

ORDINANCE NO. 2018-06

URBAN FARM ANIMALS

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance adds Chapter 82-50 to the County Ordinance Code to regulate the raising and keeping of farm animals in residential zoning districts. This ordinance also amends the County Ordinance Code to regulate the keeping of roosters in agricultural zoning districts.

SECTION II. Chapter 82-50 is added to the County Ordinance Code, to read:

Chapter 82-50
URBAN FARM ANIMALS

Article 82-50.2
General

82-50.202 Purpose. The primary purpose of this chapter is to establish regulations for the raising and keeping of farm animals in residential zoning districts. The provisions of this chapter do not apply in any agricultural zoning district. (Ord. 2018-06 § 2).

82-50.204 Definitions. For the purposes of this chapter, the following words and phrases have the following meanings:

- (a) “Apiary” has the meaning set forth in Food and Agricultural Code section 29002.
- (b) “Bird enclosure” means one or more coops, cotes, pens, cages, or other similar enclosures, used to house one or more birds, including pigeons, but not including poultry, fowl, roosters, peacocks, or guinea fowl.
- (c) “Farm animals” means one or more fowl, rabbits, grain-fed rodents, bees, or livestock.
- (d) “Fowl” means one or more domesticated chickens, ducks, geese, turkeys, or similar birds customarily kept for eggs or meat. “Fowl” does not include roosters, peacocks, or guinea fowl.
- (e) “Nucleus hive” means a small beehive of a few thousand bees with a queen, created from a larger hive, and typically kept in a small box or container.

- (f) “Urban farm animal raising and keeping” means the raising or keeping of farm animals in residential zoning districts for non-commercial purposes. (Ord. 2018-06 § 2).

Article 82-50.4
Urban Farm Animal Raising and Keeping

82-50.402 Location requirements. Urban farm animal raising and keeping is allowed on any lot in a single-family residential district (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100), a planned unit (P-1) district for which single-family residential uses are approved, or a two-family residential (D-1) district. (Ord. 2018-06 § 2).

82-50.404 Standards - Small animals.

- (a) The minimum area of a lot on which fowl (except for hens), rabbits, or grain-fed rodents may be raised or kept is 20,000 square feet.
- (b) The maximum number of domesticated female chickens (hens) allowed on a single lot is one hen per 1,000 square feet of lot area.
- (c) No more than an aggregate total of 20 fowl (including hens), rabbits, and grain-fed rodents may be kept on a single lot.
- (d) The maximum height of a chicken coop, rabbit hutch, or similar accessory structure for the housing of small animals is 12 feet.
- (e) Chicken coops, rabbit hutches, and similar accessory structures for the housing of small animals must be set back from property lines by the following distances:

Average Lot Width	Minimum Distance From		
	Front Property Line	Side Property Line	Rear Property Line
Less than 80 feet	50 feet	10 feet	10 feet
80 feet or more, but less than 120 feet	50 feet	25 feet	25 feet
120 feet or more	60 feet	40 feet	40 feet

- (f) Bird enclosures are governed by Article 82-50.6. (Ord. 2018-06 § 2).

82-50.406 Standards - Apiaries.

- (a) The minimum area of a lot on which an apiary may be kept is 6,000 square feet.

- (b) The maximum number of beehives allowed on a single lot, excluding nucleus hives, is determined by lot area, as follows:

Lot Area	Maximum Number of Beehives
6,000 square feet or more, but less than 20,000 square feet	4
20,000 square feet or more, but less than 40,000 square feet	6
40,000 square feet or more	8

- (c) For each beehive kept on a lot in accordance with subsection (b) of this section, one nucleus hive may also be kept on the lot.
- (d) An apiary must be registered and identified in accordance with Article 4 of Chapter 1 of Division 13 of the Food and Agricultural Code.
- (e) A fresh water source for bees must be provided at all times on a lot on which an apiary is located.
- (f) The maximum height of an accessory structure for the housing of beehives is 12 feet.
- (g) Accessory structures for the housing of beehives must be set back from property lines by the following distances:

Average Lot Width	Minimum Distance From		
	Front Property Line	Side Property Line	Rear Property Line
Less than 80 feet	50 feet	15 feet	15 feet
80 feet or more, but less than 120 feet	50 feet	25 feet	25 feet
120 feet or more	60 feet	40 feet	40 feet

- (h) If an accessory structure for the housing of beehives is located less than 25 feet from any property line, the structure must be enclosed by a six-foot tall solid barrier located 10 feet or less from the structure in all directions. (Ord. 2018-06 § 2).

82-50.408 Standards - Livestock.

- (a) The minimum area of a lot on which livestock may be raised or kept is 40,000 square feet. The lot must be contiguous.
- (b) The maximum number of livestock on a single lot is two head of livestock per 40,000 square feet of lot area.
- (c) Barns, stables, and other buildings or structures used to shelter livestock must be set back at least 100 feet from the front property line and all streets, and must be set back at least 50 feet from all side and rear property lines. Fenced pasture, paddocks, or other enclosed livestock areas must be located at least 10 feet from all property lines. (Ord. 2018-06 § 2).

