

SECTION 24 ANIMALS

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**2401 Intent**

To provide for the keeping of household pets, domestic hoofed livestock, poultry, fowl and other small animals while preserving the environment and confining the impacts to the site.

**2402 Household Pets (Amended 4/28/15)**

Household pets inclusive of, but not limited to, dogs, cats, and pot-bellied pigs shall be permitted as an accessory use in all zone districts allowing for residential use as follows:

- 2402.01 A-1 and LRR conforming parcels: no more than 8 household pets of more than 4 months of age shall be permitted per parcel.
- 2402.02 All other zone districts: no more than 4 household pets of more than 4 months of age shall be permitted per residential dwelling.
- 2402.03 Kennels, boarding facilities, and commercial activities are permitted as specified in the zone district sections.

The provision does not apply to tropical fish, small rodent animals, i.e., gerbils, hamsters, and small birds kept as pets, unless raised for commercial purposes, kept outdoors, or kept in an accessory structure.

**2403 Poultry, Fowl, and Small Livestock (noncommercial) (Amended 6/12/12)**

Domestic, noncommercial use of poultry or fowl, i.e., chickens, turkeys, pigeons, small birds, and ducks, and domestic, noncommercial use of small livestock i.e., rabbits, chinchillas or similar animals, shall be permitted as follows:

Zoning District	Lot Area	No. of Poultry/Fowl	No. of Small Livestock
A-1/LRR/RR/ER/SR	LESS than 2.3 acres	4*	4*
ER/RR	2.3+ acres	30	50
A-1/LRR	2.3 – 8.9 acres	30	50
A-1/LRR	9+ acres	No Limit	No Limit

\*Poultry/fowl are limited to female chickens (*Gallus gallus domesticus*). Slaughtering of poultry/fowl or small livestock is not permitted.

Poultry, fowl and small livestock shall be properly housed (e.g., chicken coop, rabbit hutch) and shall be located in accordance with the required accessory use setback.

#### 2404 Horses and Other Hoofed Livestock - General Provisions

- 2404.01 Buffalo and ostrich/emu are permitted on A-1 or LRR parcels that are nine acres in size or larger. *(Amended 4/28/15)*
- 2404.02 A nonowned horse kept on the land for the purpose of training or breeding shall be considered to be a boarded horse. *(Amended 4/28/15)*
- 2404.03 The number of boarded horses may be increased beyond the use by right limits or administrative review limits through the use by special review process.

#### 2405 Animal Units

Hoofed animals includes horses, cattle, mules, llamas, sheep, goats, or swine. The following animal units shall apply: *(Amended 5/14/03)*

- Horse/mule/cow/llama 1 = 1 animal unit
- Miniature horse/swine/sheep/goat/alpaca: 4 = 1 animal unit

Young animals less than 6 months of age shall not count toward the allowable unit limit.

#### 2406 Animal Unit Restrictions - ER and nonconforming RR/LRR/A-1 (2.3 - 4.49 acres)

In the ER zoning district and on nonconforming RR/LRR/A-1 lots 2.3 to 4.49 acres in size, the following animal unit restrictions shall apply:

- 2406.01 The maximum density shall be one animal unit per 1/2 acre.
- 2406.02 One boarded horse shall be allowed and shall be included in the maximum number of animal units allowed.

#### 2407 Animal Unit Restrictions - RR and nonconforming A-1/LRR (4.5 - 8.9 acres)

In the RR zoning district and on nonconforming A-1/LRR lots 4.5 to 8.9 acres in size, the following animal unit restrictions shall apply:

- 2407.01 The maximum density shall be one animal unit per 1/2 acre.
- 2407.02 Two Boarded horses shall be allowed and shall be included in the maximum number of animal units allowed.

#### 2408 Animal Unit Restrictions - LRR and nonconforming A-1 (9 - 34.9 acres)

In the LRR zoning district and on nonconforming A-1 lots 9 to 34.99 acres in size, the following animal unit restrictions shall apply:

- 2408.01 The number of horses or other domestic livestock kept on the lot that are owned by the landowner or lessee shall not be limited.
- 2408.02 Two boarded horses shall be allowed.
- 2408.03 Three - Eight boarded horses may be permitted by administrative review.

