

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA AMENDING CHAPTER 21.12, 21.14, 21.16, AND 21.48 OF TITLE 21 (ZONING) OF THE MONTEREY COUNTY CODE TO REGULATE THE KEEPING OF ROOSTERS IN RESIDENTIAL DISTRICTS AND THE LIMITED AGRICULTURAL DISTRICT.

County Counsel Summary

This ordinance amends Chapters 21.12, 21.14, 21.16 and 21.48 of Title 21 (Zoning) of the Monterey County Code to regulate the keeping of roosters in the Medium Residential District (MDR), Low Density Residential District (LDR), Rural Density Residential District (RDR), and the Limited Agricultural Zoning District (A). Presently, County Ordinance allows “Small Livestock Farming” and “Animal Husbandry” without permits in these districts. The County’s present definition of Small Livestock Farming allows the raising or keeping of small animals which may include up to 499 of the following: chickens, pigeons, hogs, rabbits, ducks, geese, guinea fowl, peafowl, goats, sheep, or similar fowl or animals. This Ordinance modifies Sections within each of these Chapters to allow no more than two roosters in these residential districts and the Limited Agricultural District for the purpose of protecting the public health and welfare from undue noise and nuisance from crowing roosters in residential areas. Modifications include provisions to allow that requests may be made to the Director of Planning to allow for more than two roosters. Applicants for such permits will be required to demonstrate that the public health and welfare is protected from undue noise and nuisance from crowing roosters in residential areas. The amendments to this title are not intended to infringe upon legal farming and permitted commercial operations.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Within Chapters 21.12, 21.14, 21.16 and 21.48, Sections 21.12.030, 21.12.040, 21.14.030, 21.14.040, 21.16.030, 21.16.040, 21.48.030 and 21.48.035 of the Monterey County Code are amended to read as follows:

Chapter 21.12

REGULATIONS FOR MEDIUM DENSITY RESIDENTIAL

ZONING DISTRICTS OR “MDR” DISTRICTS

Section 21.12.030 USES ALLOWED.

- M. Intermittent livestock farming or animal husbandry uses such as "4-H" projects on a minimum of 20,000 square feet. No more than two roosters may be allowed in intermittent livestock farming or animal husbandry operations in the Medium Density Residential Zone, unless otherwise formally permitted by the County of Monterey.

Section 21.12.040 USES ALLOWED, ADMINISTRATIVE PERMIT REQUIRED

- I: More than two roosters may be permitted if it can be demonstrated that the public health and welfare can be protected from undue noise and nuisance from crowing roosters in residential areas.

Chapter 21.14

REGULATIONS FOR LOW DENSITY RESIDENTIAL ZONING

DISTRICTS OR “LDR” DISTRICTS

Section 21.14.030 USES ALLOWED.

- D. Animal husbandry and small livestock farming; provided that not more than one horse, mule, cow, or similar livestock shall be kept for each twenty thousand square feet of land area. No more than two roosters may be allowed in small livestock farming operations in the Low Density Residential Zone, unless otherwise formally permitted by the County of Monterey.
- P. Intermittent livestock farming or animal husbandry uses such as "4-H" projects. No more than two roosters may be allowed in intermittent livestock farming or animal husbandry operations in the Low Density Residential Zone, unless otherwise formally permitted by the County of Monterey.

Section 21.14.040 USES ALLOWED, ADMINISTRATIVE PERMIT REQUIRED

- J: More than two roosters may be permitted if it can be demonstrated that the public health and welfare can be protected from undue noise and nuisance from crowing roosters in residential areas.

Chapter 21.16

REGULATIONS FOR RURAL DENSITY RESIDENTIAL ZONING

DISTRICTS OR “RDR” DISTRICTS

Section 21.16.030 USES ALLOWED.

- K. Animal husbandry and small livestock farming; provided that not more than one horse, mule, cow, or similar livestock shall be kept for each twenty thousand square feet of land area. No more than two roosters may be allowed in animal husbandry and small livestock farming operations in the Rural Density Residential Zone, unless otherwise formally permitted by the County of Monterey.
- L. All agricultural uses on a minimum of ten acres including crop and tree farming, livestock farming, animal husbandry, apiaries, aviaries, except for those uses requiring an Administrative or Use Permit. No more than two roosters may be allowed in the livestock farming and animal husbandry operations in the Rural

Density Residential Zone, unless otherwise formally permitted by the County of Monterey.

- R. Intermittent livestock farming or animal husbandry such as "4-H" projects. No more than two roosters may be allowed in intermittent livestock farming or animal husbandry operations in the Rural Density Residential Zone, unless otherwise formally permitted by the County of Monterey.

Section 21.16.040 USES ALLOWED, ADMINISTRATIVE PERMIT REQUIRED

- K: More than two roosters may be permitted if it can be demonstrated that the public health and welfare can be protected from undue noise and nuisance from crowing roosters in residential areas.

Chapter 21.48

REGULATIONS FOR LIMITED AGRICULTURAL

ZONING DISTRICTS OR "A" DISTRICTS

Section 21.48.030 USES ALLOWED

- B. Animal husbandry and small livestock farming; provided that not more than one horse, mule, cow, or similar livestock shall be kept for each twenty thousand square feet of land area. No more than two roosters may be allowed in animal husbandry and small livestock farming operations in the "A" District, unless otherwise formally permitted by the County of Monterey.

