

To access the Agenda and Backup Materials electronically, go to www.gjcity.org



**PLANNING COMMISSION WORKSHOP AGENDA
CITY HALL, 250 NORTH 5TH STREET
COMMUNITY DEVELOPMENT CONFERENCE ROOM**

THURSDAY, JANUARY 9, 2020 @ 12:00 PM

Call to Order - 12:00 PM

1. Discussion regarding potential changes to the zoning and development code regarding height in the C-1 (Light Commercial) Zone District.
2. Discussion regarding potential changes to the zoning and development code regarding Planned Developments.
3. Discussion pertaining to animal regulations and the keeping of roosters.

Other Business

Adjournment



Grand Junction Planning Commission

Workshop Session

Item #1.

Meeting Date: January 9, 2020

Presented By: Landon Hawes, Senior Planner

Department: Community Development

Submitted By:

Information

SUBJECT:

Discussion regarding potential changes to the zoning and development code regarding height in the C-1 (Light Commercial) Zone District.

RECOMMENDATION:

EXECUTIVE SUMMARY:

Discuss a possible code amendment to the Bulk Standards of the C-1 (Light Commercial) zone district to allow greater than 40 feet in height.

BACKGROUND OR DETAILED INFORMATION:

The current maximum height of a structure in the C-1 (Light Commercial) zone district is 40 feet. The C-1 zone district may implement a variety of land use categories of the Comprehensive Plan, all of which also include zone districts that allow taller maximum height of up to 65 feet. There are many land uses for which the C-1 zone district best fits the proposal but that are more conducive to a taller building.

In general, 40 feet of building allows the development of a three-story building. The C-1 zone district and the type of uses allowed within the zone district may be conducive to considering additional height in this zone district.

Thus, it has been suggested that the C-1 zone district allow for a higher maximum building height such as 55 feet.

SUGGESTED MOTION:

Discussion only.

Attachments

None



Grand Junction Planning Commission

Workshop Session

Item #2.

Meeting Date: January 9, 2020

Presented By: Kristen Ashbeck, Principal Planner/CDBG Admin

Department: Community Development

Submitted By: Kristen Ashbeck

Information

SUBJECT:

Discussion regarding potential changes to the zoning and development code regarding Planned Developments.

RECOMMENDATION:

EXECUTIVE SUMMARY:

Consider a revision to the Zoning and Development Code to allow for other elements of the Code to be varied through a Planned Development process, primarily the allowance to vary requirements of the hillside development regulations.

In addition, staff would like to consider the consolidation of the planned development provisions into a single section.

BACKGROUND OR DETAILED INFORMATION:

The purpose of the PD (Planned Development) zone district includes applying it to mixed use or unique single-use projects where design flexibility is desired and is not available through application the standards of other zone districts. The PD zoning should be used when long-term community benefits will be derived and the vision, goals and policies of the Comprehensive Plan can be achieved.

When a PD zone district is to be applied, it is required that an underlying district be identified and adopted with the plans for the PD. Deviations to the zoning may only be considered for the standards of the default zone districts as established in Section

21.03 but not to any other provision of the Zoning and Development Code.

Developers of some of the larger developments and potential developments utilizing a PD zone district that, in order to meet the purpose of the district and achieve goals of the Comprehensive Plan, deviations to other sections of the Code may also be relevant to consider for deviations/flexibility. The currently Code does not allow for this. For example, in order to achieve some of the desired goals for density/intensity as well as provide open space and protect hillsides and/or steep slopes within a development, deviations to the Hillside Development section (21.07.020(f)) could be considered.

The Hillside Development regulations currently require the following (also refer to entire section from the Code attached):

Slopes between 10% and 20% - minimum lot size 10,000 square feet with minimum 100-foot minimum lot width.

Slopes between 20% and 30% - minimum lot size 15,000 square feet with 100-foot minimum lot width.

SUGGESTED MOTION:

Discussion item only.

