

## PLANNING COMMISSION RESOLUTION

### A RESOLUTION OF THE CITY OF BRIGHTON PLANNING COMMISSION RECOMMENDING APPROVAL TO THE CITY COUNCIL, OF CERTAIN AMENDMENTS TO THE CITY OF BRIGHTON MUNICIPAL CODE, CHAPTER 17, LAND USE AND DEVELOPMENT CODE, REGARDING AGRICULTURAL USES

RESOLUTION NO.: 15-02

**WHEREAS**, from time to time the City of Brighton *Municipal Code* must be updated in order to relate to present and future land uses; and

**WHEREAS**, the Planning Commission has reviewed the proposed amendments to the *Municipal Code*, Chapter 17, Land Use and Development Code, more particularly described in Exhibits A through E, and has found the amendment of these sections reasonable and necessary for the orderly growth and development of the City; and

**WHEREAS**, the Planning Commission finds that the establishment of regulations to permit certain limited agricultural uses within the City is appropriate, and the proposed revisions to the Land Use and Development Code are necessary to establish, organize and enforce such regulations in the City; and

**WHEREAS**, notice of the public hearing was published in the *Brighton Standard Blade*, a legal newspaper of general circulation in the City of Brighton, on January 21, 2015; and

**WHEREAS**, the Planning Commission held a public hearing on February 10, 2015, and properly received and considered all relevant evidence and testimony from City Staff and other Interested Parties, including the public at large; and

**WHEREAS**, the regulations proposed in Exhibits A through E are intended to protect the health, safety, and general welfare of the residents of the City; and

**NOW THEREFORE**, be it resolved that the City of Brighton Planning Commission does hereby recommend to the City Council approval of certain amendments to the City of Brighton *Municipal Code*, Chapter 17, Land Use and Development Code, as follows:

1. Section 17-12-20. Words, terms or phrases. Definitions of Chapter 17. Land Use and Development Code of the Brighton Municipal Code shall be amended as set forth in Exhibit A.
2. Section 17-16-240. **A/R – Agricultural/Residential** of Article 17-16. **Defining and Application of District Regulations** of the Land Use and Development Code shall be amended as set forth in Exhibit B.
3. Section 17-16-250. **A/E – Agricultural Estate** of Article 17-16. **Defining and Application of District Regulations** of the Land Use and Development Code shall be added as set forth in Exhibit C.

4. Article 17-24. **Performance Standards** of the Land Use and Development Code shall be amended as set forth in Exhibit D.
5. Section 17-32-30. **Table of Uses** of Article 17-16. of the Land Use and Development Code shall be amended as set forth in Exhibit E.

**RESOLVED**, this 10 day of Feb, 2015.

**ATTEST:**

**CITY OF BRIGHTON, COLORADO  
PLANNING COMMISSION**

  
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Diane Phin, Secretary

  
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Dick Hodge, Chairperson

## **EXHIBIT A**

Section 17-12-20. **Words, terms or phrases** of Article 17-12. **Definitions** of the Land Use and Development Code is amended as follows:

Section 17-12-20. **Words, terms or phrases.**

- A) The definition of “*Animal, livestock*” is repealed and a new definition is adopted to read as follows:

*Animal, livestock or livestock.* Animals commonly raised or kept in an agricultural, rather than urban, environment, including but not limited to chickens, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys and mules. Poultry and beekeeping which meets the standards set forth under Article 6-4-900 of the Brighton Municipal Code shall not be considered the keeping of livestock animals as defined herein.

- B) The definition of “*Animal, pet or domesticated*” is repealed and a new definition is adopted to read as follows:

*Animal, pet or domesticated.* Dogs, cats, rodents, birds, reptiles, fish, potbellied pigs weighing less than seventy (70) pounds and any other species of animal which is sold or retained as a household pet, but does not include skunks, nonhuman primates and other species of wild, exotic or carnivorous animals that may be further restricted by the *Brighton Municipal Code* (BMC), or urban agriculture practices as further defined in section 6-4-900 of the BMC.

- C) The definition of “*Barn*” is repealed and a new definition is adopted to read as follows:

*Barn.* A detached farm building for storing grain or animal feed and housing farm animals. Enclosures for small animals such as poultry and rabbits or bee hives shall not be considered a barn.

- D) The definition of “*Kennel*” is repealed and a new definition is adopted to read as follows:

*Kennel.* Any establishment or other place where one (1) or more animals, either temporarily or permanently, are bred, born, raised, boarded, trained, kept, sold or fed for money or any other consideration. Does not include feedlots or urban agriculture practices permitted within Article 6-4-900 of the *Brighton Municipal Code* (BMC).

