

CITY OF RIFLE, COLORADO
ORDINANCE NO. 26
SERIES OF 2017

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTIONS OF CHAPTER 16 OF THE RIFLE MUNICIPAL CODE PERTAINING TO NONCONFORMING RESIDENTIAL USES, SETBACK REQUIREMENTS FOR HAZARDOUS CHEMICALS, AND CERTAIN ZONING REQUIREMENTS.

WHEREAS, the City of Rifle (“Rifle” or the “City”) is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Rifle Home Rule Charter; and

WHEREAS, Section 16-18-1130 of the Rifle Municipal Code identifies residential use as a non-conformity in the City’s Central Business District and requires abatement of residential uses if discontinued for 12 or more months; and

WHEREAS, Section 16-3-430 of the Rifle Municipal Code sets forth a screening requirement for commercial and industrial facilities, but does not include a provision requiring the setback of heavy industry or hazardous chemical storage operations from residential areas; and

WHEREAS, certain zoning setback and frontage standards in the Rifle Municipal Code are redundant or inconsistent with historical and present development trends and needs; and

WHEREAS, the City Planning and Development Department has recommended certain changes to Chapter 16 of the Rifle Municipal Code to promote the active use of land; and

WHEREAS, the Rifle Planning Commission has recommended approval of the amendments to the Rifle Municipal Code proposed by the City Planning and Development Department; and

WHEREAS, the City Council finds and declares that the code changes set forth herein are necessary and desirable to protect the health, safety, and welfare of the general public.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS THAT:

1. Incorporation. The Rifle City Council adopts the foregoing recitals and conclusions as facts and determinations and incorporates them by reference as if set forth in full herein.

2. Code Amendment. Section 16-18-1130 of the Rifle Municipal Code is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~:

Sec. 16-18-1130. - Nonconforming uses - residential uses.

~~(d) Abandonment.~~

- ~~(1) A nonconforming residential use that has been discontinued or left vacant for a period of twelve (12) months, for whatever reason, shall be considered to be abandoned and shall not be reoccupied or reestablished. Any further use on the property shall be in conformance with all applicable provisions of this Article. Evidence of intent to abandon the nonconforming use is not required.~~
- ~~(2) Failure to correct code violations that have been adjudicated in the manner and time frame so ordered, shall constitute intent to abandon a nonconforming residential use.~~

(e) Destruction and replacement.

(e) Reversion from conforming or more conforming residential use to previous nonconforming use prohibited. Any part of a residential building, structure or land occupied by a nonconforming residential use that is brought into complete or greater compliance with the provisions of the applicable sub-district shall not thereafter revert to the previous residential use or be occupied by any other nonconforming use.

3. Code Amendment. Section 16-3-430 of the Rifle Municipal Code is hereby amended as follows, with double underlined text added:

Sec. 16-3-430. - General requirements for commercial and industrial districts.

(d) Commercial and industrial facilities adjacent to residential uses. Facilities shall be screened with opaque fencing six (6) feet in height and landscaped per Section 16-13-80. Storage of hazardous chemicals, industry lay down yards, or other similar heavy activity shall not occur within 700 feet of a residential use or residential zone district.

4. Code Amendment. The residential zone standards set forth in Section 16-3-340 of the Rifle Municipal Code are hereby amended as follows, with double underlined text added and ~~strike through language deleted~~:

Sec. 16-3-340. - Additional requirements for residential districts.

(a) ~~All required yards abutting a street and required open space must be landscaped in accordance with the Public Works Manual.~~ Driveways shall be at least twenty (20) feet long.

(b) ~~If required yards contain driveways, such driveways shall be situated at approximately right angles to the street.~~ Off-street parking or storage of vehicles, travel trailers or motor homes shall not be permitted within any front or street side setback area, provided that off-street parking may be permitted within that portion of any setback used for driveway access to required off-street parking areas for single-family residences and duplex units. Storage of

mobile homes is not permitted unless related to an approved mobile home sale facility.

