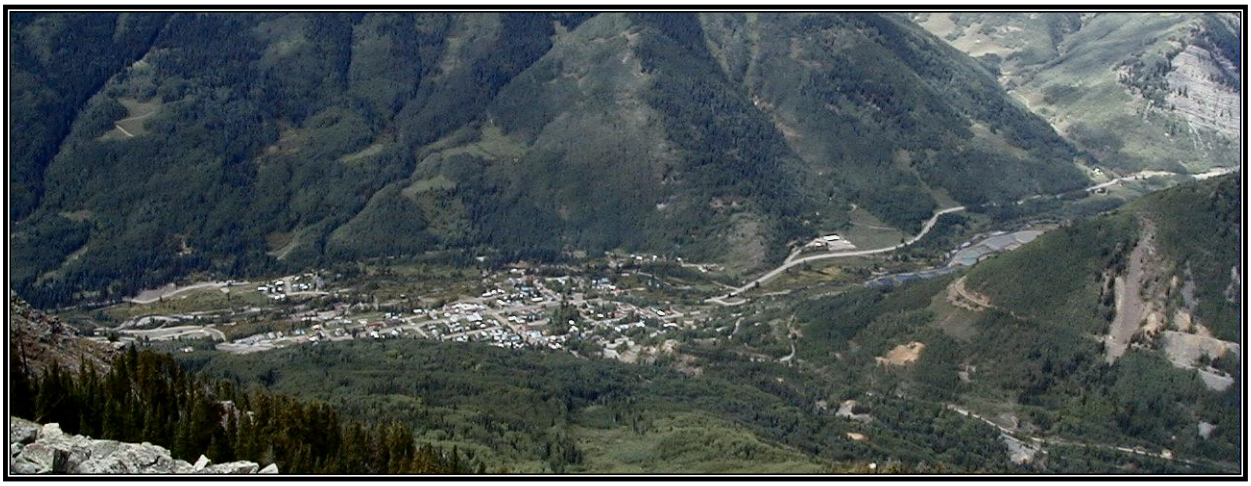
TOWN OF RICO
LAND USE CODE



ADOPTED BY ORDINANCE NO. 1999-7 ON AUGUST 31ST, 1999
LATEST REVISION: AMENDMENTS ADOPTED BY ORDINANCE NO. 2011-03
ON JUNE 15TH, 2011

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ARTICLE I
GENERAL INFORMATION

100. INTRODUCTION

The Town of Rico Land Use Code is the codification of previous ordinances regulating land use and development as well as the enactment of revisions and new regulations intended to implement the Rico Regional Master Plan. Throughout this Rico Land Use Code, the Town of Rico may be referred to as "Town" and the Board of Trustees may be referred to as "Trustees". These regulations shall be known, and may be cited, as the "Rico Land Use Code" or "RLUC".

102. AUTHORITY

The RLUC is authorized by the following statutes in addition to the Town's general police powers and other applicable state authority: C.R.S. §31-23-201 et. seq. PLANNING COMMISSION; C.R.S. §29-20-101 et. seq. Local Government Land Use Control Enabling Act; C.R.S. §24-65.1-101 et. seq. Areas and Activities of State Interest; C.R.S. §24-68-101 et. seq. Vested Property Rights; C.R.S. §24-72-101 et. seq. Planned Unit Developments

104. PURPOSE

The RLUC is adopted for the purpose of promoting the health, safety and general welfare of the citizens of the Town of Rico, and in particular to:

104.1. Preserve and enhance the integrity, stability and livability of residential neighborhoods;

104.2. extend greater opportunities for traditional community living, working, housing, and recreation to all citizens and residents of Rico;

104.3. promote reasonable certainty to land use and development expectations associated with property ownership;

104.4. promote the timely provision of public infrastructure to meet potential demand in the present and the future;

104.5. promote minimum consumer protection assurances for property buyers that properties can be developed for their intended use;

104.6. preserve the historic, small town character of the community by minimizing the visual impact of development upon important view sheds;

104.7. discourage the misuse of buildings, sites, and development parcels to avoid excessive concentrations of population and traffic; to promote energy conservation; and, to facilitate the provision of adequate transportation, water, sewerage, schools, parks and other public facilities and services;

104.8. provide a procedure which can relate the type, design and layout of residential development to the particular site, and achieve the Town's goal of encouraging mixed-use development while preserving and protecting existing residential areas; and,

104.9. establish a clear, consistent, predictable and efficient land development process.

106. INTERPRETATION AND APPLICATION

In the interpretation and application of these RLUC, the following regulations shall apply:

106.1. Minimum Requirements. In the interpretation and application of the RLUC, the provisions hereunder shall be regarded as the minimum requirements for the protection of the public health, safety, and general welfare of the Rico community. The provisions and requirements in the RLUC shall be liberally construed to further the general purposes stated in **104**, and as is stated in each specific code section. Where a term or phrase is not otherwise defined in these RLUC, such term or phrase shall be defined by the latest edition of Webster's dictionary.

106.2. Conflict of Laws. Whenever a provision in the RLUC contains any restrictions which covers the same subject matter as another provision herein, or in any law of the Town of Rico, State of Colorado, or United States of America, the provision, regulation, or law which imposes the greater restriction shall govern. The RLUC shall not supercede any private land use regulation in a deed or covenant which is more restrictive than this code.

106.3. Existing Permits and Agreements. The adoption of the RLUC is not intended to abrogate or annul any permits or approvals of Subdivision Plats, improvements agreements, or any conditions related to subdivisions, issued by the Town of Rico before the effective date of the RLUC.

108. APPLICATION TO PUBLIC ENTITIES

Except as provided herein the RLUC shall apply to the Town of Rico, Rico Fire Protection District, and other public service providers. The Board of Trustees shall have the authority to grant any development approval, or waive any requirement, provision, condition, or fee set forth in this RLUC for the purpose of improving public services provided by the Town of Rico, Rico Fire Protection District, or any public service provider. Such grant or waiver shall be directly related to protecting and promoting the health, safety, and general welfare of the Rico Community. The Board of Trustees shall conduct a public hearing prior to considering any waiver of any requirement for a development approval for a public entity. Notice of the public hearing should strive to comply with notice requirements for similar development applications but shall be provided at a minimum by posting notice of the hearing at the Rico Town Hall and the Rico Post Office at least 24 hours prior to the hearing, and such 24 hour prior posted notice shall be deemed legally sufficient.

110. VESTING OF PROPERTY RIGHTS

110.1. Vesting of Property Right. A 'site specific development plan' is defined as a planned unit development plan approved in accordance with Article III, a subdivision plat approved in accordance with Article V, an annexation approved in accordance with Article VI that is

accompanied by an annexation agreement containing a subdivision plat and/or planned unit development plan, or any other land use approval designation accompanied by a development agreement that expressly states that such land use approval is a site specific development plan for the purposes of this Section 110. A property right to undertake and complete a site specific development plan shall be vested upon the effective date of final approval of such site specific development plan by the Board of Trustees or, may at the discretion of the Board of Trustees, vest upon approval of a conceptual or preliminary planned unit development plan, upon approval of a conceptual or preliminary subdivision plat, or upon approval of any other development agreement between the Town and a landowner that specifically provides a vested right. 'Approval' by the Board of Trustees means the effective date of approval after any rights of referendum or judicial review have expired or have been finally decided. The document that evidences a vesting of property rights shall be and is limited to the following: For final subdivision plats: As a plat note on the cover page of such final subdivision plat; for all other site specific development plans: As a specific provision in an ordinance approving such development plan.

110.2. Period of Vesting. The period of vesting of property rights shall be at least three years from the effective date of approval of a site specific development plan. The Board of Trustees may approve a period of vesting greater than three (3) years provided that such approval is by ordinance. The effective date of approval shall be the day after the last day to exercise any rights of referendum or judicial review, or upon the final decision of a referendum or judicial review, of the Board of Trustee's action to approve a site specific development plan. The document evidencing a vesting of property rights shall specifically identify the date of expiration.

110.3. Publication of Vested Property Right. The Town Clerk shall post and publish a notice of vested property rights in the same manner as posting ordinances and resolutions within twenty (20) days after approval of the site specific development plan by the Board of Trustees.

110.4. Extension of Vested Property Right. The landowner may request the extension of a Vested Property Right by submitting a written request to the Town Clerk, P.O. Box 56, Rico, CO 81332, not more than ninety (90) days, and at least forty-five (45) days, prior the expiration of the Vested Property Right. The Board of Trustees shall hold a public hearing prior to authorizing the extension of the Vested Property Right. Notice shall be posted and published at least ten (10) days prior to the public hearing. Any approval to extend a vesting of property rights shall be by ordinance and shall be no longer than three (3) years. The Town Board may grant multiple extensions of vested rights.

110.5. Revocation of Vested Property Rights: The Board of Trustees may revoke a vested property right for failure to abide by the terms and conditions of such vested property right. Prior to taking action to revoke a vested property right, the Board of Trustees shall conduct a hearing on the revocation and shall provide at least ten (10) days prior written notice mailed to the affected property owner to the property address of record in the

County Assessor's office as well as provide notice in the same manner as the posting or publishing of ordinances and resolutions. The mailed notice to the landowner shall specifically identify the terms and conditions which are not in compliance with the site specific development plan approval. During the period of determining compliance with the terms and conditions of a site specific development plan approval, the Town may administratively withhold any building, utility, excavation, road building, or other Town permit, and may withhold acceptance of additional development applications or processing of existing development applications for the property subject to the site specific development plan.

110.6. Pending Applications. A pending site specific development plan application will be governed by the duly adopted laws and regulations in effect at the time the application is submitted with the exception that the Town reserves the right pursuant to C.R.S. §24-68-102.5(2) to enforce new or amended laws or regulations to pending applications when such law or regulation is necessary for the immediate preservation of public health and safety, including temporary development restrictions duly adopted by ordinance for the purpose of preparing planning studies and considering land use regulations related to public health and safety or for the purpose of promoting concurrency of essential public infrastructure, equipment or services with increased demand.

110.7. State Statutes Govern. Colorado Revised Statute Title 24, Article 68, as may be amended in the future, shall otherwise govern the vesting of property rights.

ARTICLE II
ZONE DISTRICTS

200. ZONE DISTRICTS AND ABBREVIATIONS

For the purposes of the RLUC, the Town is divided into Zone Districts to be known as follows:

Zone District	Abbreviation
Residential Zone District	R
Historic Commercial Zone District	HC
Commercial Zone District	CM
Mixed Use Zone District	MU
Residential Planned Unit Development	RPUD
Commercial Planned Unit Development	CPUD
Open Space Zone District	OS
Public Facilities Zone District	PF

202. OFFICIAL ZONE DISTRICT MAPS AND PERMITTED USES

The boundaries of these districts are shown on the official Zone District Maps of the Town which accompany and are made a part of this RLUC. All property in the Town shall be included in at least one Zone District. The use regulations for each Zone District establish uses permitted by right. All uses not expressly permitted in the use regulations are prohibited unless a Special Use Permit is approved (See **420** for Special Use Permit requirements).

204. GENERAL DESIGN REGULATIONS

The following general design regulations apply to all construction and development in Town.

(Ord. No. 2008-3, § 204.1, 03-19-08)

204.1 Exterior Materials. All buildings and structures shall use designated materials according to the following table for exterior surfaces (excluding: garage doors and all other doors, window areas, antennas and non-reflective solar energy collection devices). Variance procedure outlined for exterior material in 430 *et al.*

A. Foundation. Exposed foundation will be natural stone, cement cast stone, brick, non-reflective metal, stucco, synthetic stucco, adobe, plaster, natural (painted, stained or clear) wood, and concrete.

B. Siding. Natural stone, cement cast stone, brick, synthetic stucco, adobe, plaster, natural wood (painted, stained or clear), and rusted metal.

C. Roof. Non-reflective metal, wood shingle, clay tile, pre-finished modular non-reflective metal panels, slate, cement tiles, solar tiles, and sod or turf.

204.2. Exterior Lighting. All exterior lighting shall be shielded. The direct source of all exterior lighting shall not be visible off the property. Minimal lighting is encouraged to prevent undue light pollution of the night sky (lighting for Signs is governed by

206).

204.3. Fences. Fences in the front yard set back portion of the property shall not exceed four (4) feet in height. Fences in the remainder of the property shall not exceed six (6) feet in height. Fences shall use wood, logs, bark slab, stone, wrought iron, or any combination of these materials. All service yards associated with commercial activities or on commercially zoned properties shall be fenced so as not to be visible from any street, and such fences shall be a minimum of six (6) feet in height and a maximum of seven (7) feet in height. Fences in the Historic Commercial Zone District shall follow the design regulations in Section 243 which requirements shall supercede the fence regulations in this section 204.3.

204.4. Lot Size. The lot size is the minimum size of a lot required to permit the uses by right designated for a zone district.

204.5. Setbacks. The setback is the minimum distance of a structure from the edge of a lot or parcel. Setbacks are measured from the edge of a lot or parcel to the exterior of a structure. Structures include decks and patios over thirty (30) inches in height (See Appendix B). Roof overhangs are permitted to encroach two (2) feet into the front yard setback area and side yard setback area.

(Ord. No. 2009-03, § 204.6, 06.24.09)

204.6. Building Height. The highest point of each roof segment shall not exceed 28 feet as measured from the average height of the supporting points of that roof segment at pre-construction grade. The lowest exposed point of the structure to the highest point of the structure shall not exceed 35 feet of total elevation. For structures with an irregular footprint, the Enforcement Official shall determine the reference points which meet the purpose of this RLUC. Existing pre-construction grade shall be determined by the Town's two foot contour maps, as exist or may be amended from time to time, or shall be determined by a survey prepared by a licensed surveyor. Any property owner has the right to challenge reference points determined by the Enforcement Official for structures with an irregular footprint. This challenge must be initiated first through a Variance Application (Section 430, *et. al.*), and subsequently may be appealed to the Board of Trustees by following RLUC, Section 516.

204.7. Maximum Floor Area ("MFA"). Where the design regulations for a District indicate a maximum allowable floor area, the maximum allowable floor area shall be calculated by measuring the gross square footage from the exterior side of exterior walls of all structures. The floor area for basements shall be calculated at 50% of the area that meets the definition of basement. Decks, roof overhangs, open porches, and areas where the floor to ceiling height is less than four and one half (4.5) feet shall not be included in the maximum floor area calculations. (See Appendix B.)

204.8. Maximum Site Coverage. The total area of a site permitted to be covered by buildings and impervious surfaces, including without limitation, open decks, porches,

stoops, patios, driveways and off-street parking, but not including roof overhangs (See Appendix B).

204.9. Off-Street Parking. Off-street parking requirements are established as follows:

A. Location. Required off-street parking shall be provided on the same lots as the principal use or on a contiguous lot. Any off-site parking area shall be under the same ownership as the principal use to which it is accessory.

B. Dimensions**.** Each off-street parking space shall consist of an open area measuring nine (9) feet wide by eighteen (18) feet long and seven (7) feet high and shall have vehicular access to a public street or alley.

C. Design**.** Off-street parking shall be properly drained and shall be maintained in a usable condition at all times.

D. Restricted Use of Parking Areas**.** No automobile trailers, boats, detached campers or any other object shall be parked or stored in off-street parking areas if it renders the parking space unusable.