Attachments

1. Hillside Code Excerpt

21.07.020 Environmental/sensitive lands regulations.

(a) **Purpose.** Environmental and sensitive lands (ESL) regulations shall apply to identified hazard areas and/or lands, which have or may have specific environmental conditions. The intent of this regulation is to:

- (1) Guide development and land use within these areas;
- (2) Protect the public from avoidable financial expenditures for hazard control projects, hazard relief measures and damages to public utilities, streets and bridges;
- (3) Protect people and property and minimize damage from possible hazards; and
- (4) Provide a mechanism by which people owning/purchasing land can gain information about the land and whether the land is suitable for development.

(b) **Applicability.** The provisions of this chapter, in addition to any other applicable regulation, shall apply to a planned development outline development plan, preliminary subdivision plat or simple subdivision for environmental and sensitive lands. This chapter shall not apply to the following:

- (1) Development of a single-family home on any lot or parcel in existence as of the effective date of this code;
- (2) State, County or City highway personnel engaged in constructing or effecting repair of bridges and/or roads;
- (3) Colorado Division of Wildlife and/or U.S. Fish and Wildlife Service engaged in habitat improvement; and
- (4) Railroad personnel engaged in constructing or effecting repair of bridges and track.

(c) **General Requirements.**

- (1) The Director shall administer this code making any necessary interpretations of maps and other documents or information necessary or required, to determine among other things the boundaries of geologic and wildfire hazard areas.
- (2) Any development application involving a property with a known or suspected geologic hazard shall be submitted by the Director for review by the Colorado Geological Survey.
- (3) Any development application involving a property with a known or suspected wildfire hazard shall be submitted by the Director for review by the State Forestry Service.
- (4) Protection from or against hazard or loss by the application of this regulation is not guaranteed. The analysis and recommendations are based on engineering and scientific studies,

which are reasonably believed to be accurate and complete. A review consistent with this regulation does not guarantee, either expressly or impliedly that areas outside of established hazard boundaries or uses permitted within hazard boundaries will be free from damage or that people will be free from death or injury caused by known or unknown hazards. Application of this regulation to any development shall not create any liability on the part of, or create a cause of action against, the City or any officer or employee thereof.

(f) **Hillside Development.**

(1) Hillside development standards are applicable to hillside development and excavation of hillside so that:

- (i) Soil and slope instability and erosion is minimized;
- (ii) The adverse effects of grading, cut and fill operations are minimized;
- (iii) The character of the City's hillsides is preserved; and
- (iv) The public's interest is protected.

(2) The provisions hereof are designed to accomplish the following:

- (i) Prohibit development or uses which would likely result in a hazardous situation due to slope instability, rock falls, or stormwater runoff and excessive soil erosion;
- (ii) Minimize the threat and consequent damages resulting from hillside area fires by establishing fire protection measures and adequate emergency vehicle access;
- (iii) Preserve natural features, wildlife habitats, natural vegetation, trees and other natural plant formations;
- (iv) Provide for safe vehicular circulation and access to recreation areas, natural drainage channels, paths and trails;
- (v) Encourage the location, design and development of building sites in a manner that will provide for greater aesthetic appeal, blend with the slopes and hillside terrain, minimize the scarring and erosion effects of cutting, filling and grading of hillsides and prohibit development of ridge lines as defined; and
- (vi) Encourage preservation of open space by encouraging clustering or other design techniques to preserve natural terrain, views and vistas.

(3) Hillside Development Standards. In furtherance of the purposes set forth, any hillside development shall comply with the tables below. Any portion of a development having a slope

greater than 30 percent with an elevation change of 20 feet or greater shall not be included in calculation of the area of such parcel for the purposes of determining conformity with the minimum lot parcel size and density requirements below.

SINGLE-FAMILY, PLANNED AND CLUSTER SUBDIVISION DEVELOPMENT		
Average Slope of Development Area	Minimum Lot Size¹	Minimum Lot Width
0% – 10%	See Existing Zone	See Existing Zone
10.01% – 20%	10,000 sq. ft.	At least 100 ft. at front setback line
20.01% – 30%	15,000 sq. ft.	At least 200 ft. at front setback line
30.01% +	Development Not Permitted ²	Development Not Permitted ²

¹ Minimum lot size as finally approved.