Section 21.48.035 USES ALLOWED, ADMINISTRATIVE PERMIT REQUIRED

- A: More than two roosters may be permitted if it can be demonstrated that the public health and welfare can be protected from undue noise and nuisance from crowing roosters in residential areas.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective on the 31st day after its adoption.

PASSED AND ADOPTED this ____ day of _____, 2008 by the following vote:

Supervisors:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dave Potter, Chair
Monterey County Board of Supervisors

Attest:
LEW C. BAUMAN, Clerk
to the Board of Supervisors

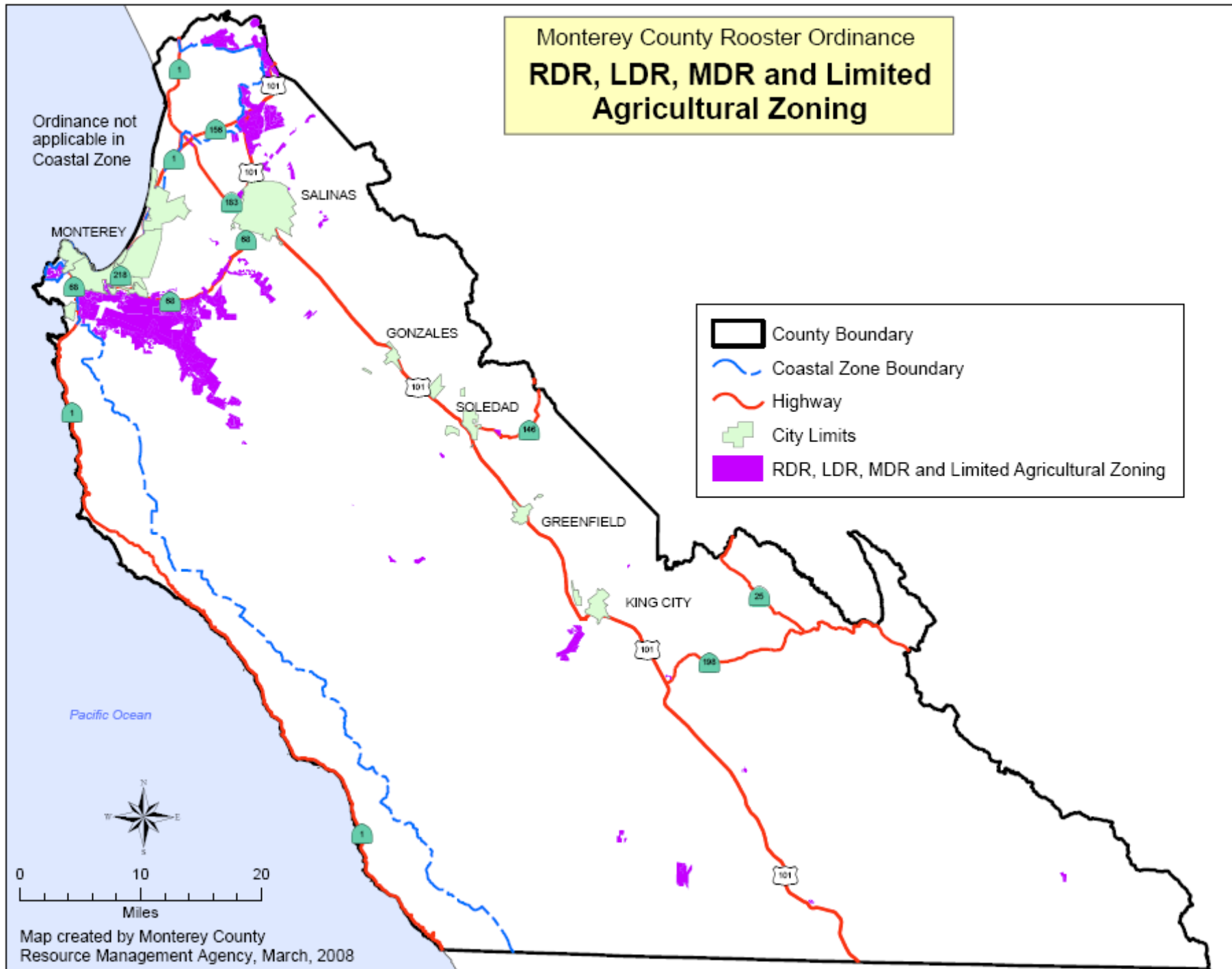
By: _____
Deputy

APPROVED AS TO FORM:
Charles McKee, County Counsel

By: _____
Deputy

Monterey County Rooster Ordinance RDR, LDR, MDR and Limited Agricultural Zoning

Ordinance not applicable in Coastal Zone



- County Boundary
- Coastal Zone Boundary
- Highway
- City Limits
- RDR, LDR, MDR and Limited Agricultural Zoning

0 10 20
Miles

Map created by Monterey County
Resource Management Agency, March, 2008