



**CITY OF ELK GROVE  
CITY COUNCIL STAFF REPORT**

**AGENDA TITLE:** A Public Hearing to consider an ordinance amending Elk Grove Municipal Code Title 8 Animals; Section 9.08.020 Firearm defined; and Title 23 Zoning (CEQA Exempt)

**MEETING DATE:** March 9, 2022

**PREPARED BY:** Shane Diller, Assistant Development Services Director

**DEPARTMENT HEAD:** Darren Wilson, P.E., Development Services Director

**RECOMMENDED ACTION:**

Staff recommends that the City Council conduct a public hearing to receive information from staff and comments from the public and then introduce and waive the full reading, by substitution of title only, an ordinance amending Elk Grove Municipal Code Section 8.01.020 Definitions; Chapter 8.02 Custody, Care, and Control of Animals; Section 9.08.010 Firearms defined; Section 23.26.050 Description of land use classifications; and Section 23.27.020 Allowed uses and required entitlements.

**PLANNING COMMISSION:**

Staff presented these proposed amendments to the Elk Grove Municipal Code (EGMC) to the Planning Commission (the "Commission") at their February 3, 2022 meeting.

The Commission voted 3-1 (Murphey opposed; Robles absent) to recommend approval of the proposed ordinance. Chairperson Murphey's opposition related to his concern that the public should have additional opportunities to review and understand the proposed amendments, particularly those associated with limiting the number of animals in the Agricultural zones.

The original version of the ordinance recommended to the Planning Commission for consideration proposed four additional footnotes regarding animal keeping restrictions in the agricultural zoning districts listed in EGMC Table 23.27-1. After publication of the agenda, public comments and feedback were received that led staff to re-assess two of the four recommended footnotes (#9 and #10 in the Planning Commission item – see Attachment 3). Those footnotes were related to restricting the number of roosters and livestock that could be kept on a parcel in the Rural Area. Staff concurred with feedback from the Commissioners that these requirements would need additional research and public input should they be reconsidered for adoption in the future. Staff continued to recommend the two additional footnotes numbered #11 and #12, as they were consistent with the Code clean-up intent of the other amendments and clarified, rather than changed, the current intent and enforcement of the Code. The recommended footnotes are now shown as #9 and #10 in the ordinance recommended with this staff report (see Attachment 1)

### **BACKGROUND INFORMATION:**

Consistent with state law, the City of Elk Grove (City) regulates the keeping, care, control, and disposition of animals, as set forth in EGMC Titles 8 and 23.

From time to time, staff reviews Code sections and proposes updates to keep up with evolving science, emerging best practices, changing norms, or simply for clean-up consistency. This item proposes amendments to the EGMC that would clarify the restrictions on keeping certain animals to better align the City’s regulations with best practices related to those animals to ensure that restrictions are not unnecessarily burdensome yet serve to maintain the quality of life for all Elk Grove residents. This amendment would also amend the definition of “Firearm” used in the EGMC to align with the Penal Code definition, which definition does not include air guns as Firearms.

### **ANALYSIS/DISCUSSION:**

The City has a substantial interest in promoting proper animal care and control, both as a public health concern and to maintain safe and peaceful neighborhoods.

Staff has reviewed the City's existing regulations and is proposing the following Code amendments to accomplish the goal of better regulating animal care and control:

- Amend EGMC Chapter 8.01
  - Redefine "Exotic" animals to include the species class subdivision of Aves containing ostriches and similar large birds (these are currently classified as "Wild");
  - Redefine "household pets" to include pot-bellied pigs and pygmy goats as these animals are now more commonly accepted as pets like dogs and cats.
- Amend EGMC Chapter 8.02
  - Revise the language that limits the number of dogs or cats that may be kept at a residence to four (4) by adding pot-bellied pigs and pygmy goats to the list of mature household animals for which there is a four-pet limit.
- Amend EGMC Chapter 9.08
  - Amend the definition of "Firearm" used in the EGMC to align with the California Penal Code definition, which definition does not include air guns as Firearms. Air guns are commonly known as "bb", "pellet", or "air-soft" guns and do not pose the same safety hazard concern that firearms do. The EGMC and state law already have regulations regarding the improper use of air guns (such as in public or parks) and this clean-up clarifies that the use of an air gun safely on private property is not a violation of law. Specifically, the inclusion of "air gun" in the firearm definition of 9.08 ties to the requirement of residents to obtain a special permit from the Elk Grove Police Chief to shoot predatory or nuisance animals when protecting crops or livestock. Removing "air gun" from the definition of "Firearm" clarifies that air guns can be fired for this purpose on all properties without special permission from the Chief of Police.
- Amend EGMC Chapter 23.26
  - Amend the definitions of exotic animals and household pets to reference updated definitions in EGMC Title 8;

- Amend the definition of “Animal Husbandry” to exclude Beekeeping and create a distinct classification of Beekeeping as a land use;
- Amend the definition of Outdoor commercial recreation to state that the keeping of wild, exotic, dangerous, nondomestic animals and reptiles would be allowed in zoos and aquariums.
- Amend EGMC Chapter 23.27, Table 23.27-1 and related footnotes
  - Change “Animal Keeping – Exotic” from a use permitted by right to a prohibited use in residential and agricultural zoning districts subject to one exception that allows for the keeping of Class Aves, Subdivision Ratitae (ostriches, rheas, cassowaries, and emus) in agricultural zones;
  - Amend Table 23.27-1 to reflect updated footnote numbering and to reflect that beekeeping is permitted in all zones;

These amendments provide for up-to-date regulations that reflect proper keeping and care of animals while encompassing the changing landscape on the types, numbers, and locations of animals and where they may be kept.

In consideration of Elk Grove’s General Plan policies and philosophy supporting agricultural land uses, staff considers the recommended changes appropriate to ensure the health and welfare of the animals being kept.

#### EGMC Chapter 8.01

Redefining the species Class Aves, Subdivision Ratitae (containing ostriches and emus) as “Exotic” recognizes that these large birds are raised for human consumption of their eggs and meat and allows for their keeping on agricultural-zoned properties. Removing allowances for keeping “Exotic” animals on non-agricultural properties will provide for safer and more peaceful neighborhoods by only allowing domesticated household pets in limited numbers.

Household pet definitions are being amended to clarify current conflicting language in the Code as to whether pygmy goats and pot-bellied pigs are allowed to be kept in residential zones as pets. This amendment modifies EGMC Section 8.01.020(H)(3) and Section 23.26.050(A)(9)(c) to clearly

classify pygmy goats and pot-bellied pigs as household pets. The City has not seen a significant increase in complaints or complications from the keeping of these animals in residential areas since they were first permitted in 2017.

Amending the definition of animal husbandry to exclude beekeeping and creating a distinct land use of beekeeping (to be allowed in all zones) is a cleanup to remain consistent with 2009 and 2012 actions by the City Council to abandon a zoning restriction approach to beekeeping, in favor of best practices standards enforced through EGMC Chapter 14.07 Agricultural Disputes and EGMC Section 16.18.1136 that contains specific beekeeping standards. Specifically, EGMC Section 16.18.1136 provides that it shall be unlawful and constitute a public nuisance for any person who keeps beehives on his, her, or its property not to comply with the following regulations:

A. Failure to comply with any zoning requirements set forth in the Zoning Code or recommendations made by qualified experts retained by the City Manager in conjunction with an investigation conducted under the authority of EGMC Chapter 14.07, Agricultural Disputes.

