



# Agenda Item

## City Council

---

**Item #:** 8.1.

**6/24/2025**

**File #:** 25-0253

---

**TO:** Honorable Mayor and Members of the City Council

**THRU:** Tom Kisela, City Manager

**FROM:** Russell Bunim, Community Development Director

### 1. SUBJECT

Continued Public Hearing to consider introduction and First Reading of an ordinance amending provisions in Title 17 of the Orange Municipal Code (Zoning Ordinance) relating to the number of chickens allowed on residential properties and setback requirements; and finding of CEQA exemption. Ordinance No. 08-25. (Continued from June 10, 2025)

### 2. SUMMARY

The City proposes changes to update Title 17 to amend certain provisions of the OMC to increase the number of chickens allowed on residential properties, adjust coop setback requirements from property lines to structures used for human habitation, and remove the combining limit of dogs and cats with small animals such as poultry. These amendments are proposed in order to enhance Code clarity, enforcement, and flexibility while maintaining neighborhood compatibility.

### 3. RECOMMENDED ACTION

1. Conduct and close the Public Hearing.
2. Introduce and conduct First Reading of Ordinance No. 08-25. 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.
3. Find the ordinance categorically exempt from the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15061(b)(3) and 15378.

### 4. FISCAL IMPACT

None.

### 5. STRATEGIC PLAN GOALS

Goal 3: Enhance Public Communication Strategy and Quality of Life

### 6. DISCUSSION AND BACKGROUND

The City's current chicken keeping regulations were established to balance urban agriculture with residential land use. Based on staff interaction during Code Enforcement investigations and what has become an established popular animal keeping practice in typical single-family neighborhoods, there is a need to refresh City standards to reflect "real world" conditions that have proven to function in an acceptable manner. This includes increasing the allowable number of chickens and adjusting property line based setbacks. The proposed amendments would align with regional trends and

improve practicality for residents.

The existing regulations governing backyard chickens in the City of Orange were established to balance the benefits of urban agriculture with potential impacts on surrounding residences. Currently, residents are permitted to keep up to five chickens, with a requirement that coops be located at least twenty feet from property lines.

Concerns arose about the limitations of these current regulations because an odd-numbered flock size may not be ideal for chickens, which naturally form social bonds in pairs. Other challenges exist in residents' ability to meet the current property line setback requirement, particularly for homes on smaller or irregularly shaped lots where the placement of a coop twenty feet from all property boundaries is impractical.

The City has reviewed backyard chicken regulations in surrounding jurisdictions and found that six or more chickens is not unreasonable when employing more flexible setback requirements.

Due to these considerations, staff developed the proposed amendments to better align with best practices and community needs. The proposed amendments to the Orange Municipal Code would modify two key aspects of backyard chicken regulations. First, the maximum number of chickens permitted on residential properties would be increased from five to six. Chickens are social animals that thrive in even-numbered groups. The proposed changes would improve overall flock health. Additionally, allowing six chickens provides residents with a more reliable supply of eggs, particularly as individual hens may experience seasonal variations in egg production.

Second, the requirement that coops be set back at least twenty feet from all property lines would be replaced with a requirement that they be set back at least twenty feet from any structure used for human habitation. Coops would be placed at an appropriate distance from living spaces while accommodating the diverse lot configurations found in the City. The new standard would provide greater flexibility for residents while maintaining appropriate safeguards to minimize noise, odor, and pest concerns.

The ordinance also omits an existing code section that limits the combined keeping of dogs, cats, and small animals such as poultry to a maximum of five. This omission will enable households with dogs and cats to have the same number of chickens as households without dogs and cats.

The Planning Commission unanimously recommended that the City Council approve the ordinance with a recommended amendment that "no poultry shall be maintained closer to an off-property structure used for human habitation than to the structure used for human habitation where the poultry is kept." Scenarios that would not comply with the Planning Commission's recommended language is included in Attachment 5. Staff analysis concludes that the addition of the Commission's recommended language will cause greater difficulty in confirming code compliance. Staff maintains that the ordinance language originally presented to the Planning Commission would provide sufficient buffering from neighbors to compensate for any potential chicken noise or odors. Staff is providing the Council with the unamended original ordinance provided to the Planning Commission.

## 7. PUBLIC NOTICE

On May 15, 2025, the City published notice of the City Council public hearing in the Orange City News. Notification was also posted at City Hall and on the City website on or before that date.

## **8. ENVIRONMENTAL REVIEW**

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.

## **9. ATTACHMENTS**

- Attachment 1 -Ordinance No. 08-25 Clean
- Attachment 2 - Ordinance No. 08-25 Redlined
- Attachment 3 - Planning Commission April 21, 2025, Staff Report
- Attachment 4 - Planning Commission April 21, 2025, Meeting Minutes
- Attachment 5 - Chicken Keeping Scenarios