

ORDINANCE NO. 1237

AN ORDINANCE AMENDING CHAPTER 20, LAND USE CODE, OF THE FORT MORGAN MUNICIPAL CODE ADDRESSING AND REGULATING THE LAND USES OF AUTO SALVAGE BUSINESSES AND KENNELS AND CATTERIES

WHEREAS, the City of Fort Morgan, Colorado (the "City"), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

WHEREAS, the City Council (the "Council") has authority pursuant to the Home Rule Charter and C.R.S. §31-16-101, et seq. to adopt and enforce all ordinances and enact laws to govern and regulate the use of land within its territory; and

WHEREAS, pursuant to that authority, the Council previously adopted local land use regulations, codified in Chapter 20 of Fort Morgan Municipal Code (the "Code"); and

WHEREAS, pursuant to that authority, Council now desires to amend and clarify current oversights or gaps in Chapter 20 of the Code and address and regulate the land uses of auto salvage businesses and kennels, catteries, corrals and rabbitries, which are currently not explicitly referenced or permitted within Chapter 20 of the Code; and

WHEREAS, according to section 20-4-80 of the Code, entitled determination of land uses not listed, any use that does not fall within any of the use categories provided by use table is neither permitted by right nor by approval as a special use; and

WHEREAS, the City of Fort Morgan City Council finds it in the best interest of the general health, safety and welfare of its citizens, customers and business owners to address and regulate the land uses of auto salvage businesses and kennels, catteries, corrals and rabbitries.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, as follows:

SECTION 1. Findings. The above and foregoing findings are hereby incorporated by this reference as specific findings and determinations of the Council.

SECTION 2. Section 20-10-20, concerning words and terms, is hereby amended by the addition of the following definitions in the appropriate alphabetical order as follows:

Sec. 20-10-20. - Words and terms.

As used in this Chapter, the following words shall be interpreted and defined in accordance with the provisions of this Chapter.

....

Auto salvage business means an establishment which is used, operated or maintained for the keeping, buying, selling or repairing of junk vehicles or abandoned vehicles. Auto salvage businesses shall also include property or places used for the wrecking or disassembling of automobiles, trucks, tractors or machinery for the storing or leaving of worn out, wrecked, inoperable or abandoned automobiles, trucks, tractors, trailers, or machinery or any of the parts thereof, and shall include the retail sale of automobile vehicles or parts thereof.

Corral means an enclosure used for the purposes of confining livestock.

Kennel, cattery, and rabbitry means any establishment where domestic animals (usually dogs, cats and rabbits) are boarded (overnight), bred or raised for sale, groomed, or trained, exclusive of veterinary care, or an animal shelter or animal clinic.

SECTION 3. The appropriate portions of section 20-4-90, District Use Table, is hereby amended as follows:

Sec. 20-4-90. - District Use Table (permitted and special uses).

Table 4-1 lists all permitted and special uses by zoning district. Temporary uses and accessory uses are listed in Section 20-4-50 and 20-4-60, respectively.

TABLE 4-1
Zoning District Uses

P = PERMITTED USE
S = SPECIAL USE

	UA	ER-1	R-1	R-2	R-3	R-4	T	B-1	B-2	BP	I
Industrial Uses											
...											
Auto Salvage Business									S	P	P
Services											
...											
Kennels, Catteries, Corrals, Rabbitries	P										P

SECTION 4. If any section, provision, paragraph, clause or phrase of this Ordinance is held, or decided to be unconstitutional, invalid or enforceable for any reason, such decision shall not affect the constitutionality, validity or enforceability of the remaining

portions of this Ordinance.

SECTION 5. 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 6. The City Council finds that this Ordinance is necessary for the immediate preservation of the public peace, health and safety of the residents of the City.

**INTRODUCED, READ, ADOPTED ON FIRST READING AND ORDERED
PUBLISHED** on the 17th day of September, 2019.



THE CITY COUNCIL OF THE CITY OF FORT
MORGAN, COLORADO


By: Ronald Shaver
Mayor

Attest:


John Brennan
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED
PUBLISHED this 17th day of September, 2019.



THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO


By: Ronald Shaver
Mayor

Attest:

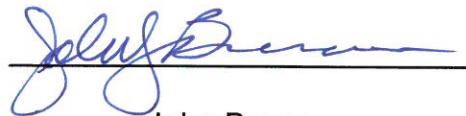

John Brennan

City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN)ss.
CITY OF FORT MORGAN)

CERTIFICATE

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1237** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 17th day of September, 2019. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 21st day of September, 2019, published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed ordinance was again taken up and read a second time, duly and legally, passed, approved and adopted at a regular meeting of the City Council held on the 1st day of October. Within five (5) days after its final passage, said **Ordinance No. 1237** was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.



John Brennan
City Clerk