

ORDINANCE NO. 328

AN ORDINANCE OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT NO. 2004-03, AMENDING SECTIONS 17.08.010 (APPLICATION OF DEFINITIONS) AND 17.28.030 (STANDARDS RELATING TO ANIMALS) OF THE MOORPARK MUNICIPAL CODE

WHEREAS, on February 4, 2004, the City Council adopted Resolution No. 2004-2168 directing the Planning Commission to study, set a public hearing, and provide a recommendation on amendments to the Zoning Code related to animal keeping; and

WHEREAS, on October 25, 2005, the Planning Commission conducted a duly-noticed public hearing on Zoning Ordinance Amendment No. 2004-03, proposed amendments to Section 17.08.010 and 17.28.030 of the Moorpark Municipal Code, received public testimony on the proposed amendments, and after receiving oral and written public testimony, closed the public hearing and adopted Planning Commission Resolution 2005-491 recommending approval of Zoning Ordinance Amendment No. 2004-03 to the City Council; and

WHEREAS, on December 7, 2005, the City Council conducted a duly-noticed public hearing on Zoning Ordinance Amendment No. 2004-03, proposed amendments to Section 17.08.010 and 17.28.030 of the Moorpark Municipal Code, received public testimony on the proposed amendments, and after receiving oral and written public testimony, closed the public hearing; and

WHEREAS, the City Council concurs with the Community Development Director's determination that this project is exempt from the provisions of the California Environmental Quality Act by the general rule that CEQA only applies to projects that may have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds Zoning Ordinance Amendment No. 2004-03 is consistent with the City of Moorpark General Plan and all adopted Specific Plans.

SECTION 2. Sections 17.08.010 and 17.28.030 of the Moorpark Municipal Code are hereby amended as shown in Exhibit A.

SECTION 3. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 4. This Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 5. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published once in the Moorpark Star a newspaper of general circulation, as defined in Section 6008 of the Government Code, for the City of Moorpark, and which is hereby designated for that purpose.

PASSED AND ADOPTED this 21st day of December, 2005.

---

Patrick Hunter, Mayor

ATTEST:

---

Deborah S. Traffenstedt, City Clerk

Exhibit A: Zoning Ordinance Amendment No. 2004-03: Amendments to Section 17.08.010 and Section 17.28.030 of the Moorpark Municipal Code

000135

**EXHIBIT A**

**Zoning Ordinance Amendment No. 2004-03:**

**Amendments to Sections 17.08.010 (Application of Definitions) and 17.28.030 (Standards Related to Animals) of the Moorpark Municipal Code**

The terms "Animals, Farm" and "Animal husbandry" and their respective definitions in Section 17.08.010 of the Moorpark Municipal Code are hereby deleted.

The definitions for "Animals, Pet" and "Aviary" in Section 17.08.010 of the Moorpark Municipal Code are hereby amended as follows:

**Section 17.08.010 Application of definitions.**

"Animals, Pet" means small domesticated animals, excluding dogs and cats including, but not limited to birds, guinea pigs, rats, mice, chinchillas, other small rodents and lagomorphs, reptiles, amphibians, and fish which are customarily kept for pleasure.

"Aviary" means any place where more than twenty-five (25) domestic birds are kept outside of a dwelling.

Section 17.28.030 (Standards Related to Animals) of the Moorpark Municipal Code is hereby amended in its entirety as follows:

**Section 17.28.030 Standards relating to animal keeping.**

A. General Provisions. The standards below shall apply to animal keeping or animal usage in residential, agricultural and open space zones for the personal use or pleasure of the residents of the property where the animal is kept. Any animal not specifically classified in Table 17.28.030B shall be classified by the Community Development Director based upon the director's written determination of similarity to animals listed in Table 17.28.030B. These regulations do not apply to animals used to assist the blind, such as seeing-eye dogs and miniature horses. All animal keeping must be in compliance with title 6 of the Moorpark Municipal Code.

1. All animals shall be contained in a humane manner entirely on the site on which they are located. The manner of containment shall meet the setback and height requirements of the zone in which the property is located and for the type of containment proposed. Animals may be contained in required side and rear yard setback areas, but not in required front yard setback areas.

2. All animal containment areas shall be maintained sanitary, free from litter, garbage, debris and the accumulation of animal waste. Containment areas shall not be located in a drainage channel or conveyance.

3. Animal containment areas, other than for apiculture, pet animals, and cats and dogs, shall be maintained at least forty (40) feet from any structure used for human habitation other than the owner's residence.

4. Apiculture shall conform to the following requirements.

a. Street Separation. No beehive or box shall be located or maintained within one-hundred-fifty (150) feet of any public road, street or highway, or as determined by the Community Development Director.

b. Apiary Location. A beehive or box shall be located or maintained a reasonable distance

from an urbanized area. For the purpose of this section, an urbanized area is defined as an area containing three (3) or more dwelling units per acre. A "reasonable distance" shall be determined after investigation by the Community Development Director but shall not be less than four-hundred (400) feet from the property line on which the hives are located.

c. Dwelling Separation. No beehive or box shall be located or maintained within four-hundred (400) feet of any property line.

d. Property Line Separation. No apiary shall be located or maintained within fifty (50) feet of any property line common to other property except that it may be adjoining the property line when such other property contains an apiary, or upon mutual agreement for such location with the adjoining property owner.

e. Water. Available adequate and suitable water supply shall be maintained on the property near the apiaries at all times.

