

**Agenda
Work Session
Dacono City Council
Tuesday, January 31, 2023
6:00 PM**

Meeting location: New Annex Building, 512 Cherry Ave - Building C, Dacono, CO 80514

Topics:

Auto, Boat, and RV Sales Limitation Discussion

Discussion of Ordinance 937, Amending Chapters 16 and 17 of the Dacono Municipal Code Concerning Withdrawal of Land Use Applications, Inactive Lane Use Applications, and Public Notice Requirements for Land Use Hearings

Municipal Court Discussion

Backyard Chickens Discussion

ORDINANCE NO. ____

AN ORDINANCE PROHIBITING MOTORIZED VEHICLE, BOAT, EQUIPMENT, OR RECREATIONAL VEHICLE SALES, SERVICE, RENTAL, OR CONSIGNMENT IN ALL ZONE DISTRICTS OF THE CITY AND ADDING USE STANDARDS FOR MOTOR VEHICLE SERVICE FACILITIES.

WHEREAS, the City regulates the use and subdivision of land by those ordinances codified in Chapters 16 and 17 of the Dacono Municipal Code, and Sections 16-9 and 17-1 of the Dacono Municipal Code require conformance with those regulations set forth in Chapters 16 and 17; and

WHEREAS, by Ordinance No. 920 adopted on December 21, 2021, the City Council imposed a temporary moratorium until September 30, 2022 on applications for approval of a building permit, new business license, or land use approval, including but not limited to any zoning, subdivision, special use permit, or site plan applications, filed by or on behalf of any business or landowner whose purpose includes development, construction or operation of motorized vehicle, boat, equipment, recreational vehicle, or trailer sales, service, rental, or consignment, which temporary moratorium was extended to March 31, 2023 by Ordinance No. ____; and

WHEREAS, during the period of the temporary moratorium, the City retained the consulting services of Galloway & Company, Inc., HR Green, and Harvey Economics to complete background research, develop options, and offer recommendations for future land use and development within the City, which study resulted in the I-25 Sub-Area Master Plan, which was adopted as part of the City's comprehensive by the City of Dacono Planning and Zoning Commission on _____, 2023 and approved by the City Council on _____, 2023; and

WHEREAS, the City and the Urban Renewal Authority of Dacono ("URAD") also retained Hunden Strategic Partners to prepare that Dacono Highest & Best Uses Study dated August 22, 2022, which examined the economic, demographic, market, and demand analysis as it specifically pertained to a particular large property within the City, but contains useful information to guide development opportunities within the City generally; and

WHEREAS, by reference to both of these studies, the City Council's objective is to facilitate development that targets specific identified needs within the City, both in the short term and the long term, in part by identifying development that does not contribute to the City's goals, in order to not miss the opportunity to drive impactful economic development to the City and risk losing residents and new businesses to surrounding communities as the regional markets continue to evolve and expand; and

WHEREAS, based on these studies and other relevant information provided by the City's Community Development Department, the City Council finds that motorized vehicle, boat, equipment, recreational vehicle, and trailer sales, service, rental, and consignment uses present zoning and planning challenges not presented by other commercial and industrial uses in

the way they contribute to the employment base, fiscal benefit, and the overall commercial base and mixture of land uses within the City, and that certain of these uses should be excluded from the City and other special considerations or requirements as set forth herein are necessary in order for these uses to be compatible with other uses within the City; and

WHEREAS, the City Council finds and declares it has the power and authority to adopt this ordinance pursuant to Amendment 64, C.R.S. § 29-20-101, *et seq.* (the Local Government Land Use Control Enabling Act), C.R.S. § 31-23-301, *et seq.* (concerning municipal zoning powers), C.R.S. § 31-15-103 (concerning municipal police powers), C.R.S. § 31-15-401 (concerning municipal police powers), C.R.S. § 31-15-501 (concerning municipal authority to regulate businesses), C.R.S. § 31-15-601 (concerning municipal building regulations), Article XX of the Colorado Constitution (concerning municipal home rule), and the City of Dacono Home Rule Charter.

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

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the City Council.

Section 2. Section 16-60 of the Dacono Municipal Code is hereby amended to read as follows (words to be deleted ~~stricken~~; words to be added underlined):

Sec. 16-60 Motor fuel filling station.

Motor fuel filling station means gas station or service station, and similar terms used to describe this use, but not including a truck stop. A motor fuel filling station does not include any facility meeting the definition of major or minor motor vehicle service or any electric vehicle charging stations accessory to a primary use.

Section 3. Chapter 16, Article 2 of the Dacono Municipal Code (Definitions) is hereby amended by the addition of new Sections 16-60.2, 16-60.4 and 16-60.6 to read as follows:

Sec. 16-60.2 Motor vehicle, equipment, and boat sales, rental, and leasing.

Motor vehicle, equipment, and boat sales, rental, and leasing means a dealership or any other premises on which three or more new cars, trailers, trucks, recreational vehicles, motorcycles, or other motorized vehicles, boats, or equipment are offered for sale, rental, or lease during any calendar year. For purposes of this definition, the following terms shall be interpreted broadly: “recreational vehicle” shall mean and include motorhomes, fifth wheels, travel trailers, toy haulers, pop-ups, truck campers, and teardrops; “boats” shall mean and include personal watercraft and water vessels; “equipment” shall mean and

include construction equipment, agricultural equipment, and other heavy-duty equipment, parts, and tools; “motorized vehicle” shall mean and include automobiles, motorcycles (side-by-sides, street bikes, dirt bikes, scooters), all terrain vehicles (ATVs), utility vehicles (UTVs), snowmobiles, snowbikes, and go-karts; and “trailers” shall mean and include those for living quarters, horse, stock, cargo, utility, dump, flatbed, and truck bed.

Sec. 16-60.4 Motor vehicle service, major.

Motor vehicle service, major means general repair or reconditioning of engines, air conditioning systems, and transmissions for automobiles, recreational vehicles, and commercial vehicles, and wrecker or towing services; collision services including body, frame, or fender straightening or repair, customizing, or painting; undercoating and rust proofing; and including those uses listed under minor motor vehicle service or any other similar use.

