



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: MARCH 26, 2019

FROM: COMMUNITY & ECONOMIC DEVELOPMENT WARDS: ALL
DEPARTMENT

SUBJECT: PLANNING CASE P19-0056 RIVERSIDE MUNICIPAL CODE AMENDMENT – AN
AMENDMENT TO THE ANIMAL KEEPING PROVISIONS OF TITLE 19 – ZONING
CODE, AND TITLE 8 – ANIMALS

ISSUE:

Approve a Riverside Municipal Code Amendment to the animal keeping provisions of Title 19 - Zoning Code, and Title 8 – Animals, for keeping specific types of domestic and non-domestic animals, including but not limited to, dogs, cats, chickens, turkeys, geese, rabbits, bees, racing pigeons, and goats.

RECOMMENDATIONS:

That the City Council:

1. Determine that Planning Case P19-0056 Riverside Municipal Zoning Code Amendment is exempt from the provisions of the California Environmental Quality Act per 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;
2. Approve Planning Case P19-0056 based on the findings of the Planning Commission staff report; and
3. Introduce and subsequently adopt the attached Ordinance amending animal keeping provisions in Title 19 – Zoning Code and Title 8 – Animals.

PLANNING COMMISSION RECOMMENDATION:

On February 21, 2019, the City Planning Commission recommended approval of Planning Case P19-0056, by a vote of 6 ayes and 1 no, subject to staff's findings (Attachment 2 and Attachment 3). The Planning Commission's recommendation included consideration of revisions to allow fostering animals; and to allow keeping of rabbits in any residential zone similar to pot-bellied pigs.

BACKGROUND:

The City of Riverside regulates animal keeping in Title 19 – Zoning, and Title 8 – Animals. The Community & 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.

In 2017, the Planning Commission and Utility Services/Land Use/Energy Development Committee (Land Use Committee) held workshops on animal keeping. Both domestic and non-domestic animal keeping, including bees, dogs, cats, chickens, rabbits and racing pigeons, were discussed at the workshops. The Planning Commission and Land Use Committee agreed that keeping non-domestic animals is essentially an agricultural activity and appropriate for larger properties in the City. The Land Use Committee directed staff to bring back regulations on the keeping of bees, chickens, rabbits and racing pigeons.

During the Land Use Committee workshop, limiting retail sale of dogs and cats and licensing breeders in the City was also discussed. Since then, a new state law, Assembly Bill 485, makes it unlawful for retail stores to sell dogs, cats, or rabbits after January 1, 2019. A breeder's license in the City is no longer required because new State law now prohibits the retail sale of commercially bred animals.

Staff also identified discrepancies within Title 19 and inconsistencies between Title 19 and Title 8 related to animal keeping. The proposed Riverside Municipal Code Amendment (Amendment) addresses the direction from the Land Use Committee and resolves the discrepancies and inconsistencies.

DISCUSSION:

The following summarizes recommended changes to Title 19 – Zoning and Title 8 – Animals (Attachment 1 - Ordinance) related to animal keeping in Riverside.

Modify Allowed Zones for Domestic Animals

Domestic and non-domestic animals are regulated differently in the City of Riverside. A domestic animal is defined by the Zoning Code as a small animal generally accepted as a pet. The current definition lists dogs, cats, rabbits, songbirds, and rodents as domestic animals, and specifically excludes chickens, ducks, geese, hoofed animals, swine (other than pot-bellied pigs), and other non-domestic animals. Domestic animals are currently only allowed in residential and mixed-use zones.

The proposed Amendment would redefine non-domestic animals to add rabbits, poultry, pigeons, and turkeys to the list of animals specifically excluded from the domestic animal definition; and allow domestic animal keeping in all zones (i.e., residential, commercial and industrial) to allow flexibility for those taking animals to work or for security purposes.

Eliminate Redundancies for Permitted Non-Domestic Animals in the RA-5 and RC Zones

Section 19.100.030 – Permitted Land Uses, currently only allows non-domestic animals in the RR, RA-5 and RC zones, and establishes standards for the keeping of non-domestic animals. This Section duplicates the animal keeping provisions in Chapter 19.455 – Animal Keeping.

The proposed Amendment removes the animal keeping provisions from Chapter 19.100.030.

Clarify Definitions for 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 accurately references them in Title 8. The definition for “Boarding of Animals” is addressed in the Kennel definitions.

Modify Requirements and Standards for Non-Domestic Animals

The proposed Amendments related to non-domestic animals are summarized in Table 1. This includes regulations for bees, homing (racing) pigeons, poultry and crowing fowl, crowing roosters, rabbits and temporary goat grazing.

TABLE 1
Summary of Proposed Non-Domestic Animal Keeping Regulations

Type of Animal	Title 8 Summary	Title 19 Summary	Proposed Title 19 Amendment	Title 19 Permitted Zones
Beekeeping	<p>Mirrors Riverside County Dept. of Environmental Health requirements:</p> <p>300-foot setback from public streets, roads, and freeways</p> <p>500-foot setback from houses or buildings</p> <p>6-foot high barrier within 500 feet of a school yard, or where people congregate</p> <p>Water provided within 100 feet or 300 feet of stream/reservoir</p> <p>Water source cannot be within ¼ mile of another water source where people/animals are present</p>	Refers to requirements of Chapter 8	No changes proposed	RR ¹ RA-5 ¹ RC ¹

