

**TOWN OF SAN ANSELMO ORDINANCE NO. 1108**

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO  
AMENDING TITLE 5 (SANITATION AND HEALTH) CHAPTER 1 (ANIMALS) TO ADD  
SECTION 5-1.05 (REGULATIONS FOR THE RESIDENTIAL KEEPING OF CHICKENS),  
AMENDING TITLE 10 CHAPTER 3 ARTICLE 4 (DEVELOPMENT STANDARDS) AND  
ARTICLE 14.5 (MINOR EXCEPTIONS) TO REFLECT ADDITION OF CHICKEN  
KEEPING REGULATIONS**

WHEREAS, the Town Council finds that residential chicken keeping regulations are necessary to promote the public health, safety, and general welfare and to protect the aesthetic appearance and residential character of neighborhoods in the Town of San Anselmo (“Town”); and

WHEREAS, the San Anselmo Planning Commission held a public meetings on potential residential chicken keeping regulations on March 21, 2016, and considered the comments received at the public meetings and made recommendations to the Town Council; and

WHEREAS, the San Anselmo Town Council considered the Planning Commission’s recommendations for residential chicken keeping on May 24, 2016, considered comments received at the hearing, and provided direction to staff; and

WHEREAS, the San Anselmo Planning Commission considered proposed residential chicken keeping regulations on June 20, 2016, and recommended that the Town Council adopt the proposed regulations with the addition of a coop size limitation; and

WHEREAS, the provisions of this ordinance are consistent with the goals and policies of the Town’s General Plan and other adopted ordinances and regulations of the Town.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES ORDAIN AS FOLLOWS:

**SECTION 1:** Title 5, Chapter 1, of the San Anselmo Municipal Code is amended to add the following new section:

**5-1.05 – Regulations for the Residential Keeping of Chickens**

Keeping a small number of chickens is consistent with residential use. Chickens are permitted to be in all Residential Zoning Districts subject to the following provisions:

- (a) No rooster may be kept within the municipal limits of the Town of San Anselmo with or without a permit.
- (b) No person shall keep hens within the municipal limits of the Town of San Anselmo without a permit issued by the Town of San Anselmo. All permits are issued subject to the conditions and requirements set forth in this section. The permit may be revoked for any violation of this section or applicable zoning regulations.
- (c) Permit review and approval procedures.

1. Application. An application for a residential chicken-keeping permit shall be filed with the Planning Department on forms prescribed by the Planning Director, along with any plans or additional information required and a fee as established by a resolution of the Town Council. The application shall include, in part, evidence supporting the requirements of this section:

2. Review and Approval Authority. The Planning Director or her/his designee shall review and approve, conditionally approve, or deny a chicken-keeping permit application administratively with no public meeting.

(d) Criteria for Permit. A residential chicken-keeping permit shall be issued if the property owner agrees to comply with all of the following standards:

1. Chicken coops shall be located at least twenty five feet from neighboring residences.

2. Chicken coops shall comply with applicable setback regulations of Title 10, Chapter 3, Table 4A, regardless of height. Exceptions to the setback requirements may be granted with a Minor Exception pursuant to Title 10, Chapter 3, Section 10-3.411 Table 4B.

3. Maximum of six hens. A residential chicken-keeping permit allows a property owner to keep a maximum of six hens. However, the Planning Director may approve a permit to allow up to twelve hens with written consent of all adjacent property owners or when special circumstances exist that would mitigate any impacts from a larger number of hens including, but not limited to, large parcel size, distance from adjoining parcels, and use of adjacent sites.

(e) Nonconforming chickens and coops. Chickens being lawfully kept prior to the adoption of this ordinance shall be allowed to remain until they are sold, moved, or have lived out their life. Owners of nonconforming chickens shall be subject to the minimum standards for keeping chickens in Section 5-1.05(g) of this chapter. Legal nonconforming chicken coops and runs that existed prior to the adoption of this ordinance may remain subject to Section 10-3.607 (Nonconforming uses and improvements) and subject to the minimum standards for keeping chickens in Section 5-1.05(g) of this chapter.

(f) Expiration. Any residential chicken-keeping permit shall be valid until revoked.

(g) Minimum standards for keeping chickens. Sheltering facilities and outdoor areas for chickens shall be maintained in a clean condition so as not to be foul, hazardous or detrimental to the health, safety or welfare of humans or animals. Feed must be stored in rodent-proof containers. It is unlawful to allow any smell or noise associated with keeping fowl, whether permitted or not, which causes annoyance or discomfort to a reasonable person of normal sensitivity in the area. Evidence of unclean conditions includes, but is not limited to, numerous flies, fly larvae in the vicinity of the chickens or on the property, an accumulation of debris, refuse or manure, or offensive odors and rat droppings. An odor is offensive if it can be detected at the adjoining property line. Rooster crowing may be considered an annoying noise.

(h) Penalties for Violation.

