

FTK: Agricultural Development

INTRODUCTION:

The purpose of the agricultural district (AG district) is to provide areas in the city for large-lot, single-family detached dwelling uses; provide areas for limited production of agricultural crops and livestock; and to allow for land that has no future land use proposed at the time of annexation or that is in a transitional stage with regard to its ultimate development. For residential uses, only single-family detached homes are allowed.

The City of Commerce City has regulations in place for agricultural zones that ensures orderly development. These regulations can generally be broken down into three categories: bulk standards, design standards, and land use standards.

Bulk standards deal with the general form of a building, and determine things like the maximum size and placement of a building on a lot. These regulations typically include the lot size, floor area ratio, open space, height, and setbacks. The purpose of bulk standards is to allow building forms within a particular zone district that are characteristic of the built environment that zone district is intended to create.

Design standards deal with the specific architectural details of a building. These regulations typically include exterior materials, garage placement, and location of windows and doors. The purpose of design standards is to ensure that the physical appearance and functional characteristics of a home provide an attractive, safe, compatible, and long-lasting design, and that their design qualities encourage and strengthen the sense of community and neighborhood pride.

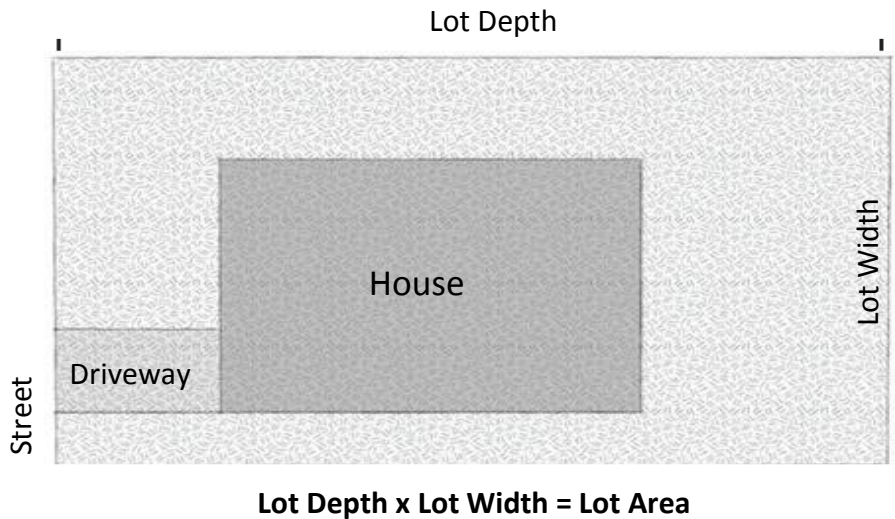
Land use standards deal with the types of uses that can occur on a piece of property. Specific uses for properties can be “by-right” which means that the use is allowable for the current zone district. Other land uses can be allowed with either a “use-by-permit” or a “conditional use permit, which means that the case would have to go in front of Commerce City’s Board of Adjustment, Planning Commission, or City Council, depending on the specific situation. Please see the related Facts to Know for Uses-By-Permit and Conditional Use Permits.

This packet explains what each of the bulk standards means and how to measure it, as well as the allowable land uses in agricultural zone districts.

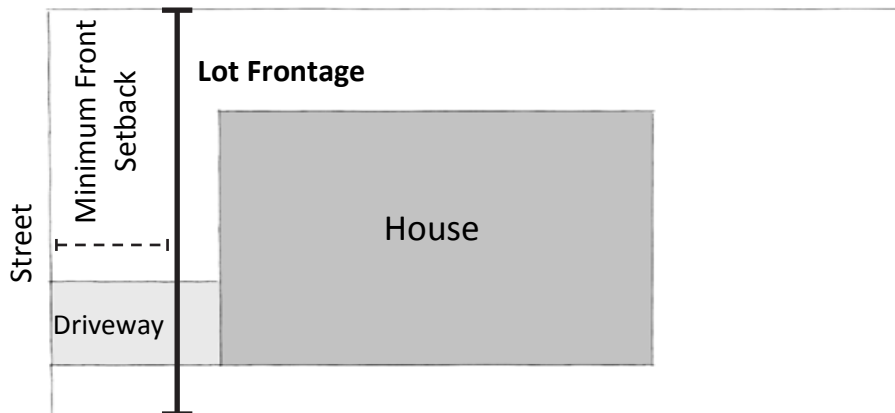
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BULK STANDARDS:

Lot Area: The term “lot area” refers to the size of the lot, and is described as the total square footage within the lot lines of a lot. This information typically can be found in a variety of places, including tax assessment records, subdivision plats, and property deeds. Any new lots to be created through the subdivision process must meet the applicable lot area requirements for the particular zone district in which the property is located. Existing lots that do not meet the lot area requirements still may be allowed to develop, so long as the use complies with the underlying zone district and any new structures meet the remaining bulk standards.

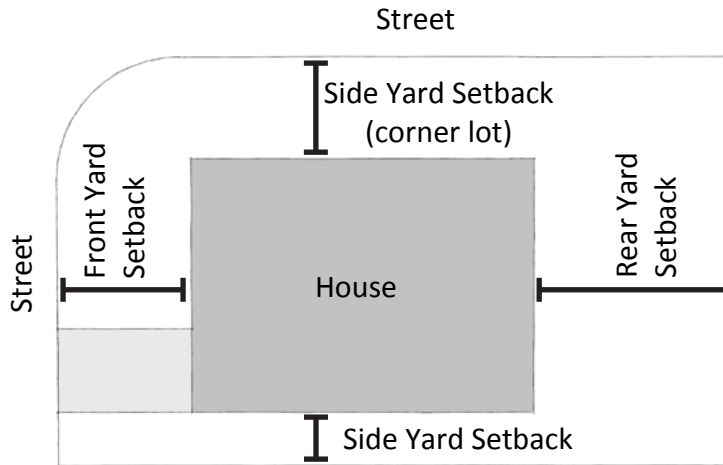


Lot Frontage: The term “lot frontage” refers to the distance between the side lot lines, as measured along a straight line parallel to the front lot line and located the minimum front setback distance from the front lot line. The front lot line is the one adjacent to the street on which the property has its principal access.

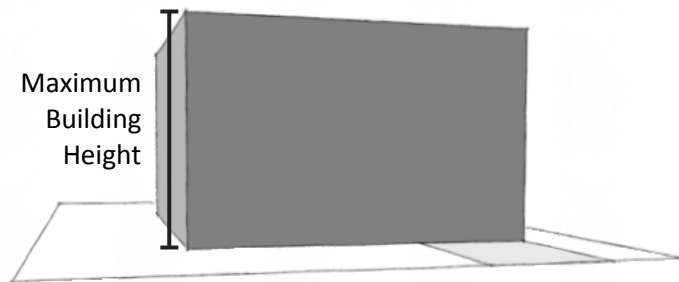


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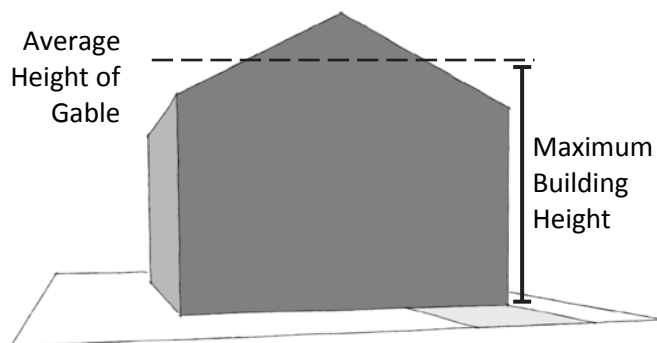
Setback: A “setback” is the distance between a lot line and a building or structure. There are setback requirements for all sides of a property, as measured from the front lot line (the side with the primary pedestrian access), the side lot lines, and the rear lot line. These can be measured by drawing a straight line at a right angle from the lot line to the closest projection of the building or structure. Cornices, cupolas, box and bay windows, or similar architectural features are allowed to extend up to one foot into any setback.