**Article 82-50.6
Bird Enclosures**

82-50.602 Location requirements. A bird enclosure is allowed on any lot in a single-family residential district (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100), a planned unit (P-1) district for which single-family residential uses are approved, or a two-family residential (D-1) district. (Ord. 2018-06 § 2).

82-50.604 Standards.

- (a) The maximum size of a bird enclosure is one square foot per 50 square feet of lot area. A bird enclosure may not exceed 1,600 square feet.
- (b) The maximum height of a bird enclosure is 12 feet.
- (c) A bird enclosure must be set back at least 25 feet from the front property line and all streets, and must be set back at least 10 feet from all side and rear property lines.
- (d) A bird enclosure must be maintained in a sanitary manner as determined by the county health department. (Ord. 2018-06 § 2).

**Article 82-50.8
Variance Permits**

82-50.802 Variance permit - Granting. Variance permits to modify the height or setback provisions in Article 82-50.4 and Article 82-50.6 may be granted in accordance with Chapter 26-2. (Ord. 2018-06 § 2).

SECTION III. Section 82-4.238 of the County Ordinance Code is deleted in its entirety.

SECTION IV. Section 84-4.402 of the County Ordinance Code is amended to read:

84-4.402 Uses–Permitted. The following uses are allowed in an R-6 district:

- (1) A detached single-family dwelling on each lot and the accessory structures and uses normally auxiliary to it;
- (2) Crop and tree farming;
- (3) Publicly owned parks and playgrounds;
- (4) A residential care facility for the elderly, operated by a person with all required state and local agency approvals or licenses, where no more than six persons reside or receive care, not including the licensee or members of the licensee's family or persons employed as facility staff;
- (5) A family day care home where care, protection and supervision of twelve or fewer children in the provider's own home are provided for periods of less than twenty-four hours per day, while the parents or guardians are away;
- (6) Bird enclosures in compliance with the provisions of Chapter 82-50.
- (7) Accessory dwelling units complying with the provisions of Chapter 82-24.
- (8) Urban farm animal raising and keeping in compliance with the provisions of Chapter 82-50. (Ords. 2018-06 § 4, 2003-17 § 4, 86-43 § 2, 78-83 § 1, 77-51 § 2, 68-25 § 2: prior code § 8142(a): Ords. 1269 § 1, 1179 § 3, 1039, 1028, 382 § 4A).

SECTION V. Section 84-14.402 of the County Ordinance Code is amended to read:

84-14.402 Uses–Allowed. The following uses are allowed in the R-20 district:

- (1) A detached single-family dwelling on each lot and the accessory structures and uses normally auxiliary to it;
- (2) Crop and tree farming, and horticulture;
- (3) A temporary stand for the sale of agricultural products grown on the premises, with two and one-half acres per stand, set back at least thirty-five feet from the front property line, and operated not more than three months in any calendar year;
- (4) Urban farm animal raising and keeping in compliance with the provisions of Chapter 82-50;
- (5) Publicly owned parks and playgrounds;

- (6) A residential care facility for the elderly, operated by a person with all required state and local agency approvals or licenses, where not more than six persons reside or receive care, not including the licensee or members of the licensee's family or persons employed as facility staff;
- (7) A family day care home where care, protection, and supervision of twelve or fewer children in the provider's own home are provided for periods of less than twenty-four hours per day, while the parents or guardians are away;
- (8) Bird enclosures in compliance with the provisions of Chapter 82-50;
- (9) Accessory dwelling units complying with the provisions of Chapter 82-24. (Ords. 2018-06 § 5, 2017-11 § 4, 86-43 § 4, 78-83 § 2, 77-51 § 8, 68-25 § 2, 2033, 2032, 1768 § 2: prior code § 8146(a): Ords. 1269, 1179 § 8, 382 § 4V).

SECTION VI. Section 84-14.404 of the County Ordinance Code is amended to read:

84-14.404 Uses—Requiring land use permit. In the R-20 district the following uses are permitted on the issuance of a land use permit:

- (1) Same as in the R-6 district (Section 84-4.404) except for the deletion of “Greenhouses, over three hundred square feet”;
- (2) Horse riding academies and horse riding instruction, provided that the standards in Section 82-50.408 are complied with. (Ords. 2018-06 § 6, 86-43 § 5, 1768, 1569: prior code § 8146(b): Ord. 1269: Ord. 1179).

SECTION VII. Article 84-14.14 of the County Ordinance Code is deleted in its entirety.

SECTION VIII. Section 84-14.1602 of the County Ordinance Code is amended to read:

84-14.1602 Land use and variance permit - Granting. Land use permits for the special uses enumerated in Section 84-14.404, and variance permits to modify the provisions in Sections 84-14.402(7) and 84-14.602 through 84-14.1202, may be granted in accordance with Chapters 26-2 and 82-6. (Ords. 2018-06 § 8, 77-51 § 9, 1768 § 4: prior code § 8146(l): Ords. 1179 § 8 [382 § 4V]).

SECTION IX. Article 84-16.14 of the County Ordinance Code is deleted in its entirety.

