

## PLANNING COMMISSION

Agenda Item No.: H.2

Date: July 24, 2012

TO: Planning Commissioners  
FROM: Planning Staff  
SUBJECT: Determination Request: whether Urban Chickens may be determined to be the same as small animals allowed as pets within R-1 zones.  
STAFF RECOMMENDATION: Allow up to 6 Urban Chickens (hens only) as permitted animals/pets within the R-1 single-family zones.

**BACKGROUND** - Currently chickens are not specifically allowed within R-1 zones. A property owner has filed a request for a determination by the Planning Commission that Urban Chickens (hens) be allowed on the property, being neither larger than nor more obnoxious than a dog or other allowed pets.

Urban Chickens: Urban Chickens, defined as chickens living in an urban backyard, are allowed in residential zones in many San Diego County communities, a trend now gaining popularity throughout North America and England. In January 2012 the City of San Diego changed their zoning code to allow urban chickens, goats and beekeeping in all of its residential zones without permit, providing residents meet certain minimum standards. While there is not complete uniformity in the standards of other cities surrounding Escondido, the keeping of chickens is also allowed in Poway and San Marcos in their single family zones, with totals of between 5 and 25 animals common. Noise with urban chickens is mostly related to roosters. Hens may cackle during daylight hours, but sleep at night and are not noisy during nighttime hours. Hens begin laying eggs at about 6 months old without the need for a male and will produce up to 300 eggs per year. Laying hens average 8 pounds or less in weight.

**ANALYSIS** - Section 33-1116 (see attached) of the zoning code allows for animals and/or household pets to be maintained on the premises as pets for the personal use of the occupants of each dwelling unit in a residential zone. The list and maximum number of animals permitted in the R-1 zone includes: Canaries (6), adult Cats (2), Chinchillas (4), adult Dogs (2), Ducks (1), Love Birds (6), Parakeets (6), Parrots (6), and Racing and/or Homing Pigeons (100). In Section 33-1116 (f) it states that the Planning Commission may allow other similar animals, which in their opinion are not more obnoxious, detrimental or dangerous to the public and neighboring properties than those listed. Currently, Poultry (defined as chickens and turkeys) are allowed in the City of Escondido's RA and RE zones, with the total limit being 25 animals. The Community Health and Services Element of the newly adopted General Plan prioritizes new sources of healthy and fresh food and includes policies and goals to reduce resident's costs, reduce reliance on the automobile, and promote personal responsibility. Allowing all single-family residents to provide eggs for their own use is in keeping with the new General Plan's objectives. The keeping of these animals will still be subject to all applicable City standards for noise, property maintenance, and the R-1 development standards, with potential violations resulting in Code Enforcement action. Staff feels that six hens would be quieter and less obnoxious than six parrots and 100 homing pigeons, and would be less dangerous to the public and neighboring properties than two adult dogs, all of which are currently allowed in R-1 zones.

**CODE ENFORCEMENT CONCERNS** - Code Enforcement concerns are based mostly on officer experience with past cases involving chickens. These include the potentials for: (1) numbers increasing beyond the number allowed (citing the challenges with gaining yard access and monitoring the numbers), (2) more cock fighting (hens are sometimes used to initiate contests), (3) fences in disrepair allowing chickens to escape into neighborhoods, (4) an increase in predators in neighborhoods (feral cats, coyotes), (5) the increase in issues associated with slaughtering chickens (such cases would be referred to County Health), (6) the smell of accumulating manure; and (7) the further spread of Avian Influenza A. Most animal/pet owners are responsible and considerate and Code Enforcement typically sees only extreme cases. As with any other R-1 allowed animal, neighbors could file a complaint with Code Enforcement for investigation if a problem arises.

**SUMMARY** - Staff recommends determining that up to six hens (no roosters) be allowed in all R-1 zones since they would be no more dangerous or noisy than the other animals currently permitted in the R-1 zones and would be consistent with the General Plan's health & wellness goals. Staff will evaluate the need for any code amendments regarding urban chickens with the comprehensive update of the Zoning Code associated with the upcoming General Plan Implementation Program.

