

ORDINANCE 2011-11

AN ORDINANCE AMENDING CHAPTER 33, ANIMAL REGULATIONS, OF TITLE 17, FRUITA LAND USE CODE, OF THE FRUITA MUNICIPAL CODE

WHEREAS, there is interest in permitting chickens in all zones as an accessory use to the main use of the property without the need to first obtain a Conditional Use Permit in some zones, and

WHEREAS, there is a need to clarify certain aspects of the animal regulations contained within the Land Use Code, and

WHEREAS, the Fruita Planning Commission held a public hearing on June 14, 2011, and recommended approval with some minor changes to the proposed amendments to the Land Use Code in reference to animal regulations, and

WHEREAS, a public hearing was held before the City Council on June 21, 2011, regarding the proposed amendments to the Land Use Code in reference to animal regulations.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA COLORADO THAT:

Chapter 33 of Title 17 of the Fruita Municipal Code is hereby amended as follows (deletions shown in ~~strikeout~~, additions shown in **BOLD CAPITALS**):

Chapter 17.33
ANIMAL REGULATIONS

Sections:

- 17.33.010 ~~Animals and Household Pets~~**
- 17.33.020 ~~Number of Dogs and Cats Permitted~~**
- 17.33.030 ~~Fruita Animal Control Restrictions by Zone District~~**

17.33.010 ANIMALS AND HOUSEHOLD PETS. Notwithstanding any other provision of the Fruita Municipal Code to the contrary, and with the exception of duly permitted zoos or circuses, no person shall own, possess, harbor, maintain or keep **HOUSEHOLD** animals, ~~or~~ **AGRICULTURAL ANIMALS, EXOTIC ANIMALS, OR OTHER ANIMALS** pets that become a neighborhood nuisance because of noise, odor, or a threat to the health and safety of surrounding residences, and commercial and industrial establishments. A nuisance, for the purpose of this Section, shall be defined as a property for which the City receives three (3) or more animal complaints supported by competent evidence in a one (1) month period of time and which establishes a continuous neighborhood problem of noise, odor or a threat to safety.

17.33.020 NUMBER OF DOGS AND CATS PERMITTED. The total number of dogs and cats on a single parcel shall not exceed four (4). Puppies and kittens of up to three (3) months in age shall be allowed to exceed this number.

17.33.030 FRUITA ANIMAL CONTROL RESTRICTIONS BY ZONE DISTRICT. The following restrictions by zone apply to all animals **WHICH ARE KEPT AS AN ACCESSORY USE TO THE MAIN USE OF THE PROPERTY.** See Section 17.07.050(C)60(F) for allowed uses, such as ~~horse boarding, kennels, animal containment facilities and veterinary clinics,~~ **AGRICULTURAL LAND USES, AND OTHERS WHERE THE KEEPING OF ANIMALS IS PART OF THE PRIMARY USE OF THE PROPERTY.**

Animal densities refer to any combination of a particular category which add up to the total number allowed in each zone; ie. ~~G.~~ two (2) dogs and two (2) cats, or one (1) dog and three (3) cats, or four (4) dogs, etc. are allowed **FOR A DWELLING UNIT** in the Community Residential zone;. (See also Fruita Municipal Code Section 6.04.010, **ET SEQ.**)

ANIMAL DENSITIES CALCULATED BY ANIMALS PER DWELLING UNIT PERMITTED CUMULATIVELY; E.G. FOUR (4) DOGS, TWO (2) RABBITS, AND ONE (1) SNAKE ARE ALLOWED PER DWELLING UNIT IN THE COMMUNITY RESIDENTIAL ZONE.

ANIMAL DENSITIES CALCULATED BY ANIMALS PER ACRE ARE NOT PERMITTED CUMULATIVELY; E.G. TWO (2) HORSES AND SIXTEEN (16) GOATS WOULD NOT BE PERMITTED ON A TWO (2) ACRE LOT IN A RURAL ESTATE ZONE BUT ONE (1) HORSE AND EIGHT (8) GOATS OR TWO (2) HORSES AND NO GOATS WOULD BE PERMITTED.

