



# PLANNING COMMISSION

## REGULAR MEETING

City Council Chambers, 128 Main Street  
Wednesday, June 28, 2023 | 6:00 P.M.

# AGENDA

1. **Call to Order, Roll Call and Pledge of Allegiance**
2. **Special Presentations:**           None
3. **Approval of Minutes:**
  - A. May 25, 2023 Special Meeting
4. **Public Hearings:**
  - A. **Proposed Ordinances:**
    - i. **“AN ORDINANCE OF THE CITY OF CAÑON CITY AMENDING CHAPTER 5 OF TITLE 17 OF THE CAÑON CITY MUNICIPAL CODE CONCERNING BACKYARD DUCKS”**
    - ii. **“AN ORDINANCE OF THE CITY OF CAÑON CITY AMENDING CHAPTER 5 OF TITLE 17 OF THE CAÑON CITY MUNICIPAL CODE CONCERNING BACKYARD ROOSTERS”**
  - Applicant:** City of Cañon City
  - Location:** Applicable to all incorporated areas within Cañon City
5. **Announcements/Discussion Items:**
6. **Adjournment**



## Planning Commission

AGENDA ITEM 3.A.



# CITY OF CAÑON CITY

**Planning Commission**

City Council Chambers  
128 Main St., Cañon City, CO 81212  
(719) 269-9011 • [www.canoncity.org](http://www.canoncity.org)

## PLANNING COMMISSION MEETING

May 24, 2023

6:00 p.m.

## ACTION MINUTES

**CALL TO ORDER:** Chairman Meloni called the Regular Meeting to order at 6 p.m.

	PRESENT	ABSENT
Planning Commission Chair Meloni	X	
Planning Commissioner Clark	X	
Planning Commissioner Clement	X	
Planning Commissioner Ledoux	X	
Planning Commissioner Suther	X	
Planning Commissioner Maas		X
Planning Commissioner R. Smith	X	

**ALSO PRESENT:** Patrick Mulready, City Planner, Austin Pierce-Flanagan  
Denise Warren, Secretary.

**PLEDGE OF ALLEGIANCE:** Chairman Meloni led the Pledge of Allegiance.

**Approval of Minutes:** On motion by Commissioner Smith and second by Commissioner Clark, those members present, unanimously approved the action minutes of the February 22, 2023, Regular Planning Commission meeting.

### 4 A.) **SPECIAL REVIEW USE: Planet Fitness at 127 Justice Center Road “Recreational Facility” in a GC, General Commercial Zone District**

**Findings of Fact:** On motion by Commissioner Smith and second by Commissioner Suther. Those members present unanimously approved the Findings of Fact.

**MOTION:** On motion by Commissioner Clark and second by Commissioner Smith, and those members present unanimously recommend SRU, Planet Fitness at 127 Justice Center Road, to City Council.

**B.)** Clock Tower Plaza Design Project Update – by City Planner.

**ADJOURN:** The meeting adjourned at 6:16 p.m.

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Gerald Meloni, Chairman

\_\_\_\_\_  
Denise Warren, Secretary

\_\_\_\_\_  
Patrick Mulready, City Planner



## Planning Commission

AGENDA ITEM 4.A.



# CITY OF CAÑON CITY, COLORADO

## Staff Report | Community Development Department Planning & Zoning Division

**To:** City of Cañon City Planning Commission

**From:** Patrick Mulready, City Planner

**Through:** Ryan Stevens, City Administrator

**Date:** June 28, 2023

**Regarding:** **Public Hearing:**

**Proposed Ordinances:**

- i. **“An Ordinance of the City of Cañon City Amending Chapter 5 of Title 17 of the Cañon City Municipal Code Concerning Backyard Ducks”**
- ii. **“An Ordinance of the City of Cañon City Amending Chapter 5 of Title 17 of the Cañon City Municipal Code Concerning Backyard Roosters”**

### Section 1.

#### Subject & Proposal:

**Location:** Effects “Accessory Uses” permitted in the R-L, Rural Living Residential; R-1, Low Density Residential; R-1A, Low Density Small Lot Residential and R-2, Medium Density Residential Zone Districts, city-wide.

**Applicant:** City of Cañon City

**Proposal:** Modifications to Chapters 17.03 and 17.05 within Title 17 (also referred to as the Unified Development Code or UDC).

### Section 2.

#### Recommendation:

As currently written, the City’s land use regulations regard ducks as a form of livestock, which means they can only be kept on lots of more than 1 acre which are zoned either R-L, Rural Living Residential, R-1, Low Density Residential, R-2, Medium Density Residential or R-3, High Density Residential. (Refer to Section 17.05.010[B] for livestock specifics.)

Following concerns expressed by citizens who felt ducks should be regarded more like chickens in the City’s land use code, Council held a discussion on this matter during their May 3, 2023 General Government Committee meeting. Following this discussion, staff was asked to move forward with an ordinance which allowed for the keeping of Backyard Ducks which mirrored the

regulations concerning the keeping of Backyard Chickens as an Accessory Use, rather than as Livestock.

The first Ordinance presented as Attachment A accomplishes this. The keeping of Backyard Ducks, under this Ordinance, would be permitted on lots of any size in the R-L, R-1, R-1A, R-2 and R-3 zones. A property owner residing within these districts would be permitted a combination of eight (8) ducks or chickens, with provisions for enclosed, predator-resistant shelters and setback provision for those shelters from adjacent properties.

The front line of enforcement for these provisions is the City's Community Service Office (CSO) within the Police Department. In discussions with the CSO staff, it was requested that a second modification to the regulations concerning backyard chickens also be included. As currently drafted, the keeping of roosters up to an age of six months is currently permitted within the Backyard Chickens regulations. CSO staff have indicated that this is a difficult provision to enforce and have requested that the keeping of roosters should be prohibited.

