



Community & Economic Development Department

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Planning Division

**PLANNING COMMISSION HEARING DATE: FEBRUARY 21, 2019**

**AGENDA ITEM NO.: 2**

**PROPOSED PROJECT**

<i>Case Number</i>	<b>P19-0056</b> (Zoning Code Amendment)
<i>Request</i>	To consider a Zoning Code Amendment to the animal keeping provisions of Title 19 - Zoning Code, and Title 8 – Animals, of the Riverside Municipal Code. Amendments are proposed to regulations for keeping of specific types of domestic and non-domestic animals including, but not limited to, dogs, cats, chickens, turkeys, geese, rabbits, bees, racing pigeons, and goats.
<i>Applicant</i>	City of Riverside Community & Economic Development Department 3900 Main Street, 6th Floor Riverside, CA 92522 (951) 826-2372
<i>Project Location</i>	Citywide
<i>Ward</i>	All Wards
<i>Neighborhood</i>	All Neighborhoods
<i>Staff Planner</i>	Doug Darnell, Senior Planner 951-826-5219 <a href="mailto:ddarnell@riversideca.gov">ddarnell@riversideca.gov</a>

**RECOMMENDATIONS**

Staff recommends that the Planning Commission:

1. **RECOMMEND that the City Council DETERMINE** that Planning Case P19-0056 is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption), as it can be seen with certainty that the code amendment does not have the potential to cause a significant effect on the environment; and
2. **RECOMMEND that the City Council APPROVE** Planning Case P19-0056 (Zoning Code Amendment) based on the findings outlined in the staff report and summarized (Exhibit 1).

**BACKGROUND**

The City of Riverside regulates animal keeping in Title 19 – Zoning, and Title 8 - Animals. The Community and Economic Development Department's Planning Division implements Title 19 – Zoning, which focuses on land use compatibilities. The Public Works Department oversees Title 8 – Animals, which focuses on animal well-being.

Prior to the 2007 Zoning Code update, non-domestic animals were allowed in R-1 Zones. The 2007 Zoning Code update made animal keeping provisions more restrictive by allowing only domestic animals in the R-1 zones. This change made a distinction that non-domestic animal keeping is appropriate only for the RR, RA-5, and RC neighborhoods, which have larger lots and are rural in character.

On March 09, 2017, the Planning Commission held a workshop to consider animal keeping updates and provided feedback on the keeping of bees, dogs, cats, chickens, rabbits and racing pigeons. Animals were discussed based on the Municipal Code definitions of “animal, domestic” and “animal, non-domestic.” Land use trends related to animal keeping, ambiguities in Title 19 and inconsistencies between sections of the Municipal Code were also discussed. The Planning Commission agreed that keeping non-domestic animals is essentially an agricultural activity that should be limited to larger lots in the City.

On May 8, 2017, the Utility Services/Land Use/Energy Development Committee (Land Use Committee) held a workshop on animal keeping regulations in Titles 8 (Animals) and 19 (Zoning) of the Municipal Code. The Land Use Committee’s input on non-domestic animals was in agreement with the Planning Commission. The Land Use Committee directed staff to bring back regulations on the keeping of bees, chickens, rabbits and racing pigeons.

During the workshop, there was also discussion on limiting retail sale of dogs and cats to only those animals bred in the city requiring a new Breeders License. Several “hobby breeders” commented that a Breeders License could place unreasonable restrictions on responsible breeders. The Land Use Committee directed staff to also bring back kennels and catteries licensing requirements for local breeders. Following the meeting, City staff held several meetings with representatives of local hobby breeders, wherein restrictions on breeders and kennels were discussed. In October of 2017, the Governor signed State Assembly Bill 485, commonly known as the Pet Rescue & Adoption Act, making it unlawful for retail stores to sell dogs, cats, or rabbits after January 1, 2019 unless the animal was obtained from a public animal control agency, SPCA shelter, Humane Society Shelter, or other 501(c)(3) rescue organization. The bill eliminated the sale of animals obtained from commercial breeding facilities, and cut down on the number of animals euthanized in shelters. Because new State law prohibits the retail sale of commercially bred animals, there is no longer a need for the City to consider a separate Breeder License.

Staff has identified discrepancies within Title 19, and between Title 19 and Title 8 related to animal keeping. The proposed Zoning Code Amendment (Amendment) resolves the inconsistencies and considers current land use trends, such as “urban farming”, which may be compatible to some neighborhoods in Riverside.