SECTION X. Section 84-16.1602 of the County Ordinance Code is amended to read:

84-16.1602 Land use and variance permit - Granting. Land use permits for the special uses enumerated in Section 84-16.404, and variance permits to modify the provisions in Sections 84-14.402(7) and 84-16.602 through 84-16.1202, may be granted in accordance with Chapters 26-2 and 82-6. (Ords. 2018-06 § 10, 77-51 § 10, 1768 § 4: prior code § 8148(l): Ords. 1179 § 9, 420 § 6 [382 § 46]).

SECTION XI. Section 84-18.404 of the County Ordinance Code is amended to read:

84-18.404 Uses—Requiring land use permit. In the R-65 district the following uses are permitted after the issuance of a land use permit:

- (1) All the uses designated for the R-6 district in Section 84-4.404 except for the deletion of:
 - (A) Greenhouses, over three hundred square feet;
 - (B) Hospitals, eleemosynary and philanthropic institutions and convalescent homes;
- (2) Horse riding academies and horse riding instruction, provided that the standards in Section 82-50.408 are complied with. (Ords. 2018-06 § 11, 1768, 1569: prior code § 8148.5(b): Ord. 1405).

SECTION XII. Article 84-18.14 of the County Ordinance Code is deleted in its entirety.

SECTION XIII. Section 84-18.1602 of the County Ordinance Code is amended to read:

84-18.1602 Land use and variance permit - Granting. Land use permits for the special uses enumerated in Section 84-18.404, and variance permits to modify the provisions in Sections 84-14.402(7) and 84-18.602 through 84-18.1202, may be granted in accordance with Chapters 26-2 and 82-6. (Ords. 2018-06 § 13, 77-51 § 11, 1768 § 4: prior code § 8148.5(l): Ord. 1405).

SECTION XIV. Article 84-20.14 of the County Ordinance Code is deleted in its entirety.

SECTION XV. Section 84-20.1602 of the County Ordinance Code is amended to read:

84-20.1602 Land use and variance permit - Granting. Land use permits for the special uses enumerated in Section 84-20.404, and variance permits to modify the provisions in Sections 84-14.402(7) and 84-20.602 through 84-20.1202, may be granted in accordance with Chapters 26-2 and 82-6. (Ords. 2018-06 § 15, 77-51 § 12, 1768 § 4, 1549: prior code § 8148.7(l)).

SECTION XVI. Section 82-4.320 is added to the County Ordinance Code, to read:

82-4.320 Poultry. “Poultry” means one or more domesticated birds or roosters customarily kept for the production of eggs or meat for commercial use. (Ord. 2018-06 § 16).

SECTION XVII. Section 82-4.322 is added to the County Ordinance Code, to read:

82-4.322 Rooster. “Rooster” means any male chicken that: (1) is six months or older, (2) has full adult plumage, or (3) is capable of crowing. (Ord. 2018-06 § 17).

SECTION XVIII. Article 84-38.14 is added to the County Ordinance Code, to read:

**Article 84-38.14
Rooster Keeping**

84-38.1402 Standards.

- (a) The minimum lot size on which to keep a rooster is five acres.
- (b) No person may keep, maintain, or harbor more than two roosters on a lot except as part of, or in connection with, any of the following:
 - (1) Commercial poultry ranches registered with the California Department of Food and Agriculture and which primarily produce eggs or meat for commercial sale.
 - (2) Public or private schools registered with the California Department of Education.
 - (3) Projects sponsored by Future Farmers of America or other similar programs focused on youth agricultural education.
 - (4) Legitimate poultry hobbyists as approved in writing by the animal services director.
- (c) In addition to any other remedy allowed by this code or applicable law, the animal services director may issue an administrative penalty under Article 416-4.8 to any responsible person for a violation of this article. (Ord. 2018-06 § 18).

SECTION XIX. Article 84-40.14 is added to the County Ordinance Code, to read:

**Article 84-40.14
Rooster Keeping**

84-40.1402 Standards. Rooster keeping standards for the A-3 district shall be the same as those for the A-2 district (Section 84-38.1402). (Ord. 2018-06 § 19).

SECTION XX. Article 84-42.16 is added to the County Ordinance Code, to read:

**Article 84-42.16
Rooster Keeping**

84-42.1602 Standards. Rooster keeping standards for the A-4 district shall be the same as those for the A-2 district (Section 84-38.1402). (Ord. 2018-06 § 20).

SECTION XXI. Article 84-80.14 is added to the County Ordinance Code, to read:

**Article 84-80.14
Rooster Keeping**

84-80.1402 Standards. Rooster keeping standards for the A-20 district shall be the same as those for the A-2 district (Section 84-38.1402). (Ord. 2018-06 § 21).

SECTION XXII. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the Contra Costa Times, a newspaper published in this County.

PASSED on ___May 1, 2018_____by the following vote:

AYES: Gioia, Andersen, Burgis, Mitchoff, Glover

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST: DAVID J. TWA,
 Clerk of the Board of Supervisors
 and County Administrator

 ___Karen Mitchoff_____

Board Chair

By: June McHuen, Deputy Clerk_____