² Development on slopes of greater than 30 percent is not permitted unless, after review and recommendation by the Planning Commission and approval by the City Council, it is determined that:

- a. Appropriate engineering measures will be taken to minimize the impact of cuts, fills, erosion and stormwater runoff consistent with the purpose of this section; and
- b. The developer has taken reasonable steps to minimize the amount of hillside cuts and also has taken measures to mitigate the aesthetic impact of cuts through landscaping or other steps.

Note: Maximum setback for single-family dwelling structures – 150 feet from public or private street.

MULTIPLE DWELLING UNITS		
Average Slope of Development Area	Minimum Lot Width	Maximum Density
0% – 10%	See Existing Zone	See Existing Zone
10.01% – 20%	100 feet	Maximum density of underlying zone x 0.80 unless clustered
20.01% – 30%	100 feet	Maximum density of underlying zone x 0.60 unless clustered
30.01% +	Development Not Permitted ¹	Development Not Permitted ¹

¹ Development on slopes of greater than 30 percent is not permitted unless, after review and recommendation by the Planning Commission and approval by the City Council, it is determined that:

- a. Appropriate engineering measures will be taken to minimize the impact of cuts, fills, erosion and stormwater runoff consistent with the purpose of this section; and

b. The developer has taken reasonable steps to minimize the amount of hillside cuts and also has taken measures to mitigate the aesthetic impact of cuts through landscaping or other steps.

(4) Unless otherwise approved by the Planning Commission, for property with slopes in excess of 20 percent, development may, as determined by the Director, be clustered on the portion of the site with slopes less than 20 percent. Clustering may be achieved by concentrating the number of units or by concentrating the amount of square footage allowed for the entire site on that portion of the property with less than 20 percent slope. See also GJMC [21.03.060](#), Cluster developments.

(5) Determination of Slope and Slope Areas. Slope shall be determined on a parcel by parcel basis if the slope is not generally uniform. The Director may allow some incursion hillside disturbance between slopes. Such incursions shall not exceed 20 feet unless, upon recommendation of the Planning Commission, the City Council finds that a greater incursion is consistent with the purposes of this section. All property with a slope greater than 30 percent shall be excluded from the calculation of development area for purposes of determining hillside disturbance and density/intensity limitations. Natural slope delineation for the purposes of this section shall be determined as follows:

(i) Contour intervals, maps and calculations required to determine the natural slope shall be prepared by the applicant and shall be submitted with the development application.

(ii) Contour maps shall be prepared and certified by a licensed professional engineer or licensed surveyor showing contours at intervals no greater than two feet (the contour map).

(iii) A qualified professional shall prepare all reports, documents, maps, reports and calculations. The basis of the information used/analyzed shall be conspicuously disclosed thereon. Each report shall include a current statement of the professionals' certifications, credentials and qualifications to prepare the report.

(iv) The Director may require that the applicant perform a field survey to verify the accuracy of the contour lines shown on the contour map.

(v) The contour map shall identify profile lines, which shall be used for performing the field survey. Profile lines shall be perpendicular to contour lines and in no case occur at intervals greater than 150 feet apart or 75 feet from a property line.

(6) Determination of Slope Areas/Density Calculation. Using the field survey, slopes shall be calculated in horizontal intervals no greater than 40 feet. Points identified as slopes, as listed above, shall be located on the contour map and connected by a continuous line. The area bounded by the lines and intersecting property lines shall be used for determining dwelling unit density.

(7) Street Design. The TEDS manual (GJMC Title [29](#)) shall apply to all hillside development except that:

(i) Streets, roads, driveways and other vehicular routes shall not traverse property having a slope greater than 30 percent unless, after review by the Planning Commission and approval by the City Council, it is determined that:

(A) Appropriate engineering measures will be taken to minimize the impact of cuts, fills, erosion and stormwater runoff consistent with the purposes of this section; and

(B) The developer has taken reasonable steps to minimize the amount of hillside cuts and taken measures to mitigate the aesthetic impact of cuts through the use of landscaping and other mitigation measures acceptable to the Director.

a. Existing vegetation, where streets are to be located, shall be preserved to the greatest extent possible. As much as possible street alignment should follow the natural terrain.

b. Upon the favorable recommendation of the Director sidewalk construction may be waived by the Planning Commission when the Planning Commission finds that sidewalk construction would result in excessive grading and/or cut/fill of slopes.

c. Vertical or drive-over, curb and gutter, as determined by the Director, shall be installed along all public streets.

