

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 12
SERIES OF 2021**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO AMENDING
SECTION 16-3-320 OF THE RIFLE MUNICIPAL CODE REGARDING
CHILD CARE HOMES TO COMPLY WITH STATE STATUTE.

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

WHEREAS, Chapter 16 of the City of Rifle Municipal Code (the “Code”) sets forth the City’s regulations relating to land use, development, and zoning; and

WHEREAS, the Colorado State Legislature passed HB21-1222 to align local governing authority regulations to expand opportunities to access child care in family child care homes; and

WHEREAS, under current state law, a family child care home is a state-licensed child care facility serving up to 12 children and operated by a person who resides in the same dwelling where the care is provided; and

WHEREAS, HB21-1222 requires local governing authorities to treat child care homes as a residential property use in the application of local regulation, including zoning and land use development, and not impose additional regulations that do not also apply to other residential properties; and

WHEREAS, it is necessary to amend the Code to comply with HB21-1222; and

WHEREAS, on September 28, 2021, pursuant to Code Chapter 16, Article V, Division 3, the Rifle Planning Commission held a public hearing and approved TXT-2021-049 recommending City Council’s adoption of the Code amendments herein; and

WHEREAS, the City Council finds and determines that the following amendments to Chapter 16 of the Code are in the best interest of the public health, safety and welfare of the citizens of Rifle.

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

1. The foregoing recitals are incorporated by reference as findings and determinations of the City Council.
2. The Definitions contained in Section 16-1-220 of the Rifle Municipal Code are hereby amended as follows, with underlined text added and ~~strike through language~~ deleted:

Sec. 16-1-220. – Definitions

Family Child care home (~~2+~~up to 12 children) ~~means an accessory land use category that includes~~ means an occupied residence in which a qualified person or persons who live in the home provide child care for ~~two (2)~~ 12 or less ~~or more~~ children ~~under the age of sixteen (16)~~ who are not related to the person or persons providing the care, as defined and regulated by the Colorado Department of Human Services Child Care Facility Licensing regulations for child care facility licensing. See Section 16-18-1020 of this Chapter for Central Business District regulations associated with this land use category. The care of more than twelve (12) children shall be prohibited within an occupied residence, per state statutes.

Group child care center (~~up to nine (9)~~twelve (12) children) means a principal land use category that includes facilities in which qualified persons provide child care services for up to ~~nine (9)~~ twelve (12) children. Examples of such land uses include day care centers and nursery schools. Child care facilities located within an occupied residence shall be considered a family child care home ~~two or more (2+ children)~~ twelve children or less land use. Such land uses may be operated on a for-profit or a not-for-profit basis and may be operated in conjunction with another principal land use on the same environs, such as a church, school, business or civic organization. In such instances, group child care centers shall be considered principal uses (not accessory uses), and, as such, shall require separate review. See Section 16-18-1020 of this Chapter for Central Business District regulations associated with this land use category.

Group child care center (~~ten (10)~~thirteen (13) or more children) means a principal land use category that includes facilities in which qualified persons provide child care services for more than ~~ten (10)~~ thirteen (13) children. Examples of such land uses include day care centers and nursery schools. ~~Child care facilities located within an occupied residence shall be considered a family child care home (2+ children) land use.~~ Such land uses may be operated on a for-profit or a not-for-profit basis and may be operated in conjunction with another principal land use on the same environs, such as a church, school, business or civic organization. In such instances, group child care centers shall be considered principal uses (not accessory uses) and, as such, shall require separate review. See Section 16-18-1020 of this Chapter for Central Business District regulations associated with this land use category.

3. The Text contained in Section 16-3-280 of the Rifle Municipal Code is hereby amended as follows, with underlined text added and ~~strike through language~~ deleted:

Sec. 16-3-280. - Home occupations.

- (a) Home occupations allowed by right. The following home occupations may be permitted in a residence in any zone district subject to the criteria specified in Subsection (c) below:
- (1) Office for the conduct of a business or profession.
 - (2) Artist or craft studio.
 - (3) Haircutting.
 - (4) Light assembly.
 - (5) Clothing alterations.
 - (6) Child care facilities operating out of a residence shall be considered a family child care home (~~2+~~ up to 12 children) accessory land use.

* * *

4. The Use Table contained in Section 16-3-320 of the Rifle Municipal Code is hereby amended as follows, with underlined text added and ~~strike through language~~ deleted:

Sec. 16-3-320. - Schedule of uses for residential districts.

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

<i>USE</i>	<i>Residential Districts</i>		
	<i>Low-Density Residential</i>	<i>Medium Density Residential</i>	<i>Redeveloping Medium Density Residential</i>
	<i>LDR</i>	<i>MDR</i>	<i>MDR-X</i>
* * *			
Group child care center (up to 9 <u>12</u> children)	P	P	P
Group child care center (10 <u>13</u> or more children)	C	C	C
<u>Family Child Care Home (up to 12 children)</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * *			

5. The Use Table contained in Section 16-3-420 of the Rifle Municipal Code is hereby amended as follows, with underlined text added and ~~strike through language~~ deleted:

Sec. 16-3-420. - Schedule of uses for commercial and industrial districts.

The following is the schedule of uses for the CS, TC, LI and I Zone Districts. For the Central Business District, see Section 16-18-1010 of this Chapter.

<i>USE</i>	<i>Commercial Districts</i>			
	<i>Community Service</i>	<i>Tourist Commercial</i>	<i>Light Industrial</i>	<i>Industrial</i>
	<i>CS</i>	<i>MDR</i>	<i>LI</i>	<i>I</i>
Group child care center (up to 9 <u>12</u> children)	P	P	P	P
Group child care center (10 <u>13</u> or more children)	C	C	C	C
<u>Family Child Care Home (up to 12 children)</u>	<u>P</u>	<u>P</u>	<u>C</u>	*

6. The Use Table contained in Section 16-18-1010 of the Rifle Municipal Code is hereby amended as follows, with underlined text added and ~~strike through language~~ deleted:

Sec. 16-18-1010. - Table of land uses.

Central Business District Sub-Districts						
	Centennial Neighborhood	Creekside Neighborhood ^{***}	Historic Core	Second Street Mixed Use	North Gateway	River Gateway
	CBD-CN	CBD-CS	CBD-HC	CBD-MU	CBD-NG	CBD-RG
Commercial Uses						
Group child care center (<u>up to 12 children</u>)	C*	C*		C*	D*	D*
<u>Group child care center</u> (13 or more children)	C*	C*		C*	D*	D*
Accessory Uses						
Family Child care home (2+ children <u>up to 12 children</u>)	<u>CP</u>	<u>CP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

INTRODUCED on November 3, 2021, read by title, passed on first reading, 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 on November 17, 2021, passed without amendment, approved, and ordered published in full as required by the Charter.

DATED this _____ day of _____, 2021.

CITY OF RIFLE, COLORADO

By _____
Mayor

ATTEST:

City Clerk