

# Excerpt from Existing Planning and Zoning Ordinance related to keeping of Animals

## **SECTION 305 - ANIMALS**

Keeping of farm animals in appropriate locations and circumstances is regarded as being consistent with the Town's rural character. However, the number, size, type or manner in which animals are maintained on any parcel shall not impair the enjoyment or use of nearby properties or violate other legal restrictions to which the properties are subject. Any lot where farm livestock are kept must be not less than one-half acre (21,780 sq ft.) in area.

Fowl (chickens, ducks, geese, turkeys, and peacocks) rabbits, and guinea pigs, which are cared for by the property owner or occupant as prescribed in Section 305.C.3, are not limited to a maximum number of animals.

**A. Allowed Livestock**

Any of the species listed below which are cared for by the property owner or occupant according to the following Animal Points. All livestock activity within the Town limits will be considered an accessory use to the principal use on any parcel except in the Agriculture District.

1. Lots of one-half acre to one acre in area may maintain animals totaling up to 24 points as set forth below.
2. Lots of one acre or more may increase the allowable number of points by an increment of six points for each additional, contiguous quarter acre.

**B. Animal Points Allowed per Acreage**

The allowable type and number of animals permitted on a particular property is computed by the following allotment table:

<b>SPECIES (or associated types)</b>	<b>POINTS</b>	<b>SPECIES (or associated types)</b>	<b>POINTS</b>
Alpacas:	3 POINTS	Miniature horses, Ponies and Sicilian donkeys:	6 POINTS
Emus:	3 POINTS	Ostriches:	6 POINTS
Pygmy goats:	3 POINTS	Cattle:	12 POINTS
Sheep, Goats:	4 POINTS	Domestic deer:	12 POINTS
Llamas:	6 POINTS	Horses, Mules, and Donkeys	12 POINTS

1. **Prohibited Livestock:** Swine are prohibited within residential zones, unless excepted under paragraph 2b.
2. **Exceptions:**
  - a. Young nursing animals of allowed adult livestock are not counted.
  - b. Swine may only be raised on property of an acre or more under the following conditions:
    - 1) One pet or butcher pig per parcel.
    - 2) Additional Swine, breeding or reproduction stock requires Use Permit approval in accordance with Section 305.C.1.
    - 3) All pens containing swine must meet the setback requirements for the zoning district.
    - 4) Additional 4-H or FFA swine will require a Temporary Youth Organization Use Permit as set forth in Section 305.C.2.d below.

**C. Additional Requirements for Keeping Animals**

1. **Use Permit:** A Use Permit is required for any of the following:
  - a. Any Commercial Livestock Activity that exceeds allowed animal points and defined as raising livestock for sale for pecuniary gain and selling more than one litter, or more than ten animals in one year, other than horses and cattle.

- b. Any Livestock Breeding Activity as defined as an ongoing breeding project that involves two or more reproducing adults, other than horses or cattle. (Swine breeding is addressed in paragraph B.2.c).

2. **Temporary Youth Organization Use Permit:** The Community Development Director may issue a Temporary Use Permit allowing the following livestock under the following conditions and using reasonable discretion:

- a. Supervised youth livestock market project of one market animal conducted on property less than one-half acre, or for one swine on less than one acre, for a period specified by a start and stop date not to exceed ten months in duration.
  - 1) One additional market swine project will be allowed with each additional one-half acre, not to exceed 5 swine per parcel.
  - 2) Swine will be restricted to one market swine project per youth organization member.
- b. Supervised youth livestock market project that exceeds the number of animals allowed according to the animal points on property greater than one-half acre in size.
- c. An application for the Temporary Use Permit shall be submitted to the Community Development Director, or designee, who shall determine that the application meets the criteria set forth in this Zoning Ordinance. There will be no charge for the Permit.
- d. An application shall bear the signature of the local livestock Youth Advisor acknowledging that the project is a valid youth project, and the signature of at least one parent or guardian, as well as the signature of the youth acknowledging and accepting complete responsibility for the project.
- e. If the Youth Advisor agrees in writing to accept all enforcement responsibility for his/her members, no review will be required by the Community Development Director.
  - 1) In September the Youth Advisor must register with the Community Development Department agreeing to this commitment.
  - 2) The Youth Advisor will provide the following documentation to the Community Development Department by December 1<sup>st</sup>.
    - a) A roster with the name, address and project type for all active members under their supervision.
    - b) Property owner's permission to conduct livestock activity on the subject parcel.
    - c) Parent's statement of responsibility.
    - d) Contact information for the Youth Advisor.
  - 3) A sign must be posted on the property where the livestock activity will be conducted, indicating membership in the Youth Livestock Organization, the year in which the project is conducted, and number of livestock.
  - 4) If complaints are received and compliance cannot be met, the Youth Advisor will notify the Code Enforcement Official and will support any action taken by the Town.
  - 5) The ultimate decision on whether the activity is in compliance with the current Town Code will be made by the Community Development Director or designee.
- f. A decision of the Community Development Director or designee may be appealed to the Town Council pursuant to Section 602 B.

- 1) The livestock market projects shall be of a limited duration specified by a start and stop date not to exceed ten months in one calendar year, allowing for care, feeding and grooming of such animals to be shown and/or sold annually at such events such as the Verde Valley, Yavapai County and/or Arizona State Fair.
- 2) In the instance that a prize-winning animal is to be entered into competition more than one time, an extension of the permit may be applied for, and after evaluation by the Community Development Department, conditionally extended.

**3. Maintenance of Livestock Facilities.**

- a. All structures and pens for animals shall be maintained in a clean and slightly manner so as not to be a nuisance to their neighbors.
- b. Stables, barns, or structures used for housing or feeding animals must observe the same setbacks or yards as the dwelling unit.
  - 1) Exception: Lots directly abutting National Forest Service Land, Trust Land and BLM Land in the rear and/or lots directly abutting Designated Open Space may encroach in the rear setback requirement. The distance from the rear setback is twice the height of the structure. The side setback and front setback must be maintained in all instances.
- c. Where the keeping of such animals becomes a nuisance, as defined in the current Town Code, the Code Enforcement Official shall have the authority to determine a reduction in the number of and/or removal of the animals as necessary to comply with the current Town Code.
- d. The Code Enforcement Official has the authority to determine that removal of the animals in circumstances where they constitute a health or safety hazard to human beings is necessary to comply with the current Town Code.