



MEMORANDUM

City of Angels City Council

Date: August 6, 2024

To: City of Angels City Council

From: Amy Augustine, City Planner

RE: Introduce, Waive first Reading, Hold a Public Hearing, and set August 20, 2024, to consider Ordinance 541 adopting changes to the Angels Municipal Code regarding small and large animal keeping including increasing the number of fowl allowed per parcel, requiring fowl to be kept in adequately sized coops, requiring 10-foot setbacks from property lines for coops, prohibiting roosters, eliminating permit requirements, and maintaining fowl in a clean and healthy environment. Changes will amend portions of Section 17.09.010 (Definitions), 1.17.170 (Public nuisance), add a new Section 17.06.220 addressing small and large animal keeping and delete portions of existing code sections previously referencing the use (17.18.030 K., L.; 17.13.020 C; 17.13.030 D, and 17.15.020 C&D)

Recommendation:

Introduce, Waive first Reading, Hold a Public Hearing, and set August 20, 2024, to consider Ordinance 541 adopting changes to the Angels Municipal Code regarding small and large animal keeping including increasing the number of fowl allowed per parcel, requiring fowl to be kept in adequately sized coops, requiring 10-foot setbacks from property lines for coops, prohibiting roosters, eliminating permit requirements, and maintaining fowl in a clean and healthy environment. Changes will amend portions of Section 17.09.010 (Definitions), 1.17.170 (Public nuisance), add a new Section 17.06.220 addressing small and large animal keeping and delete portions of existing code sections previously referencing the use (17.18.030 K., L.; 17.13.020 C; 17.13.030 D, and 17.15.020 C&D)

The City Council may:

- A. Adopt the Ordinance as originally written (**Attachment A**)
- B. Adopt the Ordinance as amended by the Planning Commission (**Attachment B**)
- C. Adopt the Ordinance with a combination of provisions in both **Attachment A** and **Attachment B**
- D. Adopt the ordinance with minor revisions to either or both **Attachment A** or **B**; or
- E. Return the Ordinance to staff for additional review and evaluation

The primary outstanding issue for resolution between the Planning Commission recommendations and the City Council original proposal is:

- Establishing a minimum parcel size in the City to allow 12 chickens (one small non-hoofed animal unit):

The two options proposed are:

1. No minimum parcel size up to 0.5 acre or
2. Variable minimums for smaller parcel sizes below 0.5 acre

Planning staff suggests a third option:

3. Consider allowing small or large animal keeping only on lots that are legal conforming lots as to minimum parcel size for the applicable zoning district (i.e., an R-1 zoned lot of 7,260± square feet or larger is permitted to maintain 12 chickens; while a legal **non-conforming** lot of less than 7,260± square feet would be allowed to maintain fewer chickens). There are numerous historical lots citywide well below legal conforming size. For example, there are numerous parcels in “The Annex” of 4,000± square feet instead of 7,260 square feet as required for an R-1 zoned lot (i.e., legal **nonconforming** lots)

Background:

The City of Angels adopted Ordinance 511 on September 21, 2021. This ordinance introduced the concept of small and large Animal Keeping on small residential lots. The small lot animal-keeping provisions of Ordinance 511 were introduced as a temporary provision to facilitate chicken-keeping during the pandemic with the staff report for Ordinance 511 focusing on small-lot animal keeping. The staff recommendation at that time called for adopting a refined ordinance at a future date.

In response to public input at the April 16, 2024, City Council meeting; the City Council discussed amendments to the small-lot animal keeping code provisions focusing on chickens and fowl. The Council reviewed staff recommendations at its May 7, 2024, and June 4, 2024, meetings (**Attachment A**). Staff was directed to incorporate the following code revisions:

- Allow 12-15 chickens per parcel
- Require chickens to be kept in adequately sized coops
- Require at least 10-foot setbacks from property lines for coops
- Prohibit roosters
- Maintain fowl in a clean and healthy environment

On July 11, 2024, the City of Angels Planning Commission considered the draft code amendments incorporating the preceding and introduced to the City Council (**Attachment A**). The Commission made recommended changes to the proposed ordinance (**Attachment B**) related to:

- A. Density and intensity standards for small animal keeping (i.e., recommending fewer small animals on the smallest City parcels with increased numbers of small animals on larger parcels compared to the proposed changes brought before City Council);
- B. Recommended that small animal keeping in Medium-Density Residential (R-2) and Multiple-Family Residential (R-3) zoning districts, normally associated with apartments (recommending that small-animal keeping not be allowed in those districts or allowed only in common areas); and
- C. That *hoofed* animals raised for a recognized youth educational program be limited to parcels one acre or larger in the City (non-hoofed would be regulated as per city code)

Please refer to the Analysis and Discussion section for issues raised by the Planning Commissioners. Planning Commission recommendations were passed on a vote of 4-0 (one absence) pursuant to Resolution of Intent 24-010 (**Attachment B**).