Sec. 16-60.6 Motor vehicle service, minor.

Motor vehicle service, minor means minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as changing grease, oil, spark plug, and filter changing; emergency road service; replacement of starters, alternators, hoses, brake parts; performing brake inspections and making minor repairs necessary to pass inspection; normal servicing of air conditioning systems; and other similar minor services for motor vehicles, but not including any operations or uses listed under major motor vehicle service or any similar use.

Section 3. Section 16-10 of the Dacono Municipal Code is hereby amended by the addition of new subsection (o) to read as follows:

Sec. 16-10 Prohibited uses.

- (o) Motor vehicle, equipment, and boat sales, rental, and leasing are prohibited in all zone districts of the City.

Section 4. Section 16-181(3) of the Dacono Municipal Code is hereby amended to read as follows (words to be deleted ~~stricken~~; words to be added underlined):

Sec. 16-181. General requirements.

General requirements in the C-1 district shall be as follows:

- (3) The following uses, which may create unusual traffic hazards, land use compatibility issues, or nuisance issues or other detrimental impacts to the site and surrounding areas,

must receive special use permit approval as required by Section 16-373 of this Code.

- a. Places serving food or beverages outside of an enclosed building;
- b. Places of amusement or recreation;
- c. Advertising signboards;
- d. ~~Gasoline stations;~~
- e d. ~~Motor vehicles, sales and servicing~~ Motor vehicle services, major or minor;
- f e. Motor fuel filling stations ~~and garages;~~
- g f. Preparation or processing of goods or products for retail sales on premises only;
- h g. Laboratories, research;
- i h. Tourist facilities.

Section 5. Section 16-376 of the Dacono Municipal Code is hereby amended by the addition of a new subsection (6) to read as follows:

Sec. 16-373. Criteria for decisions.

The applicant shall have the burden of proof to clearly establish at the public hearings that the proposed special use meets the following criteria and is otherwise in compliance with this Article:

- (6) Additional use standards for motor vehicle service facilities:
 - a. Motor vehicle service, major: Any outdoor storage associated with a major motor vehicle service facility shall be completely screened with a wall surrounding the storage area. The wall shall be architecturally compatible with the primary structure including, but not limited to, materials, color, roof pitch, and detailing, and be a minimum of six (6) feet in height.

- b. Motor vehicle service, minor: Overnight outdoor storage of vehicles shall be limited to the number of service bays and overnight outdoor storage of any vehicle shall not exceed a 24-hour period.

Section 6. This ordinance shall become effective as provided in the City of Dacono Home Rule Charter. Upon this ordinance becoming effective, the temporary moratorium on motorized vehicle, boat, equipment or recreational vehicle sales, service, rental, or consignment imposed by Ordinance No. 920, as extended by Ordinance No. ____ shall be repealed. Uses lawfully existing on the effective date of this ordinance, which would be prohibited by this ordinance, may continue in accordance with Chapter 16, Article 14 of the Dacono Municipal Code.

Section 7. 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 8. The repeal or modification of any provision of any prior ordinance by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

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.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED BY TITLE this ____ day of _____, 2023.

PUBLIC HEARING AND SECOND READING WILL BE THE ____ day of _____, 20__, AT 6:00 P.M. AT DACONO CITY HALL ANNEX, 512 CHERRY AVENUE, BUILDING C, DACONO, CO.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this ____ day of _____, 2023.

CITY OF DACONO, COLORADO

Adam Morehead, Mayor

ATTEST:

Valerie Taylor, City Clerk

Summary of Ordinance No. ____, **“AN ORDINANCE EXTENDING A TEMPORARY MORATORIUM ON THE ISSUANCE OF A BUILDING PERMIT, SPECIAL USE PERMIT OR BUSINESS LICENSE TO, OR RECEIPT OF ANY LAND USE APPLICATION FROM, ANY PROPERTY OWNER OR APPLICANT THE PURPOSE OF WHICH INCLUDES DEVELOPMENT, CONSTRUCTION OR OPERATION OF A BUSINESS THAT INCLUDES MOTORIZED VEHICLE, BOAT, EQUIPMENT, OR RECREATIONAL VEHICLE SALES, SERVICE, RENTAL, OR CONSIGNMENT”**: Extends until March 31, 2023 the temporary moratorium established by Ordinance No. 920 on the issuance of a building permit, business license or land use approval for development, construction or operation of new or additional motorized vehicle, boat, equipment, or recreational vehicle sales, service, rental or consignment uses within the City.

ORDINANCE NO. 937

**AN ORDINANCE AMENDING CHAPTERS 16 AND 17 OF THE
DACONO MUNICIPAL CODE CONCERNING WITHDRAWAL OF
LAND USE APPLICATIONS, INACTIVE LAND USE APPLICATIONS,
AND PUBLIC NOTICE REQUIREMENTS FOR LAND USE HEARINGS**

WHEREAS, the City regulates zoning and use of property within the City pursuant to Chapter 16 of the Dacono Municipal Code and regulates the subdivision of property pursuant to Chapter 18 of the Dacono Municipal Code; and

WHEREAS, the City Council finds that inactive land use applications can waste valuable staff time and allow applicants to avoid updates to City requirements and regulations that are adopted by the City Council over time; and

WHEREAS, it is in the best interest of the City, its residents, and other land use applicants that inactive land use applications be purged from the application review process after a reasonable period of inactivity, so that City resources may be dedicated to applications that are being actively pursued; and

WHEREAS, similarly, the City Council desires to establish a procedure for when a land use applicant wishes to withdraw an application; and

WHEREAS, the City Council recognizes the importance of notifying the public of hearing to be held by decision-making bodies on land use applications; and

WHEREAS, the City Council finds that standardizing public notice requirements for the various application types in Chapters 16 and 17 of the Dacono Municipal Code will provide the public consistent notice of public hearings.

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

Section 1. Chapter 16 of the Dacono Municipal Code is hereby amended by the addition of a new Section 16-13 to read as follows:

Sec. 16-13 Withdrawal of pending application.

