to the Commission's discussion, staff is seeking feedback on the following recommendations regarding the keeping of bees:

- 1. Allow the keeping of bees in RE and R-1 in 19.455 - Animal Keeping.*
- 2. Defer to Title 8 for appropriate regulations with regard to setbacks and water supply requirements.*

Racing Pigeons

Racing pigeons, sometimes referred to as homing pigeons, are kept, trained and used for competition races. The pigeons are affixed with a tracking device and released from a single location to race home.

The keeping of pigeons within the City is regulated by 19.910 - Definitions, 19.100.070 - Additional Regulations for R-3 and R-4, and 19.455 - Animal Keeping. While pigeons are explicitly prohibited in the R-3 and R-4 zones, their permissibility is not clearly stated in other residential zones. However, to resolve Code Enforcement complaints, the City has made two (2) Zoning Code interpretations that have established a precedent. In both of these cases the City defined chickens as non-domestic animals, which means they are only allowed in RR, RA-5, and RC residential zones.

To provide direction to the Commission's discussion, staff is seeking input on the following questions with regards to the keeping of pigeons:

- 1. Should the keeping of racing pigeons only be allowed in RR, RA-5, and RC?*
- 2. Should racing pigeons be allowed in any of the RE and R-1 zones?*
- 3. If allowed in RE and R-1, what setback, structure size and quantity of racing pigeons is appropriate?*

Chickens

A common and recent trend in cities is to allow the keeping of chickens in residential zones. This trend is one of many associated with the larger, "local food" movement. Benefits associated with chicken coops include eggs with better nutrition, humane living conditions, and environmental benefits associated with local food. General concerns include salmonella, smell, noise, and dust.

The keeping of chickens within the City is regulated by 19.910 - Definitions, 19.100.070 - Additional Regulations for R-3 and R-4, and 19.455 - Animal Keeping. It is clear that the City currently defines poultry as a non-domestic animal. Non-domestic animal keeping is only allowed in RR, RA-5, and RC. Further, the keeping of poultry is expressly prohibited in R-3 and R-4. Table 1 below summarizes the keeping of poultry, crowing roosters, and crowing fowl in RR, RA-5, and RC.

Table 1: Poultry, Crowing Roosters, and Crowing Fowl by Zone				
RR Zone				
Animal Type	Max #	Min. Lot Size	Setback	Exceed Max
Poultry	5 per 50' setback 50 per 100' setback	20,000 SF	50' - 100'	MCUP
Crowing Roosters	7	20,000 SF	100'	N/A
Crowing Fowl	Prohibited	Prohibited	Prohibited	Prohibited
RA-5 and RC Zone				
Animal Type	Max #	Min. Lot Size	Setback	Exceed Max
Poultry	5 per 50' setback 50 per 100' setback	N/A	50' - 100'	CUP
Crowing Roosters	7	N/A	100'	N/A
Crowing Fowl	5 per 50' setback	N/A	50'	N/A

To provide direction to the Commission's discussion, staff is seeking input on the following questions with regards to the keeping of pigeons:

- 1. Should the keeping of chickens only be permitted in RR, RA-5, and RC?*
- 2. Should the keeping of chickens be permitted in any of the RE or R-1 zones?*
- 3. If permitted in RE and R-1, what setback, structure size and quantity of chickens is appropriate?*

Rabbits

The keeping of rabbits within the City is regulated by 19.910 - Definitions, 19.100.070 - Additional Regulations for R-3 and R-4, and 19.455 - Animal Keeping. The definition of "Animal, domestic" in 19.910 - Definitions, explicitly identifies rabbits as being domestic, and therefore are not restricted quantity or by setback requirements. However, in 19.455 - Animal Keeping, rabbits are identified as non-domestic, and thereby restricted in number and by setback requirements. Any amendments to the Zoning Code related to Animal Keeping should address this discrepancy. In addition, 19.100.070 prohibit the keeping of rabbits in the R-3 and R-4 zones, which is contrary to 19.455 - Animal Keeping,

which allows the keeping of domestic animals in all zones. Table 2 below summarizes the rabbit keeping criteria as outlined in each of the respective zones.

Table 2: Rabbits Allowed by Zone				
Zone	Max #	Min. Lot Size	Setback	Exceed Max
RR	4 per 50' setback 45 per 100' setback	20,000 SF	50' - 100'	MCUP
RA-5	18 per 50' setback 45 per 100' setback	N/A	50' - 100'	CUP
RC	18 per 50' setback 45 per 100' setback	N/A	50' - 100'	CUP
RE	No Max	No Minimum	No Setback	N/A
R1	No Max	No Minimum	No Setback	N/A
All R-3 and R-4	Prohibited	Prohibited	Prohibited	Prohibited

To provide direction to the Commission's discussion, staff is seeking input on the following questions with regards to the keeping of rabbits:

1. Should the keeping of rabbits only be permitted in RR, RA-5, and RC?
2. Should there be limits on the keeping of rabbits in RE and R-1 zones?
3. If limitations are appropriate in RE and R-1, what setback and quantity is appropriate?
4. Should the keeping of rabbits in multi-family zones be permitted?
5. If permitted in multi-family zones, what setbacks and quantities are appropriate?

NEXT STEPS

The purpose of this Planning Commission Workshop is to receive input on the current regulations and potential changes. Staff anticipates a similar workshop before the Land Use Committee in May, 2017. After the Land Use Committee staff will review the input received and prepare a draft Zoning Code text amendment. Staff expects to bring the amendment before the Planning Commission in July, 2017, and the City Council in August or September, 2017.

ENVIRONMENTAL REVIEW

This public workshop is provided for discussion purposes, and no approval or determination will be made by City at this time. Therefore no environmental review has been considered because the California Environmental Quality Act (CEQA) only applies to projects that are subject to discretionary approval.

Prepared by: Christina Bartscher, Associate Planner
 Reviewed by: Ted White, City Planner
 Approved by: Rafael Guzman, Community and Economic Development Director