204.10 Minimum Roof Pitch. The minimum roof pitch for primary structures is seven/twelve (7/12) [seven feet of rise for twelve feet of run]. Such minimum roof pitch shall apply to the dominant roof which is defined as the roof plane that covers a majority of the building footprint and shall not apply to dormers or secondary roof planes. The minimum roof pitch shall not apply to structures in commercially zoned areas.

206. SIGNS

206.1 Signs. No signs shall be allowed except as permitted by **206**, and any sign shall be subject to the requirements of the Zone District in which they are located. Signs shall be of a permanent nature and shall be maintained in good repair or they may be removed by order of the Trustees. The following signs are exempted from the requirements of **206.2** through **206.12**:

A. Signs painted onto or located on the interior side of a window, including neon signs; and,

B. Banners, bunting, and other similar displays temporarily erected in observance of a special event; however, temporary signs shall not be erected or displayed for a period exceeding 21 days in a 3 month period, and temporary signs must be removed if damaged or immediately following the conclusion of the particular event advertised.

206.2 Off-Premise Signs Prohibited: Signs shall identify or advertise only the interests or business conducted on the property on which they are located, unless the Board of Adjustments determines that an off-premises sign is necessary to promote the interest of a use not occupying the same lot or property.

206.3 Non-Conforming Signs: Non-conforming signs can be repaired but not enlarged, reconstructed, or moved in any manner without being made to comply with the provisions of the RLUC.

206.4 Parking of Advertising Vehicles Prohibited: No person shall park any vehicle or other mobile unit or sign on the roads or alleys, or on private property, which has attached thereto or suspended there from any advertising or sign, except a vehicle which has a sign painted directly onto or permanently affixed to the body or other integral part of the structure of the vehicle for permanent decoration, identification or display, including magnetic signs.

206.5 Traffic Safety: No sign shall be located so that the safety of a moving vehicle might be impaired by obstructing the driver's vision. No sign shall resemble or conflict with traffic signs or signals with regard to color, format, shape or other characteristics.

206.6 Sign Illumination and Moving Parts: All signs shall be illuminated by an external lighting source. Internally illuminated signs shall not be permitted. The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness will not be objectionable to people in surrounding areas or create a traffic hazard to passing motorists. No sign with flashing or moving lights; changing light intensity, brightness or color; or, any type of moving parts shall be allowed.

206.7 Signs on Marquees: Projecting signs or signs affixed to or located on posts or pillars supporting a marquee are prohibited. Wall signs attached to the marquee are allowed, provided they do not project above the eave or edge of the marquee roof nor project lower than eight (8) feet above grade. Such signs must meet all the requirements of this RLUC and are to be included in the computation of maximum aggregate allowable square footage in section **206.11**.

206.8 Signs on Awnings: No sign may be attached to or suspended from an awning; however, lettering on awnings is permitted provided that other requirements of this RLUC are met and that the lettering on awnings is included in the computation of the maximum aggregate allowable square footage of sign area for the building.

206.9 Sign Materials: Exterior signs may not be constructed of paper, cardboard, wallboard, or other light material, nor may any spinners, pendants, balloons, banners or streamers be used as or incorporated into any signs.

206.10 Structural Characteristics: Free-standing signs shall not exceed twelve (12) feet in height; and shall be a minimum of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way and larger than two (2) sq. ft. in area. Projecting signs shall not be higher than the eave line or parapet wall of the principal building and shall be a minimum of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way; and, shall not extend more than four (4) feet from the building wall except where such a sign is an integral part of an approved canopy or awning. Each free-standing sign or projecting sign may have two faces, each with the maximum

area allowed under **206.11**, provided the two faces are the same size and join back-to-back without any overlap.

206.11 Sign Area:

A. Signs that advertise the sale or rental of a property shall not exceed four (4) square feet in surface area per sign in residential areas (R and RPUD), or eight (8) square feet per sign in commercial areas (HC, CM, MU and CPUD). Such signs shall not be included in the maximum aggregate calculations under paragraph B. and C. below. One sign per lot or principal building is permitted.

B. Signs in the R and RPUD Zone Districts shall have maximum square footage of two (2) sq. ft. per sign. One sign is permitted per dwelling unit and home occupation.

C. Signs in the HC, CM, MU and CPUD Zone Districts shall have a maximum square footage of twelve (12) sq. ft. per sign plus six (6) sq.ft. for each additional twenty five (25) of frontage greater than twenty five (25) feet of frontage up to a maximum of twenty four (24) sq.ft. Signs painted directly onto a building façade may have a maximum square footage of eighteen (18) sq.ft. per sign. One sign per business shall be permitted; however, the maximum combined sign area square footage shall be twenty four (24) sq.ft. per twenty-five foot wide lot.

206.12 Permit for Special Sign Design:

A. Proposed signs which do not meet the standards in Section 206.1 through 206.11 must first obtain a permit for Special Sign Design from the Board of Trustees.

B. Applicants must submit eleven (11) copies of the following information:

(1) general information required for all applications;

(2) a graphic depiction of proposed sign draw to a minimum scale of 1" = 1';

(3) a description of the materials to be used for the sign;

(4) a list of adjacent property owners within fifty (50) feet of the applicant's property; and,

(5) a narrative describing the requested design variances, the applicant's reason for such requested design and applicant's statement why such proposed design is compatible with the general purpose of the sign regulations.

C. Review: The Board of Trustees shall review applications for a Permit for Special Sign Design and shall conduct a public hearing prior to acting on the application.

D. Notice: The applicant shall provide written notice by first class mail to all property owners within fifty (50) feet of the applicant's property in such form as is approved by

the Town Planner. Notice of a public hearing by the Board of Trustees shall be posted and published at least ten (10) days prior to such hearing.

E. Standards for Review: The Board of Trustees shall consider the following standards when considering a Permit for Special Sign Design and must find that at least one of the standards listed below is met by the application:

(1) Necessity: The location or nature of the business warrants a sign that does not meet the sign regulations in section 206.1 through 206.11;

(2) Public Safety: The proposed sign design does not obstruct vehicular traffic views or pedestrian travel nor does it create any other threat to the public safety;

(3) Compatibility: The proposed sign is compatible with the overall design and architecture of the zone district area and does not detract from the zone district through the use of florescent, bright, or obnoxious colors; offensive sexual or violent graphic depictions; or the use of lettering, shape, or construction materials or methods.

(4) Conditions: The Board of Trustee may impose any conditions as deemed necessary and appropriate on any Special Sign Design; including but not limited to: requiring a performance bond, establishing a time limit for such sign, reserving the right to revoke the sign permit in the future, and approving design characteristics that differ from the application, such as size, color and use of material.

208. GRANDFATHER CLAUSE - NON-CONFORMING USE, BUILDING, OR LOT

The definitions, restrictions, and rights regarding non-conforming uses and structures are established as follows:

208.1. Non-Conforming Status of Uses and Structures. The use of land, use of a structure, or a structure itself shall be a legal non-conforming use or structure when each of the following conditions exist:

A. The use or structure does not conform to the regulations prescribed in the district in which such use or structure is located and was in existence and lawfully constructed, located and operating prior to, and at the time of, the event that made such use or structure non-conforming; and,

B. the event that made such use or structure non-conforming was one of the following: annexation into the Town of Rico, adoption of this RLUC or a previous zoning ordinance, or amendment of this RLUC or a previous zoning ordinance; and,

C. the non-conforming use or the use occupying the non-conforming structure has been operating since the time that the use or structure first became non-conforming without

abandonment, as abandonment is defined in **208.4** below.

208.2. Expansion. Non-conforming uses or buildings shall not be allowed to increase the non-conforming use or expand the non-conforming building without approval by the Board of Adjustments.

208.3 Ordinary Repair and Maintenance. Normal maintenance and incidental repair may be performed on a conforming structure which contains a non-conforming use or on a non-conforming structure. This section shall not be construed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of the Enforcement Official who declares a structure to be unsafe and orders its restoration to a safe condition. Any new foundation must comply with applicable setback requirements.

208.4 Abandonment. Whenever a non-conforming use is abandoned then all non-conforming rights shall cease and the use of the premises shall henceforth conform to this RLUC. Abandonment shall involve the actual act of discontinuance, regardless of the intent of the user or owner to discontinue a non-conforming operation. Any non-conforming use that is discontinued for a period of twelve (12) months, shall be deemed abandoned. Any non-conforming structure that is moved from the premises shall be considered to have been abandoned.

208.5 Destruction. If a non-conforming structure or a structure occupied by a non-conforming use is destroyed by fire, the elements or other cause, it may not be rebuilt except to conform to the provisions of this RLUC. In the case of partial destruction of a structure occupied by a non-conforming use not exceeding sixty percent (60%) of its replacement value, reconstruction may be permitted, subject to the following standards:

A. The size and function of the non-conforming use shall not be expanded; and

B. Work on the restoration of the use must begin within nine (9) months and be completed within eighteen (18) months of the time of the calamity.

208.6 Non-conforming lots.

A. *General.* A single family dwelling and customary accessory buildings may be developed on a lot that has less area than the minimum required by the applicable zone district and was an official "lot of record" prior to the adoption of the Town's original Zoning Ordinance No. 274 [Oct. 27, 1987] for the Residential Zone District if:

(1) The "lot of record" is in separate ownership and not contiguous to lots in the same ownership; and

(2) the proposed single family dwelling can be located on the lot so that the yard, height, and other dimensional requirements of the applicable zone district can be met, or a Variance is obtained.

B. *Contiguous lots.* If two or more lots, or combinations of contiguous lots in a single

ownership (including husband and wife as, in all cases, a single owner), are of record at the effective date of this RLUC, or become of record subsequent to said date, regardless of time of acquisition, then the lots shall be considered as a contiguous parcel, and no portion shall be used or occupied which does not meet the requirements of this RLUC.

C. *Lot Reduction.*

(1) No lot or interest therein shall be transferred, conveyed, sold or subdivided so as to create a new non-conforming lot, to avoid, circumvent or subvert any provision of this RLUC, or to leave remaining any lot in violation of the dimensional requirements of this RLUC.

(2) No lot or portion of a lot required as a building site under this RLUC shall be used as a portion of a lot required as a site for another structure.

(3) No Building Permit shall be issued for any lot or parcel of land which has been conveyed, sold, or subdivided in violation of this subsection.

208.7 Determination of non-conforming status. The burden of establishing that a non-conforming use or structure lawfully exists under this RLUC shall, in all cases, be upon the owner of such non-conforming use or structure.

210. MOBILE HOMES.

Mobile homes do not include manufactured housing as defined in Article IX. Mobile homes shall not be permitted in Rico at any time except as provided herein. Mobile homes or any temporary structure may be used for temporary residential occupancy on private property by the property owner for one year from the date of issuance of a building permit for a residential structure on such property. Mobile homes or temporary structures shall meet all setback requirements of the applicable zone district and must include a sanitary facility during construction (a hook-up to a septic system or a 'porta-potty' or holding tank that is pumped regularly).

212. RECREATION VEHICLES AND CAMPERS (ORD. NO. 2009-04, § 212, 06-24-09)

Recreation vehicles or campers may be parked on private property and used for occupancy with the express permission of the property owner. Only one recreational vehicle may be parked and used for occupancy per Town lot. Where several adjacent Town lots are clustered under one ownership, these lots shall be considered one lot for the purposes of this regulation. Recreational vehicles and campers may be used for occupancy for (10) days total in a calendar year on private property.

214. PARKING RESTRICTIONS ON EXCESS WEIGHT AND RECREATIONAL VEHICLES AND THE UNAUTHORIZED USE OF VEHICLES AS RESIDENCES (ORD. NO. 2009-04, § 214.1, 214.2, 06-24-09)

This section establishes parking regulations for vehicles in excess of ten thousand (10,000) pounds (not including emergency vehicles), boats, boat trailers, tractors, trailers, semi-trailers, motor homes, buses and detached/dismounted campers, hereinafter collectively referred to excess weight and recreational vehicles. This section also limits the use of vehicles as residences within the public right of way and on public property.

214.1 Parking restrictions on excess weight and recreational vehicles. The owner or operator of excess weight or recreational vehicles shall not park on any public right-of-way or road way for longer than seventy-two (72) hours, and shall not be parked in a fashion that restricts normal access and use of town streets.

214.2 Use of vehicles as residences

A. The unauthorized use of vehicles as residences within a public rights-of-way and on public property is deemed to be injurious to residential and nonresidential neighborhoods alike and conducive to the creation and perpetuation of congestion, unwanted noise, sanitation problems, unsightly visual conditions and confrontations between residents and nonresidents. The intent and purpose of this Section is not to regulate vehicles or those locations where vehicles may be parked or stored, except as otherwise set forth herein, but to prohibit activities and occupancies within vehicles so as to protect the integrity of neighborhoods, preserve public streets, rights-of-way and parks for their intended public purposes, ensure the proper use of public property in conformity with zoning and land use regulations and promote the public health and safety.

B. Prohibitions. No person shall occupy any vehicle upon any municipal street, state highway, alley or public right-of-way or public property for the purpose of providing residence or residential living or sleeping quarters or storage, whether temporary or permanent, except as otherwise set forth herein. The type or nature of any given vehicle shall not be conclusive as to whether a vehicle is being occupied for living or sleeping quarters or other residential use.

C. Exemptions. The prohibitions as contained in this Section shall not apply to activities undertaken pursuant to a valid and authorized land use, building or camping permit issued by the Town or where a vehicle is used for occupancy for less than (72) hours total within a calendar year.

216. COMMERCIAL USES.

216.1 COMMERCIAL USES BY RIGHT (ORD. NO. 2008-3, § 216.1, 216.3, 03-19-08)

The following commercial uses are permitted by right, except where a more specific or applicable category is set forth in **216.2** Commercial Uses by Special Permit Review:

A. Accommodations, including motels, hotels, inns, lodges and bed and breakfast

B. Art Studios, including galleries, craft and hobby shops, and art supplies

C. Barber Shops

D. Bars, including cantinas, clubs, lounges, saloons, taverns, and watering holes, except that such uses shall be subject to liquor licensing requirements.

E. Beauty Salons

F. Bookstores

G. Grocery Store

H. Hardware Store

I. Offices

J. Private social clubs and organizations

K. Residential, including single family, multi-family, townhomes, apartments and condominiums.

L. Repair shops other than automotive, metalworking or woodworking.

M. Restaurants, including all food service establishments where on-premise sales constitute the majority of sales.

N. Retail Stores where on-premise sales constitute the majority of sales. “Retail Stores” as set forth herein shall be limited to the following and similar uses:

Antique Shop	Appliance Store
Bakery	Camera Shop
Candy, Tobacco or Cigarette Shop	Catalogue Store
Clothing Store	Decorator Shop
Department Store	Drug Store
Florist Shop	Furniture Store

Gift Shop Jewelry Store

"Retail Stores" Continued;

Liquor Store Pet Shop

Paint and Wallpaper Shop Photography Shop

Sporting Goods Store

216.2 COMMERCIAL USES BY SPECIAL USE PERMIT REVIEW

The following Commercial uses are not permitted unless a Special Use Permit is obtained through the Special Use Permit process (see **420.**)

A. Adult Businesses, including retail sales of adult materials and nudity shows.

B. Day care

C. Fire Stations and Emergency Facilities

D. Hospitals

E. Gasoline, fuel cell, and other stations that sell fuel and/or energy

F. Manufacturing businesses, not including art studios

G. Medical Centers

H. Religious Institutions

I. Repair shops for Automobiles,

J. Schools

K. Trade Businesses, including electrical, heating, plumbing, welding, etc.

L. Warehouses and distribution centers, where the majority of sales are off-premise or delivered.

M. Wood Working Shops

N. All other businesses not listed as a Use Permitted by Right in **216.1**

216.3 PROHIBITED COMMERCIAL USES

The following commercial uses are prohibited in commercially zoned districts.