## PROPOSAL

The following summarizes the changes recommended to Title 19 – Zoning (Exhibit 2) and Title 8 – Animals (Exhibit 3) to address the direction given by the City Council.

## DOMESTIC VS. NON-DOMESTIC ANIMALS

Determining whether an animal is domestic or non-domestic is important in applying Title 19 – Zoning (Chapter 19.910) because they are regulated differently.

A domestic animal is defined by the Zoning Code as a small animal generally accepted as a pet. The definition lists dogs, cats, rabbits, songbirds, and rodents as domestic animals. The definition specifically excludes chickens, ducks, geese, hoofed animals, swine other than pot-bellied pigs and non-domestic animals. The Zoning Code definition of a non-domestic animal is 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. There are no recommendations to change the definitions in Title 8 – Animals. In Title 19 – Zoning, minor changes to the domestic animal keeping definition are recommended.

Currently, domestic animals are only allowed in residential and mixed-use zones. The proposed Amendment includes changes to allow domestic animal keeping in all zones. The change would allow domestic animal keeping in all residential, commercial and industrial zoned properties to allow flexibility for those taking animals to work or for security purposes. Chapter 19.455 – Animal Keeping includes specific regulations, such as zones where animals are allowed, the number allowed and lot/setback requirements and are updated to reflect the changes described below.

## **PERMITTED USES IN RA-5 AND RC ZONES**

Chapter 19.100.030 – Permitted Land Uses, lists permitted non-domestic animals that are allowed and the standards that apply in the RA-5 and RC zones. This Section duplicates the animal keeping provisions in Chapter 19.455 – Animal Keeping. To eliminate the redundancy, the proposed Amendments removes animal keeping provisions from to Chapter 19.100.030.

## **KENNELS AND CATTERIES**

Kennels and Catteries are addressed in both Title 19 – Zoning and Title 8 – Animals. Title 8 includes definitions for “residential cattery” and “residential kennel”, and defines “commercial kennel” by referencing the definition of “kennel” in Title 19. Title 19, however, does not distinguish between residential and commercial kennels and it does not define “residential cattery” or “residential kennel.”

The proposed Amendment defines “Kennel-Commercial”, “Kennel-Residential”, “Cattery-Commercial” and “Cattery-Residential” in Title 19 and references them in Title 8. The definition for “Boarding of Animals” is addressed in the Kennel definitions.

## **BEEKEEPING**

Backyard beekeeping hobbyists are increasing as they produce their own honey. These efforts have helped the declining bee colonies essential to crop pollination. Public health and safety considerations are included in Title 19- Zoning.

Title 19 – Zoning currently permits beekeeping in the RR, RA-5, and RC zones, and defers to Title 8 – Animals for beekeeping regulations. The regulations found in Title 8 mirror the regulations of the Riverside County Department of Environmental Health and include:

1. Setbacks:
  - a. 300 feet setback from public streets, roads, and freeways;
  - b. 500 feet setback from houses or buildings; and
  - c. 6-foot high barrier if located within 500 feet of a school yard, or where people congregate.
2. Water Supply
  - a. Within 100 feet of a stream/reservoir within 300 feet; and
  - b. Water source cannot be within 0.25 miles of another water source where people/animals are present, such as a pool, river, etc.

Based on the Planning Commission’s March 9, 2017 meeting, and input from the Land Use Committee on May 8, 2017, safety concerns suggest that beekeeping be limited to agricultural areas, such as the greenbelt away from urban densities. No changes are proposed in the Amendment.

## HOMING PIGEONS

Homing and racing pigeons trained and used for competition races. The pigeons are affixed with a tracking device, and fly home after being released from a single location. Within Title 19- Zoning, homing pigeon keeping is regulated by 19.910 – Definitions; 19.100.070 – Additional Regulations for R-3 and R-4; and 19.455 – Animal Keeping.

Pigeons are explicitly prohibited in the R-3 and R-4 zones, but Title 19-Zoning is silent on them in other residential zones. The City has made two (2) Zoning Code interpretations where pigeons are allowed. In both of these cases, pigeons were defined as non-domestic animals allowing them in the in the RR, RA-5, and RC zones.