1. Any violation of the provisions of this ordinance is hereby declared a public nuisance and shall be subject to abatement in the manner set forth in Title 1 Chapter 2.

2. Any person violating provisions of this ordinance may be deemed guilty of an infraction and shall be subject to penalties pursuant to Section 36900 of the California Government Code, as amended.
3. Each and every day that any violation of this ordinance continues, is committed or is permitted to continue shall be regarded as a new and separate offense.
4. The remedies provided in this section shall be cumulative and not exclusive.

**SECTION 2:** Title 10, Chapter 3, Article 4, Table 4B of the San Anselmo Municipal Code is amended to add the following:

<b>Chicken Coops and Runs</b> with a permit issued pursuant to Title 5, Chapter 1, Section 5-1.04					
One structure up to 50 square feet in area and 8 feet or less in height above the ground surface used for the specific purpose of housing hens	0'	0'	0'	0'	ME
One transparent enclosure/run up to 120 square feet in area and 8 feet or less in height above the ground surface to allow hens to walk around	0'	0'	0'	0'	ME

**SECTION 3:** Title 10, Chapter 3, Article 14.5, Section 10-3.14.505 shall be deleted and replaced with the following new Section 10-3.14.505:

**10-3.14.505. - Required findings for a minor exception.**

Approval of a minor exception, which may include the imposition of conditions, shall be made only after the making of all of the following findings:

- (a) For an accessory structure, arbor, trellis, awning, chimney, cornice, eave, fireplace, outdoor barbeque and counter, carport, garage, deck, landing, stairway, enclosure of an area directly below an existing deck, dwelling infill extension, hot tub, parking deck, parking space, swimming pool, and windows.
  - (1) The impact of the proposed minor exception is de-minimus and will not significantly exacerbate existing, or create a significantly new, non-conformity; and
  - (2) Will not unreasonably impair access to light and air of structures on neighboring properties and will not unreasonably affect the privacy of neighboring properties; and
  - (3) Will not add to, and preferably reduce, the apparent visual bulk of a structure; and
  - (4) Will contribute to the aesthetic and/or physical functionality of the dwelling structure or improve the life safety of the dwelling; and
  - (5) In no instance shall a minor exception be granted where the effect of approval would be to cause the structure to be expanded by more than one hundred (100) square feet; and

(6) Will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

(b) For Chicken Coops:

(1) The impact of the proposed minor exception is de-minimus; and

(2) The coop will be at least 25 feet from adjacent residential structures; and

(3) If within a front yard setback, the coop will be adequately screened from public view; and

(4) The coop will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

**SECTION 4: CEQA.** The Town Council has determined that the ordinance is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA). The project is exempt under CEQA Guideline Section 15304(e) "Minor Alterations to Land" which includes minor temporary use of land having negligible or no permanent effects on the environment. The adoption of this Ordinance will not result in cumulative adverse environmental impacts or any other potentially significant impact described in State CEQA Guidelines section 15300.2.

**SECTION 5: Severability.** The Town Council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

**SECTION 6: Inclusion in the San Anselmo Municipal Code.** It is the intention of the San Anselmo Town Council that the text in Section 1 be made a part of the San Anselmo Municipal Code and that the text may be renumbered or relettered and the word "Ordinance" may be changed to "Section", "Chapter", or such other appropriate word or phrase to accomplish this intention.

**SECTION 7:** This Ordinance shall go into effect thirty (30) days from its adoption.

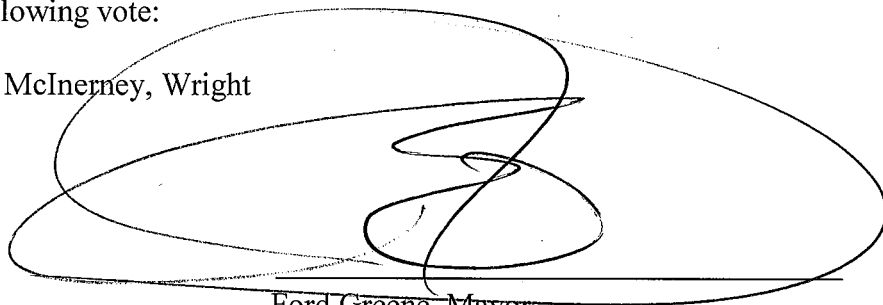
**THE FOREGOING ORDINANCE** was introduced at a regular meeting of the San Anselmo Town Council on July 12, 2016, and was adopted at a regular meeting of the San Anselmo Town Council on July 26, 2016 by the following vote:

**AYES:** Greene, Coleman, McInerney, Wright

**NOES:** Brown

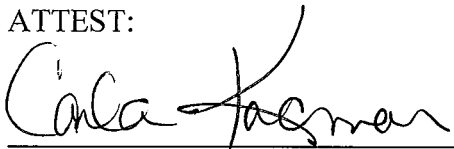
**ABSENT:** None

**ABSTAIN:** None



Ford Greene, Mayor

ATTEST:



Carla Kacmar, Town Clerk