A. Junk Yards

B. Towing Services

C. Motorized Recreational Vehicle Rentals or Sales, including off-road jeeps, motorcycles, motorbikes and ATV's

220. RESIDENTIAL (R) ZONE DISTRICTS - USES PERMITTED BY RIGHT

Single family dwellings, accessory dwelling units, accessory buildings and uses, including home occupation.

221. RESIDENTIAL USES BY SPECIAL USE PERMIT REVIEW (ORD. NO. 2011-3. § 221; A & B, 06-15-11)

A. Short-term rental dwelling units/ accommodations, excluding hotels, condominium-hotels, bed and breakfasts, motels, lodges, boarding houses and rooming houses.

B. Daycare facilities, schools and churches.

222. RESIDENTIAL DISTRICT DESIGN REGULATIONS (ORD. NO. 2008-3. § 222, 03-19-08)

DESIGN REGULATIONS	REQUIREMENTS
LOT SIZE	5,000 Square Feet, 7,500 Square Feet for Single family dwellings with Accessory Dwelling Units*
FRONT SET BACK	12 feet
SIDE SET BACK	7 feet
REAR SET BACK	5 feet**
BUILDING HEIGHT	30 feet
MAXIMUM FLOOR AREA	Maximum Floor Area Formula = 50% of Lot square footage provided that in no event shall MFA exceed 3,250 sq.ft. MFA for non-conforming lots = 50% of Lot square footage
SITE COVERAGE	70% of the lot
OFF-STREET PARKING	One vehicle space per dwelling unit.
PERMITTED EXTERIOR MATERIALS	Wood siding (stained or painted), Stone, Brick, Cementatous siding such as Hardy Plank, T1-11 with battens no more than 12" centers. Metal, non-reflective architectural elements are permitted up to a maximum of up to 40% of the exterior surface area, excluding the roof.
PROHIBITED EXTERIOR MATERIALS	Vinyl, Fiberglass, aluminum, exposed cinder block, exposed concrete block (CMU), plywood (with the exception of T1-11)

* The minimum lot size for the Atlantic Cable, Upper Atlantic Cable, Silverglance Subdivision and Silverglance Subdivision Filing 2 shall be the existing platted lots because these subdivisions were platted to be single family lots, that is, neither further residential subdivision, nor the development of accessory dwelling units of existing lots shall be not permitted as a use by right.

****** The rear yard setback shall be increased to 10 feet where the rear property line abuts private property rather than an alley, public right-of-way, or other public lands.

240. HISTORIC COMMERCIAL (HC) ZONE DISTRICT - USES PERMITTED BY RIGHT

Commercial, religious institution, fire house, school, and residential, including multi-family, apartments, town homes, and condominiums. All uses permitted by right must be conducted primarily out of a structure that meets the requirements of this RLUC.

242. REVIEW BY BOARD OF TRUSTEES

The Trustees shall review all proposed structures, alteration of structures, and fences in the Historic Commercial Zone Districts prior to issuance of a building permit by the Building Official. Applicants for building in the Historic Commercial Zone Districts shall provide eleven (11) copies of elevation drawings at a minimum scale of ¼ inch equals 1 foot at least 13 days prior to a meeting of the Trustees and one copy of a display rendering at a minimum scale of ¼ inch equals 1 foot at, or prior to, the meeting of the Trustees. The drawings shall accurately portray the facade and architectural features of the structure facing Glasgow Avenue and the side facades for structures with a greater than 0 foot side yard set back or which face a side street and shall include existing buildings, or portion thereof, on adjacent lots for reference. The Trustees shall hold a public hearing prior to making a decision on the application. Notice of the public hearing shall be posted and published at least five (5) days prior to the date of the hearing. The Trustees shall act on the application to deny it, approve it, or approve it with conditions, or the Trustees may continue the review decision for one regular meeting upon providing specific direction to the Applicant indicating required amendments to the application

243. FENCES IN THE HISTORIC COMMERCIAL ZONE DISTRICT

243.1 Purpose: Historically, most properties in the historic commercial zone district did not have fences. Service yard fences that are visible from Highway 145 are highly discouraged. The purpose of the service yard fence regulations is to achieve a balance between requiring certain businesses to construct a service yard fence while maintaining a pedestrian friendly environment and preserving the historic nature of the Historic Commercial Zone District. The goal of any service yard fence constructed in the Historic Commercial Zone District shall be to obscure the service yard without building an opaque continuous façade and without having a negative visual impact on the historic nature of the Zone. Furthermore, service yard fences shall incorporate transparent elements into the fence design. Examples of acceptable service yard fence designs (including transparent elements) are provided in Appendix B of the RLUC.

243.2 No fence can be constructed without a permit from the building official.

243.3 It is the responsibility of the owner to construct fences within the owner's property boundaries. No fence can be constructed within any town easement or right-of-way.

243.4 Service yard fences shall obscure the service yard but also include transparent elements within its design to minimize visual impacts on pedestrians. Transparent elements are such elements that provide a pedestrian a view into the yard. Service yard fences located in the Historic Commercial Zone District are not total privacy-type service yard fences that are permitted in other Zones. Examples of service yard fences with transparent elements are provided in Appendix B.

243.5 Service yard fences shall be a minimum of six (6) feet in height and a maximum of seven (7) feet in height.

243.6 Fences shall be constructed using rough cut or milled wood, natural stone, brick, wrought iron, and any combination of these materials.

243.7 The following is an example list of prohibited fence types: chain link, wire, mesh, concrete block, plastic, fiberglass, plywood, barkslab, barb wire, razor wire, electrified fences, slatted "snow" fences, and opaque fences without transparent elements. The aforementioned list is not, nor is it intended to be, all inclusive of prohibited fence types.

243.8 The use of materials native to Rico's historical character, such as railroad ties and brick, are encouraged. The use of vegetation to offset visual impacts is also encouraged.

243.9 Fences located along Highway 145 and side streets must be built along a minimum three-foot setback.

243.10 All fences shall be built parallel or perpendicular to the platted lot lines.

243.11 Fences that meet the goals of these regulations but do not conform to the specific standards may be permitted upon approval of the Planning Commission.

244. STANDARDS FOR REVIEW

The Trustees shall use the following standards when reviewing building permit applications in the HC Zone District:

244.1 The application complies with the Design Regulations for the HC Zone District; the application should incorporate architectural features similar to features established by the historic commercial structures in the Town; such features include, but are not limited to: windows, doors, cornices, trim, and decorative architectural features; and,

244.2 proposed structure or alteration of existing structure utilizes design that is practical and functional with respect to pedestrian traffic flow, parking, loading and deliveries; and,

244.3 the design provides visual interest by avoiding long monotonous walls without windows, doors, openings, or trim detail and by using siding materials, doors, windows, and trim detail that provide visible texture, relief, and shadow lines; and,

244.4 the overall design is compatible and complimentary to existing buildings in the HC Zone District.

246. HC - HISTORIC COMMERCIAL DISTRICT DESIGN REGULATIONS

The design regulations for the HC Zone District require a street level, pedestrian oriented commercial space on the front of the structure, referred to as the 'Street Front.' Refer to Appendix B. Graphic Design Illustrations for further explanation and guidance on these design regulations.

DESIGN REGULATIONS	Requirements
Maximum Front Setback	0 feet
Maximum Side Setback	0 feet (Two hour fire wall is required)
Rear Setback	5 feet
Lot Size	2,500 Square Feet
Building Height	30 feet (maximum of two stories above sidewalk grade)
Permitted Exterior Materials	Horizontal wood siding (stained or painted) maximum six (6) inches in width, Stone, or Brick. Metal architectural elements are permitted up to a maximum of 20% of the exterior surface area. (for all exterior building walls visible from Glasgow Ave.)
Off-Street Parking	One vehicle space per 1,000 square feet of floor area.
Sidewalk	Sidewalk improvements are subject to review.
Street Level/Ground Floor Treatment	
Street Front Elevation	The floor of the Street Front shall be the same elevation as the abutting sidewalk surface.
Minimum Ceiling Height in Street Front	10 feet
Minimum depth of Street Front	22 feet.
Minimum Fenestration Area on Street Front	55%
Window Treatment on Street Front	The width of each window, excluding transom windows, shall not exceed the height.
Second Floor Treatment	
Second Floor Window Treatment	All second floor windows shall be dimensioned so that the height of each window is at least 1.5 times the width. Second floor windows shall be evenly aligned and spaced horizontally and shall be aligned vertically. Bay windows which do not exceed the height of the facade are allowed.
Parapet Treatment	The parapet of the façade shall extend vertically a minimum of 4 feet and a maximum of 10 feet above the top of the window, not including window trim.

Cornice detail	The parapet shall incorporate a cornice trim detail with at least 8 inches of relief or overhang.

250. COMMERCIAL (CM) ZONE DISTRICT - USES PERMITTED BY RIGHT

Commercial and residential, including multi-family, apartments, town homes, and condominiums. All uses permitted by right must be conducted primarily out of a structure that meets the requirements of this RLUC.

252. COMMERCIAL DISTRICT DESIGN REGULATIONS

DESIGN REGULATIONS	REQUIREMENTS
LOT SIZE	2,500 Square Feet
FRONT SET BACK	22 feet
SIDE SET BACK	7 feet
REAR SET BACK	5 feet
BUILDING HEIGHT	30 feet
MAXIMUM FLOOR AREA	Maximum Floor Area = Lot square footage (1:1 ratio)
SITE COVERAGE	80% of the lot
OFF-STREET PARKING	One vehicle space per 350 square feet of floor area. Lodging facilities shall provide one vehicle space per lodging room.
SIDEWALK	Sidewalks improvements are subject to review.

260. MIXED USE (MU) ZONE DISTRICT - USES PERMITTED BY RIGHT

Single family dwellings, duplexes and triplexes, accessory structures and uses, including home occupation, commercial, and light industrial. All uses permitted by right must be conducted primarily out of a structure that meets the requirements of this RLUC.

262. MIXED USE ZONE DISTRICT DESIGN REGULATIONS

DESIGN REGULATIONS	REQUIREMENTS
LOT SIZE	12,000 square feet
FRONT SET BACK	12 feet
SIDE SET BACK	12 feet
REAR SET BACK	12 feet
BUILDING HEIGHT	30 feet
MAXIMUM FLOOR AREA	Maximum Floor Area Formula = 50% of lot area, provided that in no event shall MFA exceed 5,000 sq.ft.
SITE COVERAGE	50% of the lot.
OFF-STREET PARKING	Two vehicle spaces per dwelling unit, one vehicle space per 1,000 square feet of light industrial space.

270. RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) ZONE DISTRICT – USES PERMITTED BY RIGHT

Single-Family, duplex, triplex, accessory dwelling use, and home occupation.

272. RESIDENTIAL PLANNED UNIT DEVELOPMENT DESIGN REGULATIONS

DESIGN REGULATIONS	REQUIREMENTS
LOT SIZE	22,000 sq.ft.
FRONT SET BACK	12 feet
SIDE SET BACK	7 feet
REAR SET BACK	5 feet
BUILDING HEIGHT	30 feet
MAXIMUM FLOOR AREA	Maximum Floor Area = 4,500 sq.ft.
OFF-STREET PARKING	Two vehicle spaces per dwelling unit

280. COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ZONE DISTRICT – USES PERMITTED BY RIGHT

Single family dwellings, duplexes and triplexes, accessory structures and uses, including home occupation, commercial, light industrial. All uses permitted by right must be conducted primarily out of a structure that meets the requirements of this RLUC.

282. COMMERCIAL PLANNED UNIT DEVELOPMENT DESIGN REGULATIONS

DESIGN REGULATIONS	REQUIREMENTS
LOT SIZE	2,500 sq.ft.
FRONT SET BACK	7 feet
SIDE SET BACK	7 feet
REAR SET BACK	5 feet
BUILDING HEIGHT	30 feet
MAXIMUM FLOOR AREA	Maximum Floor Area = 50% of lot area
OFF-STREET PARKING	One vehicle space per accommodations room or bedroom, two vehicle spaces per dwelling unit, one vehicle space per 250 sq.ft of restaurant, retail, or office space.

290. OPEN SPACE AND PUBLIC FACILITY ZONE DISTRICTS

The Open Space and Public Facilities Zone Districts apply to land owned by the Town, County of Dolores, or other public entities where appropriate, or where the Zone District designation is applied to private property with the consent of the property owner or as a requirement to P.U.D., subdivision, or annexation approval. The Open Space District is intended to preserve the natural values of undeveloped land for the benefit and enjoyment of the residents of the Town of Rico. The Public Facility Zone District is intended to permit construction and installation of structures, equipment, and facilities used primarily for public purposes. Use permitted by right for the Open Space Zone District include: nature trails for walking, hiking, biking, skiing, snow shoeing, and other non motorized activities; and, structures and improvements identified in the Rico Regional Master Plan. Use permitted by right for the public facilities zone district include public structures and facilities which are identified in the Rico Regional Master Plan.

ARTICLE III
PLANNED DEVELOPMENTS
RPUD & CPUD

300. PUD DISTRICTS

The requirements of this **ARTICLE III** apply to the Residential Planned Unit Development Districts and Commercial Planned Unit Development Districts in addition to other requirements of this **RLUC**.

302. PURPOSE

302.1 Intention. The Planned Unit Development Districts (PUD) are intended to permit the use of land with flexibility in design and without rigid application of zoning requirements applied to the platted portion of Town. In addition to the purposes stated elsewhere in this RLUC, the PUD Districts also have the purposes stated in C.R.S. §24-67-102, as may be amended from time to time.

302.2 Multiple Zone Districts. A mixture of Zone Districts is permitted in PUD applications to permit site specific application of appropriate zoning based on the Rico Regional Master Plan, the purposes of this RLUC, the purposes of PUD and subdivisions, and site specific development opportunities and constraints. For example, a PUD site that contains a mixture of sites suitable for residential development and sites inappropriate for development due to environmental constraints can result in a PUD that utilizes a mixture of residential and open space zoning.

302.3 Multiple Property Owners. Applications by multiple property owners are permitted and encouraged where site development affects the current or planned development of multiple property owners. Site development which may affect multiple property owners includes, but is not limited to: road improvements, utility extensions, calculation of permitted density, and assignment of permitted density to property suitable for development. The PUD District permits the transfer of development rights and development credits among separate tracts or parcels of land and among multiple property owners.

304. PROCEDURES AND SUBMITTAL REQUIREMENTS.

The Applicant shall follow the procedures and submittal requirements for Major Subdivisions in **ARTICLE V. SUBDIVISIONS**. In addition to the submittal requirements set forth in **ARTICLE V.,** Applicants shall include the following information in a PUD application:

304.1 Proposed use or zone district classification for each lot.

304.2 Proposed setbacks, building heights, and other design requirements for each lot and structure which vary from the Design Regulations established for the PUD district.

304.3 For CPUD applications adjacent to Highway 145: Colored elevations of the project as seen from Highway 145 (adjacent to Highway 145, and approaching the project from the North and South, where applicable).

