

ORDINANCE NO: 2194

INTRODUCED BY: DAVIS, DOUGLAS, ELLIOTT, FORD, FRANK, GUARDIOLA,
HUSEMAN, MADERA, TETER

AN ORDINANCE AMENDING SECTIONS 21-5200 AND 21-5254 OF THE LAND DEVELOPMENT CODE RELATING TO OUTDOOR STORAGE STANDARDS INCLUDING STANDARDS FOR MATERIAL PILES

WHEREAS, the City Council of the City of Commerce City adopted the Land Development Code, effective March 1, 2009, by Ordinance 1720, which has been amended from time to time;

WHEREAS, the ongoing application and interpretation of the Land Development Code has identified a need to modify the provisions regulating outdoor storage, including the regulation and allowable use of material piles;

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

SECTION 1. Section 21-5200 (Table V-1) (Land Use Table) of the Land Development Code is amended as set forth in Exhibit A, which is attached and incorporated by reference.

SECTION 3. Section 21-5254 of the Land Development Code relating to Outdoor Storage is amended as set forth in Exhibit A.

SECTION 4. Exhibit A is attached and incorporated by reference.

SECTION 5. This ordinance is necessary and appropriate to protect the public health, safety, and welfare and in the general public interest.

SECTION 6. Except as specifically modified herein, the provisions of the Land Development Code shall remain unchanged and in full force and effect.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 19TH DAY OF NOVEMBER, 2018.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 17TH DAY OF DECEMBER, 2018.

CITY OF COMMERCE CITY, COLORADO

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk

EXHIBIT A TO ORDINANCE 2194

(Unless otherwise indicated, underlined text indicates new material; strikethrough text indicates deletions.)

Sec. 21-5200 (Table V-1) of the Land Development Code is amended as follows:

“Material Piles – Over 8 feet in height” shall be added as a conditional use in the I-2 and I-3 zone districts.

Section 21-5254 of the Land Development Code is amended as follows:

Sec. 21-5254. Outdoor Storage

- (1) **Business Related.** All outdoor storage shall be incidental and directly related to the primary business being conducted on that property. Outdoor storage shall not be the primary use of any property and the leasing of space for outdoor storage is prohibited unless the outdoor storage is an accessory use to a business operated by a tenant who leases any building located on such property for the operation of the tenant’s business or as permitted in paragraph (4) below.
- (2) **Heating Fuels.** Outdoor storage of heating fuels may be permitted in all zones, provided such storage is directly connected to heating devices for the purpose of providing fuel for heating the building of which such heating device is a part.
- ~~(3) **Manure.** No manure shall be stored within 100 feet of any property line.~~
- (3) **Surfacing.** Outdoor storage shall be paved with recycled asphalt or other road base material in accordance with the ECSS (Engineering Construction Standards & Specifications).
- (4) **Principal Structures.** No outdoor storage shall occur on a lot that does not contain a building, unless said outdoor storage is used by an adjacent property owner or lessee and is directly related to such adjacent property owner’s or lessee’s business.
- (5) **Agriculturally Zoned Lots.** Outdoor storage, compliant with these regulations, shall be permitted only when the stored items relate directly to the principal agricultural use. Determination of which items are directly related to the principal use shall be made by the director.
- (6) **Location.** Outdoor storage shall be limited to the rear and side yards of the property. Required parking and landscape treatment areas can never be used for outdoor storage. No manure shall be stored within 100 feet of any property line.
- (7) **Stacking and Screening Requirements.** All outdoor storage areas shall be enclosed by a fence or wall adequate to conceal such areas from adjacent non-industrial property and public right-of-way. Outdoor storage can be stacked to eight feet or the height of the screening fence, whichever is less, ~~with the following~~

exceptions and restrictions: Large items over 8 feet in height such as truck trailers or concrete pipes shall be placed in a single layer and not stacked. Additional screening mitigation may be required depending on the topography and visibility of the site.

~~(a) I-1 and I-2 Zoning Districts. In addition to not being visible from adjacent non-industrial property and public right-of-way, the outdoor storage shall not be visible to a pedestrian at ground level looking at the storage area from a public facility such as a city park, trail, and open space, or from the first floor of any building not on the subject property to the maximum extent possible. In order to confirm compliance, the city may request additional information as necessary, such as a grading plan or topographic survey, or a plan showing adjacent building footprints.~~

~~(b) I-3 Zoning Districts. In addition to not being visible from adjacent non-industrial property and public right-of-way, the outdoor storage shall not be visible to a pedestrian at ground level looking at the storage area from a public facility such as a city park, trail, and open space, or from the first floor of any building not on the subject property to the maximum extent possible. The exception to the eight foot maximum height limit is the storage of bundled lumber, pallets, or shipping containers only, which may be stacked to a height of 20 feet if done in a manner that ensures safety. Any items stacked higher than the fence must be placed in such a manner that the items cannot fall and land on or outside of the fence.~~

(a) Exceptions.

