

ORDINANCE NO. 89

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING SECTION 84.0560 OF TITLE 8 RELATING TO ACCESSORY ANIMAL RAISING OF THE COUNTY OF SAN BERNARDINO DEVELOPMENT CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY

The Town Council of the Town of Yucca Valley, California, does ordain as follows:

SECTION 1. Development Code Amended

A. Section 84.0560 Accessory Animal Raising of the County of San Bernardino Development Code as adopted by the Town of Yucca Valley is hereby amended in its entirety to read as follows:

"84.0560 Accessory Animal Raising

(a) This section establishes regulations to allow animal raising as an accessory use to a primary single dwelling unit for all properties which allow for the keeping of animals unless specified otherwise. Combinations of the animal types are allowed, provided:

(1) The total number in each category is not exceeded.

(2) Where a density ratio of animals per lot area is specified, the lot area or portion thereof shall be allocated only once to accessory animal raising use. Lot area used to qualify one animal type shall not be reused to allow another animal type.

(3) Animal types which are limited only by a maximum number per lot are allowed in addition to any other accessory animal raising use.

(4) For the purpose of this section, lots with attached multiple residential structures shall be limited to those animals allowed to subsections 84.0560(n)(1) and (2) for lots less than 7,200 square feet.

(b) All animal raising land uses shall comply with public health laws regarding proper care and maximum number of animals.

(c) Each animal raising land use includes all structures

necessary to maintain and care for such animals (e.g., barn, corral, stable, pens and coops). Such structures shall comply with all development standards including those specified by the land use district and this section.

(d) Animal Separation

(1) Equine

(A) Equine shall be maintained in a fenced area at all times.

(B) Setbacks

From neighbor's livable dwelling or buildable setback line 70'

From neighbor's livable dwelling or buildable setback line for those properties located within the large animal overlay district which do not have property lines contiguous to the boundaries of the large animal overlay district 45'

Front property line 10'

Rear property line, if adjacent to other privately held property 10'

Rear property line, if alleyway or dedicated flood control right of way 0'

Side property lines 5'

(2) Cattle, Buffalo, Sheep, Goats, Llamas and Camelids

(A) Each individual cattle and/or buffalo kept on private property under the provisions of this ordinance shall be provided with a minimum of 400 square feet in a fenced area.

(B) Setbacks

From neighbor's livable dwelling or buildable setback line	100'
Front property line	10'
Rear property line, if adjacent to other privately held property	10'
Rear property line, if alleyway or dedicated flood control right of way	0'
Side property lines	5'

(C) All goats shall be provided with adequate shelter to protect them from the elements.

(D) Fencing shall be adequate to maintain livestock on the property at all times.

(3) Pigs

(A) Pigs shall be maintained in a fenced area at all times. Fencing shall be adequate to maintain the animal on the property at all times.

(B) Setbacks

From neighbor's livable dwelling or buildable setback line	100'
Front property line	10'
Rear property line, if adjacent to other privately held property	10'
Rear property line, if alleyway or dedicated flood control right of way	0'
Side property lines	5'

(C) Adequate cooling systems shall be required for the keeping of pigs, in addition to providing adequate shelter from the elements.

(4) Animal Enclosure. Animals may be maintained by a fence at least five (5) feet high and made of either chain link, wood with horizontal members no less than six (6) inches apart, solid masonry or other appropriate screening and confining materials. Such a fence may be located on an interior side or rear lot line and fifteen (15) feet from a side street right of way.

(A) No barbed wire fencing shall be allowed within the incorporated Town boundaries that is specific to livestock keeping pursuant to these regulations.

(B) Fences which are adjoining and running parallel to private or public streets or bridle trails shall be a minimum of five (5) feet in height with posts spaced not more than ten (10) feet apart.

(C) Animals shall be properly caged or housed in their corrals, barns, pens or other enclosures. All corrals, pens, coops, lofts, exercise areas or similar structures shall be fenced or otherwise enclosed to adequately confine the animal(s).