Strategic Plan Alignment

Conservation and Open Space. *Protect the health and safety of people and property in the city from natural and man-made hazards.* Animal-keeping ultimately comes down to maintaining animals in a manner that does not create a public nuisance (i.e., health hazard) and neighborhood disruptions.

Discussion/Analysis

Based on public input and staff direction from Council, attached Draft Code revisions (**Attachment A**) were provided for input and further direction from the Planning Commission (**Attachment B**).

Planning Commission discussions focused on

- A. Density and intensity standards for small animal-keeping. Several commissioners expressed concerns that increasing the density of small animals on the smallest city parcels would result in conflicts with neighbors including attracting snakes, rats, racoons, insects, and smells resulting in extensive code complaints and potentially conflicting with Angels Municipal Code requirements that the following finding be made in conjunction with code revisions: **The proposed changes or amendments will not be substantially detrimental to the health, safety, or general welfare of the City.**

Ultimately, the commissioners concluded that the density and intensity standards in **Table 1** coupled with the code provisions making violations a public nuisance would support a finding that the proposed changes or amendments would not be substantially detrimental to the health, safety, or general welfare of the city.

To assist the council in evaluating the differing recommendations for proposed density and intensity standards; the standards in the existing code, draft code presented to council, and Planning Commission recommendations are presented in **Table 1**.

As reference, the Single-Family Residential zoning district allows parcel sizes of 7,260 square foot minimums (i.e., 0.16 acre) with numerous legal nonconforming (existing, historic) lots averaging 4,300 square feet (0.10 acre or less).

As guidance, a review of several references¹ indicates that minimum square footage per chicken varies extensively with the size and type of chicken (e.g., heavy, light, bantam), age (1 day to 21 weeks+), and type of housing (e.g., confined, caged, or free range). A relatively generous minimum size per chicken averages 10± square feet per chicken (light breeds, confined housing—generally with a run) to 75± square feet per chicken (light breeds, caged without a run) plus space for feeders, waterers, and related². These sizes are recommended to encourage ventilation, reduce respiratory illnesses, reduce fighting, and properly manage litter. Because the proposed code requires chickens to be confined, space needs for free range chickens (2-4± square feet per chicken) are not included.

Others recommend 10 square feet for meat chickens and 15 square feet per chicken for layers. Still others recommend 4 square feet for the coop plus 10 square feet per chicken for a run (14± square feet per chicken).

Based on the preceding, an estimated “generous” minimum space calculation for 12 fully grown chickens (light breeds, confined or caged) varies between 120±/150± (with runs) and 900± (cage only) square feet plus area for feeders, waterers and related. Therefore, a generous

¹ Storey’s Guide to Raising Chickens 4th Edition. 2017; Guide to Backyard Chickens, Grit Country Skills Series (Spring 2024)

² Storey’s Guide to Raising Chickens, 4th Ed. 2017 Page 71.

“minimum” estimate would vary between 200± square feet and 1,000± square feet to keep 12 healthy chickens.

1.0 acre = 43,560 square feet.

0.75 acre = 32,670 square feet

0.50 acre = 21,780 square feet

0.25 acre = 10,890 square feet

R-1 zoning district = 7,260 square feet (0.16 acre minimum). However, there are numerous legal nonconforming lots throughout the City that are in the range of 4,000± square feet (0.10 acre). Special provisions for affordable housing further allow for parcels of 3,000 square feet (0.07 acre) in the R-1 zoning district.

Table 1: Comparison of Animal Keeping Density and Intensity based on parcel sizes

One small non hoofed animal unit = twelve poultry, twelve rabbits, or any combination of poultry and rabbits totaling twelve individual animals.

One small hoofed animal unit = two sheep or two goats.

Minimum parcel size (gross)	Maximum Allowable Livestock Units			
	Existing Code	Proposed Code as presented to Council	Planning Commission Recommendations	Staff suggestion for consideration
Legal non-conforming lot size for zoning district (e.g., 4,000 square foot lot in the R-1 zone)	See below	See below	See below	Legal non-conforming lot size: lot size as a percentage of total minimum lot size (e.g., 4,000 square foot lot in district requiring 7,260 square feet = 55%. 1 small animal unit (12 chickens) X 55% = 6.6 = 7 chickens)
Up to 0.25 acre	See below	See below	¼ small non-hoofed animal unit (e.g., 3 chickens)	See below
0.26 to 0.49 acre	See below	See below	½ small non-hoofed animal unit (e.g., 6 chickens)	See below
Up to 0.49 acre	¼ small non-hoofed animal unit (e.g., 3 chickens, or 2 chickens and one rabbit, or 2 rabbits and one chicken, or 3 rabbits)	See below	See above	See below
0.5 to 0.74 acre	½ small non-hoofed animal unit	See below	See below	See below
Up to 0.75 acre	See above	1 small non-hoofed animal unit (e.g., 12 chickens, or 6 chickens and 6 rabbits)	See below	1 small non-hoofed animal unit (e.g., 12 chickens, or 6 chickens and 6 rabbits) where legally conforming as to lot size
0.5 to 0.99 acre			1 small non-hoofed animal unit (e.g., 12 chickens, or 6 chickens and six rabbits)	
0.75 to 0.99 acre	¼ small non-hoofed animal unit OR one small hoofed animal unit	1 small non-hoofed animal unit OR one small hoofed animal	See above	1 small non-hoofed animal unit OR one small hoofed animal where legally conforming as to lot size
1 acre and above	1 small hoofed animal unit per 1 acre PLUS 1 small non hoofed animal unit per 1 acre	1 small hoofed animal unit per 1 acre PLUS 1 small non hoofed animal unit per 1 acre	1 small hoofed animal unit per 1 acre PLUS 1 small non hoofed animal unit per 1 acre	1 small hoofed animal unit per 1 acre PLUS 1 small non hoofed animal unit per 1 acre

