

ORDINANCE NO. 1739  
TEXT AMENDMENT NO. C-24-4

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, AMENDING SECTION 19.312.040 (AGRICULTURAL OVERLAY CLASSIFICATION) AND SECTION 19.348.050 (ANIMAL KEEPING) OF TITLE 19 (ZONING) OF THE BUENA PARK MUNICIPAL CODE TO REGULATE THE KEEPING OF CHICKENS AND BEES IN SINGLE-FAMILY (RS) ZONES CITY WIDE

A. RECITALS.

(i) The City of Buena Park (“City”) is a California charter city with plenary authority over all “municipal affairs” and the broad “police powers” vested by California’s Constitution, pursuant to which it may make and enforce laws necessary to protect and preserve the health, safety, and welfare of residents’ subject only to enactments by the California Legislature on matters of “statewide concern.”

(ii) Consistent with such authority, the City enacted the Buena Park Municipal Code (BPMC) and Buena Park Zoning Code (Title 19 of the BPMC, hereinafter “BPMC”) to, among other things, regulate the location and nature of land uses in the City.

(iii) On July 24, 2024, the Planning Commission of the City of Buena Park, held a duly noticed public hearing to consider a recommendation to the City Council to approve Zoning Text Amendment No. C-24-4 and recommended that the City Council approve the Text Amendment.

(iv) On August 13, 2024, the City Council conducted a duly noticed public hearing to consider Zoning Text Amendment No. C-24-4.

(v) This Ordinance is a text change to the BPMC and has been processed and considered in accordance with the provisions of Section 19.124.010 (Text Change) of the Buena Park Municipal Code, as well as applicable provisions of California law, and all other legal prerequisites to the adoption of this Ordinance have occurred.

B. ORDINANCE.

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

**SECTION 1.** The facts set forth in the Recitals, Part A, of this Ordinance are true and correct, and incorporated into this Ordinance as substantive findings.

**SECTION 2.** Section 19.312.040 of the Buena Park Municipal Code, entitled “Agricultural Overlay Classification” is hereby amended to read as follows (new text reflected in underline and deleted text in ~~strikethrough~~):

§ 19.312.040. Agricultural Overlay Classification.

- A. Permitted Uses. Property located in an area shown on the Zoning Map with the symbol "A" may be used for the following agricultural activities in addition to the uses authorized for the underlying zone:

1. Horticultural production;
  2. Plant nursery;
  3. Orchards and tree crops;
  4. Field crops, berry crops, bush crops, truck gardening;
  5. Raising or keeping of livestock subject to the requirements of subsection C of this section;
  6. Raising or keeping of chickens subject to the requirements of subsection E of this section;
  7. Beekeeping, subject to the requirements of subsection D of this section;
  8. Agricultural accessory uses and structures.
- B. Lot Size. Notwithstanding the requirements of the underlying zone, the minimum lot size in the A Overlay Zone shall be 14,000 square feet.
- C. Livestock. Raising or keeping of livestock shall be limited to domesticated animals such as rabbits, fowl, and not more than 2 horses, mules, cows, goats, sheep, or similar large animals in any combination. Any animal keeping structure for such animals shall be located at least:
1. 100 feet from the front property line;
  2. 30 feet from any other property line;
  3. 40 feet from any dwelling or other building used for human habitation, on either the subject or adjacent properties.
- D. **Beekeeping.** Unless otherwise permitted by conditional use permit, not more than ~~2~~ 4 bee colonies hives shall be permitted within the Agricultural Overlay Classification subject to the following development and operational standards: ~~or beehives on a lot, with not more than 2 supers or honey-collecting cells per colony, provided:~~
1. ~~Each hive or colony shall be located to the rear of a main structure and at least 15 feet from every property line;~~
  2. ~~Such hives or colonies shall be the property of, and maintained by, the residents of the property upon which the hives are located;~~
  3. ~~An adequate water supply shall be provided on-site at all times;~~
  4. ~~All colonies are registered with the Orange County Agricultural Commissioner.~~
  1. The number of hives fluctuates slightly depending on the season; properties found with more than four (4) hives will first be issued a warning to reduce the number of hives prior to initiating further enforcement actions.
  2. Hives may be located in the side or rear yard but must be a minimum of ten (10) feet from any property line.
  3. Parcels that share a common property line with a School, licensed childcare facility, or park shall not be permitted to keep bees.
  4. No property may keep bees without first obtaining a ministerial permit from the Community and Economic Development Department.
  5. Each application for beekeeping shall be on a City-provided form and shall include the following information and documentation:
    - i. The property address where beekeeping is proposed.