(5) All animals shall be kept no closer than one hundred (100) feet from a domestic water well.

(e) Accessory animal raising of densities greater than, or of animal types different from, those specified by this section shall require a Livestock Permit, except where a Special Use Permit is required. The Livestock Permit shall follow the application and review process as required for Home Occupation/Cottage Industry Permit.

(f) Newborn Animal Exception. Offspring of allowed adult animals shall not be counted in determining the number of adult animals on a given parcel, if such offspring do not exceed the following age limitations for accessory animal keeping.

(1) Accessory Animal Keeping

Dogs/Cats	4 calendar months
Emu/Ostriches	12 calendar months
Equine	12 calendar months
Sheep	60 days
Goats	60 days
Bovine	6 calendar months (300 lb. Max)

Buffalo	6 calendar months
Swine	60 days
Llama/Camelid	12 calendar months

(2) Offspring of nonallowed adult animals shall be counted as adult animals, notwithstanding their age at any particular time.

(3) The total number of offspring shall not exceed fifty percent (50%) of the number of adult animals maintained on the parcel(s) unless authorized by approval of a discretionary Livestock Permit except for offspring of dogs and cats.

(4) Bovine offspring up to 300 pounds or six months old, may be substituted for equine off-spring in all single family residential land use districts where large animal keeping is allowed.

(g) Confined Animals. Animals which are normally maintained in aquariums, terrariums, bird cages or similar devices, each of which does not exceed fifty (50) cubic feet and where such devices are maintained within an enclosed building, shall be allowed as an accessory animal raising use. The maximum number or density limitations for these animal types shall comply with public health regulations.

(h) The occupant of the premises on which any livestock is kept shall keep and maintain the animal(s) and premises in such a manner as not to be detrimental to the health, safety or welfare of any person on any adjoining property or of the general public, nor be materially detrimental to the use, enjoyment or value of property of other persons in the vicinity of the premises. Such maintenance shall be at least sufficient to keep dust, odors and flies from having an adverse effect on any other property. The following techniques are recommended to meet the maintenance standard specified by this section and shall be utilized if no other alternative techniques sufficient to meet that standard are utilized.

(1) Sprinkler system or other control methods adequate to control dust in corrals, turn out areas, and riding rings shall be installed and utilized as necessary on the premises.

(2) Lime, sand or other appropriate materials shall be utilized on the premises to eliminate odor problems.

(3) Chemical spray and/or bait and other approved

measures to control flies shall be utilized as frequently as necessary for vector control.

(i) Any and all contiguous parcels which are included in calculating maximum animal densities shall be merged into one legal parcel.

(j) Livestock keeping areas shall be maintained in a clean and sanitary condition at all times.

(k) Standing surface water, refuse and manure shall not be permitted to accumulate in piles that are not able to dry out. In all cases of livestock keeping, manure shall be spread to dry daily and shall not be allowed to accumulate to create a nuisance to surrounding properties.

(l) Other sections of this chapter notwithstanding, no person shall keep or permit to remain on any premises within the Town any animal that habitually disturbs the peace and quiet of the inhabitants of a neighborhood by howling, barking, crying, baying or making other noise.

(m) Buildings housing farm animals, all animal enclosures, and all pasture areas shall be maintained free from litter, garbage and the accumulation of weeds or manure. Premises shall be maintained in a neat and sanitary manner. All animal raising shall comply with public health laws regarding proper care of animals. If animals are not maintained in compliance with these standards or are otherwise allowed to become a nuisance, the Town shall initiate enforcement proceedings.

(n) Commercial Animal Keeping. Commercial animal keeping for equine and other large animals is permitted within all single family residential land use districts subject to the standards and provisions as identified in the Development Code. Commercial uses include, but shall not be limited to, boarding, training, breeding and other similar uses related to the keeping of equine and other large animals which do not belong to the property owner or lessee and for those similar uses which generate additional traffic, noise and similar or associated impacts within the vicinity of the proposed site.

