TOWN OF PARADISE

ORDINANCE NO. 505

AN ORDINANCE AMENDING SECTIONS 17.04.500 AND 17.35.200 OF THE PARADISE MUNICIPAL CODE AND ADDING SECTION 17.35.250 THERETO RELATED TO: THE KEEPING OF CERTAIN SMALL ANIMALS AS A PERMITTED ACCESSORY LAND USE IN RESIDENTIAL ZONES

The Town Council of the Town of Paradise, State of California does hereby **ORDAIN AS FOLLOWS:**

SECTION 1. The definition of "Animal production" contained within Section 17.04.500 "C" of the Paradise Municipal Code shall be amended as follows:

"Animal production" means raising of animals or production of animal products such as eggs or dairy products. Typical uses include grazing, ranching, dairy farming, and poultry farming. Animal production shall not include the keeping and raising of BACKYARD CHICKENS AND RABBITS in accordance with Section 17.35.250.

SECTION 2. A definition for "Backyard chickens and rabbits" shall be added to Section 17.04.500 "C" of the Paradise Municipal Code as follows:

"Backyard chickens and rabbits" means the long-term keeping and raising of up to two chickens (excluding roosters) and up to two rabbits as a permitted ACCESSORY USE on the same SITE as an ESTABLISHED residential land USE as household pets and in accordance with Section 17.35.250.

SECTION 3. Section 17.35.200 of the Paradise Municipal Code shall be amended as follows:

Section 17.35.200 General Requirements. The long-term keeping of livestock animals upon properties within the AR-1, AR-3, AR-5, RR-1, RR-2/3, RR-1/2, TR-1, TR-1/2, and TR-1/3 zoning districts is potentially permitted subject to the specific land use regulations within each zone; and solely in association with established on-site residential uses, and subject to all applicable minimum requirements set forth in this section of Chapter 17.35.

A. Except as otherwise provided within Section 17.35.250, all regulations set forth in Table 17.35.200 shall apply to the long-term keeping of livestock animals as follows:

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Table 17.35.200

Type of Animal	Minimum Area Per Animal (square feet)	Minimum Net Lot Area Required (One Animal) (square feet)	Maximum Number Animals*	Minimum Enclosure Setbacks** (from residence(s) on adjoining site)
Horse, cow, llama etc.	15,500	30,500	12	100 feet
Swine	11,000	26,000	12	100 feet
Goat, sheep	10,000	25,000	18	100 feet
Turkey	5,000	20,000	24	75 feet
Poultry, fowl	1,500	16,500	36	75 feet
Rabbits	900	15,900	36	75 feet
Chinchilla, mink, etc.	1,000	16,000	24	75 feet

* Maximum number of animals shall not apply to properties of five (5) acres or greater in size.

** The planning director or planning commission may require specific distances from property lines as he or they deem appropriate.

B. The minimum site area per animal requirements of Table 17.35.200 shall apply in addition to a minimum site area requirement of fifteen thousand (15,000) square feet (net area) per dwelling on the site. Area requirements shall be determined cumulatively for the purpose of establishing the number of animals allowed, and shall not apply solely to the actual site area used by a particular animal.

C. Minimum enclosure setback distances shall apply to any barn, corral, pen, feed area, paddock, stable, fenced pasture, or similar area for housing or enclosure of animals.

D. Enclosure setbacks measured from a residence shall apply to any existing dwelling structure located on an adjacent property, but need not apply to dwellings on the same site as the animal enclosure.

E. The maximum number of animals shall be the cumulative total number of animals on the site. (Example: two (2) horses plus one cow shall equal the maximum number of animals permitted upon a property less than five (5) acres in size.).

F. Animal requirements of this section shall apply only to mature or weaned animals. Requirements for any livestock animal not listed in Table 17.35.200 shall be determined by the planning director on the basis of comparability to animals listed, and the characteristics customarily associated with such animals.

SECTION 4. Section 17.35.250 shall be added to the Paradise Municipal Code as follows:

17.35.250 Backyard Chickens and Rabbits. Notwithstanding the requirements of Section 17.35.200, the long-term keeping and raising of chickens and rabbits shall be considered a permitted accessory land use to an established residential land use in residential zoning districts when conducted in accordance with the following standards:

A. Up to two chickens and up to two rabbits may be kept and raised upon residentially-zoned properties.

B. Chickens kept and raised as permitted residential accessory land uses shall under no circumstances include roosters.

C. Chickens and rabbits shall at all times be confined within pens, coops and other enclosed or fenced areas maintained a minimum distance of seventy-five lineal feet from any dwelling structure located on an adjacent property and shall be established in compliance with all applicable yard setback requirements.

D. Pens, coops and other areas used to contain and/or confine chickens and rabbits shall be maintained in a clean and sanitary condition via frequent cleaning and removal of animal waste from the site and shall at no time become a source of offensive odors transmitted to adjacent properties.

SECTION 5. This ordinance shall take effect thirty (30) days after the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance or a summary thereof shall be published in a newspaper of general circulation published and circulated with the Town of Paradise along with the names of the members of the Town Council of Paradise voting for and against same.

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PASSED AND ADOPTED by the Town Council of the Town of Paradise, County of Butte, State of California, on this 14th day of September, 2010 by the following vote:

AYES: Steve "Woody" Culleton, Joe DiDuca, Alan White and Scott Lotter, Mayor

NOES: None

ABSENT: Frankie Rutledge

ABSTAIN: None

[redacted]

Scott Lotter, Mayor

ATTEST:

[redacted]

JOANNA GUTIERREZ, Town Clerk

APPROVED AS TO FORM:

[redacted]

DWIGHT L. MOORE, Town Attorney