Respectfully submitted,



Paul K. Bingham  
Assistant Planner II

# City of Escondido Permitted Animals and Household Pets

SPECIES	Zones							
	RA	RE	R-1	R-T	R-2	R-3	R-4	
Canaries	12	12	6	3	3	3	3	
Cats (Adult)	3	3	2	1	1	1	1	
Chinchillas	25 <sup>b</sup>	25 <sup>b</sup>	4	2	2	2	2	
Chipmunks	25 <sup>b</sup>	25 <sup>b</sup>	4	2	2	2	2	
Dogs (Adult over 4 months)	3	3	2	1	1	1	1	
Guinea Pigs	25 <sup>b</sup>	25 <sup>b</sup>	4	2	2	2	2	
Hamsters	25 <sup>b</sup>	25 <sup>b</sup>	4	2	2	2	2	
Horses	1 <sup>a</sup>	1 <sup>c</sup>	0	0	0	0	0	
Love Birds	12	12	6	3	3	3	3	
Mice (white)	25 <sup>b</sup>	25 <sup>b</sup>	4	2	2	2	2	
Parakeets	12	12	6	3	3	3	3	
Parrots	12	12	6	3	3	3	3	
Rabbits (Adult)	25 <sup>b</sup>	25 <sup>b</sup>	4	2	2	2	2	
Squirrels	25 <sup>b</sup>	25 <sup>b</sup>	4	2	2	2	2	
Tropical Fish (no Caribe or Turtles)	No Limit	No Limit	No Limit	No Limit	No Limit	No Limit	No Limit	
Bovine	1/Acre <sup>d</sup>	1/Acre <sup>d</sup>	0	0	0	0	0	
Poultry (Chicken/Turkey)	25 <sup>b</sup>	25 <sup>b</sup>	0	0	0	0	0	
Duck	0	0	1 <sup>e</sup>	0	0	0	0	
Miniature Horse or Pygmy Goat	0	0	2 <sup>f</sup>	0	0	0	0	
Potbelly Pig	0	1 <sup>g</sup>	0	0	0	0	0	
Racing or Homing Pigeons	100 <sup>h</sup>	100 <sup>h</sup>	100 <sup>h</sup>	0	0	0	0	
Emus	0	1 <sup>i</sup>	0	0	0	0	0	

**FOOTNOTES:**

- <sup>a</sup>One horse for each person residing on the premises.
- <sup>b</sup>Total of one species or all species is 25 for each parcel.
- <sup>c</sup>One horse for the first 40,000 SF of lot area, and one additional horse for each 20,000 SF thereafter.
- <sup>d</sup>Bovine animals (sheep, goats, cattle, or swine) provided that there shall not be more than one such animal per acre of land.
- <sup>e</sup>Per Planning Commission determination (08-25-87).
- <sup>f</sup>Only in R-1-10 per Planning Commission determination (06-13-95, current business item) See Residential item #8.
- <sup>g</sup>Only in RE zone per Planning Commission determination (05-16-94, current business item) See Residential item #5.
- <sup>h</sup>Per Ordinance 2009-23, see Section 33-1116 for applicable standards.
- <sup>i</sup>Per Planning Commission determination (06/11/96); same requirements as horses.

**MISC. USE RESTRICTIONS**

**Sec. 33-1116. Household pets in the residential zones.**

Animals and/or household pets may be maintained on the premises as pets for the personal use of the occupants of each dwelling unit in a residential zone in accordance with the following:

- (a) Tropical fish, excluding caribe and turtles.
- (b) Small birds such as canaries, parrots, parakeets, love birds, etc., may be kept in

accordance with the following schedule:

R-A, R-E zones	Up to twelve (12) total
R-1 zone	Up to six (6) total
R-T, R-2, R-3 and R-4 zones	Up to three (3) total

(c) A maximum of one hundred (100) racing or homing pigeons may be kept on any lot or parcel of land within the R-E, R-A or R-1 zone, provided the pigeon owners in the application file with the city a letter stating their affiliation with any state or nationally recognized racing or homing pigeon association or federation. The term “racing or homing pigeon” shall mean pedigree pigeons which are banded and kept for the purpose of racing or homing sporting events conducted by a nationally affiliated sporting association, such as, but not limited to, the American Racing Pigeon Union or the International Federation of Racing Pigeon Fanciers.