304.4 Proposed common areas, plazas, landscaping, or other improvements.

306. PUD DISTRICT STANDARDS

Any Planned Unit Development Application may propose variances to the applicable standards which variances may be approved in the sole discretion of the Town Board of Trustees if the Trustees determine that the overall PUD application promotes the goals of the Rico Regional Master Plan. In addition to the standards contained in **ARTICLE V. SUBDIVISIONS** and the Design Regulations applicable for the designated PUD district, the reviewing body shall use the following standards to review PUD applications:

306.1 The application substantially complies with the Rico Regional Master Plan, including but not limited to: use, pedestrian and recreation access and connections to the Town core, U.S. Forest Service lands, and other public lands.

306.2 All areas which are inappropriate for development, including but not limited to: steep slopes, areas affected by geologic hazards, wetlands, and other areas of state and local interest, are included in the Open Space Zone District. All areas included in the Open Space Zone District which are not dedicated to the Town are held in common ownership by an owners' association and the owners' association is responsible and liable for the maintenance and oversight of all common open space areas.

306.3 The PUD application complies with the Major Streets Plan.

A. Pedestrian access to the commercial districts of Town is provided by a sidewalk or trail on the Applicant's property, or by connection to an existing or future sidewalk, trail, or other suitable pedestrian access route, and sidewalk or trails meet the minimum requirements set forth in **550. MINIMUM SUBDIVISION DESIGN STANDARDS.**

B. Passive recreational access is provided to the existing and planned network of passive recreation trails identified in the Rico Regional Master Plan.

C. Direct access to Highway 145 will not create traffic related hazards and direct access can be created which meets the minimum access design standards set forth by the Town of Rico and the Colorado Department of Transportation. Any necessary highway access permit from CDOT and the Town of Rico is obtained prior to commencement of any development activity.

306.4 For CPUD applications, off-street parking should be visually screened from Highway 145 either by parking behind structures or through the use of landscaping.

ARTICLE IV
APPLICATION PROCEDURES AND STANDARDS

400. BUILDING PERMIT REQUIRED

It shall be unlawful to commence the excavation for, or the construction of, any building or any structure, including accessory structures, until the Building Official of the Town of Rico has issued a building permit for such work. Structures include decks and patios over thirty (30) inches in height (See Appendix B). Test pits for engineering related to foundations and septic designs are permitted without a building permit. Every building hereinafter erected or structurally altered shall be located on a lot as defined in **ARTICLE IX**. No building shall be erected, converted, enlarged or structurally altered, nor shall any building or premises be used for any purpose other than permitted in the district in which such building or premises is located. No building shall be erected, enlarged, moved or structurally altered except in conformity with the height, yard, setback, maximum floor area, maximum site coverage, or other regulations prescribed herein for the district in which such lot is located. Every part of a required yard shall be open to the sky, unobstructed, except as hereafter provided. The yard of any lot shall not be reduced so as to be smaller than the applicable district requirement. *See **730** for enforcement and authority and **740** for penalties for violations*.

401. INDEMNIFICATION FOR ISSUANCE OF BUILDING PERMIT

A grant or approval of a building permit does not constitute a representation, guarantee, or warranty of any kind or nature by the Town or any Town official or employee of the practicability or safety of any structure or proposed use, and it creates no liability to or cause of action against the Town or any Town official or employee for any damages caused by permitting such development.

402. NULL AND VOID PERMITS

Any permit issued in conflict with the provisions of this RLUC shall be null and void and may not be construed as waiving any provision of this RLUC or other rights of enforcement by the Town.

403. RECORD KEPT BY BUILDING OFFICIAL

A record of all building permits shall be kept on file in the office of the Town of Rico by the Building Official, and copies shall be furnished on request at the expense of any person having a proprietary interest in the land or building affected by such building permit.

404. APPEAL FROM DECISIONS

The Applicant may appeal the decision of the Building Official to the Board of Adjustments by filing a notice of appeal with the Town Clerk within thirty (30) days of the certified mailing of the written order of the Enforcement Official. The Town Clerk shall notify the chairperson of the Board of Adjustments who shall schedule a meeting within forty-five (45) days of receipt by the Town of the notice of appeal.

405. BUILDING PERMIT SUBMITTAL REQUIREMENTS

Application for a building permit shall be made to the Building Official of the Town. The Building Official shall require that every application for a building permit be accompanied a plan drawn to scale and an elevation drawing drawn to scale showing specified information in sufficient detail to enable the Building Official to ascertain whether the proposed excavation, construction, reconstruction or conversion, moving or alteration is in compliance with this RLUC. Building Permits expire after two years if the exterior has not been substantially completed.

Plans and drawings shall include the following:

405.1 Lot dimensions and corners. A survey of the lot prepared by a Colorado registered land surveyor (RLS) showing the corners, dimensions, and existing easements of the lot.

405.2 Proposed Structures. The shape, size and location of all buildings, fences, or other structures to be erected, altered or moved and of any buildings, fences or other structures already on the lot.

405.3 Use of Structure. The existing and intended uses of the building and other structures, including the number of units.

405.4 Existing Yards. The dimensions of all yards and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of the RLUC are being observed regarding yards, areas, site-coverage, and other such requirements or standards.

405.5 Driveways and Parking. Any planned roads, driveways, or access routes, and off-street parking areas.

405.6 Water Tap, Septic Permit and Excise Tax. Evidence of payment of the water tap fee, excise tax, and any other applicable fees, issuance of a septic permit, and compliance with any other restrictive covenants enforceable by the Town.

405.7 Other Permits. Evidence of approval of other required permits (such as development permits in Areas of State and Local Interest and driveway excavation permits).

405.8 Payment in Full. Evidence of payment in full of any amount due and owing to the Town of Rico, a special improvement district organized in the Town of Rico, any reimbursement fee required by Ordinance, and the Rico Fire Protection District.

406. STANDARDS FOR REVIEW

406.1 If the proposed excavation, construction, moving or alteration as set forth in the application is in conformity with the provision of this RLUC and all other ordinances of the Town, the Building Official shall issue a Building Permit.

406.2 If an application for a building permit is not approved, the Building Official, shall

state in writing his reason for such a disapproval.

408. INTERPRETATIONS OF RLUC.

408.1 Authority. The Town Manager and/or Planner shall have the authority to make informal non-binding administrative interpretations of the text of this RLUC and the boundaries of the Official Zoning Maps. The Board of Trustees shall have the authority to render formal interpretations of this RLUC.

408.2 Requests for Interpretation. A Formal Interpretation may be requested by any affected person, any resident or real property owner in the Town of Rico, or any person having a contractual interest in real property in the Town of Rico.

408.3 Procedures.

A. Submission of Request for a Formal Interpretation. Upon written request submitted to the Town Manager and/or Planner along with the required application fee as set forth in Appendix A. a Formal Interpretation shall be provided by the Board of Trustees.

B. Determination of Completeness. Within fifteen (15) days after a Request for a Formal Interpretation has been received, the Town Manager and/or Planner shall determine whether the request is complete. If the Town Manager and/or Planner determines the request is not complete, he shall serve written notice on the Applicant specifying the deficiencies. No further action on the Request for a Formal Interpretation shall be taken until the deficiencies are remedied.

C. Rendering of a Formal Interpretation. After the Request for a Formal Interpretation has been determined complete, a public hearing shall be scheduled by the Board of Trustees within seventy (70) days. The Board of Trustees may consult with the Town Manager and/or Planner, review this RLUC and the Official Zoning Maps, whichever is applicable, before rendering an interpretation. Notice of the public hearing shall be posted, mailed to the Applicant, and published at least ten (10) days prior to the hearing. The interpretation shall be in writing and shall be sent to the Applicant by certified mail. All Formal Interpretations of this RLUC shall kept on public record in the Town.

D. Standards for Formal Interpretation. The Board of Trustees shall make the following findings when rendering a Formal Interpretation:

(1) The Interpretation clarifies an ambiguity in the RLUC and does not create a substantive amendment to the RLUC;

(2) The Interpretation complies with the intent of the Rico Regional Master Plan;

(3) The Interpretation complies with the stated purposes in this RLUC, including the specific purposes as stated in relevant sections of this RLUC; and,

(4) The precedence established by the Interpretation would not be contrary to the

intent of the Rico Regional Master Plan or the stated purposes in this RLUC, including the specific purposes as stated in relevant sections of this RLUC.

F. Precedence. Formal Interpretations shall create precedence for similarly situated persons and property in the future.

G. Appeal. Any person who has made a Request for Formal Interpretation may appeal an interpretation of the Board of Trustees to District Court within thirty (30) days of the date of the final decision of the Town. The date of the final decision of the Town shall be the date of the Board of Trustees meeting where action is taken to render a Formal Interpretation.

410. AMENDMENTS TO RLUC, OFFICIAL ZONE DISTRICT MAP AND RICO REGIONAL MASTER PLAN

412. INITIATION OF AMENDMENT

Any resident over the age of 18 or any person having a proprietary interest in any property within the Town of Rico may apply to the Board of Trustees for a change or amendment to the provisions of this RLUC, the official Zone District Map or the Rico Regional Master Plan, or the Rico Planning Commission may on its own motion, or on request from the Board of Trustees, institute a study and proposal for changes and amendments which are in the public interest.

414. APPLICATION FOR AMENDMENT

Applications for RLUC, Official Zone District Map or Rico Regional Master Plan amendments shall include eleven (11) copies of the application for such change or amendment with the Town Planner. The application shall at a minimum, shall include the following information:

414.1. The name, address, and telephone number of the Applicant shall be provided.

414.2. The petition shall clearly state the requested change or amendment and describe the property to be affected by such request by metes and bounds or by other legal description.

414.3. The petition shall be accompanied by a title certificate from a licensed title company or opinion from an attorney listing the name of the property owner(s) and all liens, easements and judgments of record that affect the title to the subject property.

414.4. A statement from the County Treasurer showing the status of all current taxes due on said parcel.

414.5. If applicable, certified boundary survey of land area affected by the Amendments, along with an indication of the existing zoning, predominant existing uses, and existing zoning designations within two hundred (200) feet in all directions of the boundary of the land area affected by the Amendments.

414.6. If applicable, legible maps at a suitable scale for review, as determined by the

Town Planner, which demonstrate the proposed Amendments (maps and surveys may be combined).

414.7. If applicable, a list of surrounding property owners and their legal mailing addresses within two hundred (200) feet of the exterior boundary of the parcel proposed to be zoned or rezoned.

414.8. A request and explanation for any exception to providing the information requested above.

414.9. A statement by the Applicant explaining the rationale for the Amendment request relative to the standards imposed by **418**.

414.10. An application fee as set forth in Appendix A.

416. AMENDMENT APPLICATION PROCEDURES

416.1. Reviewing Board. An Amendment application shall be first submitted to the Rico Planning Commission which shall review the application and render a recommendation to the Board of Trustees. The Board of Trustees shall consider the Rico Planning Commission's recommendation and then render a decision.

416.2. Public hearing required. The Rico Planning Commission shall conduct a public hearing on any application for Amendment prior to making its recommendation to the Board of Trustees. The Board of Trustees shall conduct a public hearing prior to considering adoption of an ordinance to amend the RLUC or considering adoption of a resolution to amend the Rico Regional Master Plan.

416.3. Notice. Public hearings for Amendments shall be posted at the Town Hall and Post Office and shall be published in the designated official paper of record at least ten (10) days prior to the hearing. Amendments which change the Zone District classification of property or the desired land use of property as determined in the Rico Regional Master Plan shall provide written mailed notice to the property owners of the affected property and property owners within two hundred (200) feet of the affected property, such notice shall be mailed at least twenty (20) days prior to the hearing. Amendments which change the text of this RLUC or the Rico Regional Master Plan which are general in nature and do not solely affect a specific property are not required to provide written mailed notice to property owners. Notice shall include the present and proposed zoning or master plan future use designation; the time, date, and place of the hearing; and the name, address, and phone number of the Applicant; a map showing the affected land area if applicable; and, a statement that the application is available for public inspection in the office of the Town Clerk along with office hours.

416.4. Appeal. The decision of the Board of Trustees shall be the final decision of the Town and may be appealed to the District Court within thirty (30) days of the date of the

meeting where the decision was rendered.

418. STANDARDS FOR REVIEW OF AMENDMENT APPLICATIONS

The Rico Planning Commission and the Board of Trustees shall use the following standards for review of Amendment applications. The reviewing board shall find that either standard **418.1** is met or that standards **418.2** through **418.4** are met prior to recommending or approving a proposed Amendment.

418.1. The existing Zone District classification or desired Master Plan land use was adopted in error; or,

418.2. the proposed Amendment is compatible with the land uses in the surrounding area; and,

418.3. the proposed Amendment will serve a community need and thereby promote the public health, safety, or welfare of the Rico community and the public services and infrastructure are adequate to meet the needs of the proposed Amendment; and,

418.4. the proposed Amendment is consistent with the purposes of the RLUC and the goals and objectives of the Rico Regional Master Plan.

420. SPECIAL USE PERMITS
(ORD. NO. 2011-3. § 420, 06-15-11)

The Rico Land Use Code authorizes uses by Special Use Permit Review in Commercial and Residential Zone Districts. A Special Use Permit ("SUP") must be obtained prior to instituting a use which is not permitted in a particular Zone District, but which is otherwise explicitly authorized as a use permitted by "Special Use Permit Review". A Special Use is a use that may or may not be appropriate in a given location depending upon the circumstances and the conditions imposed upon the approval of the use. Conditions shall be designed to reasonably mitigate adverse impacts of the use upon surrounding properties.

422. PRE-APPLICATION CONFERENCE

Prior to the filing of a Special Use Permit application, the Applicant may meet with the Town Manager and/or Planner or his or her designated agent to acquaint himself or herself with the requirements of the Town. At such meeting, the application contents, referral agencies, review procedures, use and area standards, and the general character of the development may be discussed. At the pre-application conference, the Applicant may be represented by a land planner, engineer, surveyor, attorney, or other representative.

424. SUBMITTAL REQUIREMENTS

The Applicant shall file eleven (11) copies of a SUP application and a title certificate from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property. The application shall be filed with the Town Planner. The application shall be accompanied by or show the following information:

424.1. The street address and legal description of the property affected.

424.2. Any and all plans, maps, information, operating data and expert evaluation necessary to clearly explain the location, function, characteristics, or proposed mitigation, of any proposed use.

424.3. A statement explaining why the proposed use meets the standards for review and why the proposed use is compatible with existing adjacent land uses and the surrounding neighborhood.

424.4. An application fee as indicated in Appendix A.

426. REVIEW PROCEDURES.

426.1. Reviewing Board. A SUP application shall be first submitted to the Rico Planning Commission which shall review the application and render a recommendation to the Board of Trustees. The Board of Trustees shall consider the Rico Planning Commission's recommendation and then render a decision.

426.2. Public hearing required. The Rico Planning Commission shall conduct a public hearing on any application for a SUP prior to making its recommendation to the Board of Trustees. The Board of Trustees shall conduct a public hearing prior to considering a request for a SUP.

426.3. Notice. Public hearings for SUP applications shall be posted at the Town Hall and Post Office and shall be published in the designated official paper of record at least ten (10) days prior to the hearing. Written mailed notice shall be provided to the property owners within 200 feet of the subject property, such notice shall be mailed at least twenty (20) days prior to the hearing. Notice shall also be posted on the subject property. Notice shall include the present Zone District classification, the proposed special use; the time, date, and place of the hearing; and the name, address, and phone number of the Applicant and a statement that the application is available for public inspection in the Town Clerks office along with office hours.