~~(c) The setback for Interstate 70 is one hundred (100) feet from the centerline of the nearest traffic lane or fifty (50) feet from the right of way, whichever is greater. The Interstate 70 setback area must be effectively landscaped to screen outside storage areas and present the impression of low intensity land use. The landscaping shall be maintained in a "green and growing" condition and shall be approved as part of the building permit application or subdivision or PUD approvals. On a vacant lot bordered on two (2) sides by previously constructed buildings which do not meet the required front yard setback for the district, the required front yard setback for the vacant lot shall be established as the averaged front yard setback of the two (2) adjacent buildings. Where a vacant lot is bordered on only one (1) side by a previously constructed building which does not meet the required front yard setback for the district, the required front yard setback for the vacant lot shall be established as the average front yard setback of the adjacent building and the minimum front yard setback for the district.~~

~~(d) All structures shall be set back one hundred (100) feet from the centerline or fifty (50) feet from the right of way line of an arterial street, whichever is greater. Arterial streets are: Highway 13, Highway 13 Bypass and Highways 6 and 24.~~

~~(e)~~ Multi-family units in the MDR and MDR-X zone districts shall provide a minimum of twenty-five (25) square feet (floor space) per bedroom, up to a maximum of fifty (50) square feet per unit, of attached or detached storage, which storage shall be located outside the physical interior of the unit and shall have direct access from outside the unit. If the storage space required hereunder is located in a structure not attached to the unit, such structure shall be architecturally compatible with the architecture of the structure in which the unit is located. Further, each unattached storage or accessory building of one hundred twenty (120) square feet or more will be inspected pursuant to the provisions of the Building Code, as adopted in this Code.

~~(f)~~ Accessory buildings, including garages, sheds, carports, and pole barns and similar structures shall be allowed only as provided in this Section.

(1) Conex boxes, shipping containers, and similar structures are not permitted.

(2) Structures less than two hundred (200) square feet:

- a. No building permit required.
- b. Any facade is permitted.
- c. Maximum height — ten (10) feet.
- d. Front yard setback — twenty (20) feet.
- e. Side and rear yard setback — none.

(3) Accessory buildings are permitted between two hundred (200) and seven hundred twenty (720) square feet, and may be considered for a Conditional Use Permit up to one thousand (1,000) square feet, with the following standards:

- a. Any facade is permitted.
- b. Maximum height — ten (10) feet.
- c. Side and rear yard setback — five (5) feet.
- d. Front yard setback — twenty (20) feet.
- e. Multiple accessory structures may be permitted on a property, but cumulative square footage shall not exceed the amounts stated above.

- (4) Flexibility for structures with a residential character. Accessory buildings may exceed the standards in Subsection 16-3-340(~~fe~~)(3) and instead follow the standards for primary residential dwellings, including size, setbacks, and height, if the facades of the structure are consistent with those of a typical residential dwelling. This includes facade materials other than metal, colors, windows, non-reflective roofs, and other architectural components. The Planning Director, at his or her discretion, may require the applicant to apply for a Conditional Use Permit if the residential character is in question or if impacts on neighbors or the community are anticipated.
- (5) Accessory buildings that combine a garage and an accessory residential use shall meet the Accessory Dwelling Unit (ADU) requirements in Section 16-3-60.
- (6) A storage structure shall only be established on a site concurrent with or after the primary residence has been established.

~~(g) — The maximum density of twelve (12) dwelling units per acre shall apply to all residential land uses, including townhouses and condominiums. In the case of townhouses and condominiums, the overall size of the parcel upon which the condominiums or townhouses are to be constructed must contain a minimum area of three thousand (3,000) square feet per dwelling unit.~~

~~(hf)~~ Residential structures constructed prior to September 1, 1996, are exempt from compliance with the minimum yard setbacks defined in this Section or in Section 16-3-440 of this Article. Any new construction, additions to existing residential structures or changes to existing residential building envelopes after September 1, 1996, shall be subject to the minimum yard setbacks set forth in this Section and in Section 16-3-440 below, except as otherwise provided in ~~Section 16-3-230(g)~~ Subsection 16-3-340(c) above.

