

## **RESOLUTION NO. PC 03-25**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE RECOMMENDING THAT THE CITY COUNCIL ADOPT ORDINANCE NO. XX-25 AMENDING TITLE 17 OF THE ORANGE MUNICIPAL CODE TO UPDATE THE NUMBER OF CHICKENS PERMITTED ON RESIDENTIAL PROPERTIES AND SETBACK REQUIREMENTS.**

#### **APPLICANT: CITY OF ORANGE**

**WHEREAS**, the City regulates backyard chicken keeping under Title 17 (Zoning Code) of the Orange Municipal Code (OMC) to ensure compatibility with residential uses and promote responsible urban agriculture; and

**WHEREAS**, the existing regulations permit up to five chickens per residential property and require coops to be set back 20 feet from all property lines; and

**WHEREAS**, the proposed amendment to OMC Section 17.13.040 increases the number of permitted chicken from five to six to support responsible domestic poultry keeping and improve animal welfare by allowing chickens to pair naturally; and

**WHEREAS**, the proposed ordinance provides for more flexible setbacks for chicken keeping enclosures based on industry standards and observed field condition that demonstrate that modified setbacks would not result in detrimental effects to neighboring properties; and

**WHEREAS**, the proposed ordinance omits an existing code section that limits the combined keeping of dogs, cats, and small animals such as poultry to a maximum of five to enable households with dogs and cats to have the same number of chickens as households without dogs and cats; and

**WHEREAS**, the proposed zoning code amendment is consistent with the City's General Plan in that promoting sustainable urban agriculture contributes to City's eclectic mix of residential neighborhoods and lifestyles; and

**WHEREAS**, the proposed amendment aligns with best practices in urban agriculture and zoning regulations in surrounding jurisdictions, balancing sustainability, property use, and neighborhood quality of life; and

**WHEREAS**, the Planning Commission, having considered the proposed revisions to the OMC at a public hearing held on April 21, 2025, including review of the staff report, and having received public testimony on the item, has determined the proposed ordinance complies with state law and recommends approval thereof; and

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission recommends that the City Council approve the subject ordinance, attached hereto as Attachment A, based on the following:

### **SECTION 1- FINDINGS**

The Planning Commission finds that the above recitals are true and correct and incorporated herein. The Planning Commission recommends that the City Council adopt an Ordinance amending Title 17 of the Orange Municipal Code to update the number of chickens permitted on residential properties and related enclosure setback requirements. The proposed Ordinance amends OMC Section 17.13.040 to increase the number of permitted chickens from five to six modifies the setback requirement for chicken coops to be measured from human habitation instead of property lines, and omits language that limits the combined keeping of dogs, cats, and small animals.

### **SECTION 2-ENVIRONMENTAL REVIEW**

The proposed project is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to (1) Section 15061(b)(3) of the state CEQA Guidelines (Common Sense Exemption) because it can be seen with certainty that there is no possibility that it would have a significant effect on the environment; and (2) Section 15378 because it will not have a direct or reasonably foreseeable indirect physical change on the environment and is not a "project." For this reason, no further CEQA documentation is required.

I hereby certify that the foregoing Resolution was adopted by the Planning Commission of the City of Orange at a regular meeting thereof held on the 21st day of April 2025, by the following vote:

AYES:

NOES:

RECUSE:

ABSENT:

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Alison Vejar, Planning Commission Chair

**ATTACHMENT “A”**

[Proposed Ordinance – Redlined copy]

**ORDINANCE NO. XX-25**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF ORANGE AMENDING TITLE 17 OF THE  
ORANGE MUNICIPAL CODE TO UPDATE THE  
NUMBER OF CHICKENS PERMITTED ON  
RESIDENTIAL PROPERTIES AND SETBACK  
REQUIREMENTS.**

**WHEREAS**, the City regulates the keeping of chickens on residential properties through Title 17 (Zoning Code) of the Orange Municipal Code (OMC) to ensure compatibility with residential uses, public health, and neighborhood character; and

