

ORDINANCE NO. 805

AN ORDINANCE AMENDING THE DACONO MUNICIPAL CODE REGARDING LIVESTOCK AND AGRICULTURAL USES WITHIN THE CITY

WHEREAS, the City Council recognizes that Weld County is one of the most productive agricultural counties in the United States, and that often when land is annexed to the City landowners desire to maintain the agricultural nature of their property until it is utilized for a more traditional urban or suburban use; and

WHEREAS, the City Council further recognizes that agricultural uses may present conflicts with neighboring properties so it is important to the health, safety and welfare of the residents of the City that agricultural uses be limited to properties of sufficient size to support the use and are regulated to ensure those properties zoned Agricultural District do not negatively impact surrounding properties.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:

Section 1. Section 7-84 of the Dacono Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 7-84. Prohibited animals.

Except as may be permitted in the Agricultural zone district pursuant to Section 16-272 of this Code or as may be permitted by a PUD Final Development Plan for property located within a PUD Zone District approved pursuant to Chapter 16, Article 28 of this Code, no person shall keep or harbor within the City limits any animal that may reasonably and generally be categorized as a fowl, livestock or wild animal with the following exceptions: there shall be permitted in each household in the City no more than a total of two (2) ducks or two (2) rabbits, or a combination of ducks and rabbits not to exceed four (4) in number. However, when a duck or a rabbit has a litter, the household shall not fall within the prohibition of this Section until such time as the ducklings or bunnies are four (4) weeks of age in order to give the owners time to conform with this Section. Tropical birds and fish commonly kept within the home are not banned by this Section. For purposes of this Section, "livestock" shall include horses, cattle, sheep, goats, pigs, and other useful animals commonly kept on a ranch or farm.

Section 2. Section 16-270 of the Dacono Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 16-270. Purpose.

The purpose of this Article is to conserve farming, ranching and agricultural resources on large tracts of land within the jurisdiction of the

municipality City that cannot be served by all public utilities available to other properties located within the City and are otherwise not suitable for suburban-style development. The minimum acreage for zoning or rezoning a parcel of land as Agricultural District is ten (10) acres.

Section 3. Section 16-271 of the Dacono Municipal Code is hereby amended by deletion of the definition of *agricultural stand*.

Section 4. Section 16-271 of the Dacono Municipal Code is hereby amended by the addition of a new definition of *agricultural building* to read as follows:

Agricultural building means a structure designed and constructed to store farm implements or hay, grain, poultry, livestock, fruit, or other agricultural products. Controlled atmosphere and cold storage warehouses are not agricultural buildings.

Section 5. Section 16-272 of the Dacono Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 16-272. Permitted principal uses.

Permitted principal uses in the A Agricultural District shall be as follows:

- (1) Single-family dwelling;
- (2) Hobby farm;
- (3) Dairy farm;
- (4) Farm;
- (5) Ranch;
- (6) Nursery, not for retail sale;
- (7) Public park and open space;
- (8) Private stable, one (1) horse per two (2) acres;
- (9) Religious institution; and
- (10) Greenhouse.

Section 6. Section 16-274 of the Dacono Municipal Code is hereby amended by a new subsection (c) to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 16-274. Accessory buildings and uses.

(c) Agricultural building. An agricultural building shall not be used for processing, treating, or packaging agricultural products, or as a place used by the public.

Section 7. Chapter 16, Article 10.5 of the Dacono Municipal Code is hereby amended by the addition of new Sections 16-275 and 16-276 to read as follows:

Sec. 16-275. Prohibited uses.

The following uses are prohibited in the A Agricultural District:

- (1) Camp sites;
- (2) Kennels and livestock boarding; and
- (3) Retail uses.

Sec. 16-276. Minimum-maximum lot areas.

Minimum and maximum lot areas of a lot in the A Agricultural District shall be as follows:

- (1) Minimum ten (10) acres;
- (2) No maximum.

Section 8. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 9. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

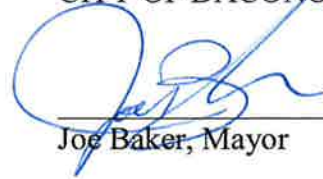
Section 10. This Ordinance shall become effective January 19, 2016. The nonconforming use of a building or land lawfully existing on the effective date of this Ordinance may be continued except as otherwise provided, and subject to the requirements and restrictions, in Chapter 16, Article 14 of the Dacono Municipal Code.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED BY TITLE this 14th day of December, 2015.

PUBLIC HEARING AND SECOND READING WILL BE THE 11th day of January, 2016, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this 11th day of January, 2016.

CITY OF DACONO, COLORADO



Joe Baker, Mayor

ATTEST:



Valerie Taylor, City Clerk

Summary of Ordinance No. 805, **“AN ORDINANCE AMENDING THE DACONO MUNICIPAL CODE REGARDING LIVESTOCK AND AGRICULTURAL USES WITHIN THE CITY:”** Revises the City’s ordinances regarding livestock and agricultural uses to ensure such uses are conducted on property of sufficient size and in a manner so as not to adversely affect surrounding properties.