

Chapter 21

ANIMAL ZONING REGULATIONS

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10-21-1: DESCRIPTION AND PURPOSE

To adequately address the keeping of exotic, or wild, animals in cooperation with the policies and procedures of the Idaho departments of agriculture and fish and game, to redefine the care and keeping of agricultural animals and allowing the same as pets, and finally, to foster the uniform regulation and proper management of honeybees in Nampa in a manner which promotes the public interest and safety (by minimizing any potential adverse impacts on residential areas but recognizing that bees are essential for pollination of residential gardens as well as commercial crops, this is accomplished). The following regulations and § 10-3-2, "Schedule Of District/Zone Land Use Controls," subsection 10-1-12.A.12 of this title applies in reviewing animal related issues and classification by size.

10-21-2: AGRICULTURAL ANIMALS

10-21-2.A: Minimum Lot Size: For agricultural animals to be kept on a lot, the lot shall have a minimum area of thirty thousand (30,000) square feet.

10-21-2.A.1: Animals in the Agricultural Zoning District: There are no limits on the number of agricultural animals allowed in the Agricultural zoning district.

10-21-2.A.2: Animal Density in the RA, IP, IL and IH Zoning Districts: The number of agricultural animals allowed shall be limited to one "large" animal per ten thousand (10,000) square feet or two (2) "medium sized" animals per ten thousand (10,000) square feet. This land area requirement of ten thousand (10,000) square feet per "large animal" or per two (2) "medium sized" animals shall refer to open pasture, grazing or similar space and thus, shall exclude all structures except for barns, stables, and like structures or covered enclosures serving animal husbandry, milking, or processing needs. Combinations of large or medium animals on a lot may be allowed based on equivalent animal density.

10-21-2.A.3: Variances to Codes Regarding the Keeping of Animals: Variances to the foregoing standards shall be processed and evaluated according to subsections 10-24-2.A.1 through A.5 of this title. The requirement listed herein does not apply to

agricultural animals as pets. See § 10-21-3 of this chapter for requirements related to agricultural animals as pets.

10-21-2.B: Setback Requirements: Buildings, runs, pens, enclosures, stables, and corrals (not perimeter fencing) housing agricultural animals or their tack, feed, or equipment shall be set back at least thirty feet (30') from any property line(s) and shall be at least fifty feet (50') from any residential structures, and may not be located within any required front yard setback. The requirement listed herein does not apply to agricultural animals as pets. See § 10-21-3 of this chapter for requirements related to agricultural animals as pets.

10-21-2.C: Manure Disposal: Provision must be made for a viable method of twice monthly disposal of manure so as to prevent obnoxious odors and the accumulation of flies from intruding into adjacent properties. (See regulation in subsection 10-1-9.F of this title.) The requirement listed herein does not apply to agricultural animals as pets. See § 10-21-3 of this chapter for requirements related to agricultural animals as pets.

10-21-2.D: Front Yard Limitations: Agricultural animals shall not be permitted in the required front yard area of a home. The requirement listed herein does not apply to agricultural animals as pets. See § 10-21-3 of this chapter for requirements related to agricultural animals as pets.

10-21-3: AGRICULTURAL ANIMALS AS PETS

Certain animals normally classified as "agricultural" per this title may be kept as pets on **single-family residential properties within the RA, RS, RD, RML, RMH and RP residential zones**, in accordance with the following provisions:

10-21-3.A: Agricultural Animals as Pets - Restrictions: Said animal(s) shall not include bees, horses, goats, sheep, donkeys, mules, llamas, alpacas, emus, rheas, or some types of birds or fowl, including: turkeys, chicken roosters, ostriches, peafowl, or any other fowl whose calls are audible over similar distances or qualify as a nuisance as defined in 10-21-3.E of this chapter.

10-21-3.B: Agricultural Animals as Pets Allowed in Addition to Dogs: Regardless of lot size, the number of agricultural animals allowed as pets shall be in addition to the number of dogs (or potbellied pigs) allowed per lot.

10-21-3.C: Maximum Number of Agricultural Animals as Pets Allowed: Regardless of Residentially zoned property (lot/parcel) size, the following agricultural animals shall be allowed as pets with the maximum number allowable noted after the notation of type of animal (note that offspring under 9 months of age do not count as part of or against the maximum number allowed):

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| Chickens (No Roosters), pigeons, or doves | 10 |
| Ducks and other small birds or fowl kept for non-commercial purposes | 3 |
| Miniature horses/pygmy goats | 1 |
| Potbellied pigs | 2 |
| Rabbits or similar (e.g., chinchillas) | 4 |

In no case, however, shall a property owner care and keep a combination of more than three (3) of the above animal types. In other words, a property owner might have ten (10) chickens, four (4) rabbits, and one miniature horse - besides any pet dogs/potbellied pigs they might choose to keep.

10-21-3.D: Potbellied Pigs and Dogs – Maximum Number: A residence may have a maximum of two (2) potbellied pigs, and the aggregate number of pigs and dogs they are allowed shall not exceed two (2).

10-21-3.E: Housing and Keeping of Agricultural Animals as Pets: Qualifying agricultural animal(s) kept as pets and their living environment(s) shall be kept/maintained in a healthy, nuisance free condition. The animal(s) owner(s) shall be guilty of allowing an animal to become a nuisance if and when the animal(s) are allowed by them to make excessive, continuous or untimely noise; or to molest passersby; or to chase vehicles; or to habitually attack other animals; or trespass upon public or private property in such a manner as to damage the property or are kept in living conditions that are either not safe and/or unhealthy (e.g., where excessive accumulation of animal feces is present, etc.).

10-21-3.F: Setback Requirements – Housing for Miniature Horses and Potbellied Pigs: Buildings, runs, pens, enclosures, stables, and corrals (not perimeter fencing) housing miniature horses or potbellied pigs or their tack, feed, or equipment shall be set back at least thirty feet (30') from any property line(s) and shall be at least fifty feet (50') from any residential structures, and may not be located within any required front yard setback.

10-21-3.G: Setback Requirements – Housing for Small Animals: Buildings, runs, pens, enclosures, stables, and corrals (not perimeter fencing) housing chickens, ducks, rabbits or similar (e.g., chinchillas) or their tack, feed, or equipment shall be set back at least five feet (5') from any property line(s), and may not be located within any required front yard setback.

10-21-3.H: Manure Disposal: Provisions must be made for a viable method of disposal of manure so as to prevent obnoxious odors and the accumulation of flies from intruding into adjacent properties. (See regulation in subsection 10-1-9.F of this title.)

10-21-3.I: Animal Containment: No person shall permit any agricultural animal to run at large within the corporate limits of the City.

10-21-4: APIARIES:

It shall be unlawful for any person to keep bees or maintain an apiary in the City except under the following conditions:

10-21-4.A: Conditions:

10-21-4.A.1: Quantity Allowed: No more than two (2) hives to every parcel or lot of land under ten thousand (10,000) square feet or fraction thereof provided that for every ten thousand feet (10,000') in excess of the initial ten thousand (10,000) there may be one additional hive;

10-21-4.A.2. Hive(s) Setback: No hive shall be kept or maintained within twenty-five feet (25') of any property line of the lot or parcel upon which it is situated, except where:

10-21-4.A.2.a: There is a solid barrier through which bees cannot fly, at least six feet (6') in height, separating the beehives from adjoining properties;

10-21-4.A.3: Maintenance: Apiaries shall be managed and kept in a clean and orderly manner and appearance;

10-21-4.A.4: Hive Orientation: Hive entrances shall not be oriented so as to direct bee flight in the vicinity of patios, decks, balconies or entrances to living spaces on adjoining properties; and

10-21-4.A.5: Permitted Land Use: Apiaries are a permitted land use only in the AG, RA, RS, IL and IH zoning districts.

10-21-4.B: Enforcement:

10-21-4.B.1: Enforcement actions involving apiaries may be conducted by a more appropriate regulatory agency (not necessarily by planning and zoning or its associated code enforcement division) if so delegated by the director.

10-21-5: EXOTIC OR WILD ANIMAL REGULATIONS

The following standards shall apply to the keeping of certain animals in any City zoning use district:

10-21-5.A: Conditional Use Permit: Animals not listed in the agricultural, exotic, or pet animal definitions in section 10-1-2.3 of this title, and whose presence in an area may reasonably constitute a nuisance or danger to humanity, property, or other protected wildlife, may be allowed only by issuance of a conditional use permit.

10-21-5.B: Wild Animals: All "wild" animals are prohibited (unless classified as "domestic pets"), except when located in properly zoned land, and are registered and/or licensed by Idaho fish and game (e.g., as a commercial game farm, rehabilitation person or center, birds of prey center, or zoo), or unless specifically approved by a conditional use permit in accordance with subsection A of this section.

10-21-5.C: Circus, Carnival and Exhibition Animals: This section shall not apply to a circus, carnival, fair, or similar exhibition as licensed by the City Clerk.

10-21-5.D: Enforcement: Enforcement actions involving exotic animals may be conducted by a more appropriate regulatory agency (not necessarily by planning and zoning or its associated code enforcement division) if so delegated or requested by the Planning Director.

10-21-5.E: Evaluation: The following criteria shall be used for evaluating the allowance of wild animals:

10-21-5.E.1: The keeping of the animal(s) does not pose a clear nuisance and/or present danger.

10-21-5.E.2: The animal(s) is/are not a threatened and/or endangered species or otherwise protected by federal, state, or local legislation.

10-21-5.E.3: The animal(s) is/are kept by a licensed/accredited organization or individual specifically trained in the keeping of said animal. The types of licenses as meant by this section include, but are not limited to: a commercial wildlife farm license, a game park license, a rehabilitation license, or a domestic cervidae license.