**WHEREAS**, the existing regulations permit up to five (5) chickens per residential property and require coops to be set back twenty (20) feet from all property lines; and

**WHEREAS**, there is interest in increasing the permitted number of chickens and concerns about the practicality of the current setback requirement, particularly for properties with irregular lot shapes; and

**WHEREAS**, the proposed zoning code amendment is consistent with the City's General Plan goals of promoting sustainable urban agriculture while maintaining compatibility with residential neighborhoods; and

**WHEREAS**, the Planning Commission having considered the proposed revisions to the OMC at a public hearing held on April 21, 2025, including review of the staff report, and having received public testimony on the item, and adopted Resolution No. 03-25 recommending that the City Council approve the proposed amendments to OMC Section 17.13.040; and

**WHEREAS**, the City Council, having considered the proposed revisions to the OMC at a public hearing held on May XX, 2025, including review of the staff report, and having received public testimony on the item, recommends approval thereof; and

**WHEREAS**, the proposed ordinance is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to (1) Section 15061(b)(3) of the state CEQA Guidelines (Common Sense Exemption) because it can be seen with certainty that there is no possibility that it would have a significant effect on the environment; and (2) Section 15378 because it will not have a direct or reasonably foreseeable indirect physical change on the environment and is not a "project." For this reason, no further CEQA documentation is required.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORANGE DOES  
HEREBY ORDAIN AS FOLLOWS:**

**SECTION I:**

1. The subject Ordinance is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the state CEQA Guidelines (Common Sense Exemption) because it can be seen with certainty that there is no possibility that it would have a significant effect on the environment; and

2. The subject Ordinance is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15378 of the state CEQA Guidelines because it will not have a direct or reasonably foreseeable indirect physical change on the environment and is not a "project." For this reason, no further CEQA documentation is required.

## **SECTION II:**

Section 17.13.040 (F) of the Orange Municipal Code, "Zoning – Master Use Table – Special Use Regulations – Animal Keeping," is hereby amended to read as follows:

### **F. Animal Keeping.**

1. The keeping of animals shall conform to the provisions of Title 6 of this code.

2. The keeping of birds (as defined in Section 17.04.021) as pets or hobby shall conform to the following standards:

a. The occasional sale of birds is permitted when such sale is incidental to the keeping of birds as pets or hobby.

b. All birds permitted under this section shall be confined indoors or in a coop or aviary.

c. Coops or aviaries shall at all times be maintained in a clean and sanitary condition and shall at all times be free of offensive odors.

d. The location of coops or aviaries shall maintain a minimum setback of five feet from all property lines.

e. The City's Code Enforcement Supervisor or designee shall be responsible for determining if the keeping of birds permitted under this section constitutes a nuisance, health or safety hazard, or is being conducted in violation of subsections a, b, c or d above.

3. The keeping of animals on lots having less than 20,000 square feet of lot area per dwelling unit, shall conform to the following:

a. The total number of mature dogs and cats shall be limited to three dogs and three cats.

b. Poultry (~~roosters prohibited~~), rabbits, reptiles, rodents, and other small animals (less than five pounds), shall be limited to a total number of ~~five~~ six, and all such animals shall be maintained in coops, pens, or other quarters or restraints located a minimum of 20 feet ~~from any property line~~ from any structure used for human habitation other than that of the subject property owner.

~~c. A maximum of five animals in any combination, as listed in subsections (C)(3)(a) and (b) of this section, shall be permitted on a property.~~

4. The keeping of animals in single-family districts on lots having 20,000 square feet or more per dwelling unit and zoned R1-20 or greater shall conform to the following:

a. Adult equine, bovine, sheep, goats, and swine shall be limited to a total of two such animals in any combination per the initial 20,000 square feet of land area. One additional equine, bovine, sheep, goat, or swine may be kept for each additional 10,000 square feet of owned or leased contiguous land. However, no more than six such adult animals in any combination shall be kept. The offspring of such animals shall be considered adults when eight months old, except the offspring of equine shall be considered adults when 12 months old.