426.4. Conditions. The Rico Planning Commission has the authority to recommend approval with conditions, and the Board of Trustees has the authority to grant a SUP with conditions; including but not limited to: Duration of SUP, hours of operation, required visual screening, required off-street parking, limitations of use, required on-site and off-site mitigation, and fees, payments or improvements which are necessary to provide adequate public services or infrastructure.

426.5. Appeal. The decision of the Board of Trustees shall be the final decision of the Town and may be appealed to the District Court within thirty 30 days of the date of the meeting where the decision was rendered.

426.6. Records. A file containing all documents relevant to the application and disposition of

such SUPs shall be maintained by the Town Planner.

428. STANDARDS FOR REVIEW

The following standards shall apply to review of SUPs by the Rico Planning Commission and the Trustees in addition to standards indicated elsewhere in this RLUC for specific Special Use Permit applications.

428.1. Compatibility with Surrounding Area. The proposed use or operation is compatible with surrounding land uses and with the surrounding neighborhood.

428.2. General. The location, size, design and operating characteristics of all proposed uses shall mitigate any adverse effects, including visual impacts, on surrounding properties.

428.3. Noise. At no point on the bounding property line of any use in any district shall the sound pressure level of any use, operation or plant produce noise intensity greater than that customarily level of the underlying Zone District and surrounding neighborhood so as to create a nuisance or detract from the use and enjoyment of adjacent property. For the purposes of this section, bounding property line shall be interpreted as being at the far side of any street alley, stream or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between two (2) parcels of property shall be interpreted as the bounding property line.

428.4. Smoke and Particulate Matter. No proposed operation or use in any district shall at any time create smoke and particulate matter that, when considered at the bounding property line of the source of operation creates a nuisance or distracts from the use and enjoyment of adjacent property.

428.5. Odorous matter. No proposed use shall be located or operated in any district that involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located. The odor threshold shall be the concentration of odorous matter in the atmosphere necessary to be perceptible to the olfactory nerve of a normal person.

428.6. Fire and Explosive Hazard Material.

A. Explosives. No use involving the manufacture or storage of compounds or products that decompose by detonation shall be permitted in any district, except that chlorates, nitrates, phosphorus and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Fire Marshall as not presenting a fire or explosion hazard.

B. Flammables. The storage and use of all flammable liquids and materials such as

pyroxylin plastics, nitrocellulose film, solvents and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the Town of Rico and receives the approval of the Fire Marshall.

428.7. Toxic and Noxious Matter. No proposed operation or use in any district shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter that will exceed the threshold limits set forth by the Colorado Department of Health.

428.8. Vibration**.** No proposed operation or use in any district shall at any time create earthborne vibration that, when considered at the bounding property line of the source of operation creates a nuisance or distracts from the use and enjoyment of adjacent property.

428.9. Open storage. No open storage of materials or commodities shall be permitted in any district except as an accessory use to a main use located in a building in the **MU Zone District**. No open storage operation shall be located in front of a main building. No wrecking, junk, or salvage yard shall be permitted as a storage use in any district.

428.10. Glare. No proposed use or operation in any district shall be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

428.11. Traffic. No proposed use or operation shall be permitted where the use would create undue traffic impacts on Town roads and affected residential neighborhoods.

428.12. Off-Street Parking. Adequate off-street parking is provided to accommodate the proposed use.

430. VARIANCE APPLICATIONS
(ORD. NO. 2008-3, § 430, 430.1, 03-19-08)

The Planning Commission is authorized to review and make recommendation to the Board of Adjustment. The Board of Adjustments is authorized to deny, approve or approve with conditions such Variance including but not limited to modifications of the building height, setbacks, yard area, site coverage, required off-street parking, and maximum floor area regulations it deems necessary to permit and promote appropriate development of a parcel of land that differs from other parcels in a Zone District by area, shape, slope, or pre-existing improvements that the subject parcel cannot be appropriately developed without such modification.

430.1 ALTERNATIVE BUILDING MATERIALS

The application for Building Material Variance is designed for a specific building material not listed. The applicant will follow the procedures outlined in 432 *et al.* The Planning Commission will review and render recommendation to the Board of Adjustments. The Board of Adjustments

will deny, approve or approve with conditions the Building Material Variance application. The application shall be approved by majority vote.

432. APPLICATION SUBMITTAL REQUIREMENTS

The Applicant shall file eleven (11) copies of an application requesting a Variance. The application shall be accompanied by or show the following:

432.1. The street address and legal description of the property affected;

432.2. A site plan and any and all other information necessary to clearly demonstrate eligibility for the requested Variance based upon the required findings in **436**; and,

432.3. An application fee as set forth in Appendix A.

434. REVIEW PROCEDURES
(ORD. NO. 2008-3, § 434, 434.1, 434.2, 03-19-08)

434.1. Reviewing Board. A request for any Variance shall first be submitted to the Rico Planning Commission which shall review the application and render a recommendation to the Board of Adjustments. The Board of Adjustments shall consider the Rico Planning Commission's recommendation and then render a decision. Variance applications shall be approved by a majority vote.

434.2. Public hearing required. The Rico Planning Commission shall conduct a public hearing on any Variance application. The Board of Adjustments shall conduct a public hearing on any application for a Variance prior to rendering its decision.

434.3. Notice. Public hearings for Variance applications shall be posted at the Town Hall and Post Office and shall be published in the designated official paper of record at least ten (10) days prior to the hearing. Written mailed notice shall be provided to the property owners within 200 feet of the subject property, such notice shall be mailed at least twenty (20) days prior to the hearing. Notice shall also be posted on the subject property. Notice shall include the present Zone District classification, the proposed Variance; the time, date, and place of the hearing; and the name, address, and phone number of the Applicant and a statement that the application is available for public inspection in the Town Clerks office along with office hours.

434.4. Conditions. The Board of Adjustments has the authority to recommend approval of a Variance with conditions, including but not limited to: required improvements, required additional off-street parking, covenants restricting further development, requirement to bring non-conformities into compliance with this RLUC.

434.5. Appeal. The decision of the Board of Adjustments shall be the final decision of the Town and may be appealed to the District Court within thirty (30) days of the date of the meeting where the decision was rendered.

434.6. Records. A file containing all documents relevant to the application and disposition of such Variances shall be maintained by the Town Clerk.

436. STANDARDS FOR REVIEW

The following standards shall apply to review of Variance applications by the Board of Adjustments. In exercising its power to grant a Variance in accordance with this RLUC, the Board of Adjustment shall make finding and show in its minutes that each of the following standards are met:

436.1. There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions, access, and location that do not apply generally to other property in the same area and Zone District;

436.2. the Variance will not unduly impact such things as: snow removal, streetscapes, separation of buildings for fire protection, and opportunity for off-street parking, which are provided by minimum setbacks; solar access, and protection of neighbors views to the surrounding mountains, which are provided by maximum building heights; continuity of design, minimization of visual impact, and provision of minimal yard area, which is provided by maximum floor areas (particular attention shall be given to the impacts of the Variance on neighbors); and,

436.3. the Variance, if granted, will not constitute a material detriment to the public welfare or injury to the use, of property in the vicinity; and,

436.4. the Variance is not sought to relieve a hardship to development of the property which has been created by the Applicant; and,

436.5. that the proposed use is a permitted use in the underlying Zone District.

440. HISTORIC LANDMARK PRESERVATION

The following sections establish regulations for the alteration of designated historic landmark buildings in the Town of Rico.

441. PURPOSE

The purpose of the Historic Landmark Preservation regulations is to promote the health, safety and general welfare of the Rico community through:

441.1 The protection and preservation of the Town's historical and cultural resources, as embodied in designated historic landmarks, by appropriate regulations;

441.2 The enhancement of property values;

441.3 The increase of economic and financial benefits to the Town by preserving and enhancing the attraction of this historic Colorado mining town to tourists, visitors, and persons interested in residing in the Town of Rico; and,

441.4 The provision of education opportunities to increase public appreciation of Rico's unique heritage.

442. DESIGNATION OF HISTORIC LANDMARKS

442.1 **Procedure**. A nomination for designation, or revocation of designation, of a Historic Landmark may be made by the Rico Historical Society or by any citizen or property owner in the Town of Rico.

442.2 **Owner's Consent**. Written consent by the property owner shall be obtained prior to designation of any residential structure in a residential zone district as a Historic Landmark. A property owner's consent shall not otherwise be required for Historic Landmark designation of a structure or building by the Board of Trustees.

442.3 **Referral**. All nominations for designation or revocation of a designation of Historic Landmark status shall be referred to the Rico Historical Society. Such referral shall include a deadline date for comment as well as the proposed public hearing date.

442.4 **Public Hearing and Notice**. The Board of Trustees shall conduct a public hearing on a the nomination for Historic Landmark designation not more than seventy (70) days after receiving a nomination. Posted, published and mailed notice to the affected property owner shall be given at least twenty (20) days prior to the date of the hearing. The notice shall contain the time, date, and place of the public hearing and a description of the affected property.

442.5 **Review**. The Rico Board of Trustees shall decide on nominations to designate, or revoke designation, of structures as Historic Landmarks.

442.6 **Designated Historic Landmark Structures**: The following structures are designated as Historic Landmark Structures:

Atlantic Cable Headframe Structure – 107 N. Glasgow Ave.
Van Winkle Mine Headframe Structure – 100 Van Winkle Ave.
Rico Grand Southern Water Tank – R.G.S. Tract North
Rico Town Hall/Former Dolores County Courthouse Building – 2 Commercial Street
Rico Post Office Building – 22 S. Glasgow Avenue
Rico Fire Station Building – 13 S. Glasgow Avenue
Rico Community Church – 116 E. Mantz Avenue
Rico Catholic Church – 122 N. Garfield Street
The Dey Building – 3 N. Glasgow Avenue
Rico State Bank Building – 8 S. Glasgow Avenue
Rico Masonic Lodge Building – 31 S. Glasgow Avenue
The Burley Building – 9 S. Glasgow Avenue
The Rhode Inn – 20 S. Glasgow Avenue

Rico Mercantile – 14 S. Glasgow Avenue
The Engel House – 208 E. Mantz Avenue

443. HISTORIC LANDMARK ALTERATION CERTIFICATE

443.1 Alteration Certificate. No property owner shall carry out or permit to be carried out on a designated Historic Landmark any new construction, alteration, removal, or demolition of a building, structure, or other designated feature without first obtaining a Historic Landmark Alteration Certificate from the Rico Planning Commission as well as obtaining any other permits required by the Town of Rico.

443.2 Pending Historic Landmark Designations. No property owner shall receive a permit to construct, alter, remove, or demolish any structure or other feature on a proposed Historic Landmark site when a nomination for Historic Landmark designation is pending.

443.3 Application Submittal Requirements. Eleven (11) copies of an application for a Historic Landmark Alteration Certificate shall be submitted to the Town Planner. The application shall include a completed application form; plans, specifications, and architectural designs showing the proposed exterior appearance of the building or structure, such plans and specifications must be at least a scale of one (1) inch equals two (2) feet; a description of proposed exterior materials and textures; and any available historic information relevant to the application and supporting the application.

443.4 Review. The Planning Commission shall review applications for Historic Landmark Alteration Certificates with seventy (70) days after the application is received by the Town Planner. The Planning Commission shall hold a public hearing on the application. Notice of the public hearing shall be posted, published, and posted on the structure in a visible location, twenty (20) days prior to the date of the public hearing.

443.5 Standards for Review. The Planning Commission shall approve, approve with conditions or deny the application, based on the following standards:

A. The alteration would not physically alter the exterior appearance of the historic architectural features, not including: repair or restoration of historical architectural features, the reconstruction of missing portions of the building or structure which historically existed, or removal of non-historic architectural features;

B. The alteration would not create an addition which visually detracts from the historic building or structure; the visual impact of additions can be minimized by using similar design, exterior material, fenestration, and trim material, and by setting the addition back from the façade facing a public right-of-way or constructing the addition on the rear of a structure, or,

C. The alteration is necessary to correct unsafe or dangerous conditions of any building,

structure, or feature, or parts thereof where such condition is declared unsafe or dangerous by the Town or the Rico Fire Protection District.

D. The Planning Commission may continue review of an Alteration Certificate application with the consent of the Applicant, to allow for additional information which is necessary to review the application or to allow the Planning Commission and the Applicant to explore acceptable alternative solutions to the original application.

445. NOTICE OF DECISION. Notice of the Rico Planning Commission decision shall be published in the next possible edition of the paper of record and posted within five (5) days of the decision. Such notice shall state the decision, along with conditions if any, and the right to appeal to the Board of Trustees with the deadline date to file a written letter of appeal.

446. APPEAL TO THE BOARD OF TRUSTEES.

The decision of the Rico Planning Commission may be appealed to the Board of Trustees by the Applicant, any registered voter or any property owner in Town, by filing a written letter appealing such decision with the Town Clerk. Such written letter of appeal shall be filed within twenty (20) days of the Rico Planning Commission decision. Failure to file such an appeal by that date shall be deemed a waiver of any right to appeal or challenge the decision of the Rico Planning Commission and such decision shall be final.

447. REVIEW BY THE BOARD OF TRUSTEES.

The Board of Trustees shall hold a public hearing within seventy (70) days after receiving a written letter appeal request. Notice of the public hearing shall be posted, published and mailed to the Applicant at least twenty days (20) prior to the hearing. The Board of Trustees shall approve, approve with conditions or reverse the decision of the Rico Planning Commission based on review of the record, any new information, and comments received at the public hearing.

470. ROADS BUILDING PROCEDURES AND STANDARDS

The following sections, and the official Present Road Status Map and the Designated Road Use Map, establish road classifications, use regulations, design standards for new road construction, and procedures for road building permits.

471. PERMIT REQUIRED

No road construction shall begin prior to the issuance of a Road Building Permit. No prohibited use of any road shall begin prior to the issuance of a Special Use Permit.

472. PRESENT ROAD STATUS MAP

The Town shall maintain a map of all roads currently maintained and accepted by the Town of Rico and all unimproved public road rights-of-way. Such map may identify roads or streets maintained by the County of Dolores, State of Colorado, quasi-governmental entities, or home

owner associations.

472.1. Improved. All roads currently maintained and accepted by the Town of Rico.

472.2. Unimproved. Existing roads or dirt tracks not regularly maintained by any governmental entity, but which have significant seasonal use; or, undeveloped public road rights-of-way.

472.3. Planned. Planned routes for road access to future development.

473. DESIGNATED ROAD USES

The Designated Road Use maps designates permitted road uses based on historical uses and the Rico Regional Master Plan.

473.1 Arterial. Includes: State Highway 145. All uses permitted by the Colorado Department of Transportation.

473.2 Collector. Includes: Mantz Avenue, portions of Silver Street, Soda Street, Piedmont Access, Piedmont Street, West Rico Access, Picker Street, Eder Street, River Street, and Glasgow Avenue. Permitted uses include residential access and related construction traffic. Commercial truck traffic must receive a special use permit prior to beginning trucking operations.