(a) Except as provided in Section 16-14 of this Code regarding inactive applications, only the applicant may withdraw an application filed pursuant to this Chapter. The applicant shall request the withdrawal in writing, and after receipt of such written request, the City shall take no further action on the application. To re-initiate review after withdrawal, the applicant must resubmit the application, which in all respects shall be treated as a new application for all purposes.

(b) Withdrawal of an application the public hearing for which has been included on an agenda posted for a public meeting shall be discretionary with the decision-making body.

Section 2. Chapter 16 of the Dacono Municipal Code is hereby amended by the addition of a new Section 16-14 to read as follows:

Sec. 16-14 Inactive applications.

(a) An application filed pursuant to this Chapter shall be considered inactive if, at any point during the review process:

(1) The City has notified the applicant or its consultant that additional or corrected materials are required, and the applicant has not submitted such materials or responded to such request within ninety (90) days following such notification; or

(2) An applicant has not agreed to a date for a required meeting or public hearing before any decision-making body; or

(3) Has otherwise not taken other affirmative steps within a reasonable timeframe that are necessary to advance the application for a final determination.

(b) Upon a determination by the City that an application is inactive, the City shall provide the applicant written notice that if such inactivity is not cured within thirty (30) days no further processing of the application shall occur and the inactive application shall be considered automatically withdrawn. Any re-submittal of the application thereafter by the applicant will be treated as a new application for all purposes.

Section 3. Chapter 16, Article 2 of the Dacono Municipal Code (“Definitions”) is hereby amended by the addition of a new Section 16-24.5 to read as follows:

Sec. 16-24.5 Application.

Application means and includes all forms, fees, maps, plats, data, studies, reports, and other documents required to be submitted to obtain an approval pursuant to any provision of this Chapter.

Section 4. The title of Chapter 17, Article 1 of the Dacono Municipal Code is hereby amended to read as follows (words to be added underline; words to be deleted ~~stricken~~):

CHAPTER 17 – SUBDIVISIONS

ARTICLE 1 – Applicability of Regulations; General Provisions

Section 5. Chapter 17 of the Dacono Municipal Code is hereby amended by the addition of a new Section 17-6 to read as follows:

Sec. 17-6 Withdrawal of pending application.

(a) Except as provided in Section 17-7 of this Code regarding inactive applications, only the applicant may withdraw an application filed pursuant to this Chapter. The applicant shall request the withdrawal in writing, and after receipt of such written request, the City shall take no further action on the application. To re-initiate review after withdrawal, the applicant must resubmit the application, which in all respects shall be treated as a new application for all purposes.

(b) Withdrawal of an application the public hearing for which has been included on an agenda posted for a public meeting shall be discretionary with the decision-making body.

Section 6. Chapter 17 of the Dacono Municipal Code is hereby amended by the addition of a new Section 17-7 to read as follows:

Sec. 17-7 Inactive applications.

(a) An application filed pursuant to this Chapter shall be considered inactive if, at any point during the review process:

(1) The City has notified the applicant or its consultant that additional or corrected materials are required, and the applicant has not submitted such materials or responded to such request within ninety (90) days following such notification; or

(2) An applicant has not agreed to a date for a required meeting or public hearing before any decision-making body; or

(3) Has otherwise not taken other affirmative steps within a reasonable timeframe that are necessary to advance the application for a final determination.

(b) Upon a determination by the City that an application is inactive, the City shall provide the applicant written notice that if such inactivity is not cured within thirty (30) days no further processing of the application shall occur and the inactive application shall be considered automatically withdrawn. Any re-submittal

of the application thereafter by the applicant will be treated as a new application for all purposes.

Section 7. Section 17-20 of the Dacono Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 17-~~20~~20.5 Block.

Block means a parcel of land bounded on all sides by a street or streets.

Section 8. Chapter 17, Article 2 of the Dacono Municipal Code (“Defintiions”) is hereby amended by the addition of a new Section 17-20 to read as follows:

Sec. 17-20 Application.

Application means and includes all forms, fees, maps, plats, data, studies, reports, and other documents required to be submitted to obtain an approval pursuant to any provision of this Chapter.

Section 9. Chapter 16 of the Dacono Municipal Code is hereby amended by the addition of a new Section 16-14.5 to read as follows:

Sec. 16-14.5 Notice of Public Hearings

(a) The City shall provide notice of the time, date, and subject matter of every public hearing required by this Chapter by publication in a newspaper of general circulation within the City at least fifteen (15) days prior to the public hearing. Such published notice shall be considered jurisdictional, and failure to publish notice of the public hearing shall cause the public hearing to be vacated.

(b) In addition to the published notice required by subsection (a) of this Section, additional notice of public hearings as set forth in this subsection (b) shall be provided for each public held pursuant to this Chapter. The notice provided pursuant to this subsection is not jurisdictional, and minor defects in the notice shall not impair the notice or invalidate any proceedings under the notice of a *bona fide* attempt has been made to comply with the notice requirements.

(1) The City shall post notice of the public hearing on the property that is the subject of the public hearing at least fifteen (15) days prior to the public hearing. The City shall determine the appropriate number, size, location, and content of the posted notice, and shall take reasonable efforts to assure the posted signs remain on the site, in good condition to maintain legibility, during the posting period. Posted notices shall be removed by the applicant from the subject property no later than

15 days after the public hearing has been held. Failure to do so shall constitute a violation of this Code.

(2) No later than fifteen (15) days prior to the public hearing, the applicant shall mail notice of the public hearing to all property owners located within three hundred (300) feet of the subject property. As a condition of approval of any application for which a public hearing is held pursuant to this Chapter, the applicant shall provide a written affidavit that notice required by this subsection (b)(2) was provided, on a form to be provided by the City.

Section 10. Chapter 17 of the Dacono Municipal Code is hereby amended by the addition of a new Section 7-8 to read as follows:

Sec. 17-8 Notice of Public Hearings

(a) The City shall provide notice of the time, date, and subject matter of every public hearing required by this Chapter by publication in a newspaper of general circulation within the City at least fifteen (15) days prior to the public hearing. Such published notice shall be considered jurisdictional, and failure to publish notice of the public hearing shall cause the public hearing to be vacated.