b. Animals listed in subsection (F)(3) above shall not exceed a total of 10 in any combination on a 20,000 square foot property. An additional five such animals in any combination may be kept for each additional 5,000 square feet of owned or leased contiguous land in the aggregate with a maximum of 50 such animals in any combination. The keeping of more than three dogs shall be subject to the requirements of Section 17.13.050(R).

c. All equine, bovine, sheep, goats, swine, poultry, rabbits, birds, and rodents shall be maintained in coops, pens, corrals, stables, tethers, or in some other means of confinement. Such animals shall not be kept in the required front yard and shall be kept stabled, or tethered a minimum of 50 feet from any structure used for human habitation other than that of the subject property owner, and a minimum of 20 feet from any property line.

5. All animals and animal quarters shall be maintained in a clean and sanitary condition, and shall be subject to inspection by City code enforcement or legally authorized County of Orange employees for the enforcement of Division 1 of Title 4 of the Codified Ordinances of the County of Orange, established for animal control, welfare, license, and health requirements.

6. The following types of animal keeping or raising shall not be permitted:

a. Commercial dairies;

b. Commercial kennels;

c. Rabbit, fox, goat, and other animal-raising farms;

d. Farms devoted to the hatching, raising, fattening, and/or butchering of poultry or the commercial production of eggs;

e. Livestock-feeding ranches; and

f. Ranches operated publicly or privately for the disposal of garbage, sewage, rubbish, or offal.

**SECTION III:**

If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

**SECTION IV:**

The City Clerk is hereby directed to certify the adoption of this Ordinance and cause the same to be published as required by law. This Ordinance shall take effect thirty (30) days from and after the date of its final passage.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2025.

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Daniel R. Slater, Mayor, City of Orange

**ATTEST:**

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Pamela Coleman, City Clerk, City of Orange

**APPROVED AS TO FORM:**

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Wayne W. Winthers, Interim City Attorney

STATE OF CALIFORNIA    )  
COUNTY OF ORANGE     )  
CITY OF ORANGE         )

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2025, and thereafter at the regular meeting of said City Council duly held on the \_\_\_\_ day of \_\_\_\_\_, 2025 was duly passed and adopted by the following vote, to wit:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

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Pamela Coleman, City Clerk, City of Orange



**ATTACHMENT “B”**  
[Proposed Ordinance – Clean copy]

**ORDINANCE NO. XX-25**

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**WHEREAS**, the existing regulations permit up to five (5) chickens per residential property and require coops to be set back twenty (20) feet from all property lines; and

**WHEREAS**, there is interest in increasing the permitted number of chickens and concerns about the practicality of the current setback requirement, particularly for properties with irregular lot shapes; and

**WHEREAS**, the proposed zoning code amendment is consistent with the City's General Plan goals of promoting sustainable urban agriculture while maintaining compatibility with residential neighborhoods; and

**WHEREAS**, the Planning Commission having considered the proposed revisions to the OMC at a public hearing held on April 21, 2025, including review of the staff report, and having received public testimony on the item, and adopted Resolution No. 03-25 recommending that the City Council approve the proposed amendments to OMC Section 17.13.040; and

**WHEREAS**, the City Council, having considered the proposed revisions to the OMC at a public hearing held on May XX, 2025, including review of the staff report, and having received public testimony on the item, recommends approval thereof; and

**WHEREAS**, the proposed ordinance is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to (1) Section 15061(b)(3) of the state CEQA Guidelines (Common Sense Exemption) because it can be seen with certainty that there is no possibility that it would have a significant effect on the environment; and (2) Section 15378 because it will not have a direct or reasonably foreseeable indirect physical change on the environment and is not a "project." For this reason, no further CEQA documentation is required.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORANGE DOES  
HEREBY ORDAIN AS FOLLOWS:**

**SECTION I:**

1. The subject Ordinance is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the state CEQA Guidelines (Common Sense Exemption) because it can be seen with certainty that there is no possibility that it would have a significant effect on the environment; and

2. The subject Ordinance is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15378 of the state CEQA Guidelines because it will not have a direct or reasonably foreseeable indirect physical change on the environment and is not a "project." For this reason, no further CEQA documentation is required.