California Government Code Section 65852.6(a), states “it is the policy of the state to permit breeding and the maintaining of homing pigeons consistent with the preservation of public health and safety, and defines a homing pigeon *“as a bird of the order Columbae. It does not fall in the category of “fowl”, which includes chickens, turkeys, ducks, geese, and other domesticated birds other than pigeons.”* Because Riverside is a Charter City, the City is not obligated to agree with the referenced Government Code section.

Seven of ten cities surveyed in the region allow for homing pigeons, and three cities are silent on pigeons. Homing pigeons are allowed in residential zones in West Covina, Long Beach, Orange, Pasadena, San Diego, Anaheim, and Temecula. Four (4) of these require permits, and generally limit the number of pigeons per site from 10 (Pasadena) to 100 (San Diego). The City of Temecula allows a maximum of 50 per-acre.

The proposed Amendment would allow homing pigeons in the City of Riverside in all single-family residential zones. Homing pigeons would be permitted, by-right, as non-domestic animals in the RR, RA-5, and RC zones. In the R-1 and RE Zones, they would be subject to a Minor Conditional Use Permit.

The proposed Amendments to Chapter 19.455 would include:

1. A minimum net lot size of 20,000 square feet required for keeping pigeons.
2. Properties between 20,000 square feet and one acre would be limited to a maximum of 25 birds.
3. Properties one acre in size or larger, would be limited to a maximum of 50 birds.
4. Pigeons would be housed at least 50 feet from any residence not including the residence on the lot where the pigeons are kept.
5. Pigeons would have to be banded and registered with a national pigeon association or Registry.
6. Pigeon feed would be stored in sealed containers to protect against intrusion by rodents and other vermin.
7. Pigeon release would be restricted based on when they were fed.
8. Pigeons will be kept in the coops or lofts at all times if not released for exercising or training.

## POULTRY, CROWING FOWL (AND ROOSTERS) AND RABBITS

Raising poultry, crowing fowl and rabbits is a growing trend across the State and in the City of Riverside, the trend is similar. General concerns with these non-domestic animals in urban areas include diseases, smells, noise, and dust.

Within Title 19- Zoning, chicken keeping is regulated by 19.910 – Definitions; 19.100.070 - Additional Regulations for R-3 and R-4 Zones; and 19.455 - Animal Keeping. Title 19- Zoning defines poultry as

a non-domestic animal. Non-domestic animals are only allowed in the RR, RA-5, and RC zones. Keeping poultry in the R-3 and R-4 zones is prohibited.

Within Title 19 - Zoning crowing fowl keeping is regulated by 19.910 – Definitions; and 19.455 – Animal Keeping. Title 19 – Zoning defines crowing fowl as a non-domestic animal; the definition includes: “any rooster, peacock, goose, duck, guinea fowl, or any other fowl which by their sound or cry unreasonably disturb the peace and quiet of the neighborhood.” Crowing fowl are allowed in the RR, RA-5, and RC zones. Crowing fowl typically create more noise and can have more impact than raising poultry. Title 19 - Zoning distinguishes “crowing fowl” and “crowing roosters” separately with “crowing roosters” being more strictly regulated. Currently, turkeys are not identified within the City’s definition of crowing fowl.

Within Title 19-Zoning, rabbit keeping is regulated by 19.910 – Definitions; 19.100.070 - Additional Regulations for R-3 and R-4 Zones; and 19.455 - Animal Keeping. Rabbits are also included in the Chapter 19.910 definition of domestic animal, but also identified as non-domestic animals/non-household pets in Chapters 19.455 and 19.100. Chapter 19.455 restricts the number of rabbits by zone and includes setback requirements.

Recognizing that prior to 2007, non-domestic animal keeping was allowed the R-1 zones, and based on recent trends, the proposed Amendments would allow small non-domestic animals, including poultry, ducks, geese, turkeys, and rabbits, in the RA and R1 Zones on larger lots with specific limitations. The proposed Amendments include:

1. A minimum required net lot size of 20,000 square feet.
2. No more than five (5) poultry (any combination of chickens, turkeys, or geese) and four rabbits would be allowed provided they are kept at least 50 feet from any adjacent residence, not including the residence on the lot the animals are kept.
3. Non-domestic animals would continue to be prohibited in R-3 and R-4 Multi-Family residential zones.
4. The inconsistency in the rabbit definition would be corrected and they would be defined as non-domestic animals.