B. All properties on which beehives are kept must provide for adequate water sources on the property. Adequate sources are those that provide both an amount of fresh water necessary for the amount of bees or beehives and a method for the bees to be able to gain a good footing to obtain the water. Adequate water sources must be in place prior to bees or beehives being placed on a property to ensure that the bees primarily use the provided water source and do not seek out water sources on neighboring properties prior to the arrival of their own water source.

C. Any time beehives are kept on a property that is not the property of the beekeepers, the bee boxes containing the hives must have the name, address and phone number for the beekeeper stenciled in black one-inch (1") letters on each bee box.

D. Failure to comply with any provision of the California Food and Agricultural Code related to bees and/or beekeeping.

Removing beekeeping from animal husbandry ensures that no zoning restriction is applied to the keeping of beekeeping facilities (known as apiaries) in the City consistent with prior City Council direction.

### EGMC Chapter 9.08

The inclusion of the Title 9 amendment in this item relates to animal control on private property. The air gun is a common method that property owners in Ag and Ag-Res zones use to protect crops and livestock, the keeping of which is governed to some extent by the Zoning Code. Additionally, EGMC Section 23.82.060(L) prohibits the sale of firearms from homes as a home occupation. This amendment would remove air guns (which are commonly sold as general retail) from this prohibition. This amendment would not affect the home occupation operation restrictions (e.g., no in-person sales from the home, limitations on numbers of employees, parking, etc.).

Amending the definition of Firearm in EGMC 9.08 to exclude air guns permits their possession and use in the City, as long as that use complies with California state law and the EGMC, which both govern the possession and use of air guns beyond its inclusion in the definition of a firearm. In addition to laws related to assault, animal cruelty, and vandalism that apply to the misuse of an air gun, California Penal Code Section 12556 prohibits the display of any imitation firearm in public (an air gun would fall into this definition). Also, EGMC Section 9.36.061 specifically prohibits the possession of air guns in parks. This amendment is recommended as the current language prevents the dispatching or deterring of varmints or rodents with the use of an air gun without first obtaining permission from the Elk Grove Police Department, something staff has determined is an unnecessary action.

### **ENVIRONMENTAL ANALYSIS:**

CEQA requires analysis of agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (State CEQA Guidelines § 15378.) The proposed Project includes discretionary amendments to the EGMC and is a project under CEQA, but it is exempt from CEQA review as set forth below.

State CEQA Guidelines Section 15061(b)(3) (the “common sense exemption”) states that a project is exempt from CEQA “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” The approval of the code amendments discussed herein does not approve any physical development project. The EGMC amendments would amend definitions of certain types of animals, alter their keeping restrictions, clarify the definition of “firearm” and amend the City’s land use table to reconcile and clarify that document with animal keeping restrictions in EGMC Title 8. Therefore, the Project would not result in a direct or indirect physical change in the environment, and it is exempt from further CEQA review under Section 15061(b)(3).

**ALTERNATIVE ACTIONS:**

The City Council could reject some or all of the proposed amendments to the Elk Grove Municipal Code, which would leave in place the current definitions and land uses. Staff recommends against this action as it would leave conflicting language in the Code, conflict with prior City Council direction related to animal and beekeeping, and continue to prohibit some types of agricultural use (such as ostrich farming). Additionally, the City Council could direct staff to return with other alternative amendments.

**FISCAL IMPACT:**

This ordinance is a textual change in the EGMC and is not anticipated to have any fiscal impact.

**ATTACHMENTS:**

1. Ordinance
2. Planning Commission Staff Report Item 5.2 February 3, 2022
3. Planning Commission Green Sheet dated February 2, 2022

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AMENDING ELK GROVE MUNICIPAL CODE TITLE 8 RELATED TO ANIMALS;  
SECTION 9.08.010 FIREARMS DEFINED; AND TITLE 23 ZONING (CEQA EXEMPT)**

**WHEREAS**, from time to time, the City of Elk Grove (City) reviews sections of the Elk Grove Municipal Code (EGMC) and proposes updates to keep up with evolving science, emerging best practices, changing norms, or simply for clean-up consistency; and

**WHEREAS**, staff is proposing amendments to the EGMC that would clarify the restrictions on keeping certain animals to better align the City's regulations with best practices related to certain animals to ensure that restrictions are not unnecessarily burdensome, yet serve to maintain the quality of life for all Elk Grove residents; and

**WHEREAS**, Elk Grove Municipal Code (EGMC) Title 8 contains regulations related to animals, including their definitions and care, keeping, and management in the City; and

**WHEREAS**, EGMC Chapter 9.08 contains definitions of, and prohibitions against the use of, firearms in the City of Elk Grove; and staff is proposing an amendment to the definition of "Firearm" used in the EGMC to align with the Penal Code definition, which definition does not include air guns as Firearms, as air guns are often used by property owners in agricultural and agricultural-residential zones to protect crops and livestock; and

**WHEREAS**, EGMC Chapter 23.26 contains descriptions of land use classifications, some of which relate to animal-keeping; and

**WHEREAS**, EGMC Chapter 23.27 contains land use regulations including allowed uses and required entitlements, some of which regulate the keeping of certain types of animals; and

**WHEREAS**, the proposed EGMC amendments seek to clarify and strengthen the regulations related to animal keeping, care, and disposition; and amend the definition of firearm in the City of Elk Grove; and

**WHEREAS**, there is no foreseeable possibility that the adoption of this ordinance would have a significant effect on the environment, and its adoption is therefore exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15061(b)(3), Common Sense Exemption.

**NOW, THEREFORE**, the City Council of the City of Elk Grove does hereby ordain as follows:

Section 1: Purpose

The purpose of this ordinance is to amend Elk Grove Municipal Code Title 8 Animals; Section 9.08.020 Firearm Defined; and Title 23 Zoning to reflect changes in the definitions, restrictions, and care or disposition of certain animals.



Section 2: Amend Elk Grove Municipal Code Section 8.01.020 titled Definitions.

*(All additions are shown as **bold text**, deletions in strikethrough)*

Elk Grove Municipal Code Section 8.01.020 is hereby amended to read as follows:

...

E. "E" Definitions.

...

2. "Exotic" means any animal not normally kept as a domestic or household pet, fowl, livestock, and the like, including lions, tigers, and monkeys. **Notwithstanding the foregoing, "Exotic" includes all species in Class Aves, Subdivision Ratitae (such as ostriches, rheas, cassowaries, and emus).**

...

H. "H" Definitions.

...

3. "Household pets" means domestic animals ordinarily permitted in a place of residence, kept for company and pleasure, such as dogs, cats, domestic birds, guinea pigs, white rats, rabbits, mice, **pot-bellied pigs, pygmy goats**, and other similar animals generally considered by the public to be kept as pets, excluding fowl.

...

W. "W" Definitions.

1. "Wild animal shall mean any of the following:"

...

d. The following members of the Class Aves (birds):

- i. Order Falconiformes (including hawks, eagles, and vultures);
- ii. ~~Subdivision Ratitae (including ostriches, rheas, cassowaries, and emus);~~

...

Section 3: Amend Elk Grove Municipal Code Chapter 8.02 titled Custody, Care, and Control of Animals.

...

8.02.030 Keeping wild, exotic, and dangerous animals and reptiles.

No person shall have, keep, or maintain any wild, exotic, dangerous, nondomestic animal or reptile within the City, **except as authorized by the Elk Grove Municipal Code.**

...

