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ORDINANCE NUMBER O- 20139 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 22 2012

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE 4, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 44.0302 AND AMENDING SECTIONS 44.0306, 44.0307 AND 44.0318, ALL RELATING TO THE KEEPING OF MINIATURE GOATS

WHEREAS, Healthy Works, a program administered by the County of San Diego Health and Human Services Agency and funded by the American Recovery and Reinvestment Act of 2009, awards grants to combat rising obesity rates in the San Diego region by planning communities in ways that support increased physical activity and access to healthy foods; and

WHEREAS, the City of San Diego has been awarded a grant of \$50,000 to increase access to healthy foods pursuant to Municipal Code and General Plan amendments to support urban agriculture; and

WHEREAS, on July 20, 2011, the Land Use and Housing Committee of the City Council of the City of San Diego held a hearing on the subject of urban agriculture and requested that staff address specific items and return with proposed amendments to the City of San Diego Municipal Code to increase access to healthy, local and sustainable food by expanding the opportunities for community gardens; and

WHEREAS, on October 5, 2011, staff returned to the Land Use and Housing Committee with proposed amendments to the City of San Diego Municipal Code; and

WHEREAS, on December 15, 2011, the Planning Commission of the City of San Diego recommended that the City Council of the City of San Diego adopt the proposed amendments to the San Diego Municipal Code to ease restrictions on the keeping of miniature goats; NOW,

THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego as follows:

Section 1. That Chapter 4, Article 4, Division 3 of the San Diego Municipal Code is amended by repealing section 44.0302 and amending sections 44.0306, 44.0307 and 44.0318 to read as follows:

§44.0306 Agricultural and Non-Agricultural Areas — Definitions

Agricultural areas, for the purposes of this division only, shall be any areas zoned AG-1-1, AG-1-2, AR-1-1, AR-1-2, IL-3-1, and IH-2-1, as defined by Chapter 13, Article 1 of this Code. Non-agricultural areas shall be all other areas within the City.

§44.0307 Cattle, Goats and Sheep

- (a) [No change in text.]
- (b) Section 44.0307(a) shall not apply to the following:
 - (1) [No change in text.]
 - (2) [No change in text.]
 - (3) The keeping of miniature goats on a premises zoned for a single dwelling unit or developed with a single dwelling unit consistent with the following requirements.
 - (A) Miniature goats are those goats commonly known as Pygmy, Dwarf, and Miniature Goats.
 - (B) All miniature goats shall be dehorned.
 - (C) Male miniature goats shall be neutered.

- (D) No more than, and no less than, two miniature goats shall be kept on the premises, except that offspring may be kept onsite for up to twelve weeks from birth.
- (E) Miniature goats shall be housed in a shed designed to be:
 - (i) Predator proof;
 - (ii) Thoroughly ventilated;
 - (iii) Easily accessed and cleaned;
 - (iv) Watertight and draft free;
 - (v) A minimum of ten square feet of interior space; and
 - (vi) Located outside of all required setbacks as established by Chapter 13, Article 1 of this Code.
- (F) Direct access from the shed to an outdoor enclosure shall be provided with the outdoor enclosure designed to be:
 - (i) Secured with a minimum five-foot tall fence;
 - (ii) A minimum area of 400 square feet;
 - (iii) Secured from the outside in a manner that prevents the miniature goats from escaping;
 - (iv) Free of objects that would enable the goats to climb out of the enclosure; and
 - (v) Easily accessed and cleaned.
- (G) Goat's milk, goat's cheese, and other goat-related food products shall be for personal consumption only; sale of such products is prohibited.

(c) [No change in text.]

§44.0318 Domestic Animals — Definition

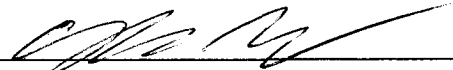
For the purpose of this Division, a domestic animal is defined to be any horse, colt, mule, donkey, burro, ox, bull, cow, calf, hog, pig, sheep or standard goat.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

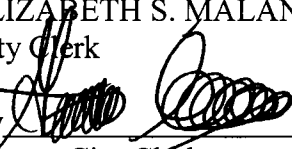


Keith Bauerle
Deputy City Attorney

KB:hm
01/17/2012
Or.Dept:DSD
Document No. 306087

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 14 2012.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 2-22-12
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor