

Lancaster Municipal Code

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17.08.310 Animal regulations.

A. Regulations governing animals for the personal use of the family residing on the premises are established in order to provide for the keeping of domestic and wild animals where accessory to the residential use of property as opposed to maintenance for commercial purposes. The following regulations presume a reasonable effort on the part of the animal owner to recognize the rights of surrounding neighbors by maintaining and controlling animals in a safe and healthy manner at a reasonable location and neither authorize nor legalize the maintenance of any private or public nuisance.

B. A person shall not keep or maintain any animal other than those permitted in Sections 17.08.040, 17.08.050 and subsection C of this section for personal use in any zone except in compliance with provisions of said zone or except as hereinafter specifically permitted and subject to all regulations and conditions enumerated in this section. This section, however, shall prohibit the keeping of animals for personal use to the extent permitted by commercial provisions in the same zone, subject to the same conditions and restrictions.

C. Keeping of animals as accessory to residential use shall be limited as follows:

1. Number of Animals. The number of animals kept on site shall not exceed the maximum number and combination as set forth in Table 17.08.310A.

2. Offspring. Young animals born to a permitted animal kept on the site may be kept until such animals are weaned (small animals: 4 months; large animals: 6 months; horses: 12 months).

3. Exotic or Wild Animals. Keeping of any wild animal or exotic animals in the residential zones are limited to the following:

a. The following wild animals:

Tropical fish excluding caribe
White mice and rats

b. The following wild animals, but in no event more than 3 such animals in any combination, may be kept on a lot or parcel of land having an area of less than 15,000 square feet per dwelling unit:

Canaries
Chinchillas
Chipmunks
Finches
Gopher snakes
Guinea pigs
Hamsters
Hawks
King snakes
Marmoset monkeys
Mynah birds
Parrots, parakeets, amazons, cockateels, cockatoos, lories, lorikeets, love birds, macaws, and similar birds of the psittacine family
Pigeons
Rabbits
Ravens
Squirrel monkeys
Steppe legal eagles
Toucans
Turtles
White doves

c. Other similar animals which, in the opinion of the director, are neither more obnoxious or detrimental to the public welfare than the animals enumerated in this section. Such

animals shall be kept or maintained at a place where the keeping of domestic animals is permitted.

4. Existing Animals. Each lot or parcel of land having a minimum area of 10,000 square feet but less than 15,000 square feet per dwelling unit where horses, donkeys, mules or other equine, cattle, sheep or goats are kept or maintained is granted an animal permit permitting one such animal per 5,000 square feet of lot area provided:

- a. That such animals were kept or maintained as pets or for the personal use of members of the family residing on the premises prior to and on February 27, 1974; and
- b. That a notarized affidavit so certifying is filed with the director within 120 days of the effective date of the ordinance (Ord. No. 284, December 6, 1982) adding this section.

Table 17.08.310A

Animal Regulations

| Animal Group | Minimum Lot Area (net area) | Maximum Number of Animals Permitted | Zone | Special Provisions |
|---|---------------------------------------|---|----------------------|--|
| 1) Horses ^a , ponies ^b , donkeys, mules, other equine, cattle | first 15,000 square feet | 1 | RR zones | The minimum corral or pen for each animal shall not be less than 400 square feet |
| | for each additional 5,000 square feet | 1 or one selection from other animal group in accordance with the number specified for the group | I zones ^d | |
| 2) Sheep, goats and miniature horses ^c | first 15,000 square feet | 2 | RR zones | |
| | for each additional 5,000 square feet | 2 or one selection from another animal group in accordance with the number specified for the group | I zones ^d | |
| 3) Poultry, rabbits, and other similar animals in zone | first 15,000 square feet | 12 | RR zones | |
| | for each additional 5,000 square feet | 12 or one selection from another animal group in accordance with the number specified for the group | I zones ^d | |

Notes:

a. A horse is defined as measuring 58 inches or greater in height measured at the withers.

b. A pony is defined as any horse measuring greater than 34 inches but less than 58 inches in height measured at the withers.

c. A miniature horse is defined as measuring 34 inches or less in height measured at the

withers.

d. Existing legal single-family residential use in the I zones which have a minimum of 15,000 square feet per dwelling unit.

5. Subsequent Amendments to the Zoning Ordinance Regarding the Keeping of Animals. As required by state law the city has undertaken the task of rezoning land within the city to be in conformance with the adopted general plan. This will have an effect on property owners who have legally kept animals on their property in compliance with the previous county zoning designation, as some animal provisions will have changed. In order to fairly deal with this concern the following provisions shall apply:

a. The city will permit the filing of a notarized affidavit certifying the number and types of animals which were legally kept on the property on the date of passage of the ordinance adding this section. Such filing may be made up to 120 days following the adoption of the ordinance by the city council.

b. All documents so filed shall be subject to penalty of perjury and falsification of any such document may be subject to prosecution for a violation of this title.

c. The city is under no obligation to accept or recognize any claim to animals which were kept contrary to the provisions of the previous zoning designation.

d. The provisions of subsection C.6. of this section shall apply except that the date of nonconformity shall be as of the date of adoption of the ordinance by the city council establishing this subsection.

6. Date of Nonconforming. In computing the time period within which horses, donkeys, mules, or other equine, cattle, sheep and goats kept or maintained as pets or for personal use must be discontinued and removed pursuant to the provisions of Section 17.32.050B, the date such uses became nonconforming shall be deemed to be the effective date of the ordinance (Ord. No. 284, December 6, 1982) establishing this section.

7. Amendments to the Zoning Ordinance Regarding the Keeping of Animals in the R, MHP, MDR and HDR Zones and the Minimum Lot Area Required for the Keeping of Animals. Those properties within the R, MHP, MDR and HDR zones where animals have been legally kept prior to the adoption of the ordinance prohibiting the keeping of said animals in said zones, and those properties within the I and RR zones where a certain number of animals have been legally kept prior to the adoption of the ordinance amending the provision which establishes the number of animals which may be kept based upon lot area, may continue to keep the animals as a nonconforming use subject to the provisions of Section 17.32.850 and meeting the following requirements:

a. The owner or resident of the subject property shall file with the city a notarized affidavit certifying the number and types of animals which were legally kept on the property on the date of adoption of the ordinance establishing this section. Such filing may be made up to 180 days following the adoption of said ordinance (Ord. No. 550, September 4, 1990) by the city council.

b. All documents so filed shall be subject to penalty of perjury, and falsification of any such document may be subject to prosecution for a violation of this title.

c. The city is not obligated to accept or recognize any claim to animals which were kept contrary to the provisions of the zoning ordinance which were in effect prior to the adoption of this subsection 7 by the city council.

d. The date of nonconformity will be the same as the effective date of the ordinance (Ord. No. 550, September 4, 1990) establishing this subsection 7.

(Prior zoning ord. §§ 211.000--211.130)