



## Legislation Text

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**File #:** 13-426, **Version:** 1

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Staff Report for an Ordinance Repealing Title 3, Chapter 3-5 of the San Leandro Municipal Code Relating to Animals; Amending Title 4, Section 4-11-1000; and Enacting Title 4, Chapter 4-11, Articles 11-15; and a Resolution Amending the Master Fee Schedule to Add Fees Relating to Animal Permits

### **SUMMARY AND RECOMMENDATIONS**

In December 2012, an informational staff report was presented to the City Council Rules Committee (attached). Based on recommendations from the Rules Committee, staff has held a public meeting to obtain additional input, and has drafted an ordinance to allow for the following:

1. Four chickens may be kept without a permit on parcels larger than an area specified in the Municipal Code.
  - a. City Council Rules Committee recommends: 4,500 sq. ft.
  - b. Staff recommends: 6,000 sq. ft.
2. Chickens may be kept on smaller parcels with an animal permit.
3. Ten-chicken maximum on any parcel.
4. Animal permit required for animals exceeding Municipal Code limits.
5. Beekeeping allowed with permit on parcels which are 6,000 sq. ft. or larger.
6. Establish appropriate permit fees.
7. Conduct a review of the ordinance after one full year of implementation.

Staff recommends the City Council:

1. Determine the appropriate square footage requirement for the keeping of four chickens by right.
2. Adopt the proposed ordinance.
3. Adopt the proposed fees for animal permits, beekeeping permits, and renewals.

### **BACKGROUND**

Current regulations do not allow for the keeping of chickens or bees in a residential district. In 2011, the City Council directed staff to research and develop regulations to allow for chickens and bees in residential districts. The proposed ordinance is a result of extensive research on chickens and bees, public and council input, and reviewing policies of other cities.

### **Analysis**

Staff has worked with community members and the City Attorney's Office to develop regulations that balance the desire of some residents to raise chickens and bees with the ability to regulate these activities and ensure public health and safety. The following revisions are being proposed to the current ordinance:

**4-11-1100:** Adds exemptions for animals kept for research or teaching, veterinarians, animal husbandry and pet shops.

**4-11-1105:** Updated to allow continued animal husbandry in the RO (Residential Outer) district in compliance with current Zoning Code regulations.

**4-11-1110:** Establishes minimum housing and care requirements for animals.

**4-11-1200:** Allows for up to four chickens on parcels with an area of \*\* or greater without an animal permit. Chickens may be kept on smaller parcels with an animal permit.

**\*\* Council Considerations:**

1. City Council Rules Committee recommends allowing chickens on parcels of 4,500 sq. ft. or larger without a permit.
2. Staff recommends allowing chickens on parcels of 6,000 sq. ft. or larger without a permit.

The City Council Rules Committee requested a parcel map outlining citywide property lot size, which is attached to this report. Staff took into consideration public input from residents who shared significant concerns about the negative impact chickens could impose on neighbors. Most of the concerns are related to noise, rodents, odor and the ability to conduct enforcement.

In determining the appropriate lot size for keeping up to four chickens without a permit, staff considered the potential impact on adjoining neighbors. Staff determined enforcement would be difficult on a noise complaint of up to four chickens, on any property that was given a property right to have same, absent the permit. For example, if a 4,500 sf. property is entitled to have 4 chickens without a permit received a noise complaint, since they are entitled to up to four chickens, and chickens can be noisy, there would be no enforcement recourse. To balance the community concern on noise and odor chickens create and to allow for individual evaluation of the ability of smaller lots to meet the adequate care, fencing and housing requirements, staff believes that a 6,000 square-foot minimum strikes a balance, since the smaller the lot size, the closer in proximity chickens and coops would be to neighbors.

**4-11-1305:** Sets forth regulations for an animal permit to allow for keeping of animals in a manner that would otherwise exceed the limits set forth in the Municipal Code. Prior to issuing an animal permit, Animal Control shall conduct an inspection to determine adequate care, fencing and housing. This section also regulates a mediation process for nuisance complaints as well as, outlines a permit renewal and inspection process.

**4-11-1400/4-11-1405:** Allows for beekeeping on lots that are 6,000 square feet or larger, with hives situated more than 50 feet from any existing dwelling, along with other requirements.

**4-11-1500:** Provides for an appeal process to the City Manager.

**4-11-1505:** Allows Animal Control Director to formulate consistent rules to carry out the intent of this chapter.

### **Previous Actions**

In 2012, the City Council Rules Committee directed staff to bring back a draft ordinance to City Council with recommendations to:

1. Conduct a public workshop
2. Allow up to four chickens on properties of 4,500 sq. ft. or larger
3. Eliminate neighbor approval for beekeeping permits
4. Provide for liberal setbacks from adjoining properties

In March 2013, staff conducted a public outreach meeting. Public comments are summarized, attached, and were taken into consideration when developing the final proposed ordinance.

### **Summary of Public Outreach Efforts**

At the March 2013 community meeting held by staff, community letters/emails, and significant public comments were provided in response to the City Council discussion. Many commenters were supportive of allowing chickens and bees. Those that did not support the regulations cited concerns about noise, odor and the attraction of pests such as rodents and flies. Staff also received numerous inquiries from hobby beekeepers and others interested in various kinds of urban agriculture.

### **Fiscal Impact**

There is no significant fiscal impact associated with this item. Permitting fees associated with this regulation allows for partial cost recovery. In developing the proposed fees, staff examined similar City permit processes. The animal permit application process will be streamlined and can be accepted online. Once staff determines the permit meets the standards of the Municipal Code, a permit will be issued and mailed to the applicant. Staff considered processing time, postage and other costs in determining the recommended fee and permitting process for each new permit. Permits are renewed every two years.

The proposed fee for the animal permit is:

### **PROPOSED FEES FOR ANIMAL PERMITS**

<u>Permit</u>	<u>Fee</u>
Animal Permit (New-Includes changes to permit)	\$15.00
Animal Permit (Renewal)	\$15.00
Beekeeping (New)	\$15.00
Beekeeping (Renewal)	\$15.00

### **ATTACHMENTS**

1. Summary of Chicken and Bee regulations in Alameda County
2. Staff report to City Council Rules Committee dated 12/3/12

3. Summary of comments from March 2013 community meeting
4. Fee calculation sheet and fee comparison
5. Parcel map and legend for lot sizes broken down by:
  - a. 6,000 sq. ft. or greater
  - b. 5,000-5,999 sq. ft.
  - c. 4,500-4999 sq. ft.
  - d. Less than 4,500 sq. ft.

**PREPARED BY:** Sandra Spagnoli, Police Chief