(8) Joint Development Applications. Multiple owners of hillside property, whether or not such property is contiguous, may file a joint development application for all such property or the City Council may direct the Director to file such an application on behalf of the City.

(9) For all purposes of this chapter, such property shall be treated as a single development parcel.

(10) Development permitted on such property, pursuant to this chapter, may be clustered on any one or more of the parcels under such joint application subject to the requirements and limitations of this chapter. The provisions of this section shall not allow variance in the use requirements of the underlying and existing zoning category for the receiving parcel and may not result in a violation of the purposes of these regulations.



Grand Junction Planning Commission

Workshop Session

Item #3.

Meeting Date: January 9, 2020

Presented By: Lance Gloss, Associate Planner

Department: Community Development

Submitted By: Tamra Allen

Information

SUBJECT:

Discussion pertaining to animal regulations and the keeping of roosters.

RECOMMENDATION:

EXECUTIVE SUMMARY:

Recently complaints have been received regarding a rooster(s) and the nuisance they create for neighborhoods. The complainants have asked that the City consider regulation. The current Code does not regulate roosters.

BACKGROUND OR DETAILED INFORMATION:

Recently the City Manager has received two complaints regarding a rooster(s) kept in an Orchard Mesa neighborhood. The complainants have asked that the City consider regulation. Typically, Code Enforcement receives five to ten rooster noise complaints each year. The complainants typically report roosters crowing during all hours of the day and night, which they say results in serious disruption and inconvenience. The current Code does not regulate roosters.

Currently, the Code does not prohibit roosters in any zoning district. Section 21.04.030(a)(1)(i) does prohibit the keeping of animals that become a nuisance, hazard and/or create a public health problem; however, lacks definition of what constitutes a nuisance or when a nuisance is created. Section 8.16.010(a) prohibiting unnecessary and unusually loud noise during certain hours can be applied to the crowing of a rooster, but enforcement would require a complainant to contact police dispatch and for

an officer to observe the noise being made.

As with any animal regulation, biological considerations specific to the animal involved also have a bearing upon the array of solutions available to the municipal government. A mature chicken, or *Gallus gallus domesticus*, is referred to as a rooster if male and as a chicken if female. The sex of a chicken can be identified by 8 weeks of age. A mature rooster is typified by fully developed spurs on it's legs generally by 8 months of age. A rooster typically begins crowing behavior at 4-5 months of age. It is also not uncommon for a hen in a group of chickens that lacks a rooster to also take on crowing behavior. This creates regulatory challenges to defining a rooster for the purposes of code enforcement, as there is no visible indicator of age that would coincide with crowing. The habit of hens without rooster companions to take on crowing behaviors also means that a prohibition on roosters is not necessarily a ban on chickens that crow.

Other challenges to effective regulation of roosters relate to the viability of enforcement. Prohibiting "chickens that crow" would effectively manage the eventuality of a crowing hen, but limits the capacity of code enforcement officers to address evidently mature roosters, which might then have to be caught in the act of crowing. Prohibiting mature roosters by any metric of maturity would tend to allow hens that crow. A third alternative would be to prohibit both roosters, defined as male chickens above a certain age, and chickens that crow.

Staff would like to discuss possible amendments to the code that would prohibit roosters and/or crowing chickens in certain districts and on properties of certain sizes.

SUGGESTED MOTION:

Discussion only.

Attachments

1. ORD - Rooster Prohibition - 110419
2. ORD - Chickens - 121719

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 21.04.030 OF THE GRAND JUNCTION
CODE OF ORDINANCES PERTAINING TO ANIMAL REGULATIONS BY
IMPLEMENTING RESTRICTIONS ON THE KEEPING OF ROOSTERS.**

RECITALS:

The Code Enforcement Division of the Grand Junction Police Department responds to five to ten rooster noise complaints each year. The complainants typically report roosters crowing during all hours of the day and night, which they say results in serious disruption and inconvenience.