## **SECTION II:**

Section 17.13.040 (F) of the Orange Municipal Code, "Zoning – Master Use Table – Special Use Regulations – Animal Keeping," is hereby amended to read as follows:

### **F. Animal Keeping.**

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a. The occasional sale of birds is permitted when such sale is incidental to the keeping of birds as pets or hobby.

b. All birds permitted under this section shall be confined indoors or in a coop or aviary.

c. Coops or aviaries shall at all times be maintained in a clean and sanitary condition and shall at all times be free of offensive odors.

d. The location of coops or aviaries shall maintain a minimum setback of five feet from all property lines.

e. The City's Code Enforcement Supervisor or designee shall be responsible for determining if the keeping of birds permitted under this section constitutes a nuisance, health or safety hazard, or is being conducted in violation of subsections a, b, c or d above.

3. The keeping of animals on lots having less than 20,000 square feet of lot area per dwelling unit, shall conform to the following:

a. The total number of mature dogs and cats shall be limited to three dogs and three cats.

b. Poultry (roosters prohibited), rabbits, reptiles, rodents, and other small animals (less than five pounds), shall be limited to a total number of six, and all such animals shall be maintained in coops, pens, or other quarters or restraints located a minimum of 20 feet from any structure used for human habitation other than that of the subject property owner.

4. The keeping of animals in single-family districts on lots having 20,000 square feet or more per dwelling unit and zoned R1-20 or greater shall conform to the following:

a. Adult equine, bovine, sheep, goats, and swine shall be limited to a total of two such animals in any combination per the initial 20,000 square feet of land area. One additional equine, bovine, sheep, goat, or swine may be kept for each additional 10,000 square feet of owned or leased contiguous land. However, no more than six such adult animals in any combination shall be kept. The offspring of such animals shall be considered adults when eight months old, except the offspring of equine shall be considered adults when 12 months old.

b. Animals listed in subsection (F)(3) above shall not exceed a total of 10 in any combination on a 20,000 square foot property. An additional five such animals in any combination may be kept for each additional 5,000 square feet of owned or leased contiguous land in the aggregate with a maximum of 50 such animals in any combination. The keeping of more than three dogs shall be subject to the requirements of Section 17.13.050(R).

c. All equine, bovine, sheep, goats, swine, poultry, rabbits, birds, and rodents shall be maintained in coops, pens, corrals, stables, tethers, or in some other means of confinement. Such animals shall not be kept in the required front yard and shall be kept stabled, or tethered a minimum of 50 feet from any structure used for human habitation. other than that of the subject property owner, and a minimum of 20 feet from any property line.

5. All animals and animal quarters shall be maintained in a clean and sanitary condition, and shall be subject to inspection by City code enforcement or legally authorized County of Orange employees for the enforcement of Division 1 of Title 4 of the Codified Ordinances of the County of Orange, established for animal control, welfare, license, and health requirements.

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e. Livestock-feeding ranches; and

f. Ranches operated publicly or privately for the disposal of garbage, sewage, rubbish, or offal.

**SECTION III:**

If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

**SECTION IV:**

The City Clerk is hereby directed to certify the adoption of this Ordinance and cause the same to be published as required by law. This Ordinance shall take effect thirty (30) days from and after the date of its final passage.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Daniel R. Slater, Mayor, City of Orange

**ATTEST:**

\_\_\_\_\_  
Pamela Coleman, City Clerk, City of Orange

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Wayne W. Winthers, Interim City Attorney

STATE OF CALIFORNIA    )  
COUNTY OF ORANGE     )  
CITY OF ORANGE         )

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2025, and thereafter at the regular meeting of said City Council duly held on the \_\_\_\_ day of \_\_\_\_\_, 2025 was duly passed and adopted by the following vote, to wit:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

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Pamela Coleman, City Clerk, City of Orange