Building Height: Building height is the vertical distance from the highest finished grade adjacent to the building to the highest point of the building, which is determined in one of three ways depending on roof style. For flat roofs, the highest point is considered to be the cap. For pitched roofs, the highest point is considered to be the average height of the highest gable or hip.

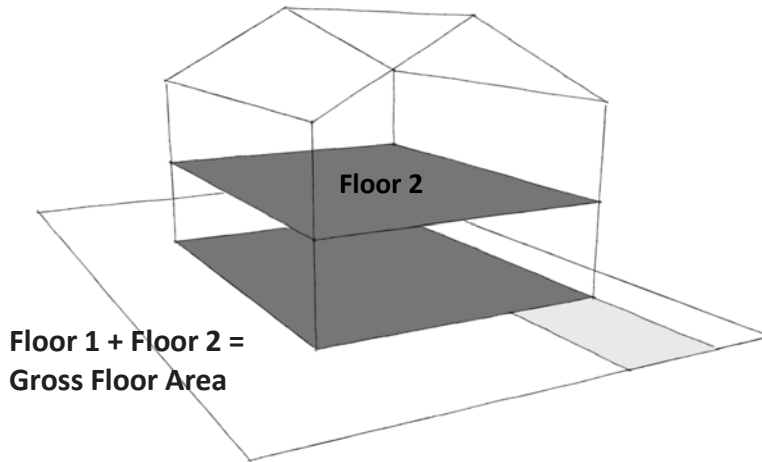


Chimneys, cornices without windows, cupolas, domes not used for human occupancy, elevator penthouses, monuments, parapet walls, skylights, spires, steeples, theater scenery lofts, towers, and other similar structures may exceed the maximum permitted height by up to 150%.



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Gross Floor Area: The term “gross floor area” refers to the total area in square feet of all floors of a building measured from exterior walls.



The specific bulk standards that apply to agricultural districts (AG district) are listed below:

BULK STANDARD	REQUIREMENT
Minimum gross floor area for single-family detached dwellings	1,080-square feet for a single-story dwelling and 1,600-square feet for a multi-story dwelling.
Minimum lot area	43,560-square feet
Maximum lot area	N/A
Minimum lot frontage	100 feet
Maximum lot frontage	N/A
Minimum front yard setback	10 feet (garages to be setback 20 feet minimum)
Maximum front yard setback	N/A
Minimum side yard setback (interior lot)	10 feet
Maximum side yard setback (interior lot)	N/A
Minimum side yard setback (corner lot)	30 feet
Maximum side yard setback (corner lot)	N/A
Minimum side yard setback (corner lot along collector or arterial)	30 feet
Minimum rear yard setback	30 feet
Minimum building height	10 feet
Maximum building height	35 feet
Minimum open space	50 percent of gross lot area. Open space may include corrals, riding rings, pasture area, farming area, or landscaped areas.

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LAND USE REGULATIONS:

The following table shows the uses allowable in agricultural zone districts. The additional regulations column shows additional regulations that apply to the specific use, and the specific section of Commerce City's Land Development Code that relates to that use. For any proposed use not listed here or in Commerce City's Land Development Code, the use shall be prohibited, unless the city determines, consistent with the provisions of LDC Section 21-5205(2), that the use falls into one of the listed use classifications.