The second Ordinance presented as Attachment B amends Section 17.05.010(B) to disallow the keeping of roosters of any age. It is presented as a second, separate Ordinance because this was not originally contemplated in the direction Council gave staff. However, its inclusion here comprehensively amends Backyard Chickens as an Accessory Use to make these regulations more easily enforceable.

This Ordinance was noticed for Public Hearing Before the Planning Commission and City Council via a post to the City's website, as per the requirements of Section 17.10.020(3)(d).

Staff requests that the Planning Commission conduct a public hearing on the proposed Ordinances, and following deliberations, recommend that Council adopt these Ordinances.

**Suggested Motion:**

*"I move the Planning Commission recommend City Council adopt the attached draft Ordinance allowing for the keeping of Backyard Ducks."*

*"I move the Planning Commission recommend City Council adopt the attached draft Ordinance disallowing the keeping of Roosters of any age within City limits."*

**Section 3.**

**Exhibit Attachments:**

- A. Draft of Proposed Ordinance amending Chapter 5 of Title 17 of the Cañon City Municipal Code Concerning Backyard Ducks
- B. Draft of Proposed Ordinance amending Chapter 5 of Title 17 of the Cañon City Municipal Code Concerning Backyard Roosters

**A BILL FOR  
ORDINANCE NO. 06, SERIES OF 2023**

**AN ORDINANCE OF THE CITY OF CAÑON CITY AMENDING CHAPTER 5 OF  
TITLE 17 OF THE CAÑON CITY MUNICIPAL CODE CONCERNING  
BACKYARD DUCKS**

**WHEREAS**, the City finds that allowing backyard ducks in a similar manner as backyard chickens is desirable and will not cause neighborhood impacts when certain standards are met; and

**WHEREAS**, the City desires to amend Title 17 of the Municipal Code (the "UDC") to permit backyard ducks with certain standards.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF CAÑON CITY:**

Section 1. Table 17.03.040.B of the UDC is hereby amended by modifying the following uses as follows:

Uses	Additional Regulation	District						
		R-L	R-1	R-1A	R-2	R-3	MH-1	MH-2
Accessory Uses								
Backyard chickens and ducks	17.05.140.D	P	P	P	P			

Section 2. Section 17.05.140(D) of the UDC is hereby amended as follows:

- D. Backyard chickens and ducks.
  - 1. No more than eight (8) backyard chickens and/or ducks shall be allowed on any property, unless the property meets the minimum area requirement for livestock, according to Section 17.05.010(B) of this UDC.
  - 2. The ownership and keeping of roosters over six (6) months old are prohibited.
  - 3. Chickens and ducks shall be provided with a covered enclosure that is predator-resistant, properly ventilated, and easily accessed for cleaning and maintenance, and that provides not less than four (4) square feet per chicken.
  - 4. During daylight hours, chickens and ducks shall be provided access to an outside enclosure that is adequately fenced to prevent the escape of the chickens and ducks and to provide protection from predators. The outside enclosure shall provide a minimum of ten (10) square feet of permeable space per chicken and/or duck and may be either attached to the covered

enclosure or portable. A fully fenced backyard may be deemed to meet this requirement.

5. All chickens and ducks shall be placed in the covered enclosure between the hours of dusk and dawn to provide protection from predators and to minimize noise.
6. Setbacks.
  - a. Any enclosure for backyard chickens and ducks shall be located in the backyard of the property, measured from the rear wall of the residential dwelling. The Zoning Administrator may allow exceptions to this requirement in cases of lots having unusual site dimensions, terrain limitations, or other unique characteristics.
  - b. A covered enclosure shall be located a minimum of eight (8) feet from any abutting property line and shall be a minimum of thirty (30) feet from any residential dwelling on any adjoining lot.
7. The covered enclosure shall be cleaned so that odors due to excessive dirt, waste, excrement, or old feed do not become a nuisance, safety hazard, or health problem to adjoining property or uses.
8. The on-site slaughtering of backyard chickens and/or ducks is prohibited.

\* \* \*

Section 2. Severability. If any section, subsection, paragraph, clause or other provision of this Ordinance for any reason is held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 3. Effective Date. Pursuant to Article XII, Section 3 and Section 5 of the Charter, this Ordinance shall be effective five (5) days after final publication if it is published after adoption or if not so published, five (5) days after its adoption.



**A BILL FOR  
ORDINANCE NO. 07, SERIES OF 2023**

**AN ORDINANCE OF THE CITY OF CAÑON CITY AMENDING CHAPTER 5 OF  
TITLE 17 OF THE CAÑON CITY MUNICIPAL CODE CONCERNING BACKYARD  
ROOSTERS**

**WHEREAS**, the City finds that allowing backyard roosters under the age of six months has led to neighborhood impacts and enforcement issues; and

**WHEREAS**, the City desires to amend Title 17 of the Municipal Code (the "UDC") to prohibit backyard roosters of any age.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF CAÑON CITY:**

Section 1. Section 17.05.140(D)(2) of the UDC is hereby amended as follows:

D. Backyard chickens and ducks.

\* \* \*

2. The ownership and keeping of roosters of any age shall be prohibited.

\* \* \*

Section 2. Severability. If any section, subsection, paragraph, clause or other provision of this Ordinance for any reason is held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 3. Effective Date. Pursuant to Article XII, Section 3 and Section 5 of the Charter, this Ordinance shall be effective five (5) days after final publication if it is published after adoption or if not so published, five (5) days after its adoption.