(b) In addition to the published notice required by subsection (a) of this Section, additional notice of public hearings as set forth in this subsection (b) shall be provided for each public held pursuant to this Chapter. The notice provided pursuant to this subsection is not jurisdictional, and minor defects in the notice shall not impair the notice or invalidate any proceedings under the notice of a *bona fide* attempt has been made to comply with the notice requirements.

(1) The City shall post notice of the public hearing on the property that is the subject of the public hearing at least fifteen (15) days prior to the public hearing. The City shall determine the appropriate number, size, location, and content of the posted notice, and shall take reasonable efforts to assure the posted signs remain on the site, in good condition to maintain legibility, during the posting period. Posted notices shall be removed by the applicant from the subject property no later than 15 days after the public hearing has been held. Failure to do so shall constitute a violation of this Code.

(2) No later than fifteen (15) days prior to the public hearing, the applicant shall mail notice of the public hearing to all property owners located within three hundred (300) feet of the subject property. As a condition of approval of any application for which a public hearing is held pursuant to this Chapter, the applicant shall provide a written affidavit that

notice required by this subsection (b)(2) was provided, on a form to be provided by the City.

Section 11. Section 16-75 of the Dacono Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 16-75 Public notice.

Public notice means ~~notice by one (1) publication in a newspaper of general circulation within the City and posted on the property at least fourteen (14) days prior to the hearing date, unless otherwise provided in this Chapter notice of a public hearing provided in accordance with Section 16-14.5 of this Code.~~

Section 12. Section 16-375 of the Dacono Municipal Code, regarding special use permit public hearings, is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 16-375 Hearings – notice – procedure -- records.

All public hearings shall be conducted in accordance with procedures designed to ensure all interested parties due process of law and shall, in all cases, provide for the following:

(1) The Planning Commission shall provide to the City Council a recommendation on the application. A public hearing before the Planning Commission shall be held prior to submitting its recommendation or report. The City Council shall then hold a public hearing on the application.

(2) Notices of time, place and subject matter of the hearing shall be provided ~~published once in a newspaper of general circulation in the City at least seven (7) days prior to the hearing date of the Planning Commission and at least seven (7) days prior to the hearing date of the City Council~~ in accordance with Section ~~16-75~~ 16-14.5 of this Chapter.

(3) ~~The applicant shall, fifteen (15) or more days before the date of the Planning Commission hearing, mail by certified or registered mail, return receipt requested, notice of such hearing to all owners of legal or equitable interests in the land, and owners of adjoining property within three hundred (300) feet of the outside boundaries of the property as shown by the application, and shall file proof of such mailing, and/or return receipts received, with the Planning Commission at the time of the hearing.~~

~~(4) — Notice of the special use permit application and of the holding of such hearing shall be posted on the property at least seven (7) days in advance of each hearing.~~

Section 13. Section 16-421 of the Dacono Municipal Code, regarding variance public hearings, is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 16-421 Hearing required.

No variation or modification of the application of any provision of this Chapter shall be authorized except after public hearing thereon, notice of time and place and purpose of such hearing to be given by posting of the property affected for not less than fourteen (14) consecutive days pursuant to Section 16-14.5 of this Code.

Section 14. Section 16-444 of the Dacono Municipal Code, regarding zoning and rezoning public hearings, is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 16-444 Hearings – notice – procedure -- records.

All public hearings shall be conducted in accordance with procedures designed to ensure all interested parties due process of law and shall, in all cases, provide for the following:

(1) The Planning Commission shall provide to the City Council a recommendation on the application. A public hearing before the Planning Commission shall be held prior to submitting its recommendation or report. The City Council shall then hold a public hearing on the application.

(2) Notices of the time, place and subject matter of the hearing shall be provided ~~published once in a newspaper of general circulation in the City at least seven (7) days prior to the hearing date of the Planning Commission and at least seven (7) days prior to the hearing date of the City Council~~ in accordance with Section ~~16-75~~ 16-14.5 of this Chapter.

~~(3) — The applicant shall, fifteen (15) days or more before the date of the Planning Commission hearing, mail by certified mail, return receipt requested, notice of such hearing to all owners of legal or equitable interests in the land, and owners of adjoining property within three hundred (300) feet of the outside boundaries of the property as shown by the application, and shall file proof of such mailing, and/or return receipts received, with the Planning Commission at the time of the hearing.~~

~~(4) — Notice of the requested zoning application and of the holding of such hearing shall be posted on the property at least seven (7) days in advance of each hearing.~~

Section 15. Section 16-483 of the Dacono Municipal Code, regarding public hearings for solid waste disposal sites and facilities, is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 16-483 Factors to be considered.

(a) In considering an application for a certificate of designation, the City Council shall take into account the factors set forth in Section 30-20-104, C.R.S., and such other factors as the City Council deems appropriate for the protection of the public health, safety and welfare.

(b) Designation of approved solid wastes disposal sites and facilities shall be discretionary with the City Council.

(c) Prior to the issuance of a certificate of designation, the City Council shall require that the report which shall be submitted by the applicant under Section 16-482 be reviewed and a recommendation as to approval or disapproval made by the department, and the City Council shall be satisfied that the proposed solid wastes disposal site and facility conforms to the comprehensive plan of the City. The application, report of the department if available, comprehensive plan and other pertinent information shall be presented to the City Council at a public hearing to be held after notice provided pursuant to Section 16-14.5 of this Code. Such notice shall ~~contain the time and place of the hearing and~~ shall state that the matter to be considered is the applicant's proposal for a solid wastes disposal site and facility. ~~The notice shall be published in a newspaper having general circulation in the City at least ten (10) but no more than thirty (30) days prior to the date of the hearing.~~

Section 16. Section 16-507 of the Dacono Municipal Code, regarding public hearings for major home occupations, is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 16-507 Review and hearing – major home occupation.