5. Code Amendment. Section 16-7-80 of the Rifle Municipal Code is hereby amended by the deletion of Subsection (b) due to its inclusion in Section 16-3-340, with and ~~strike through language deleted:~~

Sec. 16-7-80. - Setbacks.

- (a) In a commercial or industrial zone district, required off-street parking spaces may occupy any part of the property, except within required landscape areas or site distance triangles.
- ~~(b) — Off street parking or storage of vehicles, travel trailers or motor homes shall not be permitted within any front or street side setback area, provided that off street parking may be permitted within that portion of any setback used for driveway access to required off street parking areas for single family residences and duplex units. Storage of mobile homes is not permitted unless related to an approved mobile home sale facility.~~

6. Code Amendment. Section 16-3-230 of the Rifle Municipal Code is hereby amended by the deletion of Subsection (g) due to its inclusion in Section 16-3-340, with double underlined text added and ~~strike through language deleted:~~

Sec. 16-3-230. - Yard requirements.

~~(g) — On a vacant lot bordered on two (2) sides by previously constructed buildings which do not meet the required front yard setback for the district, the required front yard setback for the vacant lot shall be established as the averaged front yard setback of the two (2) adjacent buildings. Where a vacant lot is bordered on only one (1) side by a previously constructed building which does not meet the required front yard setback for the district, the required front yard setback for the vacant lot shall be established as the average front yard setback of the adjacent building and the minimum front yard setback for the district.—~~

(hg) Every part of a required yard shall be unobstructed by building from ground level to the sky except for projections of architectural features as follows:

- (1) Cornices, sills and ornamental features may project twelve (12) inches into a yard.
- (2) Roof eaves may extend eighteen (18) inches into a yard.
- (3) Uncovered porches, slabs and patios, walks, steps, fences, hedges and walls are not restricted when less than forty-two (42) inches above ground level.
- (4) Fire escapes and individual balconies not used as passageways may project eighteen (18) inches into any required side yard, or four (4) feet into any required front or rear yard.
- (5) Solar energy devices and equipment may extend eighteen (18) inches into a yard.

7. Code Amendment. The schedule of requirements for residential districts set forth in Section 16-3-330 of the Rifle Municipal Code is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~:

Sec. 16-3-330. - Schedule of requirements for residential districts.

The following is the schedule of requirements for the LDR, MDR and MDR-X Zone Districts:

ZONING REQUIREMENTS	LDR	MDR	MDR-X
Intensity of residential uses—	5 dwelling units per acre—	12 dwelling units per acre—	12 dwelling units per acre
<u>Single family</u> Minimum lot size	6,000 s.f.	<u>6 3,000</u> s.f.	<u>6 3,000</u> s.f.
Multi-family units (condominiums, town homes)—	3,000 s.f. per dwelling unit—	3,000 s.f. per dwelling unit—	3,000 s.f. per dwelling unit
Maximum lot coverage	50%	70%	85% Maximum height of buildings
(See Section 16-3-250)	27 feet	35 feet	35 feet
Maximum floor area ratio	1:1	1:1	2:1
Off-street parking	Per Article VII of this	Per Article VII of this	Per Article VII of this

spaces	Chapter	Chapter	Chapter
Minimum setbacks:			
1. Front yard:-			
a. Interstate 70-	No structure shall front on I 70-	No structure shall front on I 70-	No structure shall front on I 70-
b. Arterial highways-	100 feet from centerline or 50 feet from R.O.W. whichever is greater-	100 feet from centerline or 50 feet from R.O.W. whichever is greater-	100 feet from centerline or 50 feet from R.O.W. whichever is greater-
c. Local streets* <u>Front yard</u>	20 <u>15</u> feet	20 <u>10</u> feet	20 <u>5</u> feet
2. Rear yard:	20 feet	20 <u>10</u> feet	20 <u>5</u> feet
3. Side yard:	5 feet minimum or 1 foot for every 2 feet of building height, whichever is greater.	5 feet minimum or 1 foot for every 2 feet of building height, whichever is greater.	5 feet minimum or 1 foot for every 2 feet of building height, whichever is greater.
4. Shared driveway:	20 feet from edge of the driveway easement	20 feet from edge of the driveway easement	20 feet from edge of the driveway easement