Currently, the City Code ("Code") does not prohibit roosters in any zoning district. Section 21.04.030(a)(1)(i) does prohibit the keeping of animals that become a nuisance, hazard and/or create a public health problem; however, lacks definition of what constitutes a nuisance or when a nuisance is created. Section 21.04.030(a)(3) addresses the keeping of agricultural animals, including the number that are allowed with the keeping of fowl being allowed as proscribed by certain housing conditions.¹

Other jurisdictions take a variety of positions on the keeping of fowl, particularly stances on how to address roosters. Those include: 1) overall prohibition of roosters; 2) prohibition of roosters in specific zoning districts with some "grandfathering" by date or pre-dating regulation for a number of months or years from the passage of an ordinance to a date by which a rooster(s) may no longer be lawfully kept; 3) allowing a certain number of roosters in certain districts (primarily agricultural districts); and 4) allowance of a certain number of roosters in certain districts with time, cooping and duration of noise restrictions.

Recently the City Council has received a request to prohibit roosters and this ordinance contemplates that action by prohibiting roosters in certain districts and implementing regulations of the number, time, cooping and duration of noise. "Grandfathering" is not recommended as it is extremely difficult to identify the existing roosters from replacement birds when the existing die or are sold. Leg bands, which is one way of identifying roosters, can be altered and falsified. The only positive way of identifying

¹ Section 21.04.030(a)(3) is specific to large agricultural animals and small animals. In CSR, R-R, R-E, R-1 and R-2 districts, fowl is allowed subject to specific confinement requirements. Fowl is described as chickens (no specific reference to roosters), turkeys, ducks, and geese. Small animals kept outside the residence shall be confined in a fence, cage or pen that is no closer than 20 feet from the principal residence on an adjoining property. The maximum amount of adult animals allowed is currently based upon the size of the property: six on parcels one-half acre or less and 15 on parcels greater than one-half acre. In the R-R district, the number of small animals may be exceeded with the approval of a conditional use permit. The permit will state the maximum number of animals allowed.

roosters would be implantation of microchips which is very expensive and would increase the risk of injury for staff scanning each bird as well as increase the time staff would need to check and verify the information. "Grandfathering" also does not address the issue of persons being able to enjoy the peace and privacy of their property.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

Chapter 21.04 Section 030 shall be revised as follows (additions are shown in **bold print** and deletions marked with ~~strike-through~~ notations):

(a) Animal Regulations.

(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 **except roosters** (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) **Roosters, of any breed, are prohibited in all districts except residential, agricultural and commercial properties of at least five acres. A rooster shall be defined as any adult male domestic chicken which is six months of age or older.**

~~(iii)~~ **(iv)** 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, **or coop** 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 an acre or less. On parcels greater than one-half an acre, 15 adult animals shall be allowed per acre. **Roosters are allowed only on parcels of 5 or more acres.**

(D) In the R-R zone district, the number of agricultural animals and small animals **(including roosters)** allowed under this subsection may be exceeded with a conditional use permit (see GJMC 21.02.110). If the conditional use application is approved, the permit shall state the maximum number of animals allowed by type and in the aggregate.

The provisions of Section (a)(3) pertaining to roosters shall become effective immediately; however, current owners of roosters that are prohibited pursuant to adoption of this section have one year from the effective date to comply.

ALL OTHER PROVISIONS OF CHAPTER 21.04 SECTION 030 SHALL REMAIN IN FULL FORCE AND EFFECT.

Introduced on first reading the _____ day of _____, 2019 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____ 2019 and ordered published in pamphlet form.

ATTEST:

J. Merrick Taggart
Mayor

Wanda Winkelmann
City Clerk

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 21.04.030 OF THE GRAND JUNCTION
CODE OF ORDINANCES PERTAINING TO ANIMAL REGULATIONS BY
IMPLEMENTING RESTRICTIONS ON THE KEEPING OF CHICKENS (HENS OR
ROOSTERS).**

RECITALS:

The Code Enforcement Division of the Grand Junction Police Department responds to five to ten rooster noise complaints each year. The complainants typically report roosters crowing during all hours of the day and night, which they say results in serious disruption and inconvenience.

