



*Town of Tiburon
Community Development Department
Planning Division (415) 435-7390
www.townoftiburon.org*

INFORMATION REQUIRED FOR THE REVIEW OF CHICKEN AND HONEYBEE-KEEPING PERMITS

CHICKENS AND HONEY BEES

In accordance with Title IV, Chapter 16, Section 16-40.070 of the Tiburon Municipal Code, an application to establish a chicken-keeping or honeybee-keeping use on a property zoned R-1, R-1-B, RO, R-2 or RPD shall be acted upon by the Director of Community Development or his designee.

PROCEDURE

Once an application is submitted, it will be reviewed for completeness. If possible, a preliminary completeness check will be conducted at the counter to look for any obvious deficiencies in the application (no site plan, no filing fee, etc.). A more thorough review of the application will be performed in the days following submittal. If additional information is required to make the application complete, the applicant will be notified as soon as possible.

Once an application is deemed complete, the Director or his designee may take action to approve or deny the application. A decision on this action may be appealed by the applicant to the Planning Commission within ten (10) days. The decision of the Planning Commission is final.

SUBMITTAL REQUIREMENTS

Below is a list of items required in order to submit a complete application for either a chicken-keeping or honeybee-keeping permit. Depending on the nature and complexity of the site or the requested permit, supplemental information may be required by the Town before an application can be found complete or a decision reached. Applicants are encouraged to consult with Planning Division staff prior to filing an application.

1. Completed application forms (Land Development Application Form and the Supplemental Application Form for Chicken and Honeybee-Keeping Permits).
2. Filing Fee of \$250.00.
3. One (1) full sized set of plans (usually 24" x 36"). The plans are to contain the following information for the type of permit requested:

- a. Site plan to scale showing: property lines, setbacks, and all easements or other encumbrances; all adjacent streets, vehicular access points; all proposed (chicken or honeybee-keeping) and existing (dwelling, accessory, etc) structures; distance to immediately adjacent dwellings and structures not located on the subject site; parking and driveway areas; dimensions of the lot; trees; and significant natural or man-made features such as drainage ways, rock outcroppings, landscaped areas, fences, walls, and retaining walls. The scale and north arrow shall be shown.
 - b. Detailed drawings of the proposed chicken coop/run/enclosure, including floor plan, elevations and exterior finish (colors and materials), and/or detailed drawings of the proposed hive structure(s) for honeybee-keeping. Manufacturer specification sheets may also be submitted.
4. For a honeybee-keeping permit, applicant shall obtain signatures of non-objection from the property owners of developed residential properties physically contiguous to (i.e. touching) the lot where honeybees are to be kept. While not required for chicken-keeping, the Town strongly encourages applicants to consult potentially affected neighbors in advance of filing the application.
5. For a honeybee-keeping permit, applicant shall provide written documentation of bee-keeping training. Training may include local workshops, online courses or local community college courses.

SUPPLEMENTAL APPLICATION FORM FOR CHICKEN AND HONEYBEE KEEPING

1. *Indicate which permit is being requested:* _____ Chicken-Keeping
_____ Honeybee-Keeping
_____ Both
2. *Please indicate the number of chickens and/or honeybee hives you intend to keep on your property:*
_____ Chickens
_____ Honeybee Hives

3. *Please provide the following property information:*
Zoning Designation: _____ Lot Area: _____ (square feet)

4. *If you are proposing to keep chickens, please provide the following:*
Dimensions of coop/enclosure:
Height: _____
Width: _____
Length: _____

<u>Existing Lot Coverage:</u>	<u>Proposed Coop Coverage:</u>	<u>Total Lot Coverage:</u>
_____ (sq. ft.)	_____ (sq. ft.)	_____ (sq. ft.)
_____ (% of lot area)	_____ (% of lot area)	_____ (% of lot area)

5. *If you are proposing to keep honeybees, please describe how and where an adequate source of water will be made available for the honeybees, in addition to the required six foot (6') high flyaway barrier on the subject property:*

I, the undersigned owner (or authorized agent) of the property herein described, hereby agree to operate and maintain the chicken-keeping or honeybee-keeping use(s) in accordance with recognized best management practices that provide safe, and healthy living conditions for the chickens and/or honeybees, while actively avoiding nuisance impacts on surrounding properties and persons, and agree to protect the public health, safety and welfare. I further agree to comply at all times with all applicable standards and ordinance provisions for the keeping of chickens and/or honeybees.

