

ORDINANCE NO. 851

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA, CALIFORNIA, APPROVING ZONING TEXT AMENDMENT 2023-04 AMENDING LOMITA MUNICIPAL CODE TITLE XI (PLANNING AND ZONING), CHAPTER 1 (ZONING), ARTICLE 30 (RESIDENTIAL ZONES) TO UPDATE REGULATIONS REGARDING THE KEEPING OF HEN CHICKENS WITHIN THE A-1 (AGRICULTURE, NONCOMMERCIAL) AND R-1 (SINGLE-FAMILY RESIDENTIAL) ZONES AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 1. Recitals

- A. Chapter 1 of Title XI of the Lomita Municipal Code establishes allowable uses, definitions, and development standards of properties within all zoning districts in the city.
- B. The proposed zoning text amendment 2023-04 is an update to the Lomita Municipal Code to allow for the keeping of a limited number of hen chickens consistently in both zoning districts allowing for single-family residential, while protecting the public interest.
- C. On April 10, 2023, the Planning Commission held a duly noticed public hearing on Zone Text Amendment No. 2023-01 (initiated by the City of Lomita), where public testimony was accepted on the item and after deliberations the Planning Commission recommended that the City Council approve the requested Zoning Text Amendment.
- D. On May 2, 2023, the City Council considered Zoning Text Amendment No. 2023-03 to amend Lomita's Municipal Code Title XI ("Planning and Zoning") Chapter 1 (Zoning), Article 68 (Special Development Standards), Section 11-1.68.06 (Outdoor Dining) to update outdoor dining regulations, and held a duly noticed public hearing and accepted testimony in regard to the same.

Section 2. General Plan

This Ordinance's amendments to Title XI of the Lomita Municipal Code are consistent with, and in furtherance of, the City's adopted General Plan as they effectuate the following Policies of the General Plan:

- A. Land Use Policy 1 which provides that the City will promote the use of buffers and other development standards between more intensive land uses to protect established residential neighborhoods from noise, light and glare, and other adverse impacts typically associated with non-residential development;

Ordinance No. 851

Page 2 of 5

B. Land Use Policy 10 which provides that the City will promote the improvement of aesthetic and visual qualities of the community by implementing development standards for private improvements;

C. Land Use Policy 12 which provides that the City will periodically update the zoning ordinance critical to the Land Use Element's implementation;

D. Land Use Policy 13 which provides that the City will work to manage growth and development in the city consistent with historic development trends in the city;

E. Noise Policy 3 which provides that the City will adhere to regulations concerning noise control and mitigation of outdoor noise in residential developments;

F. Noise Policy 6 which provides that the City will seek to reduce unnecessary noise near noise sensitive areas;

G. Noise Policy 7 which provides that the City will continue to monitor noise throughout Lomita and enforce the standards and regulations of the City's Noise Control Ordinance;

H. Noise Policy 8 which provides that the City will continue to review its policies and regulations regarding noise control and abatement;

I. Housing Element Policy 2.2 which provides that the City will support periodic review and modifications to City ordinances intended to address a variety of housing types;

J. Housing Element Policy 4.1 which provides that the City will continue to promote equitable and fair housing opportunities for all persons.

Section 3. Environmental Review

The Recitals above are true and correct and are hereby adopted as findings as if fully set forth herein.

The City Council finds that adoption of this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) because the actions identified in the ordinance are limited to allowing by right certain backyard chickens in a residential zone. The program would result in a negligible expansion of residential uses. Alternatively, the adoption of this ordinance is exempt from CEQA because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3).)

Ordinance No. 851

Page 3 of 5

THE CITY COUNCIL OF THE CITY OF LOMITA HEREBY ORDAINS AS FOLLOWS:**Section 4. Zoning Amendments**

Based on the foregoing, the City Council hereby approves of the following amendments to the Lomita Municipal Code:

A. The definition for “farm pet” provided in Article 15 (“Definitions”) of Title XI of the Lomita Municipal Code is hereby amended to read as follows:

“Farm pet shall mean hen chickens, donkeys, ducks, geese, goats, horses, mules, sheep, turkeys and such other similar animals which in the opinion of the Lomita Planning Commission are neither more obnoxious nor detrimental to the public welfare than the animals enumerated above.”