(1) The densities established for commercial animal keeping shall be the same as those densities for those single family residential land use districts located within the Livestock Overlay

District map, as accessory to the residential use.

(2) Minimum Parcel Size. One acre is established as the minimum parcel size for the commercial keeping of large animals, except for buffalo, bulls and boars. A minimum of five (5) acres is required for the keeping of buffalo, bulls and boars.

(o) Required Permits. Prior to the establishment of any commercial livestock keeping activity, the property owner or lessee shall first obtain a Livestock Permit from the Community Development Department. The Livestock Permit shall follow the application and review process as required for Home Occupation/Cottage Industry Permit.

(p) Allowed accessory small animal raising in residential districts.

Animal Type	Single Residential (RS)	Multi-family Residential (RM)	Rural Living (RL) & Hillside Reserve (R-HR)
Dogs/cats	< 7200 sf. 2 dogs & 2 cats/lot 7200 sf. 3 dogs & 3 cats/lot 10000 sf. 4 dogs & 4 cats/lot 20000 sf. *5 dogs & 5 cats/lot * Five (5) or more dogs and cats require a Special Use Permit (SUP).	2 animals allowed (1 dog / 1 cat, 2 dogs, 2 cats) More dogs and/or cats requires a Special Use Permit (SUP)	< 2 Acres RS standards apply > 2 Acres 1 ea. addnl. 20,000 sf. (Max. 8) More dogs or cats require a Special Use Permit (SUP)
Pot-bellied pigs	< 20,000 sq.ft. 1 allowed in lieu of 1 dog >20,000 sq.ft. 2 allowed in lieu of 2 dogs (Female or neutered male only)	Not allowed	2 per first acre* 1 ea. addnl. acre (Max. 8) * If the parcel contains less than one acre, the RS standards shall apply.
Fowl/Rabbits	10 fowl for first 20,000 sq. ft. 5 fowl for ea. addnl. 10,000 sq. ft. (Max. 25 fowl) 5 rabbits per 20,000 sq.ft. min. 2 rabbits for ea. addnl. 10,000 sq. ft. (max. 10 rabbits)	No fowl allowed Max. 2 rabbits	10 fowl for first 20,000 s. f. 5 fowl for ea. addnl. 10,000 sq. ft. (Max. 25 fowl) 5 rabbits per 20,000 sf. 2 rabbits for ea. addnl. 10,000 sq. ft. (Max. 40 rabbits)
Male Fowl	1 per 20,000 sq.ft. min. (max. 2)	Not allowed	1 per first 20,000 sq.ft.. (Max. 2)

(q) Allowed accessory large animal raising in single family residential districts not included within large animal overlay district.

Animal Type	Minimum Parcel Size	Maximum Density Or Number
(4) Sheep and/or goat (female)	7,200 sq. ft. 7,200 sq. ft.	1/lot 1/5,000 sq. ft.
Goat (male)	20,000 sq. ft.	1/lot

(Cumulative total of sheep and goats is 9 per lot.)

(5) Equine	20,000 sq. ft. with 60 ft. minimum frontage	1/10,000 sq. ft. Maximum 9
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(Cumulative total of all large domesticated animals is 9 per lot.)

(6) Cattle	20,000 sq. ft. with 60 ft. minimum frontage	1/10,000 sq. ft. Maximum 9
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(7) Llamas and camelids	20,000 sq. ft.	1/10,000 sq. ft. Maximum 9
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(8) <u>Emus and Ostriches</u> <u>first</u>	<u>1 acre. Min. in RL & R-HR</u>	<u>2 pair per acre or 1 male,</u> <u>3 females. Max. 4 on</u> <u>acre. 2 addnl. for</u> <u>every 10,000 sf after first</u> <u>acre. Max. 9 without</u> <u>Over 9 requires Livestock</u> <u>Permit.</u>
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(r) Animals Not Classified. Any animal not specifically classified within this chapter shall be classified by the Director based upon a determination of what it is most similar to and as to the probable impact on the health, safety or general welfare of the community and the neighborhood."