(a) After receiving comments from affected departments and agencies pursuant to Section 16-505, a public hearing on the an application for a major home occupation, together with the comments received, shall be scheduled before referred to the Planning Commission. Notice of the public hearing shall be provided pursuant to Seciton 16-14.5 of this Code

~~(b) The Planning Commission shall, at its next regular meeting following its receipt of the application, set the date and time for a public hearing thereon. The commission shall cause the applicant to be notified in writing of the location, date and time of the public hearing. The hearing shall not be held sooner than thirty (30) days after the date of the meeting at which the Planning Commission set the hearing date. Notice of the public hearing shall be published at least once not less than fourteen (14) days before the hearing date.~~

~~(c) Within seven (7) days after the date on which the notice of public hearing is mailed to the applicant, the applicant shall:~~

~~(1) Mail a copy of the notice to the owner of each property which is located within a radius of two hundred (200) feet from the perimeter of the applicant's property; and~~

~~(2) Post the property with two (2) signs stating that the property is the subject of a proposed home occupation license application. One (1) sign shall be posted at the front of the property, and the other sign shall be posted at the rear of the property, both in locations visible from the public right-of-way. The signs shall be in the form prescribed by the City Clerk. The property shall remain posted until the day after the public hearing.~~

~~(d)~~ At the public hearing, the Planning Commission shall consider the application and the applicant's testimony, the written comments and testimony of any affected department or agency and public testimony concerning the application. In addition, the Planning Commission shall review the application for compliance with the provisions of this Code, the compatibility of the application with the character of the surrounding neighborhood and adverse impacts, if any, that may result from approval of the application.

~~(e)~~ Following the public hearing, the Planning Commission shall forward the record of the hearing to the City Council, together with a recommendation to approve, approve with conditions or deny the application. Any conditions of approval recommended by the commission shall be specified by the Commission.

~~(f)~~ At a public hearing held following notice provided pursuant to Section 16-14.5 of this Code, City Council shall consider the recommendation of the Planning Commission together with any other pertinent portions of the record in determining whether to approve, approve with any of the conditions recommended by the commission or any additional or different conditions determined appropriate by the Council based on the record, or deny the application.

Section 17. Section 16-524 of the Dacono Municipal Code, regarding neighborhood meetings for oil and gas facility location and siting permit applications, is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 16-524 Neighborhood meeting.

(a) Following the pre-application conference and prior to submittal of a location and siting permit application, the operator will hold a neighborhood meeting. A neighborhood meeting is required for any oil and gas locations that require a location and siting permit.

(b) The operator shall provide notice of, attend and conduct the neighborhood meeting. Notice of the neighborhood meeting shall be provided pursuant to Section 16-14.5 of this Code. The list of property owners notified shall be provided to the Community Development Director as part of the location and siting permit application.

~~(1) — Notice of the neighborhood meeting must be provided to the City and to all individuals entitled to notice pursuant to Section 16-527 of this Article 22.~~

~~(2) — Posted Notice. The real property on which the oil and gas location is proposed shall also be posted with a sign, giving notice to the general public of the proposed oil and gas operations. For parcels of land exceeding fifteen (15) acres in size, two (2) signs shall be posted adjacent to the nearest rights of way.~~

~~(3) — List of property owners. The list of property owners notified shall be provided to the Community Development Director as part of the location and siting permit application.~~

Section 18. Section 16-527 of the Dacono Municipal Code, regarding notice of oil and gas facility applications, is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 16-527 Notice and hearings.

(a) ~~Notice of time, place and subject matter of public hearings shall be provided pursuant to Section 16-14.5 of this Code published by the City once in a newspaper of general circulation in the City at least seven (7) days prior to the Planning and Zoning Commission hearing and at least seven (7) days prior to the City Council hearing.~~

(b) The applicant shall also, at least fifteen (15) days before the date of the Planning and Zoning Commission hearing, ~~mail by certified or registered mail, return receipt requested,~~ notice of such hearing to the following ~~and shall~~

~~file proof of such mailing (e.g., return receipts received) with the Planning and Zoning Commission secretary at the time of the hearing:~~

(1) To the surface owners of the parcels of land on which the oil and gas location is proposed to be located;

(2) To the surface owners of the parcels of land in the City within two thousand six hundred forty (2,640) feet of the parcel on which the oil and gas location is proposed to be located;

(3) To water source owners within two thousand six hundred forty (2,640) feet of the parcel on which the oil and gas location is proposed to be located;

(4) To all physical addresses within two thousand six hundred forty (2,640) feet of the parcel on which the oil and gas location is proposed to be located; and

(5) To any homeowners' associations within two thousand six hundred forty (2,640) feet of the parcel on which the oil and gas location is proposed to be located.

~~(e) — The real property proposed to be developed shall also be posted with a sign giving notice to the general public of the proposed development. For parcels of land exceeding fifteen (15) acres in size, two (2) signs shall be posted adjacent to the nearest right-of-way.~~

Section 19. Section 16-572(d) of the Dacono Municipal Code, regarding site plan public hearings, is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 16-572 Site plan review and approval process.

(d) Public review process. Upon completion of the technical review process, the City Administrator, Community Development Director or designee shall be responsible for scheduling the site plan on a Planning Commission agenda. The Planning Commission shall conduct a public hearing to consider the site plan, after which hearing the Planning Commission shall make a recommendation to the City Council that it approve, approve with conditions or disapprove the site plan. After a recommendation by the Planning Commission, the site plan shall be placed on the next available City Council agenda where the City Council shall conduct a public hearing and shall approve, approve with conditions or modifications or deny the application. In making a determination on the site plan, the Planning Commission and City Council shall consider whether the design requirements of Section 16-573 below have been met. Public notice

requirements for the public hearings held on site plans shall meet the requirements of Section ~~16-74~~ 16-14.5 of this Chapter.

Section 20. Section 16-626 of the Dacono Municipal Code, regarding PUD zoning public hearings, is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 16-626 Amendment to zoning map for PUD zone district.

(a) ~~Within fourteen (14) days of completion of~~ Following review of the ODP by City Council, the applicant shall make any revisions to the ODP plan map and text as appropriate and submit them to the City staff. ~~City~~ Concurrent with or prior to the public hearing on the Final Development Plan, staff shall prepare an ordinance amending the zoning map to establish the PUD zoning and set a date for the Planning Commission and City Council to hold public hearings.