Signature

Date

RESOLUTION NO. 31-2012

**A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF TIBURON ADOPTING STANDARDS FOR THE
KEEPING OF CHICKENS AND STANDARDS FOR THE KEEPING OF HONEYBEES**

WHEREAS, The Town Council of the Town of Tiburon adopted Ordinance No. 542 N.S. on August 15, 2012, which established the process for obtaining a Chicken-Keeping Permit or a Honeybee-Keeping Permit; and

WHEREAS, pursuant to Town of Tiburon Ordinance No. 542 N.S., Section 16-40.070 of the Municipal Code requires that for the Director of Community Development or his designee to grant a chicken-keeping permit or a honeybee-keeping permit, he/she must find that the chicken-keeping use or the honeybee-keeping use would comply with any adopted Standards for the Keeping of Chickens or for the Keeping of Honeybees; and

WHEREAS, Section 16-40.070(d) of the Municipal Code states that Standards for chicken-keeping and for honeybee-keeping shall be established by Resolution of the Town Council and may be amended from time to time by Resolution of the Town Council; and

WHEREAS, the Town Council did hold a duly noticed and advertised public meeting on September 5, 2012, at which any testimony received from the public was considered.

NOW, THEREFORE BE IT RESOLVED that pursuant to Municipal Code Title IV, Chapter 16, Section 16-40-070(d), the Town Council hereby adopts "Standards for the Keeping of Chickens" as set forth in the attached Exhibit "A", and hereby adopts "Standards for the Keeping of Honeybees", as set forth in attached Exhibit "B".

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Tiburon on September 5, 2012, by the following vote:

AYES: COUNCILMEMBERS: Doyle, Fraser, Fredericks, O'Donnell

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Collins

JIM FRASER, MAYOR
TOWN OF TIBURON

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK

Attachments: Exhibit "A": Standards for Keeping of Chickens
Exhibit "B": Standards for Keeping of Honeybees

EXHIBIT “A”
Standards for Keeping of Chickens

1. The chicken-keeping use must be an accessory use to a single family dwelling located in the R-1, R-1-B, RO, R-2 or RPD zone.
2. Property owner permission for the chicken-keeping use must be secured through an application form signed by the property owner (or authorized agent) or through a separate letter of authorization.
3. Maximum number of chickens allowed to be kept per single family dwelling:
 - a. On lots less than or equal to ten thousand (10,000) square feet in lot area: Up to four (4) hens;
 - b. On lots greater than ten thousand (10,000) square feet in lot area: Up to eight (8) hens.
4. All chickens must be hens and must be kept for non-commercial purposes only.
5. Chicken-keeping permits are intended exclusively for the keeping of chicken hens and are not applicable or transferable to other fowl, including but not limited to roosters, ostriches, turkeys, ducks, geese, quail, pigeons, guinea fowl or peafowl. Chicken-keeping permits are not applicable to canaries, parrots, or other traditional indoor avian pets.
6. Permit holders shall operate and maintain the chicken-keeping use in accordance with recognized best management practices that provide safe and healthy living conditions for the chickens while avoiding nuisance impacts on surrounding properties and persons.
7. All chickens shall be confined in a secure enclosure at all times. Enclosures must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors. Chicken feed shall be contained such that it does not attract rodents.
8. A chicken coop/cage shall not exceed one hundred (100) square feet in area and six (6) feet in height and shall be located within a rear yard setback and shall comply with the lot coverage limits for the zone or planned residential development in which it is located.
9. In no event shall any chicken enclosure be located less than five (5) feet from any property line or less than twenty-five (25) feet from any dwelling unit to which the chicken enclosure is not an accessory use.
10. No chicken shall be slaughtered on the property.