8.02.050 Limitation on number of **certain household pets** ~~dogs and cats.~~

**Except as otherwise allowed by this Code,** it is unlawful for any person to keep or harbor more than four (4) dogs ~~or,~~ four (4) cats, **four (4) pot-bellied pigs, four (4) pygmy goats,** or **any** combination of ~~thereof both not to exceed~~ **exceeding** a total of four (4), which are over the age of four (4) months on or in any lot, premises, dwelling, building, structure, boat, or living accommodation.

...

Section 4: Amend Elk Grove Municipal Code Section 9.08.010 titled Firearms defined

9.08.010 Firearms defined.

For the purpose of this chapter, “firearms” includes any shotgun, rifle, pistol, revolver, or ~~air gun,~~ **firearm as defined by California Penal Code section 16520,** and any other weapon of similar use and design.

Section 5: Amend Elk Grove Municipal Code Section 23.26.050 titled Description of land use classifications.

Elk Grove Municipal Code Section 23.26.050 is hereby amended to read:

The following terms are used throughout this title and shall have the following descriptions:

A. “A” Allowed Use Descriptions.

...

8. “Animal husbandry” means the raising and breeding of animals or production of animal products. Typical uses include grazing, ranching, dairy farming, **and** poultry farming, ~~and beekeeping,~~ but exclude slaughterhouses, **beekeeping** and feedlot operations. This classification includes accessory agricultural buildings accessory to such uses. Animal sales, boarding, and grooming are defined separately under “animal sales and grooming.” Keeping of animals is defined separately under “animal keeping.”

9. “Animal keeping” means the care and maintenance of animals, as described below, on private property. The listing below provides a distinction between various types of animals related to allowed use provisions in this division. This classification is distinct from “animal husbandry” and “animal sales and/or grooming.”

a. “Exotic” means any animal **as defined in Elk Grove Municipal Code section 8.01.020(E)(2)** ~~not normally kept as a domestic or household pet, livestock, and the like,~~ including lions, tigers, and monkeys

...

c. ~~“Household pets” means any animal ordinarily permitted in a place of residence as defined in EGMC section 8.01.020(H)(3), kept for company and pleasure, such as dogs, cats, pot-bellied pigs, pygmy goats, domestic birds, guinea pigs, white rats, rabbits, mice, and other similar animals generally considered by the public to be kept as pets, excluding fowl.~~

...

B. “B” Allowed Use Descriptions.

...

**4. “Beekeeping” means the maintenance of honeybees and hives including production of beeswax, honey and other edible bee products. Beekeeping must be performed within the standards contained in this code.**

**5 4.** “Broadcasting and recording studios” means commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus such as antennas and towers, which are under the definition of “telecommunications facility.”

**6 5.** “Building materials stores and yards” means retail establishments selling lumber and other large building materials, where most display and sales occur indoors. Includes paint, wallpaper, glass, and fixtures. Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in “wholesaling and distribution.”

Hardware stores are listed in the definition of “retail, general,” even if they sell some building materials.

**7 6.** “Bus and transit shelter” means a small structure designed for the protection and/or convenience of waiting transit passengers that has a roof and usually two (2) or three (3) sides.

**8 7.** “Business support services” means establishments primarily within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc.; also includes: blueprinting business; equipment repair services (except vehicle repair, see “vehicle services”); commercial art and design (production); computer-related services (rental, repair); copying, quick printing, and blueprinting services (other than those defined as “printing and publishing”); equipment rental businesses within buildings (rental yards are “equipment sales and rental”); film processing laboratories; heavy equipment repair services where repair occurs on the client site; janitorial services; mail advertising services (reproduction and shipping); mailbox services; other “heavy service” business services; outdoor advertising services; photocopying and photofinishing; protective services (other than office-related); soils and materials testing laboratories; and window cleaning.

...

O. "O" Allowed Use Descriptions.

...

5. "Outdoor commercial recreation" means a facility for various outdoor participant sports and types of recreation where a fee is normally charged for use, including but not limited to amphitheaters, amusement and theme parks, golf driving ranges, health and athletic club outdoor facilities, miniature golf courses, skateboard parks, stadiums and coliseums, swim and tennis clubs, tennis courts, water slides, and zoos. **Notwithstanding Section 8.02.030, the keeping of wild, exotic, dangerous, nondomestic animals and reptiles shall be permitted in zoos and aquariums.**

...

Section 6: Amend Elk Grove Municipal Code Section 23.27.020 titled Allowed uses and required entitlements

Elk Grove Municipal Code Table 23.27-1 is hereby amended to read:

...

Table 23.27-1 Allowed Uses and Required Entitlements for Base Zoning Districts																											
Land Use/Zoning District	Zoning Districts																										Specific Use Regulations
	Agricultural						Residential						Commercial			Mixed Use		Office		Industrial	Public/Quasi-Public						
	AG-80	AG-20	AR-5/10	AR-2	AR-1	RD-1/2/3	RD-4/5/6	RD-7	RD-8/10/12/15/18	RD-20/25/30/40	LC	GC	SC	AC	C-O	VCMU	RMU	BP	MP	LI	LI/FX	HI	PR	PS	O		
Agriculture, Animal Keeping, and Resource Uses																											
Animal Keeping – Exotic	p <sup>9</sup>	p <sup>9</sup>	p <sup>9</sup>	p <sup>9</sup>	p <sup>9</sup>	p <sup>3</sup>	p <sup>3</sup>	p <sup>3</sup>	p <sup>3</sup>	p <sup>3</sup>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Animal Keeping – Household Pets	p <sup>10</sup>	p <sup>10</sup>	p <sup>10</sup>	p <sup>10</sup>	p <sup>10</sup>	p <sup>3</sup>	p <sup>3</sup>	p <sup>3</sup>	p <sup>3</sup>	p <sup>3</sup>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Beekeeping</b>	<b>p</b>	<b>p</b>	<b>p</b>	<b>p</b>	<b>p</b>	<b>p</b>	<b>p</b>	<b>p</b>	<b>p</b>	<b>p</b>	<b>p</b>	<b>p</b>	<b>p</b>	<b>p</b>	<b>p</b>	<b>p</b>	<b>p</b>	<b>p</b>	<b>p</b>	<b>p</b>	<b>p</b>	<b>p</b>	<b>p</b>	<b>p</b>	<b>p</b>	<b>p</b>	<b>p</b>

Notes to Table 23.27-1

...

Notes that pertain to the agricultural zoning districts:

...

**9. Only Class Aves, Subdivision Ratitae (such as ostriches, rheas, cassowaries, and emus) may be kept. All other exotic animals are prohibited.**

**10. Household Pets. Keeping of any combination of five (5) or more dogs, cats, pot-bellied pigs, or pygmy goats over the age of four (4) months on or in any lot, premises, dwelling, building, structure, boat, or living accommodation is considered a kennel for this title. See EGMC Section 8.02.050 for restrictions on the number of animals allowed.**

Notes that pertain to the residential zoning districts:

...

3. The following restrictions apply to the keeping of animals in traditional residential zoning districts (see definition of animal keeping for category descriptions):

~~a. Exotic. All exotic animals shall be kept and maintained a minimum distance of forty (40' 0") feet from any property line unless contained within the dwelling.~~

**a.b.** Fowl, limited to chickens only, may only be kept on residential property when consistent with the following:

...