Currently, the City Code ("Code") does not prohibit roosters in any zoning district. Section 21.04.030(a)(1)(i) does prohibit the keeping of animals that become a nuisance, hazard and/or create a public health problem; however, lacks definition of what constitutes a nuisance or when a nuisance is created. Section 21.04.030(a)(3) addresses the keeping of agricultural animals, including the number that are allowed with the keeping of fowl being allowed as proscribed by certain housing conditions.¹

Other jurisdictions take a variety of positions on the keeping of fowl, particularly stances on how to address roosters. Those include: 1) overall prohibition of roosters; 2) prohibition of roosters in specific zoning districts with some "grandfathering" by date or pre-dating regulation for a number of months or years from the passage of an ordinance to a date by which a rooster(s) may no longer be lawfully kept); 3) allowing a certain number of roosters in certain districts (primarily agricultural districts); and 4) allowance of a certain number of roosters in certain districts with time, cooping and duration of noise restrictions.

Research supports that methods of determining the sex of chicken are error proof with the exception of DNA testing. Studies support that both hens and roosters can be vocal or "crow". Hens and roosters can also both grow spurs. Lastly, on rare occasion, spontaneous sex reversal can occur which means a hen may physically transform or

¹ Section 21.04.030(a)(3) is specific to large agricultural animals and small animals. In CSR, R-R, R-E, R-1 and R-2 districts, fowl is allowed subject to specific confinement requirements. Fowl is described as chickens (no specific reference to roosters), turkeys, ducks, and geese. Small animals kept outside the residence shall be confined in a fence, cage or pen that is no closer than 20 feet from the principal residence on an adjoining property. The maximum amount of adult animals allowed is currently based upon the size of the property: six on parcels one-half acre or less and 15 on parcels greater than one-half acre. In the R-R district, the number of small animals may be exceeded with the approval of a conditional use permit. The permit will state the maximum number of animals allowed.

take on male characteristics such as a larger comb, longer wattles, male-patterned plumage, and larger spurs.

Recently the City Council has received a request to prohibit roosters due to the noise complaints and this ordinance contemplates that action by prohibiting chickens (hens or roosters) that crow in certain districts and implementing regulations of the number, time, cooping and duration of noise. "Grandfathering" is not recommended as it is extremely difficult to identify the existing roosters from replacement birds when the existing die or are sold. Leg bands, which is one way of identifying roosters, can be altered and falsified. The only positive way of identifying roosters would be implantation of microchips which is very expensive and would increase the risk of injury for staff scanning each bird as well as increase the time staff would need to check and verify the information. "Grandfathering" also does not address the issue of persons being able to enjoy the peace and privacy of their property.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

Chapter 21.04 Section 030 shall be revised as follows (additions are shown in **bold print** and deletions marked with ~~strike-through~~ notations):

(a) Animal Regulations.

(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 **except chickens (hens or roosters) that crow** (e.g., chickens **that do not crow**, 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) Chickens (hens or roosters), of any breed, that crow, are allowed in residential, agricultural, commercial and industrial properties of only five acres or more. Crowing shall be defined as a loud shrill, squawk or screech.

~~(iii)~~ **(iv)** 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, **or coop** 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 an acre or less. On parcels greater than one-half an acre, 15 adult animals shall be allowed per acre. **Chickens (hens or roosters) that crow, are allowed only on parcels of 5 or more acres.**

(D) In the R-R zone district, the number of agricultural animals and small animals **(including hens or roosters)** allowed under this subsection may be exceeded with a conditional use permit (see GJMC 21.02.110). If the conditional use application is approved, the permit shall state the maximum number of animals allowed by type and in the aggregate.

The provisions of Section (a)(3) pertaining to chickens that crow shall become effective immediately; however, current owners of chickens that are prohibited pursuant to adoption of this section have one year from the effective date to comply.

ALL OTHER PROVISIONS OF CHAPTER 21.04 SECTION 030 SHALL REMAIN IN FULL FORCE AND EFFECT.

Introduced on first reading the _____ day of _____, 2019 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____ 2019 and ordered published in pamphlet form.

ATTEST:

J. Merrick Taggart
Mayor

Wanda Winkelmann
City Clerk