

ORDINANCE NO. 1257

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF FORT MORGAN, COLORADO AMENDING CHAPTER 20 OF THE FORT MORGAN MUNICIPAL CODE, REGARDING LAND USE AND DEVELOPMENT, TO ADDRESS CHANGES TO FAMILY CHILD CARE HOMES REQUIRED BY RECENT STATE LEGISLATION

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 C.R.S. § 31-23-301 *et seq.*, the City Council also possesses the authority to adopt and enforce zoning regulations; and

WHEREAS, under such authority, the City has previously adopted land use and zoning regulations, codified as Chapter 20 of the Fort Morgan Municipal Code (the "Code"); and

WHEREAS, pursuant to this authority, the Fort Morgan City Council (the "City Council") desires to amend and adopt certain regulations related to family child care homes, as required by Colorado House Bill 21-1222 ("HB 21-1222"); and

WHEREAS, current state law defines a "family child care home" as a type of state-licensed child care facility serving up to twelve children which is operated by a person who resides in the same dwelling where the care is provided; and

WHEREAS, HB 21-1222 requires local governments to treat family child care homes as residential property use in the application of zoning, land use development, fire and life safety, sanitation, and building code regulations; and

WHEREAS, the City Council finds it desirable and appropriate, and in the best interest of the general health, safety, and welfare of its citizens to amend Chapter 20 of the Code, as it relates to family child care homes, and to ensure compliance with HB 12-1222.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, AS FOLLOWS:

Section 1. The City Council incorporates the foregoing recitals as conclusions, facts, determinations, and findings by the City Council.

Section 2. Section 20-10-20 of the Fort Morgan Municipal Code, concerning the definition of family child care home, is hereby amended to read as follows:

Family child care home means ~~an occupied dwelling in which a person~~ a place of residence of a family or person for the purpose of providing day care for not more than twelve (12) ~~children, other than his or her own family and the children of close relatives. Such care in a family child care home is limited to less than twenty-four (24) hours of care per day. A small family child care home is limited to six (6) or fewer children plus two (2) before and after school aged children (five [5] to eighteen [18] years of age), and a large family child care home is limited to twelve (12) or fewer children, including children living in the home and children of close relatives cared for in the home, subject to the Child Care Licensing Act, Section 26-2-101, et. seq., C.R.S. See the definition of child care center.~~

Section 3. Section 20-5-10 of the Fort Morgan Municipal Code, concerning home occupations and home businesses, is hereby amended to read as follows:

(a) Home occupations may be permitted in all residential districts and the B-1 Mixed Use District as a permitted use, subject to the following additional requirements:

...

(11) Notwithstanding any limitation above, a ~~small~~ family child care home, as defined in Article 10 of this Chapter, is expressly exempt from these home occupation provisions.

Section 4. Section 20-4-90 of the Fort Morgan Municipal Code, concerning the district use table (permitted and special uses), is hereby amended to read as follows:

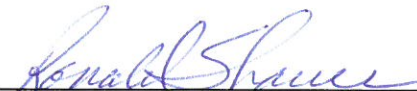
	P=Permitted Use, S=Special Use										
	UA	ER-1	R-1	R-2	R-3	R-4	T	B-1	B-2	BP	I
RESIDENTIAL USES											
...											
Family Child Care Homes, Small	P	P	<u>S</u> <u>P</u>	P	P	<u>P</u>	P	P	<u>S</u>		
Family Child Care Homes, Large	S	S		S	S		S	S			

Section 5. *Severability.* The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

**INTRODUCED, READ, AND ADOPTED ON FIRST READING AND ORDERED
PUBLISHED** on the 7th day of September, 2021.

THE CITY COUNCIL OF THE CITY OF FORT
MORGAN, COLORADO






Ronald Shaver, Mayor

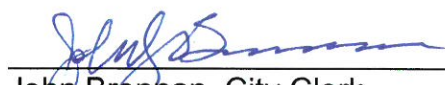
**PASSED, APPROVED, AND ADOPTED ON THE SECOND AND FINAL READING AND
ORDERED PUBLISHED** this 21st day of September, 2021.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO





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. 1257 was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 7th day of September, 2021. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 10th day of September, 2021, 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 21st day of September, 2021. Within five (5) days after its final passage, said Ordinance No. 1257 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