473.3 Collector by Review. Includes: Jones Mine, Water Tank Road, Newman Hill Road, and Mill Road. Permitted uses include residential access and related construction traffic. Commercial truck traffic must receive a special use permit prior to beginning trucking operations. Subdivision access is permitted by review as part of an annexation application, subdivision application, or review of a subdivision application before Dolores County. Subdivision access shall meet the following standards:

A. Traffic volumes should not exceed recommended volumes in the Rico Regional Master Plan.

B. Roads, bridges, and highway accesses between the subdivision and Highway 145 shall be upgraded where necessary to safely accommodate the additional traffic or to mitigate traffic impacts including but not limited to dust.

473.4 Residential. Includes: All streets not designated as Arterial, Collector, or Collector by Review. Permitted uses include residential access and related construction traffic. Commercial truck traffic must receive a special use permit prior to beginning trucking operations.

473.5 Commercial Trucking Operations**.** Commercial trucking operations shall include the use of any excess weight vehicle as defined in **214.** used for commercial purposes except for deliveries to a residential property or home business.

474. ROAD BUILDING PROCEDURES

The Board of Trustees shall approve or deny Road Building applications after conducting a public hearing. An application for Road Building shall be reviewed first by the Planning Commission after conducting a public hearing. The Planning Commission shall make its recommendation to the Town Board based on the Applicant's compliance with the Major Street Plan and the design standards in **478**. Public notice for Road Building Applications shall be posted at the Town Hall and Post Office as well in the designated official paper of record at least ten (10) days prior to the hearing. Written notice shall be mailed to property owners adjacent to the proposed road construction at least twenty (20) days prior to the hearing.

475. ROAD BUILDING APPLICATION SUBMITTAL REQUIREMENTS

Road Building applications shall contain the following materials and information in addition to a completed Road Building permit application form provided by Town.

475.1. Site map showing location and extent of work to be performed;

475.2. proposed design specifications, including two foot contour lines and cross sections at five foot intervals which adequately illustrate significant grading and drainage conditions;

475.3. copy of a certified survey;

475.4. proposed off-street parking plan;

475.5. proposed snow removal plan;

475.6. statement describing the proposed use of the road; and,

475.7. where applicable, an improvements agreement with acceptable financial guarantees for Road Building applications that are not part of a subdivision application.

476. PERMIT AND ACCEPTANCE

Upon approval of the proposed road improvement by the Board of Trustees, the permit for road building shall be signed by the Town and shall be valid for eighteen (18) months from the date of approval. Upon completion of new roads as certified by the Town Engineer, the Town shall assume all maintenance and repair responsibilities except where a homeowner's association or other entity will assume such responsibility. The Road Building applicant shall warrant and guarantee all improvements for a period of one (1) year from the date of completion.

478. ROAD DESIGN STANDARDS

The following the standards apply to Road Building applications. All Road Building applications shall be reviewed by the Town Engineer who may require additional improvements

or conditions. The Town Board shall have the right to approve Road Building applications that vary from the standards set forth below where the variance in design does not result in safety, emergency vehicle access, or long term maintenance problems.

478.1 Compliance with Major Streets Plan: All streets and roadways shall conform to the Town of Rico's Major Streets Plan.

478.2 Width: Residential rights-of-way shall be a minimum of sixty (60) feet in width. Collector rights-of-way shall be a minimum of sixty (60) feet in width. Arterial rights-of-way shall be a minimum of eighty (80) feet in width.

478.3 Road base and surfaces:

A. The improved road surface shall be a minimum of twenty-four (24) feet in width.

B. Road surfaces shall have a minimum six (6) inch crown.

C. Road base shall consist of a minimum of five (5) inches of four (4) inch or smaller aggregate topped by a minimum three (3) inches of ¾ inch or smaller road mix if the road is to be unpaved.

478.4 Grade: Roads shall be constructed with a maximum grade of 10%. The maximum grade of roads thirty (30) feet from intersections, on either side of a proposed driveway access, and on curves with a radius of less than 250 feet shall not exceed 8%.

478.5 Drainage: All water diversions shall be installed to prevent flooding downhill, erosion of the shoulder, and water run-off from the drainage system flowing onto private property. Culverts or cement surface drains shall be installed wherever water runoff crosses the road way and at every intersection. Unpaved streets shall include a bar ditch sufficient to provide adequate drainage.

478.6 Road Cuts: Any roadcuts which are created during construction that are higher than six vertical feet measured from the crown of the road to the top of the cut should not exceed a 35% slope. The toe of the road measured from the crown to the toe should not exceed 50% slope. A rock retaining wall shall be used where the vertical distance between the top of the road cut and crown, or the crown and the toe, exceeds 12 feet or 50% slope. At the request of the Town Engineer, a slope stability analysis shall be required for any road cuts requiring a retaining wall.

478.7 Re-vegetation and Landscaping: A re-vegetation and landscaping plan shall be required for roads which require substantial road cuts and/or tree removal, especially where the road would be visible from the Highway 145 right-of-way or from Town parks. Re-vegetation and landscaping shall use native species of grasses, plants, and trees.

478.8 Intersections: Intersecting streets shall be at a 90 degree angle, or as close as possible to a 90 degree angle, to each other and no intersecting streets shall be less than 60

degree angles to each other.

478.9 Cul-du-Sacs: All Cul-du-Sac streets shall meet the following minimum requirements:

A. Cul-du-Sac streets shall terminate with a minimum 80' diameter turn around or hammer head turn-around with a minimum width of 24' and extending a minimum length of 24' beyond each side of the improved road way;

B. Cul-du-Sac turnarounds shall have a minimum 15' road right-of-way extending beyond a circular or hammer head turn-around;

C. Cul-du-Sac streets longer than 500' may require additional mitigation for emergency vehicle access, traffic safety, and snow removal, as determined by the Planning Commission. Such additional mitigation may include:

(1) Periodic pull-outs, turn-arounds, or convenient places to reverse direction.

(2) Additional right-of-way areas for snow removal or snow storage.

(3) Street alignment that facilitates snow removal and improves line of sight distance for pedestrians and drivers.

(4) At least one on-street parking area per dwelling unit within 150 feet of each lot in addition to the off-street parking requirements.

(5) Secondary access for emergency vehicles restricted by the use of gates or other appropriate devices.

480. VACATION OF ROAD RIGHTS-OF-WAY

The following sections establish procedures and standards for Vacation of public rights-of-way by the Town of Rico. The Board of Trustees shall approve or deny vacation requests after conducting a public hearing. A request to vacate a public road right-of-way shall be reviewed first by the Planning Commission after conducting a public hearing. Notice of the public hearing shall be posted and published at least ten (10) days prior to the hearing and shall be mailed to all property owners within 200 feet of the proposed vacated road right-of-way at least twenty (20) days prior to the hearing.

482. STANDARDS FOR REVIEW OF VACATION REQUEST

The Planning Commission and Board of Trustees shall consider the following standards when reviewing a request to vacate a public right-of-way in addition to the statutory requirements of C.R.S. sec. 43-2-301 *et seq.* as may be amended from time to time:

482.1. The topography of the public right-of-way does not allow road building to meet the design standards in **478**;

482.2. the public right-of-way does not provide any public benefit, including but not limited

to: pedestrian access, recreational access, off-street parking, and open space buffer lot between developable lots; or, the requested vacation is part of an application which would result in the Town acquiring property or rights-of-way which has a greater public benefit than the vacated public right-of-way; and,

482.3. sufficient easements or rights-of-way for utilities are retained or provided.

484. MINIMUM REQUIREMENTS FOR VACATION OF RIGHT-OF-WAY

484.1. The Trustees shall enact a public right-of-way vacation by ordinance;

484.2. the ordinance shall specifically amend the Present Road Status Map and Designated Road Use Map;

484.3. the vacated right-of-way shall be divided at the midpoint and title shall pass to the adjoining property owners;

484.4. vacated rights-of-way shall be subject to the provisions of this RLUC and shall be included in the same Zone District as the adjoining property, unless otherwise determined by the Trustees; and,

484.5. the Town may not receive any monetary compensation in return for any vacated public right-of-way.

490. UTILITY IMPROVEMENTS

The following sections establish procedures and standards for Utility Structures. An Excavation Permit shall be acquired prior to any excavation in the Town rights-of-way or on Town property. Excavation Permits shall be issued by the Enforcement Official.

492. UTILITIES PERMITS

Nothing in this RLUC shall be construed to prevent the construction or installation, in any Zone District, of a public utility use or structure necessary for the transmission of commodities or services of a public utility company, including mains, transmission and distribution lines, substations, and exchanges, provided that storage, maintenance, and business facilities shall be restricted to their appropriate district. The construction and installation of all public utilities shall comply with the following:

492.1. No towers or apparatus for the transmission, emission, or reception of signals, or wind driven devices, which are in excess of twenty (20) feet from base to tip shall be constructed, placed or maintained within the Town limits without a Special Use Permit.

492.2. Substations, exchanges, and storage and maintenance facilities shall be required to be obscured with natural vegetation screening that is compatible with the surrounding environment, of by fencing which is a minimum of six feet and a maximum of eight feet above grade and which meets the applicable set back requirements.

492.3. Extension of utility lines to new developments and areas not previously served by development shall be installed underground.

494. EXCAVATION PERMITS

494.1. Permit required. An Excavation Permit shall be obtained from the Town of Rico prior to any excavation in the Town rights-of-way or on property owned by the Town of Rico, except for maintenance and repair of existing utility lines. Maintenance and repair of existing utility lines by utility companies with a valid agreement with the Town of Rico shall not require an Excavation Permit from the Town of Rico. A completed Excavation Permit application form shall be submitted to the Town Planner along with the applicable fee designated in Appendix A. Excavation Permits for driveway access permits shall indicate the width, grade, and location of driveway improvements

494.2. Notification of Excavation. The Utility Notification Center of Colorado shall be properly notified prior to any excavation.

494.3. Town Planner. The Town Planner shall have the authority to issue an Excavation Permit for utility lines, driveway access, and temporary use road rights-of-way for storage of construction materials or construction activity associated with a building permit or re-model. At the request of the Town Planner , the Town Engineer may review all applications for installation of public utility lines and driveway access excavations which do not meet the standards in **496** and **498** prior to issuance of an excavation permit. Permits for other excavation activities shall be reviewed by the Board of Trustees. The standards and procedures for Special Use Permits shall apply to Excavation Permits which are reviewed by the Board of Trustees.

494.4. As Built Drawings: As built drawings shall be submitted to the Town upon completion of utility distribution lines.

496. STANDARDS FOR UTILITY INSTALLATIONS

496.1. Minimum Depth of Lines: The depth of a line shall be measured from the top of the installed line to the finished grade. The minimum depth of lines is indicated as follows:

Telephone Service Line:	24 inches
Telephone Distribution Line:	48 inches
Electrical Service Line: (less than 600 volts)	30 inches
Electrical Distribution Line: (600 volts or more)	48 inches
Water Lines	72 inches

496.2. Minimum Separation of Lines: The distance between lines shall be measured as the level horizontal distance from the side of one line to the side of another line. A two foot wide area at least ten (10) feet from existing water lines shall be reserved for the future installation of sewer collection lines in alleys and streets identified for collection lines in the RG Consulting Collection Line Plan, January, 2002, or any updated report, prepared for the Town of Rico. Excavation Permit applications shall use the reserved area for future sewer lines for determining separation of Telephone, Cable and Electric from sewer lines. The minimum separation of lines is indicated as follows:

Minimum horizontal separation for lines installed parallel to other lines:	
Water or Sewer from Telephone, Cable, and Electric:	72 inches
Minimum vertical separation for lines installed that cross other lines:	
Water or Sewer from Telephone, Cable, and Electric:	24 inches

498. STANDARDS FOR DRIVEWAY PERMITS

The following standards shall apply to Excavation Permits for construction of a driveway access.

498.1 Existing Road. Driveways shall not alter the grade or drainage of existing roads, except as they may comply with **498.2**.

498.2 Drainage. All water diversions shall be installed to prevent flooding downhill, erosion of the shoulder, and water run-off from the drainage system flowing onto private property. Culverts or cement surface drains shall be installed wherever water runoff crosses the road way and at every intersection. All paved streets shall install curb and gutters. Unpaved streets shall include a bar ditch sufficient to provide adequate drainage.

498.3 Grade. Driveways shall be constructed with a maximum grade of 12%.

498.4 Width. Driveways shall be a minimum of ten (10) feet in width when serving one (1) dwelling unit, or fourteen (14) feet wide when serving more that one dwelling unit or when serving commercial, accommodations, short term rental, or light industrial use.

498.5 Road Cuts. Any road cuts which are created during construction that are higher than four vertical feet measured from the bottom of the cut to the top of the cut shall include a re-vegetation and landscaping plan. Re-vegetation and landscaping shall use native species of grasses, plants, and trees. Road cuts which result in slopes exceeding 35% that are greater than four vertical feet shall use a rock retaining wall to stabilize the slope. At the request of the Town Engineer, a slope stability analysis shall be required for any road cuts requiring a retaining wall.

498.7 Compliance with Rico Regional Master Plan. The proposed driveway access shall not

provide access to a use or development which does not comply with the Rico Regional Master Plan.

ARTICLE V
SUBDIVISIONS AND REPLATS

500. SUBDIVISION REGULATIONS

These regulations set forth the procedures and standards for the review of subdivision applications.

504. PURPOSE

This Article establishes procedures and standards for the subdivision of land and structures, re-subdivision of land and structures, and replat of recorded plats. The procedures are intended to facilitate the preparation of a subdivision application for final plat approval by informing the applicant of necessary information required for proper review and setting forth review schedules. The standards are intended to promote the health, safety, and welfare of the Rico community, which includes the following specific purposes:

504.1. Proper Arrangement and Size of Streets, Lots, and Easements: Promoting the proper and efficient arrangement and size of streets, lots and easements in relation to existing or planned streets, lots and utility lines and in relation to the Rico Regional Master Plan, for the intended land use and anticipated future land uses.

504.2. Provision of Municipal Services and Water Supply: Promoting the proper and efficient access of municipal services to each lot and adjacent lots and property, and providing for public water supplies to serve the potable water, fire protection, and other water needs of intended land use.

504.3. Provision of Open Space and Avoidance of Congestion: Promoting adequate and convenient open space for traffic, utilities, recreation, light, air, and avoidance of congestion.

504.4. Avoidance of Unsuitable Lands: Discouraging and restricting development activities on unsuitable lands and promoting an efficient system for the monitoring of any development activities on unsuitable lands.

504.5. Apportionment of Public Service Costs: Requiring the apportionment of the costs of public services and facilities serving subdivision residents through payment of fees, provision of facilities, and dedication of land and rights-of-way to the Town in order to assure that new development pays its way and does not burden the Town's fiscal resources.

504.6. Coordination of Public Improvements and Programs: Encouraging the efficient coordination of inter-jurisdictional public improvements, plans and programs.

504.7. Promoting Accurate and Complete Subdivisions: Requiring that the property is accurately surveyed, that the separate interests created and conveyed by the subdivision are of permanent public record, that the subdivider owns the land

proposed to be sold, and that necessary access, improvements and utilities are provided to each property and lot.

504.8. Promotion of Master Plan: Promoting the implementation and realization of the Goals and Objectives of the Rico Regional Master Plan.