As

illustrated in the preceding table, the primary difference between the City Council and Planning Commission codes is:

How many small non-hoofed animal units to allow on parcels of less than one-half acre in the city limits?

The City Council drafted ordinance proposes 1 small-non-hoofed animal units (12 chickens) on any size parcel up to 0.75 acre.

The Planning Commission recommendations propose 1 small non-hoofed animal unit (12 chickens) only on parcels 0.5 acre or larger (with smaller numbers of chickens allowed on smaller parcels).

- B. Medium and High Density Residential Districts. Given the density of multi-family residential zoning districts and the use of such zoning districts for apartments; the Commission recommended that small animal keeping in Medium-Density Residential (R-2) and Multiple-Family Residential (R-3) zoning districts, not be allowed in those districts or be limited only to common areas.
- C. Youth education programs. Commissioners that had participated in youth education programs themselves, or had children who are or had participated in similar programs; noted that these programs partner with ranches and participants normally raise their hoofed animals (e.g., cattle, pigs, goats etc.) in a ranch setting on large acreage parcels and that it was not necessary to allow that activity on parcels of less than one acre in the city limits. Therefore, the Planning Commission recommends that *hoofed* animals raised for a recognized youth educational program be limited to parcels one acre or larger in the City to support a finding that the proposed changes or amendments would not be substantially detrimental to the health, safety, or general welfare of the city:

Pursuant to Angels Municipal Code (AMC) Section 17.90.040, the following findings are required for code amendments:

Finding A: The proposal conforms with the City's General Plan and Municipal Code

The proposed amendments will implement the following general plan goal, policies and programs:

Goal 4.E Reduce conflicts between urban and agricultural uses.

Policy

4.E.1 Recognize that agricultural uses are important to the economy and character of the region and that existing agricultural uses should be protected from potential land use conflicts with nearby urban uses.

4.E.c Update Title 17 of the City of Angels Municipal Code to Address Farm Animals in Urban Areas

Coordinate with the local farm bureau, 4-H and other stakeholders to update Title 17 of the City of Angels Municipal Code to establish parameters for keeping farm animals (e.g., livestock, poultry) in urban areas. Updates should address minimum parcel sizes appropriate for maintaining farm animals and standards for maintaining farm animals consistent with community health. Consideration should be given to the use of some farm animals in vegetation management and fire protection (e.g., through grazing).

The proposed revisions will implement these general plan goals, policies and programs by establishing requirements to allow for small and large animal keeping while reducing the likelihood of creating a public nuisance. Therefore, the proposed changes are consistent with the general plan and the municipal code.

Finding B: The proposed changes or amendments will not be substantially detrimental to the health, safety, or general welfare of the City.

The primary purpose of the proposed code amendment is to ensure that small and large animal keeping does not create a public nuisance. Therefore, the changes will not be substantially detrimental to the health, safety, or general welfare of the City, but rather will protect the general health, safety, and general welfare of the city.

Based on the preceding, the proposed code amendments are consistent with this finding.

ENVIRONMENTAL FINDINGS

Pursuant to the state and City guidelines for implementing the California Environmental Quality Act (CEQA), the proposed code amendments are Categorically exempt from further review pursuant to Section 15304, Class 4 (Minor Alterations to Land) and involve only minor conversions or alterations of land to allow for animal keeping and because the proposed amendments implement a program identified within the scope of the 2020 General Plan Environmental Impact Report adopted for the 2020 General Plan.

Financial Impact

Council directed that a permitting or registration system for small-animal keeping not be used because insufficient staff exists to properly manage a licensing/ administrative use permit/registration pathway. The proposed amendments exclude such provisions.

Attachments

Attachment A – City Council Draft Ordinance

Attachment B -- Planning Commission Resolution of Intent 24-010 with proposed Planning Commission Changes

Attachment C – Ordinance 541