- ii. Property owner authorization.
    - iii. A site plan showing the location on the parcel where the beehives will be located and the required six-foot tall fence/wall/hedge around the property or apiary.
    - iv. The location of the on-site water source.
    - v. Self-attestation that the applicant has completed a training/certification course on beekeeping.
  6. The Community and Economic Development Director may issue additional rules and requirements regulating the keeping or maintaining of bees based on the site-specific conditions, and may deny, suspend or revoke any such permit for violations of these requirements.
- E. Chicken Keeping. Unless otherwise permitted by conditional use permit, not more than six (6) chickens (no roosters) may be kept on a each single-family (RS) zoned property subject to the following development and operational standards:
1. No property may keep chickens without first obtaining a ministerial permit from the Community and Economic Development Department.
  2. Any property which keeps or maintains chickens shall provide an adequate enclosure.
  3. The enclosure must be a minimum size of ten (10) square feet of permeable land per chicken.
  4. The enclosure must provide protection for the chickens from the elements, and to prevent wildlife or other predators from gaining entry.
  5. Chicken enclosures or related structures may be located in the side or rear of the property but shall not be located in the front yard.
  6. Chicken coops/runs/enclosures shall be at least 10-feet from any side or rear property line.
  7. Chickens must be provided proper feeding and water at intervals not longer than twelve (12) hours apart.
  8. Coops, pens, enclosures or yards where chickens are kept must be maintained in a clean and sanitary condition. Manure or other debris shall be removed from such enclosures daily.
  9. Each application for the keeping of chickens shall be on a City-provided form and shall include the following information and documentation:
    - i. The property address where chicken keeping is proposed.
    - ii. Property owner authorization.
    - iii. A site plan showing the location on the parcel where the enclosure/coop/run will be located.
    - iv. Self-attestation that the applicant has completed a training/certification course on keeping of chickens.
  10. The Community and Economic Development Director may issue additional rules and requirements regulating the keeping or maintaining of chickens based on the site-specific conditions, and may deny, suspend or revoke any such permit for violations of these requirements.

**SECTION 3.** Section 19.348.050 of the Buena Park Municipal Code, entitled “Animal Keeping” is hereby amended to read as follows (new text reflected in underline and deleted text in ~~strikethrough~~):

§ 19.348.050 Animal Keeping.

- A. Purpose. The purpose of this section is to reasonably control the number and types of animals being maintained within the City in order to protect the peace, health, and safety of residents and to preserve the urban and suburban quality of the environment.
- B. Animals Allowed. No animal shall be kept or maintained within the RS zones except as follows:
1. Household Pets. Not more than three dogs and three cats per household plus any unweaned litter from such pets not over six months old, and parrots, canaries, and other house birds of a similar nature. Rabbits and fowl (other than house birds) are prohibited except in an A Overlay Zone subject to the provisions of Section 19.312.040. In addition, the following types of animals may be kept as household pets: hamsters, guinea pigs, white rats, white mice, turtles, salamanders, newts, chameleons, kangaroo rats, not more than three nonpoisonous reptiles not over six feet long, any nonpoisonous toad, lizard or spider, and other animals of a similar nature as may be determined by interpretation pursuant to Section 19.128.010.
  2. Beekeeping and the keeping of chickens shall be permitted within the RS zone subject to the development and operational standards outlined in the sections below.
- C. **Beekeeping.** Unless otherwise permitted by conditional use permit, not more than 2 4 ~~bee colonies~~ hives shall be permitted within any RS-zoned property subject to the following development and operational standards; or beehives on a lot, with not more than 2 supers or honey-collecting cells per colony, provided:
- ~~1. Each hive or colony shall be located to the rear of a main structure and at least 15 feet from every property line;~~
  - ~~2. Such hives or colonies shall be the property of, and maintained by, the residents of the property upon which the hives are located;~~
  - ~~3. An adequate water supply shall be provided on-site at all times;~~
  - ~~4. All colonies are registered with the Orange County Agricultural Commissioner.~~
  1. The number of hives fluctuates slightly depending on the season; properties found with more than four (4) hives will first be issued a warning to reduce the number of hives prior to initiating further enforcement actions.
  2. Hives may be located in the side or rear yard but must be a minimum of ten (10) feet from any property line.
  3. Parcels that share a common property line with a School, licensed childcare facility, or park shall not be permitted to keep bees.

