



Chicken/Rabbit Application & Conditional Use Permit

Legal Description: Lot: _____ Subdivision: _____
Street Address: _____
Applicant Name: _____ Phone Number: _____
Mailing Address: _____ Email: _____

Guidelines

- I. **Intent.** The Town of Blue River recognizes the desire by some residents to produce their own food source and be able to produce fresh eggs for their personal, non-commercial consumption. Benefits of the practice include promoting sustainable food sources within the Town limits. At the same time, it is important to protect the character of neighborhoods in residential zone districts from potential adverse impacts associated with raising chickens and rabbits in densely populated residential areas which are commonplace within the Town. The intent of these requirements is to provide a framework for allowing backyard chickens and rabbits in residential areas to help ensure compatibility with adjacent residential properties and uses.
- II. **Applicability.** The requirements of these Guidelines shall apply to any single-family residential property that is developed with a single-family home on a parcel of land with a minimum area of $\frac{1}{2}$ acres. This Section does not apply to residential use within a Planned Unit Development or to mixed use, multiple family, or townhome residential uses.
- III. **Definitions.**
 - a. **Coop** means an enclosed and secured facility for housing chicken hens and rabbits.
 - b. **Run** means an enclosed and secured facility where chicken hens and rabbits are able to move around more freely than within the Coop.
 - c. **Free Range** means being allowed to move about within an open area on the property without the benefit of a Coop or Run.
- IV. **Requirements, Restrictions, and Standards.** The following requirements, restrictions, and standards shall apply to backyard chickens and rabbits use. It shall be a permit violation to place or maintain backyard chickens or rabbits in any area unless the following conditions and requirements are met:
 - a. There shall be a maximum of six (6) hens allowed. No roosters shall be allowed.
 - b. There shall be a maximum of five (5) rabbits allowed.
 - c. A Coop shall be located so that it has the least amount of impact to adjacent dwellings and properties. Therefore, a Coop shall only be located within the building envelope. In addition to the existing building envelope setbacks, a Coop shall be located no closer than twenty (20) feet to any residential structure on adjacent properties.
 - d. The footprint of a Coop and enclosed Run shall not exceed one hundred twenty (120) square

feet. The maximum height of the Coop shall be seven (7) feet high with a floor raised a minimum of three (3) feet. Coops and Runs shall be completely enclosed with wire or other material matching the existing fencing ordinance to contain chickens, rabbits and prevent wildlife intrusion.

- e. Chickens and rabbits shall not be permitted to “Free Range.”
 - f. Chicken and rabbit feed shall be kept within the residence or garage so that it can be secured from rodents and other wildlife.
 - g. No slaughtering of chickens or rabbits may occur outside of the residence or garage.
 - h. Coops and Runs shall be maintained in a clean fashion to prevent odors, and manure shall be removed and stored in a sealed container or removed from the property immediately. Spillage and leftover feed must be removed daily to prevent rodent propagation and odors.
 - i. Coops and Runs shall be predator resistant with a solid covered roof. See attached tip sheet.
 - j. Water rights for outdoor watering must be secured and permitted by the State.
 - k. During daylight hours, the chickens and rabbits shall have access to the Run that is adequately fenced and protected from predators and shall also have access to the Coop.
 - l. From dusk until dawn, chickens and rabbits shall be protected from predators by being enclosed within a Coop.
 - m. A minimum of four (4) square feet of space per chicken or rabbit shall be provided in both the Coop and Run.
 - n. No chickens or rabbits, Coop or Run shall be located in common areas of a multi-unit, multi-use or multifamily property.
- V. **Application Requirements.** All backyard chicken and rabbit uses and facilities shall require a permit from the Town of Blue River. The permit shall be reviewed by the Planning & Zoning Commission and given approval by the Board of Trustees. The permit shall only be issued after the application has been approved in accordance with the Guidelines and shall specify any terms or conditions of the permit. The applicant shall submit the application on the form provided by the Town of Blue River and shall pay the application fee set by Town Resolution. The Town may require submittal of such additional information as is deemed necessary to demonstrate compliance with the requirements of the Guidelines. Any pre-existing keeping of chickens or rabbits is illegal and therefore must comply with the Guidelines or be removed.
- VI. **Annual Permit Required.** Any Conditional Use Permit for chickens or rabbits is an annual permit and must be renewed annually. A permit will be renewed only after an annual inspection to determine compliance with the requirements listed above. The fee for each annual renewal shall be set by Town Resolution.
- VII. **Denial or Revocation of Permit.** The Town may deny or revoke a permit to keep, maintain or possess chickens or rabbits if it is determined that any provision of the permit or the Guidelines is being violated or if it is found to interfere with the reasonable and comfortable use and enjoyment of property.
- a. Revocation. If a property/homeowner receives three (3) valid, confirmed/ticketed violations within a twelve (12) month period, the permit will be revoked. Permits will not be reissued for one (1) year at which time, the homeowner may reapply.
 - b. If a permit is expired or revoked. The structure must be removed within thirty (30) days.
- VIII. **HOA Covenants.** HOA covenants apply to keeping of chickens and rabbits. If the property upon which the keeping of chickens and rabbits proposed is within a covenant-controlled development, the requirements of the Guidelines shall be considered minimum requirements

and shall not limit the rights of any homeowner's association or similar covenant-based property owner's association to lawfully adopt and enforce more stringent covenants standards, including outright prohibition of chickens or rabbits on any property within the authority of such association. Nothing herein, including the issuance of a permit by the Town, shall allow the keeping of chickens and rabbits where private covenants prohibit it. Written authorization by the HOA must be provided before issuance of a permit by the Town.