#### 2409 Animal Unit Restrictions - A-1

In the A-1 zoning district, the following animal unit restrictions shall apply:

- 2409.01 The number of horses or other domestic livestock kept on the lot that are owned by the landowner or lessee shall not be limited.
- 2409.02 On lots 35 acres or greater:
- 4 boarded horses shall be allowed.
  - 4 - 12 boarded horses may be permitted by administrative review.
- 2409.03 On lots 80 acres or greater, provided that all barns, arenas, pens, corrals, manure piles and parking areas are set back a minimum of 200' from the lot line:
- 12 boarded horses shall be allowed.
  - 13 - 18 boarded horses may be permitted by administrative review.
- 2409.04 On lots 160 acres or greater, where all barns, arenas, pens, corrals, manure piles, and parking areas are setback 500' from adjacent residential structures, an unlimited number of boarded horses shall be allowed.

The landowner may apply for a vesting of such use by providing evidence that such setbacks have been achieved to the Director. The submittal shall be the same as the plan exhibit for the administrative review as outlined in Section 2417, herein. The Director shall issue a signed statement that provides that such use shall be vested regardless of subsequent development on the adjacent lands.

#### 2410 Nondomestic/Exotic Animals

Nondomestic or exotic animals are permitted only as a use by special review upon approval by the Board, in the A-1 and LRR zoning districts. A nondomestic animal is generally considered to be an animal not normally adapted to live and breed in a tame condition. An exotic animal is generally considered to be an animal introduced from another country not normally kept as a household pet or farm animal. Refer to the Use By Special Review Section of this Resolution for more information.

**2411 Setback Requirements - Livestock**

Setbacks for barns, corrals, arenas, paddocks, run pens, round pens, or parking areas shall be as follows:

Lot Size	SETBACK FROM A:		
	Street	Side Lot Line	Rear Lot Line
2.3 - 4.49 acres	25'	25'	25'
4.5 - 8.9 acres	50'	25'	25'
9 - 34.9 acres	100'	50'	25'
35+ acres	100'	50'	50'
Temporary catch pens and loading chutes are exempt.			

**2412 Vegetation Standards - Livestock**

The following vegetation requirements shall apply to all land on which livestock are permitted. County regulations permitting nonconforming use shall not be applicable with respect to these vegetation requirements.

- 2412.01 The site, excluding that area which is allowed to be devegetated, must be maintained with vegetative groundcover. Vegetative groundcover includes native or introduced grasses and forbs, but does not include weeds on bare dirt. In areas where exposed shelf-rock or cap-rock is the natural terrain, this will be considered to be vegetative groundcover.
- 2412.02 The maximum land area that may be devegetated is as follows:

Lot Area	Maximum Devegetated Area
2.3 – 4.49 acres	25% of the total site
4.5 – 8.9 acres	1.25 acres or 20%, whichever is greater
9 – 34.9 acres	2 acres or 15%, whichever is greater
35+ acres	5.2 acres or 10%, whichever is greater, to a maximum of 10 acres

- 2412.03 All corrals, outdoor arenas, paddocks, run pens, round pens, unpaved or ungraveled parking areas shall be included when calculating the maximum area devegetated.

2412.04 The area within the required minimum setback shall be fully maintained with vegetation.

2412.05 A variance from the above vegetation standards may be sought from the Board of Adjustment.

### 2413 Animal Waste and Odor Standards

The following regulations shall apply to all lands on which livestock are permitted. County regulations pertaining to nonconforming use shall not be applicable with respect to these waste and odor regulations.

2413.01 Manure shall be removed in a regular and reasonable manner or otherwise composted or spread in such a manner as to protect surface and groundwater and to minimize the breeding of flies and to control odors. Manure shall not be buried.

2413.02 In the agricultural zone districts, manure piles shall be set back a minimum distance of 100' from any lot line, well, stream or waterbody. *(Amended 4/28/15)*

2413.03 In the residential zone districts, manure piles shall be set back from the lot line in accordance with the zone district accessory use setback requirements. *(Amended 4/28/15)*

2413.04 Animals shall not be allowed to create excessive odor problems or present a health hazard to surrounding lands.

2413.05 Adequate drainage facilities or improvements shall be provided by the landowner and constructed to protect any adjacent land from runoff containing contaminants such as sediment or organic wastes.

### 2414 Administrative Review - Prerequisite

A landowner/lessee wanting to increase the number of boarded horses, within the parameters established for administrative review, shall meet with the staff to discuss the submittal procedures and information required.

### 2415 Administrative Review - Procedure

2415.01 The applicant shall submit one (1) copy of the required submittal items to the Planning Division. The submittal shall be reviewed for completeness and the applicant notified of any inadequacies. *(Amended 4/28/15)*

2415.02 Once determined complete, staff will notify the applicant of the number of copies of the plan and narrative required to be submitted for distribution to referral agencies. Referral packets shall be provided by the applicant in unsealed manila envelopes, addressed to the appropriate referral

agency. Staff shall mail the referral packets. Referral agencies shall comment within 21 days.