B. Section 11-1.30.01 (“Uses”) of Article 30 (“Residential Zones”) of Chapter 1 (“Zoning”) of Title XI of the Lomita Municipal Code is hereby amended to insert regulations for a new use as follows:

Use	Zone			Supplemental Requirements
	A-1	R-1	RVD	
Hens (female chickens)	P	P		Section 11-1.30.08

C. Section 11-1.30.08 (“Pets—Household and farm”) of Article 30 (“Residential Zones”) of Chapter 1 (“Zoning”) of Title XI of the Lomita Municipal Code is hereby amended in its entirety to read as follows:

“Sec. 11-1.30.08. Pets—Household and farm.

(A) Household pets are permitted in all residential zones provided that the number does not exceed three (3) dogs or cats over the age of six (6) months.

(B) Roosters (male chickens) are not permitted on any residential property.

(C) Hens (female chickens) are permitted within the A-1 and R-1 Zones subject to the following:

(1) A maximum of five (5) hens plus offspring under three (3) months of age may be permitted on one lot.

(2) Any hen shall be provided with proper shelter and protection from the weather at all times, subject to the following requirements:

(a) The coop shall be structurally sound and shall be maintained in good repair and maintained in a sanitary condition, to protect the

Ordinance No. 851

Page 4 of 5

animals from injury or illness, to contain the animals, and to restrict the entrance of other animals.

(b) The coop shall be constructed of material easily cleaned and shall be kept in a sanitary condition. The structure shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required, according to the physical need of the animals, with sufficient light to allow observation of animals and sanitation.

(c) The coop floor area shall include a minimum of ten (10) square feet per hen over three (3) months of age and a maximum of one-hundred (100) square feet in total.

(d) The coop shall only be located within the rear yard.

(e) The coop shall be located at least five (5) feet from any property line.

(f) The coop shall be located at least five (5) feet from any residential building used for the habitation of human beings.

(g) The coop shall be located at least thirty-five (35) feet from any public street curb.

(h) The coop shall be located at least fifty (50) feet from any lot located within a commercial zone or a lot containing a hospital or a school.

(i) The coop shall be no taller than eight (8) feet from ground level.

(D) All other farm pets are permitted in the A-1 Zone subject to the following:

(1) A minimum lot size of nine thousand five hundred (9,500) square feet.

(2) Each horse, mule, or donkey shall have a minimum enclosed area of five hundred (500) square feet for the first such animal and three hundred (300) square feet for each additional animal.

(3) Farm pets shall be kept a minimum distance of fifty (50) feet from any lot located within a commercial zone or a lot containing a hospital or a school.

(4) A maximum of three (3) horses, mules, donkeys, or any combination thereof may be permitted on one lot.

(5) The total number of farm pets shall not exceed twelve (12) on one lot."

Section 5.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or any part hereof is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this ordinance or any part thereof. The City Council of the City of Lomita hereby declares that it would have passed each section,

Ordinance No. 851

Page 5 of 5

subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.

Section 6. Effective Date

This ordinance shall take effect thirty (30) days after the date of its passage; and prior to fifteen (15) days after its passage, the City Clerk shall cause a copy of this ordinance to be published in accordance with the provisions of the law. The City Clerk shall certify the adoption of this ordinance.

PASSED, APPROVED, AND ADOPTED this 16th day of May 2023.

Barry Waite
Barry Waite, Mayor

ATTEST:

Kathleen Horn Gregory
Kathleen Horn Gregory, MMC, City Clerk



APPROVED AS TO FORM:

Trevor Rusin
Trevor Rusin, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF LOMITA)

I, Kathleen Horn Gregory, City Clerk of the City of Lomita, California, do hereby certify that the foregoing Ordinance No. 851 was duly passed, approved, and adopted by the City Council of the City of Lomita at a regular meeting held on May 16, 2023, by the following vote, to wit:

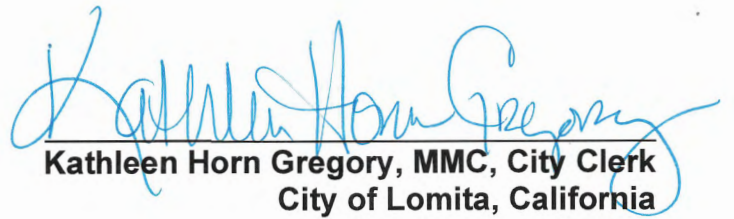
AYES: Council Members: Gazeley, Segawa, Waronek, Mayor Pro Tem Uphoff,
 and Mayor Waite

NOES: None

ABSENT: None

RECUSE: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Lomita, California this 16th day of May 2023.


Kathleen Horn Gregory, MMC, City Clerk
City of Lomita, California