5. Domestic animals, other than those listed in table 17.28.030B shall be allowed to be kept on all residentially-zoned property subject to the following limitations:

a. A maximum of fifteen (15) domestic animals including, but not limited to mice, rats, hamsters, guinea pigs, turtles, and small birds (less than six (6) inches in overall height). Outside enclosures shall be set back a minimum of fifteen (15) feet from any adjacent property line.

b. A maximum of three (3) large birds (greater than six (6) inches in overall height) of the parrot family. Outside enclosures shall be set back a minimum of fifteen (15) feet from any adjacent property line.

c. Tropical fish, small caged crustaceans, amphibians and arthropods, and other similar animals commonly sold in pet stores and kept as household pets, may be kept on any residentially-zoned lot so long as the animals are not maintained for commercial purposes, do not constitute a nuisance, and are adequately provided with food, care and sanitary facilities.

d. Animals which do not fit within this category may be permitted (including the total number, upon approval by the Community Development Director.

B. Animal Keeping. The animal keeping requirements listed in Table B below are primarily for the keeping of animals for the pleasure of the owners and not for commercial purposes, except as noted in the table.

**Table 17.28.030B  
ANIMAL KEEPING**

<b>Type of Animal or Animal Usage (see Note B for example calculation)</b>	<b>Minimum Lot Size</b>	<b>Maximum Number (A)</b>	<b>Zoning</b>
1. Apiculture	5 acres	No maximum.	O-S, A-E
2. Aviary for domestic birds (see Section 17.28.030A.5)	5 acres	No maximum.	O-S, A-E, R-A, R-E
3. Domesticated cats and dogs a. Single family dwellings	<5 acres >5 acres	Any combination of 4. Any combination of 6.	O-S, A-E, R-A, R-E, R-O, R-1, R-2, RPD, TPD
b. Multiple family dwellings	n/a	Any combination of 2.	RPD, R-2
4. Equine, bovine or cleft-hoofed animals, including, but not limited to horses, ponies, mules, donkeys, burros, cows, and bulls.	20,000 sq. ft.	2 per 20,000 sq. ft. plus 1 additional animal for each 5,000 sq. ft. up to 1 acre. For >1 acre, 1 additional animal per each acre.	O-S, A-E, R-A, R-E, R-O, RPD*, SP*

5. Fowl (peacocks and pea hens are not permitted)			
a. Chickens, ducks and game hens	10,000 sq. ft.	10 per 10,000 sq. ft.	O-S, A-E, R-A, R-E, R-O
b. Roosters and guinea fowl	20,000 sq. ft.	4 per 20,000 sq. ft.	O-S, A-E, R-A, R-E, R-O
6. Kennels and catteries (see Section 17.20.050A.6 for additional limitations)	Minimum lot size of the zone	By Conditional Use Permit.	M-1, M-2
7. Medium animals such as llamas, alpacas, sheep, goats, swine and other animals of similar size as determined by the Community Development Director which are bred for sale and not kept as pets	20,000 sq. ft.	10 per 20,000 sq. ft. up to 1 acre plus 2 additional animals for each acre > 1 acre.	O-S, A-E, R-A, R-E, R-O
8. Small animals such as rabbits, chinchillas and other animals of similar size as determined by the Community Development Director which are bred for sale and not kept as pets	20,000 sq. ft.	10 per 20,000 sq. ft. plus 2 additional animals for each 5,000 sq. ft. up to 1 acre. For >1 acre, 2 additional animal per each acre.	O-S, A-E, R-A, R-E, R-O
9. Small animals excluding domesticated cats and dogs but including and not limited to rabbits, chinchillas, sheep, goats, pigmy goats, pigs, potbellied pigs, and miniature horses which are not bred for sale and are kept as pets	10,000 sq. ft.	3 per 10,000 sq. ft. plus 1 additional animal for each 5,000 sq. ft. up to 1 acre. For >1 acre, 1 additional animal per each acre.	O-S, A-E, R-A, R-E, R-O
10. Veterinary Facilities including, but not limited to hospitals for large and small animals and surgical offices (see Sections 17.20.050A.2. and 17.20.060C.4.a and b for additional limitations)	Minimum of the zone	By Administrative Permit or Conditional Use Permit.	O-S, A-E, R-A, C-O, C-1, CPD, C-2, C-OT, M-1, M-2
11. Wild animals	1 acre	By Conditional Use Permit.	O-S, A-E, R-E, R-O

Notes: (A) Young animals born to a permitted animal kept on the site may be kept until such animals are weaned (cats and dogs, four months; equine, bovine or cleft-hoofed animals, twelve months).

(B) For example, if you have a 20,000 square-foot lot in the RE zone, you would be able to have 2 equine, bovine or cleft-hoofed animals, plus 20 chickens or ducks or game hens or combination thereof, plus 4 roosters or guinea fowl or combination thereof, plus 10 small animals such as rabbits, plus 6 sheep or other small animals, plus any combination of 4 domesticated dogs or cats.

\* Equine animals, such as horses, ponies, mules, and burros, are allowed in RPD and SP zones only in locations specifically designated for equestrian uses or horse keeping as part of the Residential Planned Development Permit or Specific Plan. Bovine and other cleft-hoofed animals are not permitted in these zones.