**2415.03 WRITTEN NOTICE** *(Amended 3/28/01)*

At least 10 days prior to the Director's decision, the applicant shall mail a written notice of the request by first-class mail to the address of each abutting landowner as such addresses are shown in the records of the Douglas County Assessor's Office and shall submit a certificate of mailing to Douglas County Planning 7 days prior to the date of the Director's decision. The notice shall indicate:

- the anticipated date of the Director's decision;
- the nature of the request;
- the location of the land that is the subject of the request (*distance and direction from nearest major intersection*);
- the file name and number; and
- that comments and questions should be directed to Douglas County Planning, 100 Third Street, Castle Rock, CO 80104, (303) 660-7460.

The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:

<b>CERTIFICATE OF MAILING</b>
<p>I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this _____ day of _____, 20____, and addressed as follows:</p> <p>(list of addresses)</p>  <p>_____ (signature of person completing the mailing)</p>

In the event the applicant fails to mail a notice to an abutting landowner or otherwise fails to comply with the written notice required in this section, the landowner who did not receive such complying notice may waive such notice by submitting a written waiver to Douglas County Planning prior to the Director's decision.

**2415.04** The staff planner will review the referral comments, discuss the concerns with the applicant, and prepare a staff report and present it to the Director. The Director shall use the following criteria in the review of the request:

- 2415.04.1 Whether the proposed use will be in harmony and compatible with the character of the surrounding area;
  - 2415.04.2 Whether the proposed use will not result in an over-intensive use of the land;
  - 2415.04.3 Whether the proposed use will not require a level of community facilities and services greater than that which is available;
  - 2415.04.4 Whether the proposed use will not cause undue traffic congestion nor traffic hazards;
  - 2415.04.5 Whether the proposed use will not cause significant air, water, or noise pollution;
  - 2415.04.6 Whether the proposed use is adequately landscaped, buffered, and screened;
  - 2415.04.7 Whether the proposed use will not be otherwise detrimental to the health, safety or welfare of the neighboring landowners.
- 2415.05 The Director may, as part of the administrative review request approval, require a yearly site inspection by the Planning Division to ensure continued compliance with the approved horse boarding limits and other plan exhibit elements. *(Amended 4/28/15)*
- 2415.06 If the administrative review request is denied by the Director, the applicant may seek approval of the use through the use by special review process.
- 2416 Administrative Review - General Submittal Requirements
- 2416.01 A completed application form *(available from the Planning Office)*
  - 2416.02 Application fee *(fee schedule available from the Planning Office)*
  - 2416.03 Proof of ownership by copy of deed or title insurance commitment no more than 60 days old; or in the case of a lessee, a copy of the lease
  - 2416.04 A Narrative *(per section 2417 herein)*
  - 2416.05 A Plan Exhibit *(per section 2418 herein)*
  - 2416.06 A notarized letter of authorization from the landowner permitting a lessee to process the application, when applicable



**2417 Administrative Review - Narrative**

- 2417.01 The number of horses to be boarded
- 2417.02 The number of acres owned or leased by the applicant included in the application
- 2417.03 The zoning of the land and the use and zoning of the adjacent land
- 2417.04 The amount of land to be devegetated including, but not limited to, corrals, run pens, round pens, outdoor arenas, or unsurfaced parking area
- 2417.05 Proof of water availability - a minimum water supply of 20 gallons per horse, per day shall be required
- 2417.06 Method of wastewater treatment
- 2417.07 The amount of traffic to be generated by the boarding operation, and an estimate of the number of vehicles per day
- 2417.08 The method and frequency of manure disposal

**2418 Administrative Review - Plan Exhibit**

A site plan shall be submitted which is drawn to scale and which depicts:

- 2418.01 The location and dimensions of all property lines, existing and proposed structures
- 2418.02 The location and dimensions of all existing and proposed corrals, outdoor arenas, run pens, round pens, manure storage areas, parking area, and trailer parking area
- 2418.03 Access to the site - delineate public and private roads, dimensions, and note surface material
- 2418.04 The distance to the nearest residences or other structures on the adjacent lots
- 2418.05 All drainageways affecting the site and designation of any 100-year floodplain on or adjacent to the site
- 2418.06 Vegetation on the site described by general type (*grass, shrub, tree*)
- 2418.07 A map showing the relationship of the site to the nearest major public road

**2419 Administrative Review - Revocation**

The administrative review may be revoked by the Director, after written notice, for failure to operate the use in accordance with the approved plan or narrative or other zoning regulation. A revocation may be appealed to the Board of Adjustment pursuant to Section 26A of this Resolution. *(Amended 4/10/12)*