

Keeping of Animals

Sec 59-38(a)(12)e. Keeping of animals. In addition to the animals permitted by the zoning administrator, the zoning administrator may authorize, upon application in specific cases, subject to terms and conditions fixed by the board and pursuant to the conditions hereinafter set forth, an exception permitting the keeping of animals in connection with the operation of a single unit dwelling or a dwelling unit in a multiple unit dwelling. Such exception shall be personal to the applicant therefor. Notwithstanding other provisions of chapter 59, which limit the number of animals, the breeding of animals may be permitted.

1. The application shall be filed in the name of the land owner.
2. The owner/tenant seeking the exception must occupy the subject property as his/her primary residence;
3. The animal shall be kept solely as a pet; a hobby; for educational, research, rehabilitation or propagation purposes; or for the production of food products for personal consumption by the resident;
4. The application shall contain provisions which ensure that the exception will not substantially or permanently injure the appropriate use of adjacent conforming property. In determining that this condition will be met, the zoning administrator shall consider the following factors:
 - i. The type of animal to be kept;
 - ii. The number to be kept;
 - iii. The maximum size of the animal;
 - iv. The space or area in which the animal is to be kept and whether or not other animals may occupy that same space;
 - v. The methods by which any sanitation problems will be controlled;
 - vi. The methods by which abutting residents will be protected from any nuisance; and
 - vii. The applicant's intent to allow reproduction.
5. The applicant shall have written approval from the department of environmental health;
6. The applicant shall have written approval from the division of wildlife, Colorado Department of Natural Resources, if applicable, for species of animals considered to be wildlife;
7. The applicant shall have notified abutting owners about the proposed animal and shall have requested letters of support or petitions of consent from such owners. If any of said owners fail to consent, the zoning administrator shall consider the circumstances, including any letters or petitions of opposition. Further, the zoning administrator shall give serious consideration to any letter from a physician stating that a resident living nearby is allergic to some feature of the proposed animal and may have a serious reaction if exposed to such animal.
8. Any structure erected for the shelter of such animal shall comply with all regulations for the zone district in which such property is located. If a variance is required for any such structure, an application for a variance must be made to the board of adjustments. Any such structure shall be maintained in accordance with the building and housing codes and shall be subject to inspection by the building inspection division and the department of environmental health.
9. An approved exception for an animal shall not be valid until the applicant has executed an agreement listing the terms and conditions fixed by the zoning administrator and the applicable conditions set forth above. Such agreement shall be recorded with the clerk and recorder. The permit for an approved exception shall expire at such time as the applicant no longer resides at the property, or discontinues the keeping of subject animal.
10. Upon receipt of a complaint from an abutting property owner, the department of zoning administration shall investigate. If any deviations from the conditions listed in the agreement exist, an order may be issued terminating the exception. The order may then be appealed to the board of adjustments for review.