

# CHAPTER FOUR

## ACCESSORY USES, SIGN REGULATION & USE SPECIFIC STANDARDS

### 4.3 USE-SPECIFIC STANDARDS

#### A. Animal Regulations.

##### 1. Purpose and Scope.

- a. This Section provides rules and regulations for the keeping of agricultural animals, household pets and other animals. Keeping of animals shall not become a nuisance, hazard and/or create a public health problem.
- b. Animal uses such as feedlots, zoos, kennels and veterinary/animal hospitals are specifically identified in the Land Use Matrix and shall be administered by the provisions of this Chapter.

##### 2. Nonconforming Use. The existing, lawful use of a premise or structure, used for the keeping of animals, which is not in conformance with the provisions of this Code, may be continued, subject to the following:

- a. No use may be expanded or enlarged, except in conformance with this Code;
- b. If a nonconforming use is discontinued for twelve (12) consecutive months, any future use shall fully conform to this Code; and
- c. Having written proof of the existence of the use shall be the responsibility of the occupant or property owner.

##### 3. Agricultural Animals (see Definitions).

- a. The CSR, RSF-R, RSF-E, RSF-1 and RSF-2 districts shall not have more than one (1) large Agricultural Animal per one-quarter ( $\frac{1}{4}$ ) acre of land and shall be subject to the fencing requirements of this chapter. In these districts, all types of fowl (*e.g.* chickens, turkeys, ducks, and geese) shall be allowed, subject to the confinement provisions of this Section.
- b. In all other districts, a maximum of one (1) large agricultural animal (*e.g.* horse, sheep, cow, mule or burro) shall be allowed per one-half ( $\frac{1}{2}$ ) acre of land.
- c. Agricultural animals shall be subject to the following provisions:
  - (1) All large agricultural animals kept on a parcel shall be fenced so that they are no closer than one hundred feet (100') from any residential structure on another property. For the purposes of this section, the first in time shall be the first in right. Written permission, if the animal(s) were not first in time, for a lesser distance may be obtained from the property owner, or if not owner occupied, from the occupant.
  - (2) No person shall keep, house, or shelter one (1) or more pig(s) in any zone district other than RSF-R unless such person has obtained a conditional use permit in accordance with the provisions of Section 2.13 of this Code.
  - (3) Small animals *e.g.*, chickens and rabbits, which are kept outside the residence, shall be confined by a fence, cage, or pen so as to be no closer than twenty feet (20') from a principal residential structure on an adjoining property. A maximum of six (6) adult animals shall be allowed on parcels of one-half ( $\frac{1}{2}$ ) an acre or less. On parcels greater than one-half ( $\frac{1}{2}$ ) an acre, fifteen (15) adult animals shall be allowed per acre.
  - (4) In the RSF-R district, the number of agricultural animals and small animals allowed under this section may be exceeded with a conditional use permit (see Section 2.13.). If the conditional use application is approved, the permit shall state the maximum number of animals allowed by type and in the aggregate.

##### 4. Household Pets (Chapter Nine)

- a. In all districts, a maximum of three (3) adult [four (4) months or older] household pets,

*e.g.* dogs and cats, per species, shall be allowed. In no event shall the total number of adult household pets exceed six (6).

- b. The requirements of Section 4.3A.4.a above shall not apply to those small animals kept within a residence as household pets, *e.g.*, fish, small birds (parakeets, parrots), rodents (mice, rats), and reptiles (nonpoisonous snakes, lizards).
- c. Dogs or cats kept confined in kennels shall be kept no closer than twenty feet (20') from the nearest principal residential structure on an adjacent property, unless written permission for a lesser distance is obtained from the adjacent occupant or property owner. Such permission may be revoked at any time. Upon revocation, the owner of the animal shall have thirty (30) days to move the animal so that compliance is achieved.

5. **Other Animals.**

- a. Other animals may be kept only after obtaining approval from the Director.
- b. Racing Pigeons. "Racing Pigeon", by definition, is a pigeon which, through selective past breeding, has developed the distinctive physical and mental characteristics as to enable it to return to its home after having been released a considerable distance therefrom, and which is accepted as such by the American Racing Pigeon Union, Inc. or the International Federation of Racing Pigeon Fanciers. Also commonly known as Racing Homer, Homing Pigeon or Carrier Pigeon. The structure for the keeping or housing of pigeons permitted by this administrative regulation is defined as a "loft". The keeping of pigeons as defined above shall be permitted on the following conditions which are, in part, recommended by the Avian Assistance Council and the American Racing Pigeon Union, Inc.:
  - (1) The loft shall be of such sufficient size and design, and constructed of such material, that it can be maintained in a clean and sanitary condition and shall contain at least one (1) square foot of floor space for each mature pigeon kept therein.
  - (2) The construction and location of the loft shall not conflict with the requirements of this Code or building code. The loft shall be enclosed except for the aviary portion which cannot exceed twenty percent (20%) of the floor area of the loft.
  - (3) The loft shall be maintained in a sanitary condition and in compliance with all applicable health regulations of the City.
  - (4) All feed for said pigeons shall be stored in such containers as to protect against intrusion by rodents and other vermin.
  - (5) A maximum of fifty (50) performing birds shall be allowed on parcels of one-half (½) acre or less. On parcels greater than one-half (½) acre, a maximum of 100 performing birds shall be allowed. Performing birds are birds that leave the loft in training and for racing.
  - (6) All pigeons shall be confined to the loft, except for limited periods necessary for exercise, training and competition; and at no time shall pigeons be allowed to perch or linger on the buildings or property of others. Pigeons shall be fed only in the confines of the loft.
  - (7) No one shall release pigeons to fly for exercise, training or competition except in compliance with the following rules:
    - (A) The owner of the pigeons must be a member in good standing of an organized pigeon club, such as the Grand Junction Racing Pigeon Club, The American Racing Pigeon Union, Inc. or other club that has rules that will help preserve the peace and tranquility of the neighborhood.
    - (B) Pigeons will not be released for flying which have been fed within the previous four (4) hours.
    - (C) Pigeons shall be banded and registered with one (1) of the national pigeon associations/registries.