4. No property may keep bees without first obtaining a ministerial permit from the Community and Economic Development Department.
5. Each application for beekeeping shall be on a City-provided form and shall include the following information and documentation:
  - i. The property address where beekeeping is proposed.
  - ii. Property owner authorization.
  - iii. A site plan showing the location on the parcel where the beehives will be located and the required six-foot tall fence/wall/hedge around the property or apiary.
  - iv. The location of the on-site water source.
6. Self-attestation that the applicant has completed a training/certification course on beekeeping.
7. The Community and Economic Development Director may issue additional rules and requirements regulating the keeping or maintaining of bees based on the site-specific conditions, and may deny, suspend or revoke any such permit for violations of these requirements.

**D. Chicken Keeping.**

1. No property may keep chickens without first obtaining a ministerial permit from the Community and Economic Development Department.
2. Any property which keeps or maintains chickens shall provide an adequate enclosure.
3. The enclosure must be a minimum size of ten (10) square feet of permeable land per chicken.
4. The enclosure must provide protection for the chickens from the elements, and to prevent wildlife or other predators from gaining entry.
5. Chicken enclosures or related structures may be located in the side or rear of the property but shall not be located in the front yard.
6. Chicken coops/runs/enclosures shall be at least 10-feet from any side or rear property line.
7. Chickens must be provided proper feeding and water at intervals not longer than twelve (12) hours apart.
8. Coops, pens, enclosures or yards where chickens are kept must be maintained in a clean and sanitary condition. Manure or other debris shall be removed from such enclosures daily.
9. Each application for the keeping of chickens shall be on a City-provided form and shall include the following information and documentation:
  - i. The property address where chicken keeping is proposed.
  - ii. Property owner authorization.
  - iii. A site plan showing the location on the parcel where the enclosure/coop/run will be located.
  - iv. Self-attestation that the applicant has completed a training/certification course on keeping of chickens.
10. The Community and Economic Development Director may issue additional rules and requirements regulating the keeping or maintaining of chickens based on the

site-specific conditions, and may deny, suspend or revoke any such permit for violations of these requirements.

- E. Domesticated animals such as horses, mules, cows, goats, or sheep may be kept only within the A Overlay Zone subject to the requirements of Section 19.312.040.
- F. Animals may be kept in an educational institution for the purpose of instruction, provided such animals are securely confined and properly cared for in a manner satisfactory to the Orange County poundmaster;
- G. Limitations.
  - 1. No person shall keep, maintain, or permit on any lot, parcel of land or premises under his or her control, any animal which by any sound or cry disturbs the peace and comfort of the inhabitants of the neighborhood or interferes with any person in the reasonable and comfortable enjoyment of life or property. Nor, shall any person maintain any animals in such a manner as to cause the breeding of flies or the creation of obnoxious odors, or in any manner which becomes or is a nuisance or health hazard.
  - 2. All animals shall be kept under control at all times by leash, fences, pens, corrals, cages, or suitable enclosures within buildings.
  - 3. All animal-keeping structures shall conform to any applicable zoning and building code requirements.
  - 4. Any premises where animals are kept shall be open to reasonable inspection by City personnel and other public officers have responsibility for enforcement of animal-control regulations.

**SECTION 4.** The proposed zone text amendments are exempt from CEQA pursuant to CEQA Guidelines Section 15061 (b)(3), which provides that a project is exempt as CEQA only applies to projects which have the potential for causing a significant effect on the environment and does not apply where it can be seen with certainty that there is no possibility of a significant effect. The proposed text amendment will allow for the keeping of chickens and bees within single-family zoned properties subject to specified development and operational standards to ensure that there are no impacts on surrounding properties.

**SECTION 5.** The City Council declares that, should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words of this Ordinance shall remain in full force and effect.

**SECTION 6.** This Ordinance shall take effect 30 calendar days after the final passage by the City Council.

**SECTION 7.** The City Clerk shall certify to the passage of the Ordinance and shall cause the same to be posted in the manner required by law.

PASSED AND ADOPTED this 13th day of August 2024, by the following called vote:

AYES: COUNCILMEMBERS: Brown, Traut, Ahn, Sonne

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None



Mayor

ATTEST:

  
City Clerk

I, Adria Jimenez, MMC, City Clerk of the City of Buena Park, California, do hereby certify that the foregoing ordinance was introduced and passed at a regular meeting of the City Council of the City of Buena Park held on the 13th day of August 2024.

  
City Clerk