(b) The Planning Commission shall consider the ordinance amending the zoning map to establish the PUD zoning and provide to the City Council a recommendation on the zoning application. The City Council shall hold a public hearing to approve or deny the zoning ordinance. Public notice of the hearings shall be ~~in accordance with Article 18~~ provided pursuant to Section 16-14.5 of this Chapter.

(c) The Preliminary and Final Development Plans must conform with the zoning established by the zoning ordinance.

Section 21. Section 16-627(c) of the Dacono Municipal Code, regarding PUD Preliminary Development Plan public hearings, is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 16-626 Preliminary Development Plan (PDP) application and review procedures.

(c) After a complete PDP application has been received, the application shall be reviewed by the City staff and referral agencies. Upon a determination by the City staff that the application is in substantial compliance with the requirements for submittal of a PDP, public hearings shall be scheduled before the Planning Commission and City Council. Notice of the public hearings shall be provided pursuant to Section 16-14.5 of this Code. The Planning Commission shall review the PDP and send its recommendations to the City Council, which shall approve, approve with conditions or deny the PDP.

Section 22. Section 16-629(d) of the Dacono Municipal Code, regarding PUD Final Development Plan public hearings, is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 16-629 Final Development Plan (PDP) application and review procedures.

(d) Review process. After all application materials have been received and reviewed by the City staff and referral agencies, the applicant shall make modifications to the plans and documents as appropriate and resubmit the application. Once deemed complete by City staff, the application shall be scheduled for public hearings before the Planning Commission and City Council. Notice of the public hearings shall be provided pursuant to Section 16-14.5 of this Code. The Planning Commission shall make recommendations to the City Council, which shall approve, approve with conditions or deny the Final Development Plan.

Section 23. Section 17-51 of the Dacono Municipal Code, regarding preliminary plat public hearings, is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 17-51 Preliminary plat.

(a) Upon formal application, the subdivider shall submit to the Planning Commission ten (10) copies of a preliminary plat, together with supplementary material as specified in Section 17-71. ~~The preliminary plat shall be submitted together with a written application at least thirty (30) days prior to the Planning Commission meeting at which it is to be considered.~~

(b) Upon receipt of the preliminary plat, the ~~Planning Commission~~ Community Development Director or their designee shall transmit copies to public agencies having jurisdiction and utility companies, who shall examine the plan and report their recommendations thereon to the City Planning Commission.

(c) ~~The Planning Commission~~ City staff shall review the preliminary plat for compliance with the regulations set forth in this Chapter and negotiate with the subdivider on the type and extent of improvements to be installed and on modifications deemed advisable.

(d) Within forty-five (45) days following ~~submittal~~ the applicant responding to any comments of City staff, the Planning Commission shall hold a public hearing ~~for the review of~~ on the preliminary plat and supporting documents and shall ~~inform the subdivider of its approval or disapproval stating the conditions of approval, if any, or if disapproved, stating the reasons therefor~~ recommend the City Council approve, approve with conditions, or deny the application. The City Council shall thereafter hold a public hearing on the preliminary plat and approve, approve with conditions, or deny the application. Notice of public hearings before the Planning Commission and City Council shall

be provided pursuant to Section 17-8 of this Code. ~~Any conditions must be met before submittal of a final plat.~~

(e) Conditional approval of the preliminary plat shall be deemed a tentative expression of approval of the general layout as submitted or modified pending approval of the final plat. Any conditions must be met before submittal of a final plat application.

Section 24. Section 17-52 of the Dacono Municipal Code, regarding final plat public hearings, is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 17-52 Final plat.

(a) A final plat, containing the information specified in Section 17-72, shall be submitted together with a written application for approval. Said final plat shall be submitted within twelve (12) months after approval of the preliminary plat; otherwise, such preliminary plat approval shall become null and void unless an extension of time is applied for and granted by the Planning Commission.

(b) The final plat as submitted shall conform substantially with the preliminary plat as approved, and may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time. In the case of partial submission, the approval of the remaining portion of the preliminary plat shall automatically gain an extension of twelve (12) months before another phase of the plat must be submitted in final form.

(c) Following review at a public hearing, the Planning Commission shall recommend the City Council approve, approve with conditions, or deny the final plat application. The City Council shall thereafter hold a public hearing on the final plat and approve, approve with conditions, or deny the application. Notice of public hearings before the Planning Commission and City Council shall be provided pursuant to Section 17-8 of this Code. If the request for approval of the final plat is denied, the reasons therefor shall be stated in writing and a copy furnished to the subdivider.

(d) Within six (6) months of the effective date of the City Council resolution approving a final plat, final plat mylars and an executed subdivision agreement must be submitted to the City for recording and the Improvement Guarantee required by Chapter 17, Article 15 of this Code must be provided to the City. If timely submission of all items is not made, a public hearing will be scheduled before the City Council, at which hearing the City Council will reconsider its approval of the final plat. Written notice of such hearing shall be provided to the applicant and published as required by the Dacono Municipal

Code. No extension of the time period set forth in this subsection (d) may be granted except by resolution adopted by the City Council.

(e) In the event of the phased development of a subdivision, the subdivider shall identify on the final plat all improvements proposed to be constructed with each proposed phase of the subdivision. Such improvements for each phase shall provide a proportionate share of all public improvements for the subdivision and shall provide for the adequate access and service to each individual phase. The Improvement Guarantee provided pursuant to Chapter 17, Article 15 of this Code shall include all improvements for all phases of the subdivision included within the final plat.

Section 25. Section 17-170 of the Dacono Municipal Code, regarding subdivision variances and modifications, is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 17-170 Procedure.

Application for variances or modifications of the regulations set forth in this Chapter shall be submitted to the Planning Commission and City Council as part of the subdivision application and shall be heard by the Planning Commission and City Council as part of the public hearing on the subdivision application. ~~Such application~~ The applicant shall include a statement setting forth the nature and extent of the requested variance or modification, together with evidence supporting need for such variance.

Section 26. Section 17-203 of the Dacono Municipal Code, regarding minor subdivision hearings, is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 17-203 Hearing procedures.