Type of Animal	Title 8 Summary	Title 19 Summary	Proposed Title 19 Amendment	Title 19 Permitted Zones
Rabbits	Not addressed in Title 8	Code defines as domestic animals; but regulated as non-domestic	Allow in additional Zones (R-1 & RE Zones) with limitations: 25-foot setback from neighboring residences Max. 2 rabbits	R-1 RE RR ¹ RA-5 ¹ RC ¹
Homing (Racing) Pigeons	Not addressed in Title 8	Currently not included in Use Table	Clarify as permitted use in RR, RA-5 & RC zones; Allow in Additional Zones (R-1 & RE) with Minor CUP with limitations <ul style="list-style-type: none"> • Min. lot size: 20,000 sf • Max 25 birds (20,000 sf to 1-acre) • Max 50 birds (over 1 acre) <ul style="list-style-type: none"> • Others - Banded & registered, Feed storage-sealed, Pigeon release restricted, Maintained in coops 	R-1 RE RR ¹ RA-5 ¹ RC ¹
Poultry & Crowing Fowl	Not addressed in Title 8	Min. lot size and setbacks Limit on number	Allow in additional zones (R-1 & RE) with limitations: <ul style="list-style-type: none"> • Min lot size: 20,000 sf • Max 5 poultry (any combination) • 50-foot setback from neighboring residences 	R-1 RE RR ¹ RA-5 ¹ RC ¹
Crowing Roosters	Not addressed in Title 8	Only allowed in RR, RA-5 & RC	No change proposed	RR ¹ RA-5 ¹ RC ¹
Temporary Goat Grazing	Not addressed in Title 8	<i>Currently not allowed or addressed in Title 19</i>	Allow in all zones with Minor TUP with limitations: <ul style="list-style-type: none"> • Min one-acre undeveloped land • Max 20 consecutive days per TUP <ul style="list-style-type: none"> • Max 3 TUPs per year • Max 75 goats per acre • Secured enclosure, water, shade • 24 hr. monitoring, & daily cleaning 	Temporary Use in all zones
Notes: ¹ Zones where use is currently allowed, subject to existing restrictions				

Modify Use 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 and goat grazing can occur. In the Amendment, the Tables are updated to reflect the changes discussed above in this staff report.

Address Planning Commission Comments

Clarify where Rabbits & Pot-Bellied Pigs are Allowed

The Planning Commission expressed concerns that the proposed Amendment would prohibit residents from having a rabbit as a pet. To address this, the Commission requested that the proposed Code amendment allow keeping of rabbits in any single-family residential zone similar to pot-bellied pigs.

The proposed Amendment has been revised since the Planning Commission hearing to allow rabbits in any single-family residential zone with no lot size restriction. Except for the RR, RA-5 and RC zones, which currently allow for rabbits, the proposed Amendment would permit no more than two rabbits on any lot, provided the rabbits are kept at least 25 feet from a residential structure on an adjacent property.

Foster Animals

The Planning Commission requested revisions to the proposed amendment to allow fostering of animals, which is not addressed in Title 19 – Zoning or Title 8 – Animals. Fostering typically involves the temporary keeping of animals that need extra care or training, socialization or have medical needs. The duration of the fostering care can be as little as a week, or up to several months, depending on the animal's needs. Fostering organizations match animals with the best foster home possible to prepare animals for adoption. These organizations require an application, approval process and agreement.

The proposed Amendment defines animal fostering as the temporary care of animals up to 6 months in any consecutive 18 month period. The maximum number of animals otherwise allowed on the lot can be exceeded by one to accommodate fostering. The proposed Amendment also requires a written agreement between the fostering individual and the fostering organization which is also defined.

Consider Virulent Newcastle Disease

The proposed Amendment is based on land use considerations and trends. Since preparing the Planning Commission staff report, outbreaks of Virulent Newcastle Disease in Southern California has become a significant issue. This highly contagious viral disease affects birds and poultry. The disease has a near 100% mortality rate in unvaccinated poultry, and is fatal within a few days of infection. Affected poultry are carriers of the virus, but may not show signs of illness. An outbreak of Newcastle Disease in 2002 ultimately led to more than three million (3,000,000) commercial hens being euthanized.

The California Department of Food and Agriculture has established quarantines in areas where Virulent Newcastle Disease is discovered, and sick birds are euthanized. In certain

circumstances, the State may euthanize all birds in a quarantine area, regardless of whether they are showing symptoms (Attachment 4).

At least five (5) commercial poultry facilities in Riverside County, and flocks in San Bernardino County, have been impacted by the disease. Coops in residential neighborhoods in Southern California, including the City of Riverside, have also been impacted. The full extent of the outbreak has not yet been realized, and the number of infected birds is expected to grow. State agriculture officials believe backyard coops and the relocation of infected residential chickens have contributed to the spread of the disease.

The proposed Amendment, as recommended by the Planning Commission, allows poultry in all residential zones based on development standards.

The Public Works Director concurs with the recommendations in this staff report.

FISCAL IMPACT:

There is no fiscal impact associated with the adoption of the proposed Amendment as all costs for keeping of animals is the responsibility of the animal owner.

Prepared by:	David Welch, Community & Economic Development Director
Certified as to availability of funds:	Edward Enriquez, Chief Financial Officer/City Treasurer
Approved by:	Rafael Guzman, Assistant City Manager
Approved as to form:	Gary G. Geuss, City Attorney

Attachments:

1. Proposed Ordinance
2. City Planning Commission Report – February 21, 2019
3. Planning Commission Minutes
4. California Department of Food and Agriculture News Advisory – February 27, 2019
5. Presentation