(d) Adult rabbits, white mice, chipmunks, squirrels, chinchillas, guinea pigs, hamsters and the like, only in accordance with the following schedule:

R-A, R-E zone	As provided in the zone
R-1 zone	Up to four (4) total
R-T, R-2, R-3 and R-4 zones	Up to two (2) total

(e) Household dogs and/or cats; but, if over four (4) months of age, only in accordance with the following schedule:

RA, RE zones	Up to four (4) of each	Up to six (6) of each with a conditional use permit in conformance with Sec. 33-1116(g)
R-1 zone		
Lots < 10,000 SF	Up to two (2) of each	Up to four (4) of each with a conditional use permit in conformance with Sec. 33-1116(g)
Lots 10,000 SF – 20,000 SF	Up to two (2) dogs  Up to three (3) cats	Up to four (4) of each with a conditional use permit in conformance with Sec. 33-1116(g)
Lots > 20,000 SF	Up to four (4) of each	
RT, R-2, R-3, and R-4 zones	Up to one (1) of each	Up to two (2) of each with a conditional use permit in conformance with Sec. 33-1116(g)

(f) Other similar animals which in the opinion of the planning commission are not more obnoxious, detrimental or dangerous to the public and neighboring properties than the animals enumerated in this section.

(g) A conditional use permit may be granted to allow additional animals over those permitted by this section; provided, however, that the total number of animals so authorized shall not exceed twice that enumerated herein, except household dogs and cats. The number of dogs and cats allowed with a conditional use permit shall be as specified in Section 33-1116(e).

(h) An animal overlay zone may be applied in the R-E (residential estates) or R-A (residential agricultural) zones upon approval by the planning commission and city council, pursuant to Article 9 of this chapter.

(i) A second dwelling unit in conformance with Article 70 shall not be considered a separate dwelling unit for purposes of determining the number of permitted pets in accordance with this section. The total number of household pets permitted on a parcel which contains a second dwelling unit shall be the total permitted for one unit. (Zoning Code, Ch. 108, § 1085.21; Ord. No. 90-40, § 2, 8-15-90; Ord. No. 2009-23 § 4, 11-18-09)

June 22, 2012



To whom this may concern:

My family and I just bought a home in rural, south, Escondido. We love our new home, neighbors and community. One of our biggest draws to moving to Escondido is the strong community interest in environment and nature. We were so happy to finally be able to get out of our two bedroom condominium in Rancho Bernardo and move into a single family home with some property. I have always looked forward to a time where I would be able to have a vegetable garden, fruit trees and a couple of chickens for egg laying purposes to make my culinary dreams come true. Fresh eggs have high nutritional benefits unlike the ones bought at the local market that are usually 45 days old. After doing some research I discovered that chickens were not permitted. To my surprise, permitted animals included: a miniature horse, pygmy goat, duck, squirrels, rabbits, parrots, parakeets, mice, chinchillas.

My entire back yard is enclosed by a six foot privacy fence and is kept locked at all times. Additionally, the chickens would be caged. As you can verify, my property is located in a remote section of south Escondido. There are no businesses in or around my immediate area and I have very few neighbors. Having three chickens in my back yard would have no negative impact on the environment or the quiet enjoyment of surrounding property owners. Therefore, because of the

above mentioned information, I am requesting that I be granted permission to have three chickens all pullets no roosters.

Thank you for your consideration.

Respectfully,

*Theresa Sanders*

Theresa Sanders

*Contact Info:*

*252 Vista Grande Glen  
Escondido, CA 92025*

*(858)-204-9519*