



City of Arts & Innovation

Utility Services/Land Use/ Energy Development Committee Memorandum

TO: UTILITY SERVICES / LAND USE / ENERGY DEVELOPMENT COMMITTEE MEMBERS DATE: MAY 8, 2017

FROM: COMMUNITY & ECONOMIC DEVELOPMENT AND PUBLIC WORKS WARDS: ALL

SUBJECT: WORKSHOP ON ANIMAL KEEPING REGULATIONS

ISSUE:

To obtain direction on potential changes to the animal keeping regulations within Titles 8 (Animals) and 19 (Zoning) of the Municipal Code, specifically related to bees, dogs, cats, chickens, rabbits, and racing pigeons.

RECOMMENDATION:

That the Utility Services/Land Use/Energy Development Committee:

1. Receive a staff report on existing Municipal Code regulations, pertaining to the keeping of animals, specifically related to bees, dogs, cats, chickens, rabbits and racing pigeons;
2. Provide staff direction on potential new or modified regulations pertaining to the keeping and retail sales of animals; and
3. Recommend that the City Council consider amendments to Titles 8 and 19 of the Municipal Code pertaining to regulations for the keeping and sale of animals.

PLANNING COMMISSION RECOMMENDATION:

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 code definitions of “animal, domestic” and “animal, non-domestic”. The Planning Commission expressed a view that the keeping of non-domestic animals is more of an agricultural activity, and therefore should be located on larger lots.

Currently only three of the City’s residential zones allow the keeping of non-domestic animals; and these zones are generally comprised of larger lots in rural or agricultural environments. These include the Rural Residential Zone (RR), Residential Agricultural Zone (RA-5), and Residential Conservation Zone (RC). The remaining residential zones only allow domestic animal keeping. These zones include the Residential Estate Zone (RE) and the Single-family Residential Zones (R1), which consists of lot sizes ranging from 7,000 square feet

to one-half acre. The exception to this are properties subject to a Residential Livestock Overlay (RL) zone, which would allow for the keeping of horses, cows, goats, and pigs. The intent of the RL overlay zone was to allow the continued keeping of livestock where it is already prevalent.

A summary of comments provided by the Planning Commission are as follows:

1. Dog breeder licensing should be required to ensure humane breeding conditions.
2. Pet foster/rescuer guidelines should be established.
3. Non-domestic animals should only be permitted in RR, RA-5, and RC zones.
4. Quantities of non-domestic animals should be established corresponding to lot size.
5. Beekeeping should continue to only be permitted in RR, RA-5, and RC zones. In addition, a permit should be required, the number of hives should be limited, and there should be a process required to notify nearby properties.
6. Racing pigeons should not be permitted in RE and R1 zones.
7. Chickens should not be permitted in RE and R1 zones.
8. Rabbits should be considered as domestic animals, but the quantity of rabbits permitted should be limited based on lot size.

BACKGROUND:

The City of Riverside regulates the keeping of animals in Riverside Municipal Code (RMC) Title 19 (Zoning) and Title 8 (Animals). The Community and Economic Development's Planning Division oversees Title 19 which is principally focused on land use compatibilities. Title 8 is overseen by the Public Works Department, and is primarily concerned with animal well-being.

Regulations within Title 19 currently contain inconsistencies and ambiguities. There are also inconsistencies between Title 19 and Title 8. Furthermore, there is public interest in amending Title 19 to accommodate trends related to "urban agriculture" and preventing the inhumane treatment of animals by commercial breeders and retail outlets. The Public Works Department has also received feedback related to existing Title 8 regulations, specifically related to kennels and catteries.

DISCUSSION:

A comprehensive update to the City's animal keeping regulations is needed to resolve inconsistencies in the Municipal Code and bring it in line with the expectations of the Riverside community.

Staff is requesting direction from the Utility Services/Land Use/Energy Development Committee on the revisions that should be included in a draft ordinance. Staff will conduct community outreach on any proposed amendments to the animal keeping regulations after receiving direction from Utility Services/Land Use/Energy Development Committee.

The following discussion points relate to regulations for each of the specific animal types identified in the Municipal Code.

Dogs and Cats

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, there are no maximums number of animals identified within the residential and commercial cattery/kennel definitions. Staff is seeking direction on the appropriate number of animals that should be allowed in catteries and kennels. Attachment 3 provides an analysis of jurisdictions that have adopted cattery/kennel permits in comparison to the City of Riverside.

Staff is seeking direction on whether the retail sale of cats and dogs should be restricted. Reducing the amount of animals in animal shelters and preventing inhumane breeding conditions has been addressed by other jurisdictions by prohibiting or limiting retail sales of dogs, cats, and rabbits.

Bees

Currently in Title 19, the keeping of bees is only allowed in the RR, RA-5, and RC zoning districts. Title 8 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. Staff is seek direction as to whether beekeeping should be allowed in the RE and R1 zones.

Racing Pigeons

Racing pigeons, sometimes referred to as homing pigeons, are kept, trained and used for competition races, where they are released from a single location to race home. While pigeons are explicitly prohibited in the Multiple-Family Residential Zones (R-3) and (R-4) zones, their permissibility is not clearly stated for other residential zones. The City has made two Zoning Code interpretations that have established racing pigeons as non-domestic animals, thereby they are only allowed in RR, RA-5, and RC residential zones, and are not restricted by setbacks or quantity restrictions. Staff is seeking direction as to whether racing pigeons should be permitted in RE and R1 zones, and whether setbacks, structure size requirements and quantity restrictions should be established.

Chickens

Chickens are only permitted in the RR, RA-5, and RC zones, with the maximum number allowed determined by setbacks. In addition, the RR zone further requires a minimum lot size of 20,000 square feet and prohibits crowing fowl including roosters. 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
---------------------	-------------------	-----	-----	-----

Staff is seeking direction as to whether chickens should be permitted in RE and R1 zones, and whether, structure size requirements and quantity restrictions should be established.

Rabbits

Rabbits are referred to as both domestic and nondomestic animals in different sections of the Title 19. The definition of “Animal, domestic” in Title 19 explicitly identifies rabbits as being domestic, and therefore are not restricted in quantity or by setback requirements. However, in the Animal Keeping section of Title 19, rabbits are identified as non-domestic, and thereby restricted in number and by setback requirements. In addition, the keeping of rabbits in the R-3 and R-4 zones is expressly prohibited. 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

Staff is seeking direction as to whether rabbits should be considered domestic or non-domestic animals, and whether they should be restricted by setback requirements and quantity restrictions.

FISCAL IMPACT:

There is no fiscal impact to the General Fund.

Prepared by: Rafael Guzman, Community & Economic Development Director, and
Kris Martinez, Public Works Director

Certified as to
availability of funds: Scott G. Miller, PhD, Chief Financial Officer/City Treasurer

Approved by: Al Zelinka, FAICP, Assistant City Manager

Approved as to form: Gary G. Geuss, City Attorney

Attachment:

1. Planning Commission Workshop Staff Report
2. Planning Commission Workshop Presentation
3. Comparison of Kennel/Cattery Ordinances
4. Bees: Comparison of City Regulations
5. Racing Pigeons: Comparison of City Regulations
6. Chickens: Existing Code
7. Chickens: Comparison of City Regulations
8. Rabbits: Existing Code
9. Utility Services/Land Use/Energy Development Committee Presentation