

## ORDINANCE NO. 1308

### AN ORDINANCE AMENDING CHAPTER 20, LAND USE CODE, OF THE FORT MORGAN MUNICIPAL CODE ADDRESSING AND REGULATING THE LAND USES OF KENNELS, DOGGY DAYCARE, ANIMAL CLINICS, AND CREMATORIES FOR SMALL DOMESTIC ANIMALS

**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 potential gaps or areas of confusion in Chapter 20 of the Code and address and regulate the land uses of kennels, doggy daycare, animal clinics, and crematories for small domestic animals, some of which are currently not explicitly referenced or permitted within Chapter 20 of the Code, and some which practical inquires by local business owners have demonstrated the need for certain clarification and amendments; 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 Fort Morgan Planning Commission considered the amendments specified within this ordinance at their January 27, 2025 and February 10, 2025 meetings and recommends such changes to Chapter 20; 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, regulate and clarify the land uses of kennels, doggy daycare, animal clinics, and crematories for small domestic animals, some of which are currently not explicitly referenced or permitted within Chapter 20, and some of which need to be clarified.

**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 amendment of the definitions of "crematory business" and "kennel, cattery, and rabbitry," 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.

...

*Crematory business* is defined as a mortuary any establishment that is in the business of reducing a deceased human person's body to ashes through the use of intense heat and flame. These businesses are owned or co-owned by any person, partnership or corporation that is licensed by the State of Colorado Department of Regulatory Agencies and provides any aspect of cremation services.

*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.** 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.

...

*Animal (veterinary) Clinic* means a facility for the diagnosis, treatment, or hospitalization of domestic animals, operated under the supervision of a licensed veterinarian.

*Animal crematory* means an animal (veterinary) clinic operated under the supervision of a licensed veterinarian that reduces small domestic animal's bodies to ashes through the use of intense heat and flame.

*Doggy Daycare* means a facility providing such services as canine day care for all or part of a day, obedience classes, training, grooming and/or behavioral counseling, exclusive of overnight boarding.

**SECTION 4.** 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 |
|---|----|------|-----|-----|-----|-----|---|-----|------------|----|---|
| <b>Services</b>   |    |      |     |     |     |     |   |     |            |    |   |
| ...   |    |      |     |     |     |     |   |     |            |    |   |
| <u>Animal Clinic,</u><br><u>Animal</u><br><u>Crematory,</u><br><u>Doggy</u><br><u>Daycare</u> | P  |      |     |     |     |     |   | S   | P <u>S</u> |    |   |
| Kennels,<br>Catteries,<br><u>Corrals,</u><br>Rabbitries                                       | P  |      |     |     |     |     |   |     |            |    | P |
|   |    |      |     |     |     |     |   |     |            |    |   |

**SECTION 5.** 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 6.** 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 ON THE 4<sup>th</sup> DAY OF MARCH, 2025.



THE CITY COUNCIL OF THE CITY OF FORT  
 MORGAN, COLORADO



By: Kevin Lindell  
 Mayor

Attest:

  
 John Brennan  
 City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED  
PUBLISHED THIS 18th DAY OF MARCH, 2025

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO



By: Kevin Lindell  
Mayor

Attest:

John Brennan  
City Clerk

STATE OF COLORADO  
COUNTY OF MORGAN  
CITY OF FORT MORGAN

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)ss.  
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CERTIFICATE

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1308** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 4<sup>th</sup> day of March, 2025. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 5<sup>th</sup> day of March, 2025, published on the City of Fort Morgan website ([www.cityofformorgan.com](http://www.cityofformorgan.com)) under the heading of "Legal Notices". 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 18<sup>th</sup> day of March, 2025. Within five (5) days after its final passage, said **Ordinance No. 1308** was again published on the City of Fort Morgan website ([www.cityoffortmorgan.com](http://www.cityoffortmorgan.com)) under the heading of "Legal Notices".

John Brennan  
City Clerk