~~b.e.~~ Household Pets. Keeping of any combination of five (5) or more dogs, cats, pot-bellied pigs, or pygmy goats over the age of four (4) months on or in any lot, premises, dwelling, building, structure, boat, or living accommodation cats and dogs is considered a kennel for this title. See EGMC Section 8.02.050 for restrictions on the number of animals allowed.

~~c. d.~~ Livestock. Two (2) livestock animals may be permitted for each half (1/2) acre of land. All livestock shall be kept and maintained a minimum distance of forty (40' 0") feet from any property line and a minimum distance of seventy-five (75' 0") feet from any residential dwelling **on a neighboring parcel.**

#### Section 7: California Environmental Quality Act (CEQA).

Finding: The Project is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3).

Evidence CEQA requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment."

(CEQA Guidelines, § 15378.) The proposed Project includes discretionary amendments to the EGMC and is a project under CEQA; but it is exempt from CEQA review as set forth below.

CEQA Guidelines Section 15061(b)(3) (the “common sense exemption”) states that a project is exempt from CEQA “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” The approval of the code amendments discussed herein does not approve any physical development project. The EGMC amendments would clarify the types of activities the City finds consistent with the “Assembly Uses” land use classification as well as clarify that these activities are not solely held by organizations identified in the current language. Future projects submitted and reviewed under the Assembly Use category will be subject to project specific CEQA review. Therefore, the Project would not result in a direct or indirect physical change in the environment, and it is exempt from further CEQA review under Section 15061(b)(3).

#### Section 8: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

#### Section 9: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed, and the balance of the ordinance be enforced.

#### Section 10: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 11: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

INTRODUCED:  
ADOPTED:  
EFFECTIVE:

\_\_\_\_\_  
BOBBIE SINGH-ALLEN, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

\_\_\_\_\_  
JONATHAN P. HOBBS,  
CITY ATTORNEY

Date signed: \_\_\_\_\_





## **Planning Commission Staff Report**

**February 3, 2022**

**PROJECT:** Elk Grove Municipal Code Amendments  
**REQUEST:** Amendments to Chapter 8.01, Chapter 8.02, Chapter 9.08, Chapter 23.26, and Chapter 23.27  
**LOCATION:** Citywide  
**STAFF:** Shane Diller, Assistant Development Services Director

### **Staff Recommendation**

Staff recommends that the Planning Commission adopt a Resolution (Attachment 1) recommending that the City Council:

1. Find the proposed amendments to the Elk Grove Municipal Code exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption); and
2. Adopt an Ordinance amending Chapter 8.01 (General Provisions); Chapter 8.02 (Custody, Care, and Control of Animals); Chapter 9.08 (Firearms), Chapter 23.26 (Use Classification System); and Chapter 23.27 (Allowed Uses and Required Entitlements) of the Elk Grove Municipal Code as further described in the Draft Resolution.

### **Project Description**

The proposed Elk Grove Municipal Code (EGMC) Amendments consist of amendments to Chapter 8.01 (General Provisions); Chapter 8.02 (Custody, Care, and Control of Animals); Chapter 23.26 (Use Classification System); and Chapter 23.27 (Allowed Uses and Required Entitlements) relating to animal husbandry and animal care, keeping, and disposition; and modifying the definition of "Firearm" in EGMC Chapter 9.08 (Firearms).

Specific amendments to the EGMC include the following:

- Amend EGMC Chapters 8.01 and 8.02 to:
  - Amend the definitions of certain animals (such as ostriches, rheas, cassowaries, and emus) to classify them as "Exotic" and not "Wild";
  - Expand the definition of household pets to specifically include pot-bellied pigs and pygmy goats; and
  - Expand the keeping restrictions on household pets to include pot-bellied pigs and pygmy goats, rather than just dogs and cats.
- Amend EGMC Chapter 9.08
  - Amend the definition of "Firearm" used in the EGMC to align with the Penal Code definition, which definition does not include air guns as Firearms.
- Amend EGMC Chapter 23.26
  - Amend the definitions of exotic animals and household pets to reference updated definitions in EGMC Title 8; and
  - Amend the definition of animal husbandry to remove beekeeping, while creating a separate land use of "Beekeeping" that would be permitted in all zones; and
  - Amend the definition of Outdoor Commercial Recreation to state that the keeping of wild, exotic, dangerous, nondomestic animals and reptiles would be allowed in zoos and aquariums.

- Amend EGMC Chapter 23.27
  - Amend the notes in the land use table to (i) set household pet, rooster and livestock limitations in agricultural zones based on property size; (ii) prohibit the keeping of exotic animals in all zones subject to one exception that allows for the keeping of Class Aves, Subdivision Ratitae (ostriches, rheas, cassowaries, and emus) in Agricultural zones; and (iii) clarify that the household pets limitation set forth in EGMC Section 8.02.050 also applies in agricultural zones; and Amend the land use table to reflect that beekeeping is permitted in all zones.
  - Amend the land use table to reflect that beekeeping is permitted in all zones.

### **Background**

Consistent with state law, the City of Elk Grove (City) regulates the keeping, care, control, and disposition of animals, as set forth in Elk Grove Municipal Code (EGMC) Titles 8, and 23.

From time to time, staff reviews code sections and proposes updates to keep up with evolving science, emerging best practices, changing norms, or simply for clean-up consistency. This item proposes amendments to the EGMC that would clarify the keeping restrictions of certain animals, to better align the City's regulations with best practices related to certain animals to ensure that restrictions are not unnecessarily burdensome yet serve to maintain the quality of life for Elk Grove residents. This amendment would also amend the definition of "Firearm" used in the EGMC to align with the Penal Code definition, which definition does not include air guns as Firearms.

### **Analysis**

The City has a substantial interest in promoting proper animal care and control, both as a public health concern and to maintain safe and peaceful neighborhoods.

Staff has reviewed the City's existing regulations and is proposing the following amendments to accomplish the goal of better regulating animal care and control:

- Amend EGMC Chapter 8.01
  - Redefine "Exotic" animals to include the species class subdivision of Aves containing ostriches and similar large birds (these are currently classified as "Wild");
  - Redefine "household pets" to include pot-bellied pigs and pygmy goats as these animals are now more commonly accepted as pets like dogs and cats.
- Amend EGMC Chapter 8.02
  - Revise the language that limits the number of dogs or cats that may be kept at a residence to four (4) by adding pot-bellied pigs and pygmy goats to the list of mature household animals for which there is a four-pet limit.
- Amend EGMC Chapter 9.08
  - Amend the definition of "Firearm" used in the EGMC to align with the Penal Code definition, which definition does not include air guns as Firearms. Air guns are commonly known as "bb", "pellet", or "air-soft" guns and do not pose the safety hazard concern that firearms do. The EGMC and state law already have regulations regarding improper use of air guns (such as in public or in parks) and this clean-up clarifies that the use of an air gun safely on a private property is not a violation of law. Specifically, the inclusion of "air gun" in the firearm definition of 9.08 ties to the requirement of residents to obtain a special permit from the Elk Grove Police Chief to shoot predatory or nuisance animals when protecting crops

or livestock. Removing “air gun” from the definition of “Firearm” clarifies that air guns can be fired on all properties for this purpose without special permission from the Chief of Police.

- Amend EGMC Chapter 23.26
  - Amend the definitions of exotic animals and household pets to reference updated definitions in EGMC Title 8;
  - Amend the definition of “Animal Husbandry” to exclude Beekeeping and create a distinct classification of Beekeeping as a land use;
  - Amend the definition of Outdoor commercial recreation to state that the keeping of wild, exotic, dangerous, nondomestic animals and reptiles would be allowed in zoos and aquariums.
  