506. JURISDICTION AND APPLICABILITY

506.1 The Rico Subdivision Regulations shall apply to the subdivision activities listed below within the municipal boundaries of the Town of Rico and, limited only to control with reference to the Major Street Plan, all land within three miles of the municipal boundary of the Town of Rico. In the event that two or more parcels of land, previously separately conveyed, described, granted, patented, or otherwise created, are or come under single ownership, the division of such land into two or more lots, tracts, sites, parcels, separate interests, interests in common, or other division, even if divided along the line of previously described or conveyed parcel, shall constitute a subdivision of land. Nothing herein shall be deemed to apply to a lot shown on a recorded subdivision plat, unless such subdivision plat has not received the required approvals by state or local law.

A. The division of a lot, tract, or parcel into two or more lots for the purpose of sale or of building development;

B. The division of land subject to annexation by the Town of Rico;

C. The re-subdivision of a subdivision, re-platting of recorded lots and the vacation of an existing lot line or lines;

D. The division of contiguous parcels of land held in common ownership into tracts, lots or parcels less than thirty-five (35) acres; and,

E. The division of any structure, dwelling unit, condominium unit, apartment unit, or unit in a multi-family structure, which creates a greater number of separately owned units than previously existed.

506.2 The following divisions of land are exempt from application of the RLUC:

A. Any division of a tract of land that creates parcels of land each of which comprises thirty-five or more acres of land;

B. Any division of land pursuant to a judicial partition;

C. Any division of land that creates a cemetery lot; or,

D. Any division of land occurring from the foreclosure of a deed of trust.

510. SUBDIVISION APPROVAL PROCEDURES

512. OVERVIEW OF SUBDIVISION PROCEDURES

The subdivision approval process consists of Conceptual Plan Approval, Preliminary Plat Approval, and Final Plat Approval.

514. MINOR SUBDIVISION APPLICATIONS

514.1. Minor Subdivisions include:

A. The division of one lot or parcel of land which creates not more than three lots;

B. The replatting of lots which are currently served by Town water and other public utilities and which abut a public right-of-way improved to the Town's minimum street standards provided that not more than three additional lots are created;

C. The replatting of lots which does not result in the creation of any additional lots or which has the primary purpose of correcting survey errors.

514.2. Minor Subdivisions Applications may consolidate the Conceptual Plan, Preliminary Plat, and Final Plat review stages if the application does not require the extension of water lines or street improvements. Minor Subdivision Applications which require the extension of water lines or street improvements may consolidate the Conceptual Plan and Preliminary Plat review stages only.

516. APPEALS TO BOARD OF TRUSTEES

Any final decision of the Planning Commission may be appealed to the Board of Trustees for their review by the Applicant, any property owner in the Town of Rico, or any citizen registered to vote in the Town of Rico. A final decision is defined as an approval, approval with conditions, or denial decision at any review stage of the subdivision process. Written notice of intent to appeal the decision of the Planning Commission shall be hand delivered or sent by first class mail to the Town Clerk, Town of Rico, P.O. Box 56, Rico, CO 81332, within (fifteen) 15 days after the date of the decision of the Planning Commission. Failure to file a Notice of Appeal shall be deemed to be a waiver of any right to challenge the decision of the Planning Commission. The Notice of Appeal shall state any and all reasons for appealing the decision of the Planning Commission.

The Board of Trustees shall set a public hearing date to review the Planning Commission decision within (forty-five) 45 days of receiving the Notice of Appeal. Copies of all subdivision application materials, any and all information, reports, and comments which were made part of the Planning Commission record, and minutes of the Planning Commission meeting shall be provided to the Board of Trustees at least (ten) 10 days prior to the public hearing date. The Board of Trustees shall review all such materials and consider all comments from the Applicant,

Planning Commission, relevant agencies and the public, before rendering a decision based on compliance with the relevant subdivision review standards.

518. GENERAL APPLICATION DISCRETION.

Certain application submittal requirements may be not be necessary for an informed and meaningful review of the application by the Town Planner and Planning Commission. The Town Planner has the discretion to provide guidance to an Applicant regarding certain application submittal materials that may be waived; however, such submittal requirement waivers shall be specifically requested by the Applicant and shall include a statement by the Applicant explaining the rationale for such waiver. The Planning Commission and Town Board shall have the authority to approve waivers of any specific submittal requirements as part of their respective review of the application and the waiver by one board shall not be deemed to be a waiver by the other board. Any grant of a waiver in the required submittal materials shall not be deemed to create a precedence for waiver of application submittal materials for other applications or other Applicants.

520. CONCEPTUAL PLAN REVIEW PROCESS

522. OVERVIEW OF CONCEPTUAL PLAN PROCEDURES

522.1. Overview. The Conceptual Plan Review Process is the first stage of the subdivision approval process. The Conceptual Plan Review Process is intended to determine the overall feasibility and compatibility of the proposed subdivision in relation to the Town's service ability and capacity and in relation to the Rico Regional Master Plan. Approval at the Conceptual Plan stage generally approves the proposed density, use, and general layout of the subdivision.

522.2. Sitewalk, Worksession. After a complete Conceptual Plan application is submitted to the Town Planner, the Planning Commission Chairperson and Town Planner shall schedule a date for receipt and review of the Conceptual Plan application on the next available Planning Commission agenda. Review of the Conceptual Plan may involve a site walk and work session with the Applicant. An initial worksession may be requested by the Town Planner, Planning Commission Chairperson, or the Applicant. A public hearing and review decision action item will be scheduled within thirty five (35) days after an initial worksession unless a later date or general continuance is mutually agreed upon by the Applicant. If a worksession is not desired then a public hearing for Conceptual Plan review may be scheduled for the first meeting with the Planning Commission.

522.3. Review by Other Agencies. At the worksession, the Planning Commission may decide to send the Application to any appropriate review agency, including, but not limited to: Colorado Department of Health, Division of Minerals and Geology, Colorado Geologic Survey, Division of Wildlife, Department of Transportation, U.S.

Forest Service, the U.S. Army Corps. of Engineers, and the Town Engineer.

522.4. Required Information. The Applicant must supply eleven (11) copies of all required information. Required information includes the Subdivision Application, Conceptual Plan Map, Location Map, Slope Study Map, and Constraints Map. Maps may be consolidated or separate maps may be used to convey the required information as long as the information is clearly delineated. See **560** and **562** for the scheduling and timing of application submittal materials and notices.

524. SUBDIVISION APPLICATION

The Applicant shall complete a "Subdivision Application" form provided by Town.

526. REQUIRED MAPS

All maps listed below in 526.1 through 526.4 shall include the Applicant's name and subdivision name and may appear as a single map. The Planning Commission, if it deems necessary, may require separate maps for any and all of the required information.

526.1. Conceptual Plan Map: The Applicant shall submit a Conceptual Plan Map showing the following information:

A. Conceptual lot, street, and utility access layout;

B. Approximate layout of individual lots, access to lots, and square footage of proposed lots;

C. Existing plat or lot lines for replat, resubdivision, and vacation applications;

D. Proposed land dedications, rights-of-way, easements, and open space reservations and dedications, and identification of areas reserved for future public acquisition;

E. Proposed off-street parking spaces;

F. Existing utility lines, rights-of-way, and easements; and,

G. Contour intervals at 2 feet if the slope is less than 10 percent or contour intervals of 10 feet if the slope is equal to or greater than 10 percent.

526.2. Location Map: The Applicant shall submit a Location Map showing the following information:

A. Location of the proposed subdivision;

B. All adjacent lands within 200 feet from the boundary of the subdivision in which the Applicant has an ownership interest or option to acquire an ownership interest;

C. Zone districts, taxing districts and any other special districts in which the proposed subdivision is located and zone district classifications extending 200 feet, including

public rights-of-way, from the boundary of the proposed subdivision.

D. Commonly known land marks;

E. Buildings and structures within the proposed subdivision area and within 50 feet of the boundaries of the proposed subdivision area.

526.3. Slope Study Map: The Applicant shall submit a Slope Study Map if any land exceeds 7 percent slope angle within the proposed subdivision area, or within 50 feet of the proposed subdivision area. The Slope Study Map shall show the following information:

A. Areas with zero through seven percent slope angle (0% - 7%);

B. Areas with eight through fifteen percent slope angle (8% - 15%);

C. Areas with sixteen through thirty percent slope angle (16% - 30%); and,

D. Areas greater than thirty percent slope angle (>30%).

526.4. Constraints Map: The Applicant shall submit a map, or maps if necessary to convey all distinctive characteristics which may affect the feasibility and appropriateness of the proposed development activity within the proposed subdivision area and within 50 feet of the boundaries of the proposed subdivision area. The Constraints Map shall include the following information:

A. Known landmarks and contour lines sufficient to show topography and location for reference;

B. Streams, ponds, and water-ways;

C. Natural or man-made drainages;

D. Location of any road or trail grades and estimate of average grade;

E. Description of vegetation types, designation of general vegetation type areas, and location of all trees of at least 20" caliper for all areas not proposed for Open Space or Park Dedications;

F. Identification of all Areas of State and Local Interest as defined in **ARTICLE IV**; and,

G. Irrigation ditches, bridges and culverts.

528. CONCEPTUAL PLAN REVIEW

528.1. Planning Commission Review: The Rico Planning Commission shall review the Conceptual Plan and all supporting documents and information and shall review all comments taken at the public hearing and all comments taken from other reviewing agencies. The Planning Commission shall approve, approve with conditions, or deny the Conceptual Plan Application based upon compliance with standards in this Section and other applicable laws of the Town of Rico, State of Colorado, or United States of America. The Planning Commission may continue its review decision if mutually agreed upon by the Applicant and the Planning Commission.

528.2. Standards: This paragraph sets forth the standards for Conceptual Plan Review. The Planning Commission shall cite specific standards when imposing conditions on approval, or denying, any Conceptual Plan Approval Application.

A. The proposed land use shall be consistent with the underlying zoning.

B. All lots shall meet the subdivision design standards as defined in **550**.

C. All lots shall have building sites and access that are not in any known hazards or constraints to development.

D. All roadways and utility routes shall avoid Areas of State and Local Interest as defined in **ARTICLE IV**.

E. All roads and driveways shall comply with the subdivision design standards.

F. The proposed subdivision layout shall not cause excessive cut and fill excavation or removal of trees and vegetation in relationship to feasible alternatives.

G. The proposed subdivision shall not exceed or overburden the capacity of any existing Town facilities or services unless the Applicant expands the Town facilities or service capacity to meet the increased demand of the proposed subdivision.

H. The proposed subdivision shall be consistent with the Rico Regional Master Plan.

I. The proposed subdivision shall not violate any laws of the Town of Rico, State of Colorado, or United States of America.

J. Proposed deviation from the standards in this paragraph shall include the following findings prior to approval:

(1) Reasonable alternative subdivision plans (at least two) have been presented and considered;

(2) The proposed plan represents a better overall design in relationship to the purposes set forth in **104** and **504** than that allowable under strict application of the subdivision design standards; and,

(3) Proposed deviations from the subdivision design standards can be mitigated and the preparation of a suitable mitigation plan is a condition to approval.

530. PRELIMINARY PLAT APPROVAL

532. OVERVIEW OF PRELIMINARY PLAT APPROVAL PROCEDURES

The Preliminary Plat Approval process is the second stage of the subdivision approval process. The Preliminary Plat Approval process is intended to review and approve technical drawings, surveys, and engineering plans in relation to Town standards and existing Town utilities, facilities, and other services. Approval at the Preliminary Plat stage generally approves the technical aspects of the proposed subdivision.

After the Conceptual Plan is approved and a complete Preliminary Plat Approval application is submitted to the Town copies of the Preliminary Plat Approval application shall be forwarded to all appropriate agencies for their review and comment and the Town Manager and/or Planner shall schedule a date for official receipt and review of the Preliminary Plat on the next available Planning Commission agenda.

The Applicant must supply all required information and meet all required review standards for approval of the Preliminary Plat. Required information includes: revised reports from the Conceptual Plan stage if any changes were made or required when the Conceptual Plan was approved, a Preliminary Plat and any other required materials.

534. PRELIMINARY PLAT, MAPS AND OTHER REQUIRED MATERIALS

534.1. Required Materials and Copies: The Applicant shall submit copies of the Preliminary Plat and Improvements Survey of a scale sufficient to be clearly legible and useful for review purposes, and copies of other required materials according to the following schedule:

A. One mounted Preliminary Plat and one copy of other required materials for public presentation and inspection.

B. Eleven (11)copies of the Preliminary Plat and other required materials [seven copies for Planning Commission members, one copy for Town Planning Staff, one copy for Town Attorney, one copy for Town Engineer, one copy for Town Clerk.]

C. Three copies of the Improvement Survey and Engineering Plans, if any improvements are proposed [one copy for Town Engineer, one copy for Town Clerk, one copy for Town Planning Staff].

D. Additional copies of the Preliminary Plat, Improvements Survey, Engineering Plans, and other required materials as determined at the Conceptual Plan Approval stage for the purpose of obtaining necessary or appropriate review and comment from other

agencies.

534.2. Preliminary Plat Requirements: The accuracy of location of alignments, boundaries, and monuments on the Preliminary Plat shall be certified by a registered land surveyor licensed to do such work in the State of Colorado. All plats and maps shall indicate true north line, name of subdivision, name of applicant, USGA township, range, section and quarter section, block and lot number. A work-man like execution of the plan shall be made in every detail. A poorly drawn or illegible plan shall be a sufficient cause for its rejection.

The Preliminary Plat shall contain the following data:

A. Contour intervals at 2 feet if the slope is less than 10 percent or contour intervals of 5 feet if the slope is equal to or greater than 10 percent.

B. Block, lot and street layout with consecutive numbering of lots and blocks, and dimensions of all lots, street rights-of-way, road ways and street drainages.

C. Location, identification, and dimensions of all existing and proposed public and private easements.

D. Existing and proposed street names.

E. Abutting property lines and the respective owners' name.

F. Designation of zoning or uses other than detached single family residential on and adjacent to the proposed subdivision.

G. Additional information as determined at the Conceptual Plan Approval stage.

534.3. Improvements Survey and Engineering Plans: The Applicant shall submit an Improvements Survey and any Engineering Plans if any improvements are proposed, or engineering plans are required for review of proposed mitigation, as determined at the Conceptual Plan Approval stage. The Improvements Survey and Engineering Plans shall meet the following specifications and contain the following information:

A. The Improvements Survey shall be signed and sealed by a registered land surveyor and shall be at the same scale as the Preliminary Plat, depicting existing and recorded section lines, streets, easements, utilities, watercourses, improvements and any other major feature in and adjacent to the proposed subdivision area.

B. Any Engineering Plans shall provide sufficient detail for review by the Town Engineer and shall meet the minimum standards of certified engineers in the State of Colorado.

538.1. Other Materials: The Applicant shall submit other materials associated with the Preliminary Plat Approval application including, but not limited to:

A. Background studies and reports supporting the Preliminary Plat Approval application or addressing anticipated concerns from other agencies; and,

B. Revised Location Map, Slope Study Map, Features Map, and Subdivision Information Report if changes have been made; and,

C. Additional information as determined at the Conceptual Plan Approval stage.

538. PRELIMINARY PLAT REVIEW

538.1. Planning Commission Review: The Rico Planning Commission shall review the Preliminary Plat and all supporting documents and information at a public hearing and shall review all comments taken at the public hearing and all comments taken from other reviewing agencies. The Planning Commission Board shall approve, approve with conditions, or deny the Preliminary Plat Application based upon compliance with standards in this Section and other applicable laws of the Town of Rico, State of Colorado, or United States of America. The Planning Commission may continue its review decision if mutually agreed upon by the Applicant and the Planning Commission.