(i) Material piles such as construction aggregate and landscape materials may exceed the eight-foot maximum stacking limit in the I-2 and I-3 zone districts upon approval of a Conditional Use Permit. Flammable materials shall have a maximum allowed stacking limit of 25 feet in accordance with adopted fire codes. Non-flammable materials shall have a maximum stacking limit of 50 feet or the maximum height permitted for a principal structure in the underlying zone district, whichever is less.

(ii) The storage of bundled lumber, pallets, shipping containers, or construction crane sections may exceed the eight-foot maximum stacking limit in the I-3 zone district only. These specific items may be stacked to a height of 20 feet, or higher than 20 feet upon approval of a Conditional Use Permit, if done in accordance with adopted fire codes. Any items stacked higher than the fence must be placed in such a manner that the items cannot fall and land on or outside of the fence.

(b) ~~(c) Fences and Gates. Fences used for screening outdoor storage shall be masonry, brick, decorative rock, stone, textured concrete, stucco, or wood and meet the standards in Article VII Division 7 Part C (Fence and Wall Standards) of this land development code and shall be erected in accordance with the building permit issued by the city. Gates must be~~

opaque; however, a gate may be a different material than what would be allowed for the fence. ~~All gates must meet the required setbacks in section 21-7732 (Fences).~~

(8) **Site Plans.** Site plans for outdoor storage shall be provided to the city, when required, and shall depict the following:

- (a) Exact location of proposed outdoor storage area;
- (b) Dimensions and locations of aisles and circulation paths in the outdoor storage area for general and emergency access;
- (c) Square feet of proposed outdoor storage area;
- (d) Location of the fence, including pedestrian and vehicular gates;
- (e) Height and type of fence proposed, including an elevation of the fence;
- (f) Description of the material proposed to be stored;
- (g) Height of the material and/or proposed stacking height of the material proposed to be stored; and
- (h) Description of the proposed surface on which material will be stored, and of the circulation and emergency access aisles.

(9) **Outdoor Storage in the I-1 Zoning District.** In addition to the foregoing paragraphs, the following special provisions apply to outdoor storage in I-1 districts:

- (a) Limited availability. No outdoor storage shall be permitted unless the property is located in the following areas:
 - (a) Rocky Mountain Industrial Park. The area located within the following boundaries: Bordered on the south by East 56th Avenue, on the east by Monaco Street, on the west by Holly Street, and on the north by a line constituting an extension of East 59th Avenue.
 - (b) Stapleton Industrial Park. The area located within the following boundaries: Bordered on the south by East 48th Avenue, on the east by Quebec Street, on the west by Ivy Street, and the north by Sand Creek.
- (b) The board of adjustment may not consider variances or exceptions to the location requirements stated above.
- (c) Review Criteria. Outdoor storage in the areas described in paragraph 9(a) may be permitted only if the director finds:
 - (c) Outdoor storage at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public

improvements, public sites or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they presently exist or as they may in the future be developed;

- (d) The characteristics of the site are suitable for outdoor storage as a use-by-permit considering the size, shape, location, topography, and existence of improvements and natural features; and
 - (e) Sufficient landscaping and screening will be utilized to insure harmony with adjacent uses and public rights-of-way.
- (d) The area of outdoor storage shall be limited based upon the characteristics of the site. Those relevant limiting characteristics include, but are not limited to the following:
- (f) Size of buildings;
 - (g) Type of material being stored;
 - (h) Vehicle circulation patterns;
 - (i) Loading docks;
 - (j) Landscaping areas; and
 - (k) Emergency vehicle access.
- (e) Pre-Existing Use.
- (l) Any and all outdoor storage existing in the I-1 and I-1S zoning districts which have not been expressly permitted through this section or by a use-by-permit, whether or not said outdoor storage existed prior to the passage of this section is hereby declared to be illegal and in violation of this land development code.
 - (m) Previous conditional use approvals. Any I-1 zoned property that had previously obtained conditional use approval for outdoor storage within the Rocky Mountain Industrial Park shall continue to operate legally under that conditional use permit until such time as the business is sold, transferred, or ceases to operate. Any new owner, tenant, or lessee will be required to obtain approval for outdoor storage in compliance with this section.

[END OF EXHIBIT A TO ORDINANCE 2194]