USES ALLOWED BY ZONING DISTRICT			
R = ALLOWED BY RIGHT P = USE BY PERMIT C = CONDITIONAL USE OG = OIL & GAS PERMIT			
USE CLASSIFICATION	SPECIFIC USE TYPE		ADDITIONAL REGULATIONS
Agricultural Services	Agricultural support businesses and services	R	
Agricultural Services	Animal production, excluding NAICS 112990	R	21-5246
Agricultural Services	Animal production support services	R	
Agricultural Services	Cattle feedlot, stockyard, and the commercial sale of livestock	C	
Agricultural Services	Firewood; commercial storage and sales	R	
Agricultural Services	Fish hatchery	R	
Agricultural Services	Poultry house or pigeon coop	R	
Agricultural Services	Riding stables/ equestrian training	R	
Agricultural Services	Rodeo	C	
Agricultural Services	Veterinary services (livestock)	R	
Agriculture	Crop production, including the sale of agricultural products directly from the grower to the consumer on land that is part of the farm unit	R	
Agriculture	Dairy products manufacturing, exclusively grown on premises	R	
Agriculture	Food manufacturing, miscellaneous, all other, exclusively grown on premises	R	
Agriculture	Food manufacturing, specialty and fruit and vegetable preserving, exclusively grown on premises	R	
Agriculture	Grain and oilseed milling, exclusively grown on premises	R	
Agriculture	Wineries, processing fruits exclusively grown on premises	R	
Airport/Heliport	Public or private airport or heliport	C	
Animal Services	Animal boarding (indoor/outdoor kennels) and training	R	21-5242
Animal Services	Doggie day care centers	R	21-5228
Animal Services	Veterinary offices or clinics	R	
Antennas	Antenna and support structure for amateur radio communications	P	21-5216
Building Materials & Services (Retail)	Landscape equipment, hardscape materials (without outdoor storage)	R	21-5236
Building Materials & Services (Retail)	Landscape equipment, hardscape materials (with outdoor storage)	R	21-5254
Clubs and Lodges	Gun club (indoor)	R	
Clubs and Lodges	Gun club (outdoor)	C	
Contractor Operations	Contractor - landscaping	R	
Day Care Facilities, Adult or Child	Child care center	P	21-5224
Day Care Facilities, Adult or Child	Adult day care center	P	
Educational Facilities	Elementary and secondary education schools	P	21-5232
Educational Facilities	Private business, trade, and vocation schools	P	21-5232
Educational Facilities	Schools of special instruction	P	21-5232
Funeral and Internment Services	Cemetery/pet cemetery/ mausoleum	R	
Funeral and Internment Services	Crematory or mausoleum when incidental or supplemental to primary cemetery use	R	
Golf Course	Golf course/driving range	P	
Group Living Facilities	Group Home - Type A	R	21-5238, 5259
Group Living Facilities	Group Home - Type B	C	21-5238, 5259
Group Living Facilities	Correctional institution or halfway house	C	21-5238, 5259
Horticulture & Nurseries	Community garden	R	21-5226
Horticulture & Nurseries	Greenhouse/nursery/tree production (with no outdoor storage)	R	21-5236