- E) The definition of “*Livestock*” is repealed in its entirety.

- F) A new definition of “*Urban agriculture*” shall be adopted to read as follows:

*Urban agriculture.* The practice of certain agricultural uses performed as an accessory use within residential, park and open space properties as permitted and outlined in Article 6-4-900 of the *Brighton Municipal Code* (BMC).

### **EXHIBIT B**

Section 17-16-240. **A/R – Agricultural/Residential** of Article 17-16. **Defining and Application of District Regulations** of the Land Use and Development Code is amended by the repeal of subsection (5) and the re-numbering of subsection (6) as (5), and (7) as (6).

### **EXHIBIT C**

Section 17-16-250. **A/E – Agricultural Estate** of Article 17-16. **Defining and Application of District Regulations** of the Land Use and Development Code is amended by the repeal of subsection (5) and the re-numbering of subsection (6) as (5), and (7) as (6).

### **EXHIBIT D**

Article 17-24. **Performance Standards** of the Land Use and Development Code is hereby amended by the repeal of Section 17-14-20 **Animals and household pets**. in its entirety; the repeal of Section 17-24-30. **Guard dogs**. in its entirety; and the re-numbering of the subsequent sections as follows:

- Sec. 17-24-10 Accessory dwelling
- Sec. 17-24-20 Home occupations
- Sec. 17-24-30 Prohibiting offensive emissions
- Sec. 17-24-40 Temporary sales stands
- Sec. 17-24-50 Group homes
- Sec. 17-24-60 Manufactured homes
- Sec. 17-24-70 Crematoriums
- Sec. 17-24-80 Tattoo and body piercing establishments

### **EXHIBIT E**

Section 17-32-30. **Table of Uses** of Article 17-16. of the Land Use and Development Code is amended by the repeal of Apiculture (Beekeeping) as listed as an Accessory use; and adopts Urban Agriculture as an Accessory Use as follows:

Use Categories	Specific Uses	Zone Districts																										
		R E	R 1	R 1 A	R 1 B	R 2	R 3	M H	D T	M U N C	M U C C	M U R / E C	P U D	S 4 C R	S 4 G W	C O	C 1	C 2	C 3	B P	I 1	I 2	M C	F C	P L	O P E N	A / R	A / E
AGRICULTURAL USES																												
Agricultural Support Business and Services	Animal confinement operation												#									C		C			C	C
	Grain elevator												#								X	X		C			C	C
	Veterinary clinic, livestock												#								X	X					C	C
Farming	Farm	C											#										C	C			X	X
	Fish hatchery												#								X	X	C	C	C			
	Nursery and greenhouse, commercial										X	#						X		X	X						C	C
ACCESSORY USES																												
	Airport and airstrip	C										C	#							C				C	C		C	C
	Accessory building	X	X	X	X	X	X	X	X	X	X	X	#	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	Apiculture (beekeeping)												#														X	
	Barn or stable	X											#										C	C	C		X	X

X = Use by Right

C = Conditional Use

S = Special Use

T = Temporary Use

None = Prohibited

17-32-21

Use Categories	Specific Uses	Zone Districts																										
		R E	R 1	R 1 A	R 1 B	R 2	R 3	M H	D T	M U N C	M U C C	M U R / E C	P U D	S 4 C R	S 4 G W	C O	C 1	C 2	C 3	B P	I 1	I 2	M C	F C	P L	O P E N	A / R	A / E
ACCESSORY USES (Cont'd)																												
	Storage of gasoline, gasses or liquefied petroleum gases (in approved portable metal cylinder for use on property)	C							C	C	C	X	#			C	C	C	X	X	X	X	X	C	X	C	X	X
	Urban Agriculture	X	X	X	X	X					X	X	#	X											X	X	X	X
TEMPORARY USES																												
	Auction, indoor (including livestock)												#									T	T	T	T	T	T	T
	Auction, indoor (not including livestock)								T		T	T	#			T	T	T	T	T	T	T	T	T	T	T	T	T
	Auction, outdoor (including livestock)												#									T	T	T	T	T	T	T
	Auction, outdoor (not including livestock)								T		T	T	#				T	T	T	T	T	T	T	T	T	T	T	T
	Automobile sale (up to 1.5 tons)								T		T	T	#					T	T	T	T	T	T	T	T	T		

X = Use by Right

C = Conditional Use

S = Special Use

T = Temporary Use

None = Prohibited

17-32-23