- Amend EGMC Chapter 23.27
  - Revise the keeping restrictions related to roosters to place limitations on the number of roosters that may be kept on Ag-Residential property based on the size of the property: (2 per one acre or less, 4 per one to five acres, and no more than 10 on Ag-residential property larger than five acres);
  - Add keeping restrictions related to livestock to limit the number of animals per acre, consistent with best practices and veterinary science;
  - Change “Animal Keeping – Exotic” from a use permitted by right to a prohibited use in residential and agricultural zoning districts subject to one exception that allows for the keeping of Class Aves, Subdivision Ratitae (ostriches, rheas, cassowaries, and emus) in Agricultural zones;
  - Amend the land use table to reflect that beekeeping is permitted in all zones;

These amendments provide for up to date regulations that reflect proper keeping and care of animals, while encompassing the changing landscape on the types, numbers, and locations of animals and where they may be kept.

These amendments help ensure the maintenance of peaceful neighborhoods and the reduction of nuisances to neighbors on and near Ag-Residential property caused by roosters. Limitations on the number of roosters that may be kept will also reduce the potential for raising/keeping roosters for nefarious or illegal purposes (i.e., cockfighting). Limiting the number of livestock that may be kept in agricultural zones is to ensure that animals are not overcrowded and are kept with best practices and good veterinary science in mind. In consideration of Elk Grove’s General Plan policies and philosophy supporting agricultural land-uses, staff considers the recommended changes appropriate to ensure the health and welfare of the animals being kept. Reasonable limitations (not prohibition) on the numbers of certain animals based on the size of the area the animals are kept in or the type of zoning on the property in question are consistent with current land use regulations and zoning code standards.

Redefining the species Class Aves, Subdivision Ratitae (containing ostriches and emus) as “Exotic” recognizes that these large birds are raised for human consumption of their eggs and meat and allows for their keeping on agricultural-zoned properties. Removing allowances for keeping “Exotic” animals on non-agricultural properties will provide for safer and more peaceful neighborhoods by only allowing domesticated household pets in limited number.

Household pet definitions are being amended in order to clarify current conflicting language in the code as to whether pygmy goats and pot-bellied pigs are allowed to be kept in residential zones as pets. This amendment modifies EGMC Section 23.26.050(A)(9)(c) and Section 8.01.020(H)(3) to clearly classify pygmy goats and pot-bellied pigs as household pets. The City has

not seen a significant increase in complaints or complications from the keeping of these animals in residential areas since 2017.

Amending the definition of animal husbandry to exclude beekeeping and creating a distinct land-use of beekeeping (to be allowed in all zones) is a cleanup to remain consistent with 2009 and 2012 actions by the City Council to abandon a zoning restriction approach to beekeeping, in favor of best practices standards enforced through EGMC Chapter 14.07 Agricultural Disputes and EGMC Section 16.18.1136 that contains specific beekeeping standards. Specifically, EGMC Section 16.18.1136 provides that it shall be unlawful and constitute a public nuisance for any person who keeps beehives on his, her, or its property not to comply with the following regulations:

A. Failure to comply with any zoning requirements set forth in the Zoning Code or recommendations made by qualified experts retained by the City Manager in conjunction with an investigation conducted under the authority of EGMC Chapter 14.07, Agricultural Disputes.

B. All properties on which beehives are kept must provide for adequate water sources on the property. Adequate sources are ones that provide both an amount of fresh water necessary for the amount of bees or beehives and a method for the bees to be able to gain a good footing to obtain the water. Adequate water sources must be in place prior to bees or beehives being placed on a property to ensure that the bees primarily use the provided water source and do not seek out water sources on neighboring properties prior to the arrival of their own water source.

C. Any time beehives are kept on a property that is not the property of the beekeepers, the bee boxes containing the hives must have the name, address and phone number for the beekeeper stenciled in black one-inch (1") letters on each bee box.

D. Failure to comply with any provision of the California Food and Agricultural Code related to bees and/or beekeeping.

Removing beekeeping from animal husbandry ensures that no zoning restriction is applied to the keeping of apiaries in the City of Elk Grove, consistent with prior City Council direction.

Amending the definition of Firearm in EGMC 9.08 to exclude air guns permits their possession and use in the City, as long as that use is in compliance with California State Law and the EGMC, which both govern the possession and use of air guns beyond its inclusion of the definition of firearm. In addition to laws related to assault, animal cruelty, and vandalism that apply to the misuse of an air gun, California Penal Code Section 12556 prohibits the display of any imitation firearm in public (an air gun would fall into this definition). Also, EGMC Section 9.36.061 specifically prohibits the possession of air guns in parks. This amendment is recommended as the current language prevents the dispatching or deterring of varmint or rodents with the use of an air gun without first obtaining permission from the Elk Grove Police Department, something staff has determined is an unnecessary action.

The inclusion of the Title 9 amendment in this item relates to animal control on private property. The air gun is a common method that Ag and Ag-Res property owners use to protect crops and livestock, the keeping of which is governed by the zoning code to some extent. Additionally, EGMC 23.82.060(L) prohibits the sale of firearms from homes as a home occupation. This amendment would remove air guns (which are commonly sold as general retail) from this prohibition. This amendment would not affect the home occupation operation restrictions (e.g., no in-person sales from the home, limitations on numbers of employees, parking, etc.).

### **Environmental Analysis**

CEQA requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (State CEQA Guidelines § 15378.) The proposed Project includes discretionary amendments to the EGMC and is a project under CEQA; but it is exempt from CEQA review as set forth below.

State CEQA Guidelines Section 15061(b)(3) states that a project is exempt from CEQA "where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." The approval of the code amendments discussed herein does not approve any physical development project. The EGMC amendments would amend definitions of certain types of animals, alter their keeping restrictions, clarify the definition of "firearm" and amend the City's land use table to reconcile and clarify that document with animal keeping restrictions in EGMC Title 8. Therefore, the Project would not result in a direct or indirect physical change in the environment.

### **Recommended Motion**

Should the Planning Commission agree with staff's recommendation, the following motion is suggested:

*"I move that the Planning Commission adopt a Resolution recommending that the City Council find the proposed amendments exempt from CEQA under State CEQA Guidelines Section 15061(b)(3); and adopt an Ordinance amending Chapters 8.01, 8.02, 9.08, 23.26 and 23.27 of the Elk Grove Municipal Code as set forth in the Draft Resolution (Attachment 1)."*

### **Attachments**

1. Planning Commission Draft Resolution  
Exhibit A - Elk Grove Municipal Code Amendments

**RESOLUTION NO. 2022-XX**

**FEBRUARY 3, 2022**

**A RESOLUTION OF THE CITY OF ELK GROVE PLANNING COMMISSION  
RECOMMENDING THAT THE CITY COUNCIL FIND THE PROJECT EXEMPT FROM CEQA  
PURSUANT TO STATE CEQA GUIDELINES SECTION 15061(B)(3) AND ADOPT THE PROPOSED  
TEXT AMENDMENTS TO THE ELK GROVE MUNICIPAL CODE CHAPTERS 8.01, 8.02, 9.08, 23.26  
AND 23.27**

**WHEREAS**, the Elk Grove Municipal Code (EGMC) Title 8 contains regulations related to animals, including their definitions and care, keeping, and management in the City of Elk Grove; and

**WHEREAS**, EGMC Chapter 9.08 contains definitions of, and prohibitions against the use of, firearms in the City of Elk Grove; and

**WHEREAS**, EGMC Chapter 23.26 contains classifications defining specific land uses; and

**WHEREAS**, EGMC Chapter 23.27 contains land use regulations including allowed uses and required entitlements, some of which regulate the keeping of certain types of animals; and

**WHEREAS**, the proposed EGMC amendments seek to clarify and strengthen the regulations related to animal keeping, care, and disposition; and amend the definition of firearm in the City of Elk Grove.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of Elk Grove recommends that the City Council find that the Project is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3) based upon the following finding:

**CEQA**

Finding: The Project is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3).