* In the first 5 Filings in Highlands East, the front yard setback shall be 25 feet.-

8. Code Amendment. Section 16-3-240 of the Rifle Municipal Code regarding fences, hedges, and walls is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~:

Sec. 16-3-240. - Fences, hedges and walls.

~~All fences, hedges and walls may be permitted in the required yards of any district subject to the following conditions and requirements.-~~

- ~~(1) All fences and walls are subject to the building code requirements.-~~
- ~~(2) It shall be the responsibility of the property owner to locate all property lines. No fence, hedge or wall may extend beyond or across a property line unless with the agreement of the abutting property owner.-~~
- ~~(3) No fence, hedge, wall or sign shall be placed nearer than twelve (12) inches to any public sidewalk.~~
- ~~(4) No barbed wire, sharp pointed or electrically charged fence shall be permitted except to control permitted livestock or as part of security fencing as further provided for in Paragraph (9) below.-~~
- ~~(5) The total combined height of fences and/or walls shall not exceed seven (7) feet in height, except as may be required by the City as a condition of approval of a conditional use permit.-~~

- (3) Fences in Front Yards. Within twenty (20) feet of a property line that borders a public right-of-way, the maximum height of a fence is four (4) feet. For properties with an elevated front yard that causes a four (4)-foot fence to rise higher than four (4) feet above the elevation of the curb, fences of a non-opaque material such as chain link, wire, or other material that preserves views, shall be installed.
- (64) On corner lots, no opaque fence, hedge, landscape feature, shed or wall over thirty (30) inches in height above the elevation of the curb shall be placed in the intersection of a triangular area formed by three (3) points as established by: (a) the intersection of the flowline at the corner; (b) measuring thirty (30) feet back from this intersection on each flowline; and (c) connecting the two (2) ends of the legs to form a triangle. This Section shall not require the removal or modification of any retaining wall existing on December 1, 1993, which is necessary for the structural stability of the lot. The fee (but not the cost of mailing) shall be waived for any person seeking a variance from the strict application of this Section.
- (75) At the intersection of a street and alley, no structure, landscape feature, retaining wall or fence over forty-two (42) inches in height shall be placed within seven (7) feet of the corner of the lot next to the public right-of-way and the alley.
- ~~(8) The maximum height of a fence in a front yard setback is four (4) feet. For properties with an elevated front yard that causes a four-foot fence to rise higher than four (4) feet above the elevation of the curb, fences of a non-opaque material such as chain link, wire, or other material that preserves views, shall be installed.~~
- (96) A *security fence* is defined as any fence incorporating barbed wire on the uppermost portion of the fence as described below. Security fences shall be permitted in the Light Industrial and Industrial Zone Districts, provided that the fencing does not exceed seven (7) feet in height and further provided that not more than three (3) stacked strands of barbed wire may be mounted in a vertical or cantilevered position at the top of the fence. In no event shall any strand of barbed wire in a security fence be mounted less than six (6) feet above the elevation of the ground. No barbed wire, sharp-pointed, or electrically charged fence shall be permitted except to control permitted livestock or as part of security fencing. No barbed wire fencing of any kind shall be permitted in the Central Business District. ~~Security fencing in the Community Services and Tourist Commercial Zone Districts will require approval of a variance.~~

INTRODUCED on December 20, 2017, read by title, passed on first reading with amendment, and ordered published as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on January 3, 2018, passed without amendment, approved and ordered published in full as required by Charter.

Dated this _____ day of _____, 2018.

By: _____
Barbara Clifton, Mayor

City of Rifle, Colorado
Ordinance No. 26, Series of 2017
Page 9 of 8

ATTEST:

City Clerk