**I have read the above referenced Guidelines and agree to all terms and conditions thereof as a condition to this application.

Name (Signed/Printed)

Date

Documents required for this submittal:

For fences/coops –

- Survey
- Plot plan
- Fence Design
- Coop design
- Conditional Use Permit Application
- Notification of application to be sent to neighboring properties within 300’ of proposed fence. *Copies of certified letter receipts.
- Payment of a \$50 Application Fee for Planning & Zoning Approval.
- Once approved, the annual permitting for chickens/rabbits is \$25 subject to an annual inspection.
- Conditional Use Permit may be revoked for more than three (3) valid and confirmed/ticketed violations in a 12 month period.

Description of project and materials/colors to be used for fence and coop:

Fencing and coop must meet current Architectural Guidelines.

I have read the above and agree to comply:

Applicant Signature

Date

Fencing Guidelines:

- A. **Purpose of a Fence:** The purpose of a fence or enclosure is to restrain animals.
- B. **Style:** Aesthetically, the fence or enclosure should be of a style that will complement the architecture of the neighborhood and generally blend with the natural surroundings as much as possible. Fences or enclosures shall be constructed of natural materials. The typical **galvanized chain link or wire fence will not be approved.** Anodized or colored wire or chain link shall be used only as secondary materials and must be concealed by the primary material.
- C. **Location:** Fences or enclosures shall be erected away from property lines, within the building envelope and town roads and be located on the premises to be as unobtrusive as possible. They must meet all setbacks for the property. They must blend with the home and surroundings and be adjacent to or attached to the home.
- D. **Height and Design:** Fences or enclosures shall not enclose more than four hundred (400) square feet, and no fence shall be more than thirty five feet (35’) on any side. Fences and enclosures shall not be more than five feet (5’) high. Such fences and enclosures should have an open, low mass look, such as the look of a split rail fence.

Material/color samples are required. Any change or addition to the fence will result in fines or revocation of permit.

Conditional Use Permit Application

Conditional Use Being Requested:

Zoning Ordinance to which the conditional use is requested, and specify the nature of the conditional use requested:

State if the conditional use requested meets each of the following six (6) conditions. Please explain for each one:

1. That the granting of the conditional use permit will not authorize a use not permitted by the zoning regulations of the Town:

2. That the granting of the conditional use permit will not constitute a grant of special privilege inconsistent with the limitation on other properties having the same classification in the same zone district:

3. That the granting of the conditional use permit will not be detrimental to the public health, safety or welfare, materially injurious to properties or improvements in the vicinity, or prevent the proper access of light and air to adjacent properties:

4. That the strict, literal interpretation and enforcement of the specified regulation would result in unnecessary hardship inconsistent with the objectives of the Title:

5. That the circumstances found to create a hardship were not created by the owner, and are not due to, or the result of, general conditions in the zone district and cannot reasonably be corrected:

6. That the conditional use permit would not be out of harmony with the intent and purpose of the zoning code:

NO CONDITIONAL USE PERMIT AUTHORIZING A CHANGE IN THE PERMITTED USE OF THE PROPERTY SHALL BE GRANTED.

The following documents are submitted herewith for the Commission's information and review:

1. _____

2. _____
3. _____
4. _____

I/We the applicant named herein understand the following:

1. That the main function of the Planning and Zoning Commission is to provide for reasonable interpretations of codes and ordinances with relation to their intent, so that the spirit of the ordinance(s) shall be observed, public safety and welfare secured and justice adhered to.
2. Notice of hearings to be given at the expense of the applicant by publication in a newspaper of general circulation within the Town by posting on the premises and by mailing to all property owners within three hundred (300) feet of the property in question. Notices shall be posted, published and mailed at least ten (10) days before the hearing date and shall contain the time and date of the hearing, the name of the applicant, a general description of the property indicating its location (which may be shown by map), what relief is being sought and the grounds on which the relief is being sought. The owners within three hundred (300) feet of the affected property were notified of the variance request. This letter shall contain all the names and addresses of those notified, and shall be submitted to the Building Department at least ten (10) days prior to the scheduled hearing. The application must be submitted to the Building Department at least twenty (20) days prior to the date of the hearing.
3. I/We (the applicant) shall be notified of the Commission's decision within thirty (30) days after the date of the hearing.
4. That any decision made by the Planning and Zoning Commission is not binding as to covenants, which apply to the property in question. Applicant is responsible for obtaining any necessary approvals from the Homeowner's Associations or Committees, which administer the covenants within the subdivision where the property is located.
5. Within seven (7) days following action by the Planning and Zoning Commission, written findings and decision, in the form of a resolution, shall be transmitted to the applicant and to the Board of Trustees. Such decision of the Planning and Zoning Commission, with respect to variances, is final and is subject to appeal only through a court competent jurisdiction pursuant to §31-23-307, C. R. S.

Signature: _____ Date: _____