## **TEMPORARY USE OF GRAZING GOATS FOR WEED ABATEMENT**

Goat grazing is an important vegetation management strategy to reduce risks in high fire hazard areas. Managed goats are allowed to graze as they target invasive or undesirable plants while protecting endangered flora. Thirty grazing goats, an eco-friendly alternative, can clear a half-acre of brush and weeds in about 3 or 4 days.

Some jurisdictions, such as the City of Salem (Oregon), City of San Diego, and Los Angeles County, allow the temporary use of grazing goats for weed and brush clearance on private property. Regulations address the number of goats, size of property, time frames, and control of the animals.

Title 19 – Zoning proposed Amendments would be to Chapter 19.740 - Temporary Use Permits. The proposed Amendments allow for temporary goat weed abatement, subject to a Minor Temporary Use Permit. Proposed requirements include:

1. Goats would be allowed for targeted grazing on a temporary basis.
2. The minimum property size would be one acre (undeveloped).
3. The maximum number of goats per acre would be 75.
4. 3 grazing treatments would be allowed per calendar year.
  - a. Maximum of 20 days; and
  - b. Total of 60 days allowed per calendar year.

- c. Goats could not return to a grazed property or penned area for 30 days.
5. Goats would be secured at all times by using temporary fencing.
6. A temporary, shaded shelter would be provided for the goats.
7. A constant supply of fresh water would be required.
8. Goats would be monitored and managed 24 hours a day.
9. Goat containment areas and shelters would be cleaned daily.

## **USES TABLES**

Chapters 19.150.020A Permitted Uses Table, 19.150.020B - Incidental Uses Table and 19.150.020C - Temporary Uses Table, and Chapter 19.455 - Animal Keeping, specify the zones where domestic and non-domestic animal keeping can occur. In the Amendment, the Tables are updated to reflect the changes identified above in the staff report.

## **ENVIRONMENTAL DETERMINATION**

The proposed Amendment is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption), as it can be seen with certainty there is no possibility the proposed amendment will have a significant effect on the environment.

## **PUBLIC NOTICE AND COMMENTS**

Pursuant to Section 19.670.040 (Notice of Hearing for Legislative Actions) of the Zoning Code, and California Government Code Section 65090 and 65091, a one-eighth page public notice advertisement was placed in the local newspaper of general circulation within the City (The Press Enterprise) twelve (12) days prior to this hearing. As of the writing of this report, staff has received no responses regarding this proposal.

## **APPEAL INFORMATION**

Actions by the City Planning Commission, including any environmental finding, may be appealed to the City Council within ten calendar days after the decision. Appeal filing and processing information may be obtained from the Planning Department Public Information Section, 3rd Floor, City Hall.

## **EXHIBITS LIST**

1. Staff Recommended Findings
2. Proposed Amendments to Title 19 – Zoning Code
3. Proposed Amendments to Title 8 – Animals

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Reviewed by: Jay Eastman, Principal Planner  
Approved by: Mary Kopaskie-Brown, City Planner



EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

**PLANNING CASE:** P19-0056 (Zoning Code Amendment)

**Zoning Code Amendment Findings pursuant to Chapter 19.810.040**

1. That the proposed Zoning Code Text or Map Amendment is generally consistent with the goals, policies, and objectives of the General Plan. Specifically, the Noise and Public Safety Elements of the General Plan 2025 includes:
  - a. Objective N-1: Minimize noise levels from point sources throughout the community and, wherever possible, mitigate the effects of noise to provide a safe and healthful environment; and
  - b. Objective PS-6: Protect property in urbanized and non-urbanized areas from fire hazards.
2. That the proposed Zoning Code Amendment is consistent with the above General Plan 2025 Objectives. The Amendment to allow certain types on non-domestic animals in zones where they are currently prohibited includes minimum lot size standards, maximum numbers of animals that may be kept, setback and other requirements to mitigate effects of noise and other impacts to neighboring properties. New provisions for temporary goat grazing for weed abatement provides additional alternative for fuel management to protect property from fire hazards;
3. That the proposed Zoning Code Amendment will not adversely affect surrounding properties in that the proposed amendment includes minimum lot size requirements, restrictions on the numbers of each type of animal that may be kept on a property, setback requirements and other requirements to minimize impacts to neighboring properties; and
4. That the proposed Zoning Code Amendment promotes public health, safety and general welfare and serves the goals and purposes of the Zoning Code in that the proposed amendment includes minimum lot size requirements, restrictions on the numbers of each type of animal that may be kept on a property, setback requirements and other requirements to minimize impacts to neighboring properties.