<p style="text-align: center;"><u>ZONE</u></p> <p style="text-align: center;">→</p>	<p style="text-align: center;"><u>Agricultural Residential, Rural Residential and Rural Estate MONUMENT PRESERVATION, COMMUNITY SERVICES AND RECREATIONAL & RIVER CORRIDOR</u> (MP, CSR, RC, AR, RR & RE)</p>	<p style="text-align: center;"><u>Community Residential, Large Lot Residential, Community Residential, Downtown Mixed Use and South Fruita Residential</u> (CR, LLR, CMU, DMU & SFR)</p>	<p style="text-align: center;"><u>Tourist Commercial General Commercial and Limited Industrial and Research and Development</u> (TC, GC & LIRD)</p>	<p style="text-align: center;"><u>Monument Preservation and River Corridor (MP & RC)</u></p>
<p style="text-align: center;"><u>ANIMAL CATEGORY</u></p> <p style="text-align: center;">↓</p>				
Cats, dogs	4/d.u. PER DWELLING UNIT no limit on kittens & puppies up to 3 months old	4/d.u. PER DWELLING UNIT no limit on kittens & puppies up to 3 months old	4/d.u. PER DWELLING UNIT no limit on kittens & puppies up to 3 months old	4/d.u. no limit on kittens & puppies up to 3 months old
Horses, cows, llamas, mules, buffalo, ostrich, emus	No limit except on parcels of land less than 10 acres, then 1 per acre	Conditional Use Permit required then 1 PER -acre	Conditional Use Permit required except on parcels of 35 acres or more in which case no limit	No limit except on parcels of land less than 10 acres, then 1 acre

Goats, sheep, pigs, potbellied (miniature) pigs, miniature horses	No limit except on parcels of land less than 10 acres, then 8 PER acre	CondITIONAL- Use Permit required except on parcels of 35 acres or more in which case no limit	CondITIONAL- Use permit required except on parcels of 35 acres or more in which case no limit	No limit except on parcels of land less than 10 acres, then 8/acre
CHICKENS (EXCLUDING ROOSTERS)	NO LIMIT	6 CHICKENS PER DWELLING UNIT WITH A MAXIMUM OF 12 CHICKENS PER LOT. MORE THAN THESE NUMBERS REQUIRE A <u>CONDITIONAL USE PERMIT FOR PARCELS OF LAND LESS THAN 35 ACRES IN SIZE.</u>	6 CHICKENS PER DWELLING UNIT WITH A MAXIMUM OF 12 CHICKENS PER LOT. MORE THAN THESE NUMBERS REQUIRE A <u>CONDITIONAL USE PERMIT FOR PARCELS OF LAND LESS THAN 35 ACRES IN SIZE.</u>	<i>No limit.</i>
Chickens , ducks, turkeys, pigeons, small birds (EXCEPT CHICKENS AND ROOSTERS)	No limit	CondITIONAL- Use Permit required except on parcels of 35 acres or more in which case no limit	CondITIONAL- Use Permit required except on parcels of 35 acres or more in which case no limit	No limit.
Rabbits, chinchillas, small animals	No limit	4/lot PER DWELLING UNIT except on parcels of 35 acres or more in which case no limit	4/lot PER DWELLING UNIT except on parcels of 35 acres or more in which case no limit	No limit
Non-domestic exotic animals, birds, reptiles ¹	4/lot PER DWELLING UNIT: must be kept indoors	4/lot PER DWELLING UNIT: must be kept indoors	4/lot PER DWELLING UNIT: must be kept indoors	4/lot: must be kept indoors
Bee keeping	No limit	Not allowed	Not allowed	No limit

¹ Notwithstanding this section, **IT SHALL BE UNLAWFUL FOR ANY PERSON TO OWN, POSSESS, OR HARBOR ANY OF THE ANIMALS DESCRIBED IN SECTION 6.18.010 OF THE MUNICIPAL CODE.** ~~a Conditional Use Permit is required for dangerous, hazardous, or poisonous species, as determined by the Community Development Department Director and including, without limitation, mountain lions, wolves, monkeys and poisonous snakes~~

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS
21st DAY OF JUNE, 2011.**

City of Fruita

ATTEST:

H. Kenneth Henry, Mayor

City Clerk