Evidence CEQA requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (State CEQA Guidelines § 15378.) The proposed Project includes discretionary amendments to the EGMC and is a project under CEQA; but it is exempt from CEQA review as set forth below.

State CEQA Guidelines Section 15061(b)(3) states that a project is exempt from CEQA "where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." The approval of the

code amendments discussed herein does not approve any physical development project. The EGMC amendments would amend definitions of certain types of animals, alter their keeping restrictions, clarify the definition of “firearm” and amend the City’s land use table to reconcile and clarify that document with animal keeping restrictions in EGMC Title 8. Therefore, the Project would not result in a direct or indirect physical change in the environment.

**AND, BE IT FURTHER RESOLVED,** that the Planning Commission of the City of Elk Grove hereby recommends that the City Council adopt an ordinance amending the Elk Grove Municipal Code, as described in Exhibit A, based upon the following findings:

Finding: The proposed zoning amendment (text or map) is consistent with the General Plan goals, policies, and implementation programs.

Evidence: Title 23 of the EGMC (Zoning) implements land use related policies of the General Plan and EGMC Chapters 23.26 and 23.27 establish a system for classifying land uses and establish allowed land uses and requirements for planning entitlements based on the City’s zoning districts. The proposed amendments will: 1) classify pygmy goats and pot-bellied pigs as household pets; 2) continue to allow roosters on Agricultural-Residential zoning districts (with new limitations); 3) amend the definition of exotic animals to include the species subdivision class of Aves containing ostriches and similar large birds; 4) prohibit “Animal Keeping – Exotic” (with the exception of Class Aves, Subdivision Ratitae) in non-agricultural zoning districts; 5) and limit the keeping of livestock, where allowed, to two animals per each half-acre of land.

General Plan Policy RA-1-5 supports the establishment or continuation of land uses unique to the Rural Area, including the keeping of large animals and other uses that support ongoing agricultural and conservation activities. Additionally, General Plan Policy RA-1-6 promotes the celebration of Elk Grove’s farming and ranching heritage and inclusion of this heritage as part of the City’s overall economic strategy. The proposed amendments to the zoning code will continue to allow the keeping of livestock on the appropriately zoned properties in the City. While the keeping of livestock will continue to be allowed, the amendments do propose limitations on the continued keeping of such livestock animals based on the property size to address the health and well-being of the animals. The proposed amendments will also formally allow ostriches and other large birds to be kept on Agricultural and Agricultural-Residential properties which will expand economic opportunities for the appropriately zoned parcels.

The proposed amendments will also modify the Zoning Code definitions to allow the keeping of pot-bellied pigs and pygmy goats to be kept as household pets subject to the four-animal limit set forth in EGMC Section 8.02.050. Since the legalization of the keeping of these animals as household pets, City staff has not found such animals to be detrimental to the health, safety, or welfare of the community.

The proposed amendments related to firearms and beekeeping comply with General Plan policy as they are consistent with the promotion of and minimizing restriction to rural activities with no expected decrease in public safety.

As described above, the proposed amendments comply with General Plan policies related to the keeping of livestock and the general health, safety, and welfare of the community. Therefore, the proposed zoning amendments remain consistent with the General Plan.

The foregoing Resolution of the City of Elk Grove was passed and adopted by the Planning Commission on the 3<sup>rd</sup> day of February 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

ATTEST:

---

Sandy Kyles, PLANNING SECRETARY

---

George Murphey, CHAIR of the  
PLANNING COMMISSION



**EXHIBIT A**

**Municipal Code Amendments to Chapter 8, 9 and 23**

*See next page*

*Note to Reader: Language being added is in **bold** and underlined. Language being deleted is shown in strike-through.*

Elk Grove Municipal Code Section 8.01.020 is hereby amended to read:

...

E. "E" Definitions.

2. "Exotic" means any animal not normally kept as a domestic or household pet, fowl, livestock, and the like, including lions, tigers, and monkeys. **Notwithstanding the foregoing, "Exotic" includes all species in Class Aves, Subdivision Ratitae (such as ostriches, rheas, cassowaries, and emus).**

H. "H" Definitions.

3. "Household pets" means domestic animals ordinarily permitted in a place of residence, kept for company and pleasure, such as dogs, cats, domestic birds, guinea pigs, white rats, rabbits, mice, **pot-bellied pigs, pygmy goats,** and other similar animals generally considered by the public to be kept as pets, excluding fowl.

W. "W" Definitions.

...

d. The following members of the Class Aves (birds):

i. Order Falconiformes (including hawks, eagles, and vultures);

~~ii. Subdivision Ratitae (including ostriches, rheas, cassowaries, and emus);~~

...

8.02.030 Keeping wild, exotic, and dangerous animals and reptiles.

**Except as otherwise allowed by this code, Nno** person shall have, keep, or maintain any wild, exotic, dangerous, nondomestic animal or reptile within the City.

8.02.050 Limitation on number of **certain household pets** ~~dogs and cats.~~

**Except as otherwise allowed by this code, lit** is unlawful for any person to keep or harbor more than four (4) ~~dogs or~~ four (4) cats, **four (4) pot-bellied pigs, four (4) pygmy goats,** or a **any** combination of **thereof** ~~both not to exceed~~ **exceeding** a total of four (4), which are over the age of four (4) months on or in any lot, premises, dwelling, building, structure, boat, or living accommodation.

...

Elk Grove Municipal Code Section 9.08.010 is hereby amended to read:

9.08.010 Firearms defined.

For the purpose of this chapter, “firearms” includes any shotgun, rifle, pistol, revolver, or ~~air gun~~, **a firearm as defined by California Penal Code section 16520** and any other weapon of similar use and design.

Elk Grove Municipal Code Section 23.26.050 is hereby amended to read:

The following terms are used throughout this title and shall have the following descriptions:

A. “A” Allowed Use Descriptions.

8. “Animal husbandry” means the raising and breeding of animals or production of animal products. Typical uses include grazing, ranching, dairy farming, **and** poultry farming, ~~and beekeeping~~, but exclude slaughterhouses, **beekeeping** and feedlot operations. This classification includes accessory agricultural buildings accessory to such uses. Animal sales, boarding, and grooming are defined separately under “animal sales and grooming.” Keeping of animals is defined separately under “animal keeping.”

9. “Animal keeping” means the care and maintenance of animals, as described below, on private property. The listing below provides a distinction between various types of animals related to allowed use provisions in this division. This classification is distinct from “animal husbandry” and “animal sales and/or grooming.

a. “Exotic” means any animal **as defined in Elk Grove Municipal Code section 8.01.020(E)(2)** ~~not normally kept as a domestic or household pet, livestock, and the like, including lions, tigers, and monkeys~~

...

c. “Household pets” means any animal ~~ordinarily permitted in a place of residence~~ **as defined in EGMC section 8.01.020(H)(3)**, ~~kept for company and pleasure, such as dogs, cats, pot bellied pigs, pygmy goats, domestic birds, guinea pigs, white rats, rabbits, mice, and other similar animals generally considered by the public to be kept as pets, excluding fowl.~~

...