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USES ALLOWED BY ZONING DISTRICT			
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USE CLASSIFICATION	SPECIFIC USE TYPE		ADDITIONAL REGULATIONS
Horticulture & Nurseries	Greenhouse/nursery/tree production (with outdoor storage)	R	21-5236
Horticulture & Nurseries	Sod farm	R	
Household Living	Foster care home	R	21-5259
Household Living	Single-family detached dwelling	R	21-5259
Household Living	Home occupation	R	21-5240
Manufacturing, Chemical	Fertilizer manufacture, organic or nonorganic, and pesticides	C	
Manufacturing, Food	Grain and oilseed milling, including grain elevator	R	
Manufacturing, Oil and Gas	Support activities for oil and gas operations (pipelines, etc.)	C	
Office	Substance Abuse Treatment Facility, Inpatient Residential	C	21-5238
Outdoor Storage	Above-ground storage tanks of propane < 10,000 cubic feet capacity	R	
Public Lands, Parks, and Buildings	Public park or recreational facilities	R	
Recreation or Amusement Facilities, Private	Outdoor recreation	P	
Resource Extraction	Borrow pit	C	21-5222
Resource Extraction	Construction sand and gravel mining	C	
Resource Extraction	Minerals and earths: quarrying, extracting, grinding, mining, crushing, and processing	C	
Resource Extraction	Ore dumps and elevators	C	
Resource Extraction	Subsurface extraction (including oil and natural gas extraction)	OG	21-5266
Utilities	Electric substation or gas regulator station	C	21-5234
Utilities	Public utility installation	C	
Utilities	Wind energy conversion systems (windmills)	P	21-5264
Visitor Accommodations	Bed and breakfast establishments	R	
Visitor Accommodations	Overnight campground	P	
Waste-Management and Remediation Services	Composting facilities (non-hazardous)	C	
Waste-Management and Remediation Services	Hazardous waste collection, treatment, and disposal	C	21-5258
Waste-Management and Remediation Services	Landfill, construction/demolition	C	21-5244
Waste-Management and Remediation Services	Landfill, solid waste	C	21-5244
Zoos, Arboretum, Botanical Gardens	Zoos, arboretum, botanical gardens	C	

COMMUNITY GARDENS:

General Standards.

- All community gardens shall have on-site irrigation.
- The growing and/or cultivation of marijuana, for any purpose, is prohibited.
- The keeping of animals is prohibited.
- No community garden shall be permitted on any property on which a single-family dwelling, either attached or detached, exists.
- Off-street parking, if any, shall include a dust-free surface approved by the city engineer.
- Tools and equipment must be stored in sheds. Hoop houses and greenhouses shall not be used to store tools or equipment.
- All compost materials shall be kept in an enclosure that limits the negative impacts to adjacent properties.

Accessory Structures Limited. The following accessory structures may be located on property being used as a community garden: sheds, hoop houses, green houses, fences, compost enclosures, and vertical growing structures. All other accessory structures are prohibited.

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Accessory Structure Standards. Unless a different standard is specified in this section, all accessory structures must comply with the general standards of this code.

- No accessory structure shall exceed 15 feet in height.
- No more than 3 sheds shall be permitted.
- No more than a combined total of 3 hoop houses and/or green houses shall be permitted and the cumulative square footage of all such hoop houses and greenhouses shall not exceed ten (10) percent of the lot area.
- Hoop houses, green houses, and sheds shall be set back ten (10) feet from the front property line, five (5) feet from the side and rear property lines, and ten (10) feet from any property line adjacent to a street.
- No more than one (1) compost enclosure shall be permitted on any property that is one acre or less in size. No more than two (2) compost enclosures shall be permitted on any property that is more than one acre in size. Compost enclosures shall be set back ten (10) feet from all property lines and shall not exceed six feet in height. Compost enclosures may consist of multiple sections.

LIVESTOCK AND HORSES:

- Per LDC Section 21-5246, livestock and horses are allowed on agricultural lots exceeding 12,000 square feet.
- One horse / large animal is allowed for the first 12,000 square feet of lot area (minus structures), and one additional animal is allowed for every additional 6,000 square feet of lot area.

GREENHOUSES AND NURSERIES:

- Off-site delivery of plant materials and the use and storage of all vehicles and equipment necessary for those activities are permitted.
- Merchandise, landscaping materials, and equipment shall be displayed or stored within an enclosed building or in an area of the property that has been fenced or landscaped to conceal the area from any public right-of-way. Neither storage nor display shall occur within 25 feet of public right-of-way or occupy required off-street parking spaces.
- Any repair or servicing of vehicles or equipment used in the operation of the business shall occur within an enclosed building. Repair and servicing shall be limited to normal maintenance and shall not include body repair or modification.
- Areas for the growing of plants and nursery stock may be permitted in greenhouses or in open areas as designated by the applicant.
- Outdoor storage shall meet all requirements for outdoor storage established for the underlying zoning district. The type and location of any materials to be stored on any site shall be determined at the time of development plan approval. Any materials approved for outdoor storage shall not cause a hazard or nuisance to the health, safety, or welfare of humans or animals.