(a) The Planning Commission shall hold a public hearing to review the minor subdivision plat and shall report its findings and recommendations to the City Council for action. The City Council shall thereafter hold a public hearing on the minor subdivision plat and approve, approve with conditions, or deny the application. Notice of public hearings before the Planning Commission and City Council shall be provided pursuant to Section 17-8 of this Code.

~~(b) If the City Council elects to approve the minor subdivision plat, the plat shall be deemed in conformity with the standards set forth in these regulations.~~

~~(e) — If the City Council elects to disapprove the minor subdivision plat, the plat shall be deemed not in conformity with the standards or the intent as set forth in these regulations.~~

~~(d b) Whenever a minor subdivision plat has been denied by the City Council, the Planning Commission shall not reconsider the a minor subdivision plat application for the property may not be filed for a period of one (1) year from following the City Council denial action to disapprove.~~

Section 27. Section 17-222 of the Dacono Municipal Code, regarding notice of vested property rights hearings, is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 17-222 Creation – Notice and hearing.

(a) A vested property right pursuant to Article 68 of Title 24, C.R.S., as amended, is created only upon City Council approval or conditional approval of a site specific development plan which has been processed in accordance with the provisions of this Chapter. No administrative or other type of land use approval shall create such a vested property right.

(b) Any landowner seeking the creation of a vested property right through approval of the site specific development plan shall invoke the procedures of this Chapter by specific written request to the City. The request shall be made to the City Clerk at least thirty (30) days prior to the date the City Council is to consider approval of the site specific development plan. The failure of the landowner to make such a request renders the PUD final development plan not a site specific development plan, and no vested rights shall be deemed to be created by its approval or conditional approval.

(c) No site specific development plan shall be approved until after a City Council public hearing, preceded by notice of the hearing ~~published at least once in a newspaper designated by the City for the publication of notices provided pursuant to Section 17-8 of this Code.~~ The notice ~~shall be published by the City at least seven (7) days prior to the City Council hearing date and~~ may, at the City's option, be combined with any notice required for the public hearing on the particular site specific PUD final development plan under consideration or with any other required notice, or may be given separately. Interested persons shall have the opportunity to be heard at the hearing.

(d) The City Council's intention to create a vested property right shall be set forth in the resolution granting approval or conditional approval of the site specific development plan.

Section 28. Any person charged with a violation of this ordinance, upon conviction thereof, shall be subject to the General Penalty in Section 1-70 of the Dacono Municipal Code, which currently provides for incarceration for a period not to three hundred sixty-four (364) days, a fine not to exceed one thousand dollars (\$1,000.00), or both such fine and imprisonment. As provided in Section 1-70(b), each and every day during any portion of which any violation is committed, continued or permitted shall be a separate violation, and the violator shall be punished accordingly.

Section 29. 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 30. The repeal or modification of any provision of any prior ordinance by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 31. 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.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED BY TITLE this ____ day of _____, 2023.

PUBLIC HEARING AND SECOND READING WILL BE THE ____ day of _____, 2023, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY AVENUE, DACONO, CO.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this ____ day of _____, 2023.

CITY OF DACONO, COLORADO

Adam Morehead, Mayor

ATTEST:

Valerie Taylor, City Clerk

Summary of Ordinance No. 937, **“AN ORDINANCE AMENDING CHAPTERS 16 AND 17 OF THE DACONO MUNICIPAL CODE CONCERNING WITHDRAWAL OF LAND USE APPLICATIONS, INACTIVE LAND USE APPLICATIONS, AND PUBLIC NOTICE REQUIREMENTS FOR LAND USE HEARINGS”** Amends the Dacono Municipal Code to address withdrawal of land use applications by applicants, inactive land use applications, and to standardize public hearing notice requirements and procedures.

Backyard Chickens/Hens

City/Town	Maximum Allowed	License/ Application Fee	Coop/Run Standards, Setbacks	Other
Brighton	<p>One household can keep up to six (6) animals of any combination of chickens, ducks, pigeons, and/or doves in addition to the pet limits established in the Municipal Code</p> <p>Male chickens (roosters), turkeys, geese, pheasants, etc. are not appropriate for urban agriculture and are not allowed.</p>	No permit required		<p>Expanded "urban agriculture" regulations</p> <p>Poultry shall be properly kept by providing sufficient shelter for protection from weather and predators. The shelter shall be cleaned regularly to prevent infestation, disease, or rotten eggs and other disagreeable odors from emanating beyond the property line.</p> <p>Removal and disposal of poultry waste and feces shall be in accordance with Sections 6-4-400 and 6-4-410, as the same may be amended. No animal waste or feces shall be disposed of or allowed to enter into the sanitary sewer system without the prior written approval from the City Department of Utilities.</p>
Broomfield	<p>No more than five (5) chickens are permitted per residential lot</p> <p>Roosters are prohibited</p>	\$25 license fee	<p>Coops and enclosures less than six feet in height or coops thirty-two square feet or less shall not require a building permit.</p> <p>Coops and enclosures six feet or greater in height or coops greater than thirty-two square feet shall require a building permit through the Building Division of the Department of Community Development.</p> <p>Coops and enclosures must be set back a minimum of ten feet from the property line</p>	
Erie	<p>No more than six (6) backyard chicken hens are permitted per dwelling unit.</p> <p>Roosters are prohibited.</p>	\$25 application fee for a chicken license	<p>The maximum height of the chicken coop shall be no more than 7 feet at the highest point of the roof.</p> <p>The chicken coop and chicken run shall have a minimum 5 foot setback from any side or rear property line.</p> <p>The maximum chicken coop is 100 square feet in area. The keeping of backyard chicken hens is a permitted accessory use to single-family detached dwelling units on lots greater than 5,000 square feet in size.</p>	<p>The chicken coop shall not be located within any utility easement.</p> <p>Scaled Site Plan of the property showing setbacks from property lines to the chicken coop and run.</p>
Firestone	<p>No more than four (4) chicken hens are permitted per parcel.</p> <p>Male chickens (or roosters) are not permitted.</p>	\$30 permit fee	<p>The chicken hen facilities, including coop space and run, shall be limited to a maximum of 60 square feet.</p> <p>Coops shall be no taller than seven feet at the highest point of the roof.</p> <p>Chicken hen facilities shall be at least six feet from any other structure and at least six feet from any side or rear property line.</p>	<p>The keeping of backyard chicken hens shall be prohibited in any mobile home park as defined in chapter 17-48 of this code.</p> <p>The keeping of backyard chicken hens shall only be permitted on a single-family residential parcel that is enclosed by a privacy fence on at least three side of the parcel. For the purposes of this section, "privacy fence" shall mean a continuous, solid fence used to prevent view across the fence line.</p> <p>The Town shall have the authority to seize, impound and dispose of any chicken hens found at large within the Town's limits. Such seizure, impoundment and disposal shall not require notice to any owner or keeper, nor any attempt to locate the owner thereof.</p> <p>Town of Firestone peace officers and code enforcement officers or their designees shall have the right to inspect the chicken coop, fenced run area, and any property upon which chickens are kept when investigating complaints or compliance with this chapter.</p> <p>Dead animal carcasses shall be properly disposed of within 24 hours.</p> <p>At such time chicken hens are no longer kept upon the parcel, all chicken facilities shall be removed within thirty (30) days and the permit shall be returned to the Town.</p>
Ft. Lupton	<p>No more than six (6) backyard chickens are permitted per established single-family residence.</p> <p>Roosters are prohibited.</p>	\$30 permit fee- Applicant must provide proof of ownership of the property prior to being issued a permit.	<p>The maximum chicken coop size permitted is 120 square feet.</p> <p>The maximum height of a chicken coop shall be no more than seven (7) feet at the highest point of the roof.</p> <p>The chicken coop shall have a minimum five (5) feet setback from any side or rear property line.</p>	<p>Other poultry or fowl are prohibited. No person may own or keep peacocks, pigeons, turkeys, ducks or other like fowl.</p> <p>Any animal that attacks, injures or kills a backyard chicken not on the permitted property shall not be deemed an "animal that creates a danger" and the owner of such an animal shall not be charged with violating any provisions of Section 7-153 of the Code.</p>

