ORDINANCE NO. 8, Series 2013
INTRODUCED BY:COUNCILOR STACI LUPBERGER

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, AMENDING SECTION 25-99, BACKYARD CHICKENS, AND TABLE 26A - PERMITTED USES, OF THE CODE OF ORDINANCES OF LAFAYETTE, COLORADO REGARDING BACKYARD CHICKENS.

WHEREAS, the Planning Commission held a public hearing on the proposed amendments to Chapters 25 and 26 of the Code of Ordinances on March 26, 2013; and

WHEREAS, after studying the proposed amendments to Chapters 25 and 26 of the Code of Ordinances the Planning Commission recommended approval of the following amendments; and

WHEREAS, a public hearing concerning this ordinance was held before the City Council on April 16, 2013; and

WHEREAS, the City Council desires to adopt the Planning Commissions recommendations.

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

Section 1. That Section 25-99, Backyard Chickens, of the Code of Ordinances of the City of Lafayette, Colorado is hereby amended and shall read as follows:

Sec. 25-99 Backyard Chickens.

It shall be unlawful to place or maintain backyard chickens in any area unless the following conditions and requirements are met:

- **a.** Backyard chickens are an accessory use in conjunction with a residential use or school use as defined in Section 26-8-1. Refer to Table 26A - Permitted Uses in Chapter 26 of the Lafayette Municipal Code for a list of the zoning districts where Backyard Chickens are allowed.
- **b.** A Backyard Chicken License must be approved by the Community Development Department. A non-refundable application fee shall be submitted with the Backyard Chicken License Application. City Council shall set the amount of such fee by resolution.
- **c.** No more than six (6) backyard chickens are permitted per dwelling unit or school.
- **d.** Roosters are prohibited.
- **e.** Other poultry or fowl are prohibited. No person may own or keep any other fowl, including ducks, quail, geese, pigeons or turkeys.
- **f.** Backyard chickens are required to be located within a designated chicken coop and chicken run that shall meet the following requirements:
  - i. The chicken coop and chicken run shall be located in the rear or backyard of a residential or school property.
  - ii. Neither the coop nor run shall be located between the rear of the principal structure and the front yard lot line.
  - iii. The coop shall have a minimum five (5) feet setback from any side or rear property line, except as permitted in 25-99(f)(xii).
  - iv. Coops shall be predator resistant with a solid covered roof.
  - v. Water shall be provided onsite and accessible to chickens at all times.

vi. During daylight hours, the chickens shall have access to a chicken run that is adequately fenced and protected from predators and shall also have access to a chicken coop.

vii. From dusk until dawn, chickens shall be protected from predators by being enclosed within a chicken coop.

viii. The maximum chicken coop size is 100 square feet, except as permitted in 25-99(f)(xii).

ix. A minimum of four (4) square feet of space per chicken shall be provided in both the coop and the run.

x. The maximum height of a coop shall be no more than seven (7) feet at the highest point of the roof, except as permitted in 25-99(f)(xii).

xi. No chickens, coop or run shall be located in common areas of a multi-unit, multi-use, or multi-family property.

xii. Existing structures on a property as of January 1, 2011, that do not meet the setback requirement in Code Section 25-99(e)(iii), exceed the maximum size requirement in Code Section 25-99(e)(viii), or exceed the maximum height in Code Section 25-99(e)(x) may be used as a chicken coop as long as the structure is located in the rear yard of the property and if said structure is approved as part of the Backyard Chicken License.

g. Chicken coops and chicken runs shall be maintained and shall be regularly cleaned to control dust, odor, and waste and not constitute a safety hazard, or health problem to surrounding properties.

h. No on-site slaughtering is allowed.

i. Chicken feed shall be stored in a resealable, airtight, predator proof container.

j. Chicken waste shall only be stored in resealable, airtight, predator proof container.

k. Many home owner association bylaws do not allow poultry of any kind. The City of Lafayette encourages residents to research their individual home owner association regulations.

Section 2. That Table 26A and Note number 2 of Table 26A of the Code of Ordinances of the City of Lafayette, Colorado, be amended to read as follows:

		RE1/ RE2	R0/ R1	R2	R3/ R4	RSR	OTR	T1	B1	C1	M1	P	DR
Backyard Chickens		**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**See Note # 2**	**See Note # 2**	**See Note # 2**	**No**	**See Note # 2**	**See Note # 2**

Table 26-A Notes:

2. Backyard chickens are approved as a use for residential and school uses in the T-1, B-1, C-1, P and DR zoning districts.

Section 3. 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 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 5. The repeal or modification of any provision of the Code of Ordinances of Lafayette, Colorado 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. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as 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 6. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 7. Violations of this ordinance shall be punishable in accordance with Section 1-10 of the Municipal Code of the City of Lafayette, Colorado.

Section 8. This ordinance shall become effective upon the latter of the 10th day following enactment, or the day following final publication of the ordinance.

INTRODUCED AND PASSED ON FIRST READING THE 16TH DAY OF APRIL, 2013.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THE 7TH DAY OF MAY, 2013.

CITY OF LAFAYETTE, COLORADO

_____
Carolyn D. Cutler, Mayor

ATTEST:

_____
Susan Koster, CMC
City Clerk

APPROVED AS TO FORM:

_____
David S. Williamson,
City Attorney