

ORDINANCE NO. 869

AN ORDINANCE AMENDING CHAPTER 16 OF THE DAcono MUNICIPAL CODE REGARDING USES IN THE C-R COMMERCIAL RESIDENTIAL ZONE DISTRICT

WHEREAS, Chapter 16 of the Dacono Municipal Code sets forth the City's zoning ordinances and regulations; and

WHEREAS, the City Council has determined that certain amendments as set forth herein are necessary and desirable to the orderly development of property located within the City and to ensure compatibility of land uses; and

WHEREAS, the City Council finds and declares it has the power and authority to adopt this ordinance pursuant to C.R.S. § 29-20-101, *et seq.* (the Local Government Land Use Control Enabling Act), C.R.S. § 31-23-301, *et seq.* (concerning municipal zoning powers), Article XX of the Colorado Constitution (concerning municipal home rule), and the City of Dacono Home Rule Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAcono, COLORADO:

Section 1. Section 16-170 of the Dacono Municipal Code, regarding permitted uses in the C-R Commercial Residential District, is hereby amended to read as follows (words to be deleted stricken; words to be added underlined):

Sec. 16-170. Permitted uses.

Permitted principal uses in the C-R district shall be as follows:

- (1) Any use permitted in the R-2 district;
- (2) Amusement and recreation, theaters, bowling alleys, skating rinks and dancehalls;
- (3) Food and beverage serving, restaurants, nightclubs, taverns and liquor stores;
- (4) Hotels and motels;
- (5) Laundry and dry cleaning establishments;
- (6) Laboratories, research;
- ~~(7) Motor vehicles, sales and servicing;~~
- ~~(8) Motor fuel filling stations and garages;~~

- (9) 6) Offices, business, professional and agencies;
- (10) 7) Personal services;
- (11) Preparation or processing of goods or products for retail sales on premises only;
- (12) 8) Retail businesses;
- (13) Tourist facilities, courts, motels;
- (14) 9) Printing, publishing and reproduction establishments;
- (15) 10) Religious and educational institutions and other municipal uses; and
- (16) 11) Public utilities.

Section 2. Section 16-171 of the Dacono Municipal Code is hereby amended to read as follows (words to be deleted stricken; words to be added underlined):

Sec. 16-171. General requirements.

General requirements in the C-R district shall be as follows:

(1) Goods sold shall consist primarily of new merchandise, and any goods produced on the premises shall be sold at retail on the premises unless otherwise permitted in this Article for special uses.

(2) ~~Processes~~ and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter of water-carried waste as determined by the Planning Commission.

(3) 2) The following uses, which may create unusual traffic hazards, land use compatibility issues, nuisance issues, or other detrimental impacts to the site and surrounding areas, must receive special use permit approval by the Planning Commission as required by Sec. 16-373 of this Code:

- a. Places serving food or beverages outside of an enclosed building.
- b. Places of amusement or recreation.

- c. Advertising signboards.
- d. Gasoline stations.
- e. Motor vehicles, sales and servicing.
- f. Motor fuel filling stations and garages.
- g. Laboratories, research.
- h. Preparation or processing of goods or products for retail sales on premises only;
- i. Conversion of a single-family residence to a nonresidential use.
- j. Accessory uses in commercial parking lots, also subject to site plan review required by Sec. 16-571 of this Code.

(4 3) Living quarters designed for occupancy by one (1) family which is attached and a use accessory to a commercial use permitted in the district shall be allowed, subject to special review permit approval and provided that the following are met:

- a. The living area is entirely segregated from the commercial use area by permanent walls with access by means of a door or doors;
- b. The living area shall have its own separate toilet facilities, living area, sleeping area and kitchen facilities, not for use by customers;
- c. The living area complies with all building and zoning regulations and all applicable codes;
- d. The living area shall clearly be an accessory use only;
- e. The living area shall be designed as a single-family living unit; and
- f. Adequate off-street parking shall be available in addition to that parking required for the commercial use.

Section 3. Any person charged with a violation of this ordinance, upon conviction thereof, shall be subject to the General Penalty in Section 1-70 of the Dacono Municipal Code,

which provides for incarceration for a period not to exceed one (1) year, a fine not to exceed one thousand dollars (\$1,000.00), or both such fine and imprisonment. As provided in Section 1-70(b), each and every day during any portion of which any violation is committed, continued or permitted shall be a separate violation, and the violator shall be punished accordingly.

Section 4. 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 5. The repeal or modification of any provision of any prior ordinance 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, and each provision shall be treated and held as still remaining in force 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. 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 AND POSTED BY TITLE this 13th day of May, 2019.

PUBLIC HEARING AND SECOND READING WILL BE THE 10th day of June, 2019, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this 10th day of June, 2019.

CITY OF DACONO, COLORADO

Joe Baker, Mayor

ATTEST:

Valerie Taylor, City Clerk

Summary of Ordinance No. 869, **“AN ORDINANCE AMENDING CHAPTER 16 OF THE DACONO MUNICIPAL CODE REGARDING USES IN THE C-R COMMERCIAL RESIDENTIAL ZONE DISTRICT”** Amends the permitted uses in the C-R Commercial Residential zone district.