84.0570 Large Animal Overlay District

(a) A person may keep or maintain livestock as identified in this chapter on any parcel zoned for single family residential purposes only as specifically authorized by the provisions of this chapter and as identified on the Livestock Overlay District Map, subject to the following parcel size restrictions.

<u>Livestock</u>	<u>Minimum Parcel Size</u>
Equine	20,000 square feet
Sheep	7,200 square feet
Goats	7,200 square feet
Billy goat (male breeding goat)	20,000 square feet
Cattle	20,000 square feet
Bulls (Special Permit)	5 acres

Buffalo (Special Permit required)	5 acres
Pig	1 acre
Boar (Special Permit)	5 acres
Emus & Ostriches	1 acre
Llamas & Camelids	20,000 square feet

(b) Livestock Permitted. The following types of livestock are allowed within the single family residential land use districts as identified within the Livestock Overlay District Map. Equine, cattle, buffalo, pigs, sheep, goats (female and neutered males), billy goats (male breeding goats), emus, ostriches, and llamas and camelids may be allowed under the provisions of this chapter.

(c) The following animal densities are established for those single family residential land use districts located within the Livestock Overlay District, as accessory to the residential use. The following density standards apply to properties within the Livestock Overlay District map. Where a density ratio of animals per lot area is specified, the lot area or portion thereof shall be allocated only once to accessory animal raising use. Lot area used to qualify one animal type shall not be reused to allow another animal type.

<u>Livestock Type</u>	<u>Livestock Densities</u>	<u>Maximum Number of non-exempted animals without livestock permit</u>
Equine	4 equine on the first 20,000 square feet, 1 animal for each additional 10,000 square feet	23
Sheep	6 animals on the first 20,000 square feet, 1 animal for each additional 10,000 square feet	12
Goats	6 animals on the first 20,000 square feet, 1 animal for each additional 10,000 square feet	12
Billy goats (male	1 animal on the first	3

breeding goats)	20,000 square feet, 1 additional animal for each additional 10,000 square feet	
Cattle	4 animals per 20,000 square feet, 1 additional animal for each additional 10,000 square feet	23
Bulls (Special Permit required)	4 animals on minimum 5 acres, with no additional animals allowed	4
Buffalo (Special Permit required)	2 animals per 5 acres, 1 additional animal for each additional 5 acres	2
Pigs	1 animal per 1 acre, 1 additional animal for each additional 10,000 square feet	4
Boars (Special Permit)	4 animals per 5 acres, with no additional animals allowed unless approved under Special Permit	4
Llamas and camelids	4 animals per 20,000 square feet, 1 additional animal for each additional 10,000 square feet	23
<u>Emus and Ostriches</u>	<u>1 acre Min. in RL & R-HR</u>	<u>2 pair per acre or 1 male, 3 females. Max. 4 on acre. 2 addnl. for every 10,000 sf after first acre</u>
<u>first</u>		<u>Max.28 without permit. Over 28 requires Livestock Permit.</u>

(d) Exempted Animals. Offspring of allowed adult animals shall not be counted in determining the number of adult animals on a given parcel, if such offspring do not exceed the following age limitations for accessory and commercial animal keeping.

(1) Accessory and Commercial Animal Keeping

Equine
Sheep

12 calendar months
60 days

Goats	60 days
Bovine	6 months, 300 pounds
Buffalo	6 months
Swine	60 days
Llama/Camelid	12 months

(2) Offspring of nonpermitted adult animals shall be counted as adult animals, notwithstanding their age at any particular time.

(3) The total number of offspring shall not exceed fifty percent (50%) of the number of adult animals maintained on the parcel(s) unless authorized by approval of a discretionary Livestock Permit.”

SECTION 2. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this ordinance, which shall be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

SECTION 3. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this ____ day of _____, 1998.

MAYOR

ATTEST:

Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Town Attorney

Town Manager

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March 13, 1998