

Having been duly posted on the 26th day of March, 2014 and the public having the opportunity to comment on the propriety of the following regulation will be duly promulgated and become effective on the 31st day of March, 2014:

RE: ADMINISTRATIVE REGULATION NO. 03-2014
Zoning and Development Code
City of Grand Junction

Issued by: 
Tim Moore, Deputy City Manager

3-26-14
Date

Topic:

Clarifying and interpreting the definitions of and regulations relating to keeping of animals in Grand Junction Municipal Code Section 21.04.030(a)

Background:

The purpose of this Administrative Regulation is to interpret, clarify, and fully implement Section 21.04.030(a) of the Grand Junction Municipal Code and the definition of "agricultural animal" in Section 21.10.020.

Administrative Interpretation:

The definition of *agricultural animals* in Section 21.10.020, GJMC, provides as follows:

Agricultural animals. The following animals are considered agricultural animals to an agricultural use, whether used for personal enjoyment or for commercial purposes: Horses, mules, burros, sheep, cattle, rabbits, chickens, ducks and geese.

It is the interpretation of the Deputy City Manager that the foregoing definition gives examples of agricultural animals and that it does not provide an exhaustive list of agricultural animals. Other animals deemed to be agricultural animals under the Zoning and Development Code include, again by way of example and not as an exhaustive list, the following: llamas, alpacas, turkeys, buffalo, goats, pygmy goats, guinea hens, ostriches, emu, and elk, regardless of whether they are kept for personal enjoyment, hobby, agriculture, commercial or other purposes.

Section 21.04.030(a) provides in pertinent part:

(3) Agricultural Animals (see Definitions).

(i) The CSR, R-R, R-E, R-1 and R-2 districts shall not have more than one large agricultural animal per one-quarter 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 subsection.

(ii) In all other districts, a maximum of one large agricultural animal (e.g., horse, sheep, cow, mule or burro) shall be allowed per one-half acre of land.

(iii) Agricultural animals shall be subject to the following provisions:

(A) All large agricultural animals kept on a parcel shall be fenced so that they are no closer than 100 feet 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 were not first in time, for a lesser distance may be obtained from the property owner, or if not owner occupied, from the occupant.

(B) No person shall keep, house, or shelter one or more pig in any zone district other than R-R unless such person has obtained a conditional use permit in accordance with the provisions of GJMC 21.02.110.

(C) 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 20 feet from a principal residential structure on an adjoining property. A maximum of six adult animals shall be allowed on parcels of one-half acre or less. On parcels greater than one-half acre, 15 adult animals shall be allowed per acre.

It is the interpretation of the Deputy City Manager that:

(1) Section 21.04.030(a)(3)(i) means that at least one-quarter acre of land is needed to sustain one large agricultural animal in the CSR, R-R, R-E, R-1 and R-2 zones and that no large agricultural animals can be kept on a lot that is less than one-quarter acre in size in these zone districts;

- (2) Section 21.04.030(a)(3)(ii) means that at least one-half acre of land is needed to sustain one large agricultural animal in all other zones not listed in (1) above, and that no large agricultural animals can be kept on a lot that is less than one-half acre in size in the other zone districts;
- (3) Section 21.04.030(a)(3)(iii) requires fencing of large agricultural animals in such a manner that no large agricultural animal shall be kept in the front yard of any lot in a residential zone other than R-R;
- (4) the following are examples of large agricultural animals: llama, alpaca, buffalo, goat, ostrich, emu, elk, horse, sheep, cow/bull, burro, and mule; this is not an exhaustive list; animals that are comparable to these in size are also considered large agricultural animals;
- (5) the following are examples of small agricultural animals: chickens, rabbits, ducks, geese, turkeys, pygmy goats and guinea hens; this is not an exhaustive list; animals that are comparable to these in size are also considered small agricultural animals.

The foregoing provisions shall be liberally construed for and in the interest of protecting public health and welfare, protecting the peace and quiet enjoyment of residential neighborhoods, protecting the public from the potentially harmful effects of keeping animals and preventing nuisances in the City, including but not limited to odors, noise, flies and other insects, vermin and disease.