4. **“Beekeeping” means the maintenance of honeybees and hives including production of beeswax, honey and other edible bee products. Beekeeping must be performed within the standards contained in this code.**

...

**5.4.** “Broadcasting and recording studios” means commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus such as antennas and towers, which are under the definition of “telecommunications facility.”

**6.5.** “Building materials stores and yards” means retail establishments selling lumber and other large building materials, where most display and sales occur indoors. Includes paint, wallpaper, glass, and fixtures. Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in “wholesaling and distribution.” Hardware stores are listed in the definition of “retail, general,” even if they sell some building materials.

**7.6.** “Bus and transit shelter” means a small structure designed for the protection and/or convenience of waiting transit passengers that has a roof and usually two (2) or three (3) sides.

**8.7.** “Business support services” means establishments primarily within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc.; also includes: blueprinting business; equipment repair services (except vehicle repair, see “vehicle services”); commercial art and design (production); computer-related services (rental, repair); copying, quick printing, and blueprinting services (other than those defined as “printing and publishing”); equipment rental businesses within buildings (rental yards are “equipment sales and rental”); film processing laboratories; heavy equipment repair services where repair occurs on the client site; janitorial services; mail advertising services (reproduction and shipping); mailbox services; other “heavy service” business services; outdoor advertising services; photocopying and photofinishing; protective services (other than office-related); soils and materials testing laboratories; and window cleaning.

...

**5.** “Outdoor commercial recreation” means a facility for various outdoor participant sports and types of recreation where a fee is normally charged for use, including but not limited to amphitheaters, amusement and theme parks, golf driving ranges, health and athletic

club outdoor facilities, miniature golf courses, skateboard parks, stadiums and coliseums, swim and tennis clubs, tennis courts, water slides, and zoos. **Notwithstanding Section 8.02.030, the keeping of wild, exotic, dangerous, nondomestic animals and reptiles shall be permitted in zoos and aquariums.**

...

Elk Grove Municipal Code Table 23.27-1 is hereby amended to read:

Table 23.27-1 Allowed Uses and Required Entitlements for Base Zoning Districts																											
Land Use/Zoning District	Zoning Districts																										
	Agricultural					Residential						Commercial			Mixed Use		Office		Industrial	Public/Quasi-Public	Specific Use Regulations						
	AG-80	AG-20	AR-5/10	AR-2	AR-1	RD-1/2/3	RD-4/5/6	RD-7	RD-8/10/12/15/18	RD-20/25/30/40	LC	GC	SC	AC	C-O	VCMU	RMU	BP	MP	LI		LI/FX	HI	PR	PS	O	
Agriculture, Animal Keeping, and Resource Uses																											
Animal Keeping – Exotic	p <sup>11</sup>	p <sup>11</sup>	p <sup>11</sup>	p <sup>11</sup>	p <sup>11</sup>	p <sup>3</sup>	p <sup>3</sup>	p <sup>3</sup>	p <sup>3</sup>	p <sup>3</sup>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Animal Keeping – Household Pets	p <sup>12</sup>	p <sup>12</sup>	p <sup>12</sup>	p <sup>12</sup>	p <sup>12</sup>	p <sup>3</sup>	p <sup>3</sup>	p <sup>3</sup>	p <sup>3</sup>	p <sup>3</sup>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Animal Keeping – Fowl	p <sup>9</sup>	p <sup>9</sup>	p <sup>9</sup>	p <sup>9</sup>	p <sup>9</sup>	p <sup>3</sup>	p <sup>3</sup>	p <sup>3</sup>	p <sup>3</sup>	p <sup>3</sup>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Animal Keeping – Livestock	p <sup>10</sup>	p <sup>10</sup>	p <sup>10</sup>	p <sup>10</sup>	p <sup>10</sup>	p <sup>3</sup>	p <sup>3</sup>	p <sup>3</sup>	p <sup>3</sup>	p <sup>3</sup>	-	-	-	-	-	-	-	-	-	-	-	-	-	CUP	-	-	
<b>Beekeeping</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	

Elk Grove Municipal Code Section 23.27.020 is hereby amended to read:

...

Notes that pertain to the agricultural zoning districts:

...

**9. Roosters may be kept in Agricultural zoning districts in accordance with the following:**

**Roosters are limited to no more than two (2) on properties one acre or less, no more than four (4) on properties from one to five acres, and no more than ten (10) on properties larger than five acres**

**10. Livestock. Two (2) livestock animals may be permitted for each half (1/2) acre of land**

**11. Only Class Aves, Subdivision Ratitae (such as ostriches, rheas, cassowaries, and emus) may be kept. All other exotic animals are prohibited.**

**12. Household Pets. Keeping of any combination of five (5) or more dogs, cats, pot-bellied pigs, or pygmy goats over the age of four (4) months on or in any lot, premises, dwelling, building, structure, boat, or living accommodation is considered a kennel for this title. See EGMC Section [8.02.050](#) for restrictions on the number of animals allowed.**

Notes that pertain to the residential zoning districts:

...

~~a. Exotic. All exotic animals shall be kept and maintained a minimum distance of forty (40' 0") feet from any property line unless contained within the dwelling.~~

**a.b.** Fowl, limited to chickens only, may only be kept on residential property when consistent with the following:

i. Residents may have up to six (6) chickens in all RD zone districts, as long as the chickens are confined within a clean coop or cage. Such structures must be kept a minimum of five (5' 0") feet from interior side and rear property lines.

ii. Notwithstanding the above, residents may have up to twelve (12) chickens if a minimum forty (40' 0") foot buffer is maintained between the area for the chickens and any neighboring property line. Chickens may roam the property as long as the forty (40' 0") foot buffer is maintained through use of a fence, wall, or other barrier.

iii. Roosters are not permitted in RD zone districts.

**b.e.** Household Pets. Keeping of any combination of five (5) or more dogs, cats, pot-bellied pigs, or pygmy goats over the age of four (4) months on or in any lot, premises, dwelling, building, structure, boat, or living accommodation ~~eats and dogs~~ is considered a kennel for this title. See EGMC Section [8.02.050](#) for restrictions on the number of animals allowed.

**c. d.** Livestock. Two (2) livestock animals may be permitted for each half (1/2) acre of land. All livestock shall be kept and maintained a minimum distance of forty (40' 0") feet from any property line and a minimum distance of seventy-five (75' 0") feet from any residential dwelling **on a neighboring parcel.**

...





# Memorandum

February 2, 2022

.....  
Date

Planning Commission

.....  
To

Shane Diller, Assistant Development Services Director

.....  
From

Agenda Item 5.2: Elk Grove Municipal Code Amendments

.....  
Subject

Staff is proposing to amend the items included in the resolution recommended for adoption. After consideration of the input received after publication of the agenda, staff is removing the following amendments from its recommended actions contained in the staff report and Exhibit A of the resolution (Page 15 of the staff report). These items are:

- Proposed footnote 9 regarding the limit on roosters
- Proposed footnote 10 regarding the limit on livestock

Staff intends to further review and seek community input on any new restrictions placed on the types of animals kept in the rural area.