			Applicant must provide a site plan showing the location of any proposed chicken coop, chicken run and existing structures on the property at the time of submitting the backyard chicken application.	No backyard chickens, chicken coops, or chicken runs shall be located in common areas of a multi-unit, multi-use or multi-family property, or any property owned or leased by the City.
Frederick	Up to six (6) hens may be kept Roosters are not permitted	No fee, no annual renewal unless new address	The coop shall have a minimum of five (5) foot setback from any side or rear property line. The maximum chicken coop size is one hundred (100) square feet. The maximum height of a coop shall be no more than seven (7) feet at the highest point of the roof.	A license is required to legally have backyard chickens on your property. The license will only be issued once and is not required to be renewed.
Mead	No more than four (4) chickens are permitted Roosters are prohibited.	Special use permit- no public hearing \$25	The maximum chicken coop size permitted is 120 square feet- including coop and chicken run. Meet all setback requirements for the district located in which the property is located The maximum height of a chicken coop shall be no more than seven (7) feet at the highest point of the roof.	Minimum lot size is 7,000 square feet Town of Mead limits the total number of backyard chicken permits to 30
Thornton	No more than six (6) backyard chickens are permitted per lot. Only chicken hens (female chickens) are allowed. Roosters (male chickens) are prohibited.	A permit is not required	The chicken coop shall be setback a minimum of five feet from all side and rear property lines. The chicken coop shall not exceed 120 square feet or seven feet in height.	Only one chicken coop is allowed per backyard. The chicken coop shall provide adequate shelter from inclement weather conditions, including protection from sun, wind, rain, snow, hail, and extreme temperatures. Electrical and heat sources shall comply with the city's building code.

Summary of universal backyard chicken standards:

Location

- Chickens may not be kept within a front yard
- No backyard chickens, chicken coops, chicken runs, or other facilities shall be allowed in the front yard of a property at any time.
- The chicken coop and chicken run shall be located in the rear or backyard of a residential property.
- At no time are backyard chickens permitted to move around freely on a property outside of a chicken coop, chicken run, or other facility.

Use

- Backyard chickens, chicken coops, and chicken runs are allowed as an accessory use only in conjunction with an established single-family residence.
- On-site slaughtering of backyard chickens is prohibited.

Predator Prevention

- Chicken feed must be stored in a resealable, airtight, metal, ratproof container to discourage attracting mice, rats, and other vermin. Spillage and leftover feed must be removed daily.
- During daylight hours, backyard chickens shall have access to a chicken run that is adequately fenced and protected from predators and shall also have access to the chicken coop.
- From dusk until dawn, backyard chickens shall be protected from predators by being enclosed within a chicken coop.

- Chicken coops shall be predator resistant with a solid covered roof.
- The chicken hen facilities shall include a coop and run that are fully enclosed and adequately designed and constructed to prevent the escape of chicken hens and entry by predators.
- Chicken runs shall be fenced and provide adequate protection from predators.

Chicken Management

- A minimum of four (4) square feet of space per chicken shall be provided in the chicken coop and chicken run.
- A minimum of six (6) square feet of space per chicken shall be provided in the chicken coop.
- Chicken hen facilities shall provide access to adequate and fresh water at all times in a manner to prevent the water from freezing.

Nuisance Issues

- Chicken coops and chicken runs shall be maintained and shall be regularly cleaned to control dust, odor, and waste and not constitute a nuisance, safety hazard, or health problem to surrounding properties. All waste materials shall be properly disposed of and not allowed to accumulate on the property.
- All coops and runs shall be regularly cleaned and maintained to control dust, odor, and waste and to prevent the facilities from constituting a nuisance, safety hazard, or health problem to surrounding properties. Odors associated with the chicken coop shall be contained within the owner's property boundary.
- HOA disclosure

Local Discussion

- Maximum size and height of coop
- Minimum lot size/zoning district to have chickens
- Application requirements including: scaled site plan, fee,
- Required setbacks from property line
- License/permit (annual, 1x, waive)