ANIMAL BOARDING (INDOOR / OUTDOOR KENNELS):

- Health and Sanitation: All kennels shall be maintained in a clean and sanitary condition at all times in order to prevent health hazards, odors, and other nuisances. Kennels shall be operated in accordance with the following standards:
 - ✓ Excreta shall be removed from enclosures, pens, and runs as often as necessary to reduce disease hazards and odors and to prevent its accumulation from constituting a nuisance. At a minimum, daily removal of excreta is required. All premises shall be kept clean and in good repair, and all animal and food wastes shall be handled and disposed of in a sanitary manner.

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- ✓ Adequate shelter from the elements shall be provided. Adequate shelter includes, but is not limited to, proper ventilation, heating, cooling, and lighting.
 - ✓ Lavatory and washroom facilities sufficient for use by all kennel caretakers and employees shall be provided.
 - ✓ Drainage shall be constructed to protect adjacent bodies of water from pollution.
 - ✓ The premises shall be maintained so as to meet Tri-County District Health Department standards and not constitute a nuisance.
 - ✓ All kennels shall contain an isolation ward for animals which are sick or diseased, sufficiently removed so as not to endanger the health of other animals.
- Licensure. All kennels shall be licensed and operated in conformance with all applicable governmental regulations.
 - Traffic. All kennel traffic shall be diverted from residential areas to the maximum extent feasible.
 - Dust. Adequate provision shall be made to prevent dust.
 - Structures, Space Requirements, and Setbacks.
 - ✓ All places where the animals are kept including structures, pens, yards, and runs shall be located a minimum distance of 100 feet or a distance equal to 1-1/2 times the width of the parcel of land occupied by the shelter, whichever is the lesser of the two distances from any residence or primary structure located on parcels of land adjoining the parcel. New construction on adjoining parcels of land will not affect existing structures, pens, runs, yards, and other places where animals are kept.
 - ✓ Dog kennels shall be situated on not less than a five-acre parcel of land.
 - ✓ All shelters shall be of sufficient height and width to permit each animal or animals to stand up and turn around when fully grown. If cages are used, they shall be of sufficient height and width to permit each animal or animals to stand up and turn around when fully grown, but minimum cage sizes shall be as follows:
 - (i) Small breeds and cats: 21-inches wide, 29-inches deep, and 24-inches high.
 - (ii) Medium breeds: 29-inches wide, 32-inches deep, and 33-inches high.
 - (iii) Large breeds: 29-inches wide, 45-inches deep, and 33-inches high.
 - Containment and Noise. Fencing and landscaping should be used to minimize noise, glare, and other nuisances. The portion of the premises upon which a kennel is located shall be enclosed with a fence constructed to a height and of materials sufficient to be reasonably certain of confining the animals placed therein, or the animals shall be restrained by other means consistent with the size, weight, and abilities of the animals restrained to be reasonably certain to prevent them from being able to escape and run at large. Animals running at large will be prevented. Structures and fences will be constructed of such materials and quality to minimize the possibility of animals creating a nuisance by barking or other noise loud enough to disturb neighbors.
 - Existing Kennels. Any kennel licensed and in operation as of the date of adoption of this land development code shall be exempt from provision (5) of this section. Such pre-existing uses shall be considered legal non-conforming uses and shall be governed by section 21-5520.

MANURE:

- No manure shall be stored within 100 feet of any property line.

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DESIGN STANDARDS:

The purpose of this section is to provide for a uniform set of standards for the review of single-family dwellings proposed for construction on agricultural lots in the city. The regulations contained herein are designed to protect and promote the public health, welfare, and safety of the citizens.