EXHIBIT “B”
Standards for Keeping of Honeybees

1. The bee-keeping use shall be limited to *Apis mellifera* (honeybees) and must be an accessory use to a single family dwelling in an R-1, R-1-B, RO, R-2 or RPD zone.
2. Property owner permission for the bee-keeping use must be secured through an application form signed by the property owner or authorized agent, or through a separate letter of authorization submitted by the property owner or authorized agent.
3. Applicant shall obtain signatures of non-objection from the property owners of developed residential properties physically contiguous to (i.e. touching) the lot where honeybees are to be kept. If all required signatures cannot be obtained, then a conditional use permit shall be required pursuant to Section 16-52.040 prior to approval of the bee-keeping use.
4. Maximum number of bee colonies (hives) per single family dwelling:
 - a. On lots less than or equal to ten thousand (10,000) square feet: Two (2) colonies.
 - b. On lots greater than ten thousand (10,000) square feet: Four (4) colonies.
5. All bee colonies must be used for non-commercial purposes only.
6. Permit holders shall operate and maintain the bee-keeping use in accordance with recognized best management practices that provide safe and healthy living conditions for the bees while actively avoiding nuisance impacts on surrounding properties and persons and protecting the public health, safety and welfare. Applicant shall submit written documentation of bee-keeping training to the satisfaction of the Director.
7. A convenient and adequate source of water shall be available to a bee colony at all times.
8. All bee colonies shall be maintained in hives capable of inspection to determine compliance with these standards, and shall consist of moveable frames and combs. Hives must be maintained in sound and usable condition at all times.
9. Any bee hive box (colony) shall be located within a rear yard setback in traditional zones (R-1, R-1-B, RO, R-2) or within a rear setback or rear portion of a building envelope for a planned residential development (RPD). Bee hive boxes shall not count toward lot coverage.
10. In no event shall any bee hive box shall be located less than five (5) feet from any property line or less than twenty-five (25) feet from any dwelling unit to which the hive is not an accessory use.
11. A flyway barrier at least six (6) feet in height, consisting of a solid wall, fence or dense vegetation, shall be installed and maintained between the bee hive colony(s) and all abutting developed or developable parcels where the bee hive colony is located within ten (10) feet of an abutting parcel property line.
12. All hive entrances shall face away from the nearest property line(s).

[Excerpted from Tiburon Municipal Code Title IV, Chapter 16 (Zoning)]

16-40.070. Chickens and Honey Bees

This section provides for establishment and reasonable regulation of bee-keeping and/or chicken-keeping as an accessory use to a single-family dwelling in certain residential zones while ensuring the public health, safety and welfare.

- A. Permit Required.** It is unlawful to keep, possess, or maintain chickens or honey bee hives on any lot or parcel of land located in the Town unless a permit has first been approved by the Director of Community Development.
- B. Application and Fee.** Application for a bee-keeping permit or for a chicken-keeping permit shall be made in compliance with the provisions of Section 16-50 (Application Filing and Processing) and shall be accompanied by the appropriate fee.
- C. Director of Community Development as Review Authority.** Applications for bee-keeping and/or chicken-keeping permit shall be acted upon by the Director as a ministerial permit without notice, discretionary review, or a public hearing.
- D. Grant of Bee-keeping or Chicken-keeping Permit; Standards for Review.** In order to grant a bee-keeping or chicken-keeping permit, the Director shall find that the use would comply with all of the standards set forth in the Standards for Bee-keeping or the Standards for Chicken-keeping, whichever is applicable, as adopted by Resolution of the Town Council.
- E. Trailing Permits.** Any required Site Plan and Architectural Review and/or Building Permits associated with a bee-keeping or chicken-keeping use shall be obtained prior to commencement of the use.
- F. Approved Conditional Use Permits Still Valid.** Any bee-keeping or chicken-keeping use with an approved Conditional Use Permit in existence prior to September 14, 2012 shall be a legal, non-conforming use, provided that it shall continue to comply with all conditions of its permit approval.
- G. Expiration by Limitation.** A bee-keeping or chicken-keeping permit issued in compliance with this Section shall expire and become null and void two (2) years after issuance if the use has never commenced.
- H. Revocation.** Upon written notice to the holder of a bee-keeping or chicken-keeping permit, and a hearing before the Director, the Director may revoke or modify any such permit, on any one or more of the following grounds:

 - 1. That the approval was based on false information submitted by the applicant and that false information had a material bearing on the granting of the permit.
 - 2. That the permit granted is being or recently has been exercised contrary to the Town's adopted Standards for Bee-keeping or the Standards for Chicken-keeping, whichever is applicable, or in violation of any statute, ordinance, law or regulation.
 - 3. That the bee-keeping or chicken-keeping use has been abandoned for a continuous period of at least two (2) years.
 - 4. That the use is declared by the Town to constitute a public nuisance in accordance with Chapter 31 of the Tiburon Municipal Code.

- I. **Periodic Update.** The Director shall maintain a record of all approved bee-keeping and chicken-keeping permits and shall review and update the record every two years. At the review, the owner of record shall verify in writing under penalty of perjury that the use is in compliance with the Town's adopted Standards under which it was granted or with all conditions of approval if the use was authorized by a Conditional Use Permit.
- J. **Reporting of Violations.** All reporting of bee-keeping or chicken-keeping permit violations shall be in writing, supported by substantial evidence, and directed to the Director. The Director shall notify the owner of record of the property that a complaint has been registered, within ten (10) business days from receipt of any such complaint. The Director shall investigate and issue a written report to the complainant within thirty (30) days from the date of the issuance of the notice outlining the current status of any alleged violation and the steps (if any) that have been requested of the owner of record to remedy the violation should such be found to exist.
- K. **Violations Considered an Infraction.** Violations of this Section, and violations of Standards adopted pursuant to this Section, shall be punished as infractions or by administrative citation, in the discretion of the Director and shall be subject to the provisions of Section 16-56.030 (Violations and Penalties) of this Chapter and/or Municipal Code Chapter 31 (Enforcement of Code).
- L. **Violations--Additional Remedies--Injunctions.** As an additional remedy, the existence and/or maintenance of any bee-keeping or chicken-keeping use in violation of any provisions of this Section, applicable Standards, or conditions of approval shall be cause for hearing and revocation and may be deemed and may be declared to be a public nuisance and may be deemed subject to summary abatement (i.e., including, without limitation, administrative abatement in compliance with Municipal Code Chapter 31), and/or restrained and enjoined by a court of competent jurisdiction. In the event legal action is instituted to abate said violation, the Town shall be entitled to recover its costs and reasonable attorney's fees incurred in prosecuting said action.
- M. **Appeals.** An applicant aggrieved by the Director's decision involving the approval, denial, or revocation of a bee-keeping or chicken-keeping permit may appeal such decision to the Planning Commission, pursuant to Section 16-66.020(A), within ten (10) days of the decision. The decision of the Planning Commission on appeal shall be final.

LOCAL RESOURCES FOR HONEYBEE-KEEPING WORKSHOPS AND CLASSES

1. Marin County Beekeepers www.marinbeekeepers.org
2. Marin Bee Company www.marinbeecompany.com
3. MarinBees.com www.marinbees.com
4. Marin Art & Garden Center www.magc.org
5. Bonnie Bee and Company <http://bonniebeecompany.com>
6. Sustainable Fairfax www.sustainablefairfax.org
7. College of Marin www.marin.edu
8. Bay Area Beekeeping www.bayareabeekeeping.com