Staff is recommending an additional amendment to Chapter 8.02.030 as shown below:

*Language being added is in **bold** and underlined.*

8.02.030 Keeping wild, exotic, and dangerous animals and reptiles.

No person shall have, keep, or maintain any wild, exotic, dangerous, nondomestic animal or reptile within the City, **except as permitted by the Elk Grove Municipal Code.**

This amendment is needed clean-up to reconcile both allowances for exotics and certain reptiles as allowed in Title 8, as well as for consistency with the “exotic” animal definition amendments contained in this item.



Incorporated July 1, 2000

8401 Laguna Palms Way  
Elk Grove, California 95758

CITY OF ELK GROVE

Telephone: (916) 683-7111  
Fax: (916) 627-4400  
www.elkgrovecity.org

## City of Elk Grove – City Council NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that on **Wednesday, March 9 2022**, at the hour of **6:00 p.m.**, or as soon thereafter as the matter may be heard, the Elk Grove City Council will conduct a public hearing at City Hall in the Council Chambers, 8400 Laguna Palms Way, Elk Grove, California, to consider the following matter:

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE:**

- **Amending EGMC Chapters 8.01 and 8.02 to:**
  - Amend the definitions of certain animals (such as ostriches, rheas, cassowaries, and emus) to classify them as “Exotic” and not “Wild”;
  - For consistency with the Zoning Code amend the definition of household pets to specifically include pot-bellied pigs and pygmy goats; and
  - Expand the keep restrictions on household pets to include pot-bellied pigs and pygmy goats, rather than just dogs and cats.
- **Amending EGMC Chapter 9.08 to amend the definition of “Firearm” used in the EGMC to align with the Penal Code definition, which definition does not categorize air guns as Firearms;**
- **Amending EGMC Chapter 23.26**
  - Amend the definitions of exotic animals and household pets to reference updated definitions in EGMC Title 8; and
  - Amend the definition of animal husbandry to remove beekeeping and add a specific classification of “Beekeeping”; and
  - Amend the definition of outdoor commercial recreation to state that the keeping of wild, exotic, dangerous, nondomestic animals and reptiles would be allowed in zoos and aquariums.
- **Amending EGMC Chapter 23.27**
  - Amend the notes in the land use table to (i) prohibit the keeping of exotic animals in all zones, except that Class Aves, Subdivision Ratitae (such as ostriches, rheas, cassowaries, and emus) may be kept in agricultural zones; and (ii) clarify that the household pet limitation set forth in EGMC section 8.02.050 also applies in agricultural zones; and
  - Amend the land use table to reflect that beekeeping is permitted in all zones.

*The Planning Commission considered this matter at its regular meeting on February 3, 2022, and voted 3-1 (Murphey Opposed and Commissioner Robles absent) to recommend approval to the City Council.*

LOCATION/APN: Citywide  
ZONING: Citywide  
ENVIRONMENTAL: No further CEQA review is necessary pursuant to Section 15061(b)(3) (Common Sense Exemption) of Title 14 of the California Code of Regulations.

Information or questions regarding this item should be referred to Shane Diller, (916) 687-3002, or to the Development Services Department, 8401 Laguna Palms Way, Elk Grove, CA, 95758.

Consistent with state law while a State of Emergency remains active, this meeting will be conducted by teleconference only. The meeting location will be the City Council Chamber, but it will not be open to the public. The live meeting can be viewed via the City's website at [http://www.elkgrovecity.org/city\\_hall/city\\_government/live\\_archived\\_broadcasts](http://www.elkgrovecity.org/city_hall/city_government/live_archived_broadcasts)

All interested persons are invited to present their views and comments on this matter at the public hearing. Written statements may be filed with the City Clerk either in writing or by email at any time prior to the close of the hearing scheduled herein, and oral statements may be made following the [procedures](#) established for the virtual meeting environment, which are available on the City's [website](#) or by contacting the City Clerk by phone at (916) 478-2286 or email to [jlindgren@elkgrovecity.org](mailto:jlindgren@elkgrovecity.org).

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 8401 Laguna Palms Way, Elk Grove, CA, 95758, at or prior to the close of the public hearing.

**This meeting notice is provided pursuant to Section 23.14.040 of Title 23 of the Elk Grove Municipal Code.**

Dated/Published: February 25, 2022

JASON LINDGREN  
CITY CLERK, CITY OF ELK GROVE

**ADA COMPLIANCE STATEMENT**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (916) 478-3635. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

OWNER	CONTACT	Address Line 1	City	State	ZIP Code
AT&T	Astrid Willard	2700 Watt Ave Rm 3473-11	Sacramento	CA	65821
CA Dept. of Fish and Wildlife	Tanya Sheya	1701 Nimbus Rd., Ste. A	Rancho Cordova	CA	95670
Caltrans District 3, Planning and Local Assistance	Doug Adams	703 B Street	Marysville	CA	95901
Cosumnes Fire Department	Morgana Yahnke	10573 E. Stockton Blvd.	Elk Grove	CA	95624
Cosumnes Parks & Recreation	Paul Mewton	8820 Elk Grove Blvd. Ste. #3	Elk Grove	CA	95624
CRWQCB	Liz Lee	11020 Sun Center Dr. #200	Rancho Cordova	CA	95670-6114
Elk Grove Unified School District	Kim Williams	9510 Elk Grove-Florin Road	Elk Grove	CA	95626
Elk Grove Water Services	Bruce Kamilos	9257 Elk Grove Blvd.	Elk Grove	CA	95624
Frontier	Kirby Bernard	9260 E. Stockton Blvd	Elk Grove	CA	95624
Pacific Gas & Electric	Dawn Plise	12840 Bill Clark Way	Auburn	CA	95602-9527
Sac. Co. Water Resources	Bob Gardner	827 Seventh Street Rm 301	Sacramento	CA	95814
Sacramento Area Sewer District	Amandeep Singh	10060 Goethe Road	Sacramento	CA	95827
SMUD	Rob Ferrera	6201 S Street, MS B203	Sacramento	CA	95817
SMUD	Yujean Kim	6201 S Street	Sacramento	CA	95817
Adam Broadwell Joseph & Cardoza	Janet Laurain	601 Gateway Boulevard, Suite 1000	South San Francisco	CA	94080-7037
Hakkem, Ellis & Marengo, Professional Law Corporation	Michael Hakeem	3414 Brookside Road, Suite	Stockton	CA	95219
Hock Construction Management, Inc	Les Hock	10630 Mather Blvd.	Sacramento	CA	95655
J. P. Morgan	J.P. Morgan	2217 Rainsdance Drive	Roseville	CA	95747
John Jaeger	John Jaeger	9543 Roblin Court	Elk Grove	CA	95758
Lozeau Drury LLP	Hanna Hughes	1939 Harrison Street, Suite 150	Oakland	CA	94612
MerloneGeier Partners	Gary S Muljat	3191 Zinfandel Drive, Suite 23	Rancho Cordova	CA	95670
Northern California Carpenters	Katie Boyd	265 Hegenberger Rd., Suite 220	Oakland	CA	94621
Richland Planned Communities	Aaron Ross-Swain	3000 Lava Ridge Ct., Ste 115	Roseville	CA	95661
Ring Hunter Holland & Schenone	Justin J. Schnitzler	985 Moraga Road, Suite 210	Lafayette	CA	94549
Taylor & Wiley	Matt Keasling	500 Capitol Mall Suite 1150	Sacramento	CA	95814
Taylor Morrison	Jay Pawlek	81 Blue Ravine Rd. Suite 220	Folsom	CA	95630