Exterior Materials: New single-family dwelling units shall have a minimum of 50 percent gross masonry on the front side of the structure with a minimum of a 3-foot masonry wrap around the sides. On corner lots, a minimum of 50 percent masonry is required on the front and street side of the structure. Materials that either resemble or are the natural materials of brick, stone, slate, stucco, or textured block are acceptable; EIFS and concrete block structures are prohibited. The remainder of the exterior siding may also include wood or wood products, or other exterior materials allowed by the building code.

Building Front: At a minimum, each single-family dwelling shall have on the front side of the structure 1 door entrance into the living area of the structure and 2 windows, with a total of at least 20-square feet facing the public right-of-way. When located on a corner lot, the single-family dwelling shall face the street frontage most dominated by residentially-used structures

Garages: All new single-family development must include a garage (either attached or detached) with a minimum of 400 square feet per dwelling unit. Garages shall be flush with or recessed behind the front side of the house; however, in no case may the garage be set back less than 20 feet from the back of the sidewalk.

Driveways: For buildings with two or less garage spaces, the driveway must be a minimum of 12 feet wide and a maximum of 20 feet wide. For buildings with three or more garage spaces, the maximum driveway width is 24 feet. Although wider driveways may be necessary to accommodate approved, paved, recreational vehicle pads or additional off-street parking, driveways must adhere to these standards as measured at the back of the sidewalk. The driveway may transition to the maximum width needed starting 10 feet behind the back of the sidewalk. In addition, a maximum of 50% of the front yard may be paved with driveways and other impervious surfaces.

Roofing: All single-family dwellings shall have a pitched roof with a minimum 4-inch vertical rise for each 12-inches of horizontal run, and shall have a minimum 16-inch eave and/or rake on each side, unless the structure embodies architectural styles of a historical or unique contemporary nature.

Foundation: New single-family dwellings shall be placed on a permanent foundation that complies with the building code, and shall be constructed so that the finished first floor elevation is within 30 inches of grade level.

Fencing: All new agricultural fences and walls must adhere to the fencing standards shown in the table below:

Location	Maximum Height	Minimum Setback from Property Line	Style
Front Yard	42 inches (3.5 feet)	0 feet	Open
Side or Rear Yard	6 feet	0 feet	Open or Screen
Side or Rear Yard along Public Right-of-Way	5 feet	0 feet	Open
Along a Public or Private Open Space or Park	5 feet	0 feet	Open
Gate Setback	20 feet		

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In addition to other allowed fence types that can be found in the Fencing Facts to Know, The City of Commerce City allows for electric fences in agricultural zone districts. Electric fences are permitted, so long as they meet the following standards:

- No electric fence used for the containment of livestock may contain more than two electric strands.
- Electric fences installed for the purpose of securing farm equipment shall conform to the following:
 - ✓ A perimeter non-electric fence must surround the exterior of an electric fence. The perimeter fence shall conform to the standards listed in the table above.
 - ✓ The electric fence may not exceed 2' higher than the perimeter fence
 - ✓ Fence may not use any power source other than a storage battery not exceeding 12 volts.
 - ✓ Warning signs notifying the public of the existence of the electric fence, at intervals of 25 feet on property lines that abut residential and public zones, and 50 foot intervals for all other zone districts.
 - ✓ Electric fences that abut residential and public zones must have a 20 foot setback from the specific zone district.

SOURCES FOR ADDITIONAL INFORMATION:

- Interactive Property Lookup Map (What's My Zoning?): maps.c3gov.com/propertylookup
- Land Development Code Article IV (Zoning Districts)
- Land Development Code Article VII (Development and Design Standards)
- Approved Plant List
- Facts to Know for Fences
- Planner of the Day: 303-227-8777 or cdplanner@c3gov.com
- Building Safety Division: 303-289-3790