538.2. Reviewing Agencies: All reviewing agencies may make recommendations within thirty (30) days after mailing by the Town or its authorized representative unless a necessary extension of not more than ninety (90) days has been consented to by the Applicant and the Planning Commission.

538.3. Standards: This paragraph sets forth the standards for Preliminary Plat Review. The Planning Commission shall cite specific standards when imposing conditions on approval, or denying, a Preliminary Plat Approval Application.

A. The Preliminary Plat shall conform in all major respects to the Conceptual Plan as previously reviewed and approved by the Planning Commission.

B. The Preliminary Plat and other engineering related materials, including proposed mitigation plans, are reviewed and approved, or approved with reasonable modifications, by the Town Engineer;

C. All comments from other reviewing agencies have been reviewed by appropriate Town Staff and the Planning Commission and all comments are addressed and resolved by the Planning Commission.

540. FINAL PLAT APPROVAL

542. OVERVIEW OF FINAL PLAT APPROVAL PROCESS

The Final Plat process is the final stage of the subdivision approval process. The Final Plat process is intended to produce the final plats, agreements, covenants, restrictions, and other required materials for approval by the Planning Commission, final adoption by the Board of Trustees, and recording in the office of the Town Clerk and in the office of the Dolores County Clerk and Recorder.

After Preliminary Plat Approval has been obtained and a complete Final Plat Approval Application is submitted to the Town's Planning Staff, the Planning Commission Chairperson and the Town Planning Staff shall schedule a date for receipt and review of the Final Plat on the next available Planning Commission agenda.

The Applicant must supply all required information and meet all required review standards for approval of the Final Plat. Required information includes the Final Plat and all accompanying materials.

544. FINAL PLAT – REQUIRED MATERIALS

544.1. Final Plat Materials and Copies: The Applicant shall submit copies of the Final Plat in the same scale as the Preliminary Plat. The Final Plat shall be twenty four (24) inches by thirty six (36) inches. Contiguous parcels owned by different parties may be embraced in one Plat, provided that all owners join in the dedication and acknowledgement; however, non-contiguous parcels or multiple plats are not allowed on a single sheet. The Final Plat may be submitted in sections provided the first section contain an index map indicating the sections designated for the entire tract.

The following copies shall be submitted:

A. One copy of the Final Plat on mylar or other permanent type material that is reproducible. Copies for permanent filing with the Town of Rico, Dolores County Clerk and Recorder, and other agencies shall be either blue or black reproductions with the supporting certificates signed in original for each copy; and,

B. Eleven (11) copies of the Final Plat and other required materials [seven copies for Planning Commission members, one copy for Town Planning Staff, one copy for Town Clerk, one copy for Town Attorney, and one copy for Town Engineer].

544.2. Final Plat Requirements: The Final Plat shall be prepared and certified as to its accuracy by a registered land surveyor licensed to do such work in the State of Colorado. A work-man like execution of the Final Plat shall be made in every detail. A poorly drawn or illegible plat shall be a sufficient cause for its rejection.

The Final Plat shall meet the following requirements:

A. The Final Plat shall conform in all major respects to the Preliminary Plat as previously approved and shall incorporate all modifications required in the Preliminary Plat Approval stage.

B. All blocks, and all lots within each block shall be consecutively numbered;

C. On curved boundaries and all curves on the plat, sufficient data should be given to enable the re-establishment of the curves. Any curves should include: Points of curvature, points of tangency, radius of curve, arc length, and angle or curve by arc definition.

D. Excepted parcels shall be marked "Not included in this plat" and the boundary completely indicated by bearings and distances.

E. All streets, walkways and alleys shall be designated as such and bearings and dimensions shall be given.

F. All streets shall be named.

G. All easements shall be designated as such and bearings and dimensions given.

H. All dedications of land to the Town or other agencies shall be designated as such and bearings and dimensions shall be given.

I. All lands within the boundaries of the Plat shall be accounted for either by lots, walkways, streets, alleys or excepted parcels.

J. All dimensions of irregularly shaped lots shall be indicated in each lot.

K. Bearings shall be given for all lot lines, except that bearings need not be given for interior lot lines where the bearings are the same as those of both exterior lot lines.

L. Other information on the Plat shall include:

(1) Name of subdivision, true north line and date;

(2) Name of owner or owners of record and address;

(3) Total acreage of tract and total number of lots;

(4) Township, Range, Section and Quarter-Section, block and lot numbers; and,

(5) Graphic scale.

M. Permanent reference monuments shall be located and set in compliance with state laws, except that there shall be at least one permanent monument located no more than six-hundred (600) feet apart along any straight boundary line.

N. The surveyor making a Plat shall certify on the Plat that it is correct and that the monuments described in it have been placed as described and shall affix his name and seal.

O. All utilities and easements shall be shown on the Plat along with a certificate from all utility companies showing their approval.

544.3. Other Materials: The Applicant shall submit final copies of all supporting documents required at the Preliminary Plat Approval stage with any changes, modifications, and revisions required as a condition to approval at the Preliminary Plat Approval stage. In addition, the Applicant shall submit the following:

A. Improvements agreement for all on-site or off-site improvements and mitigation measures required by the Application; and,

B. Covenants and restrictions on any property required by the Application.

546. FINAL PLAT REVIEW

546.1. Review: The Rico Planning Commission shall review the Final Plat, all supporting documents, information, and public comments taken at a public hearing and within thirty-five days of submission of the Final Plat. The Planning Commission shall approve, approve with conditions, or deny the Final Plat based upon compliance with the standards in this Section and other applicable laws of the Town of Rico, State of Colorado, or United States of America. The Planning Commission may continue Final Plat review if mutually agreed upon by the Applicant and the Planning Commission.

546.2. Standards: This paragraph sets forth the standards for Final Plat review. The Planning Commission shall cite specific standards when imposing conditions on approval, or denying, a Final Plat Application.

A. The Final Plat shall conform in all major respects to the Preliminary Plat as previously reviewed and approved by the Planning Commission or Board of Trustees;

B. The Final Plat shall meet all the Final Plat Requirements in **544.**; and,

C. The Final Plat, any agreements, covenants, restrictions, and other accompanying legal documents shall be approved, or approved with reasonable modifications, by the Town Attorney.

548. BOARD OF TRUSTEES APPROVAL

Review: After the Planning Commission approves, or approves with conditions, the Final Plat, the Board of Trustees of the Town of Rico shall act on the Final Plat within thirty-five (35) days of the later of the Planning Commission approval or date of receiving revised Final Plat materials from the Applicant. The Board of Trustees shall approve, approve with conditions, or deny, the Final Plat based upon compliance with the standards in **546.2.**

549. FINAL PLAT RECORDING

549.1. Recording Final Plat: The Applicant shall provide two copies of all materials for recordation with such revisions as are determined by the Town Board approval. The Town shall record one copy of the Final Plat with the Dolores County Clerk and Recorder within ten (10) working days of receiving completed Final Plat materials in compliance with the approval by the Board of Trustees.

549.2. Certified Copy Returned to Town Planner : One copy of completed final plat materials for recordation shall be filed in the Town by the Town Planner.

550. MINIMUM SUBDIVISION STANDARDS

This section sets forth the standards for subdivision design.

550.1. Preservation of Landscape: The design and development of subdivisions shall preserve, insofar as it is technically and economically feasible, the natural terrain, natural drainage, existing topsoil, trees and vegetation.

550.2. Lots: All lots shall meet each of the following standards:

A. Access routes for vehicles, utilities, and trails should avoid hazardous areas, wetlands and waterways, and wildlife habitat areas.

B. All building lots shall abut a public dedicated roadway. Each lot in the R, MU, RPUD Zone Districts shall have a minimum of fifty (50) feet of street frontage. Each lot in the HC, CM, or CPUD Zone Districts shall have a minimum of twenty-five (25) feet of street frontage. All non-building lots shall abut a public right of way with a minimum frontage of twenty (20) feet.

C. All building lots shall meet the minimum size requirements for the permitted use.

D. All building lots shall be arranged to accommodate the permitted use within the setbacks required by the zoning district.

E. Each building lot shall provide at least one feasible building site that is suitable for the permitted use which is not in an avoidable or unmitigatable hazardous area.

F. All building lots shall have adequate space for off-street parking with a maximum 4% grade and driveway access with a maximum 12% grade.

552.1. Streets: All streets and roadways shall meet the Road Design Standards in **478.**

554. IMPROVEMENTS (ORD. NO. 2008-3, § 554, 03-19-08)

The Applicant shall provide a Subdivision Improvements Agreement in a form supplied by Town for the construction of any improvements required by the Application. The Applicant shall post a bond in the amount of 125% of the cost of the improvements in favor of the Town at the time the Subdivision Improvements Agreement is executed.

556. LAND DEDICATIONS AND DEVELOPMENT CHARGES

Usable land in the amount of ten percent (10%) of the total land area proposed for development shall be dedicated to the Town for public purposes, including but not limited to Parks, Public Facility Areas, and Schools. The land dedication calculation shall not include proposed Open Space areas, road rights-of-way, or the proposed land for dedication. Additional land dedications may also include sites inappropriate for development and buffer areas around such sites, parks for recreation, open space for recreation and view corridor protection, green belts for view corridor protection and separation of incompatible uses, and trails for non-motorized access through and around Town. The Town may accept a payment in lieu of a land dedication where the Applicant's property does not offer practical, beneficial or useful land dedication areas.

558. OWNERS' ASSOCIATIONS

558.1. Applicability**.** When a subdivision contains any physical facilities, structures, improvements, systems, areas or grounds held in common and necessary or desirable for the welfare of the area or subdivision, or that are of common use or benefit and that are not or cannot be satisfactorily maintained by the Town or another public agency, the Town may require the establishment and creation of a mandatory owners' association to assume and be responsible for the continuous and perpetual operation, maintenance and supervision of such facilities, structures, improvements, systems, areas or grounds.

558.2. Approval. If the establishment and creation of a mandatory owners' association is required by the Town, a copy of the agreements, covenants and restrictions establishing and creating the association must be approved by the Town Attorney and Board of Trustees prior to the approval of the final plat of the subdivision and must be filed of record with said final plat in the Map and Plat Records of Dolores County, Colorado. Said final plat shall clearly identify all facilities, structures, improvements, systems, areas or grounds that are to be operated, maintained and/or supervised by said association.

558.3. Responsibilities. Such mandatory owners' associations shall be responsible for the continuous and perpetual operation, maintenance and/or supervision of landscape systems, features or elements located in parkways, common areas, between screening walls or living screens and adjacent curbs or street pavement edges, adjacent to drainageways or drainage structures, or at subdivision entryways. Subdivision

entryway treatments or features shall not be allowed unless a mandatory owners' association as required herein is established and created.

558.4. Dedications to association. All facilities, structures, improvements, systems, areas or grounds that are to be operated, maintained and/or supervised by a mandatory owners' association, other than those located in public easements or right-of-ways, shall be dedicated by easement or deeded in fee simple ownership interest to said association. Such easements or ownership shall be clearly identified on the final plat of the applicable subdivision.

560. SCHEDULING OF SUBDIVISION APPLICATIONS

560.1. Due to the necessity for site walks and site analysis, the Planning Commission Chairperson, or the Planning Commission if it decides to act, may delay Conceptual Plan review, or Preliminary Plat review, if snow cover or inclement weather restricts site walks and analysis.

560.2. In the event that the Planning Commission agenda is full for one or more months, an Applicant may submit a written request with an application fee to reserve a space on the next available Planning Commission agenda.

560.3. The Planning Commission Chairperson shall provide at least 30 minutes on the Planning Commission agenda for each stage of Application review. The Chairperson may increase the time on the Planning Commission agenda which is necessary to review the Application based upon the size of the proposed subdivision and proposed deviations from subdivision standards.

562. TIMING FOR APPLICATION MATERIALS AND NOTICES

562.1 The Applicant shall submit all required subdivision application materials according to the schedules below. The Town Manager and/or Planner may accept an application after the deadline if adequate review can still be performed.

A. Conceptual plan materials shall be submitted at least twenty-five (25) days prior to a regular meeting of the Planning Commission.

B. Preliminary Plat materials shall be submitted at least forty-five (45) days prior to a regular meeting of the Planning Commission.

C. Final Plat materials shall be submitted at least twenty-five (25) days prior to a regular meeting of the Planning Commission.

D. Final Plat materials shall be submitted at least twenty-five (25) days prior to a regular Board of Trustees meeting.

562.2 Notice of a public hearing to review the Conceptual Plan shall be sent by first class mail by the Applicant to all property owners according to the county assessor's records within 200 feet, including public rights of way at least twenty (20) days prior to a hearing and shall be posted at the regular places of posting and published in the designated official paper of record at least ten (10) days prior to the date of the Public Hearing. The notice shall be in the form acceptable to Town. The Applicant shall provide the Town of Rico with a certification of mailing.

562.3 Notices of Preliminary Plat and Final Plat review shall be mailed to all property owners within 200 feet of the subject property and posted and published in the designated official paper of record at least 10 days prior to the public hearing review date.

570. EXPIRATION OF APPROVALS:

Applicants are required to diligently process subdivision applications to a final decision. Any decision by the Planning Commission or by the Board of Trustees for Conceptual Plan, Preliminary Plat or Final Plat must proceed to the next review stage in the review process within four (4) months of the date of the last action by the Planning Commission or Board of Trustees. If the Applicant fails to provide the information required to be submitted for the next stage of subdivision review within four (4) months of the last Planning Commission or Board of Trustee action then sufficient grounds for denial for failure to diligently pursue a subdivision applicant shall be deemed to exist. The Town Board may elect to deny the application for failure to diligently pursue a subdivision application and shall provide ten (10) days prior written notice to the Applicant of the Town Board's consideration of denial on such grounds. The Applicant may request an extension of time in writing prior to the expiration of the four (4) month period and the Town Board may approve an extension of such time as it deems appropriate based on the complexity and scope of the application. The Town Board may also approve a longer timeframe for processing subdivision applications by ordinance in conjunction with providing vested rights for a conceptual, preliminary, or final subdivision plan.

ARTICLE VI
ANNEXATION

600. ANNEXATION

All annexations shall meet the substantive and procedural requirements of the Municipal Annexation Act of 1965, Colorado Revised Statutes title 31, Article 12, in addition to any other requirements imposed by this RLUC, any other law of the Town of Rico, or other requirements which the Board of Trustees deem appropriate for proposed annexations.

602. PROCEDURES

Prior to the filing of an annexation petition, the Applicant is encouraged to meet with the Town Manager and/or Planner to discuss application submittal materials, pre-annexation agreement, review procedures, and financial and community development issues. An initial joint work session with the Planning Commission and Board of Trustees should be scheduled to review procedures and submittal requirements. Annexation applications should generally follow at a minimum the subdivision application requirements for conceptual plan review in **ARTICLE V.** The Board of Trustees shall refer all annexation applications to the Planning Commission for review and recommendation prior to conducting a public hearing and considering any ordinance to annex property into the Town of Rico. Applicants for annexation shall pay all costs for Town review of annexation applications unless this requirement is waived by the Board of Trustees (see Appendix A. for application fee).

604. REVIEW

Annexations should be compatible with the Rico Regional Master Plan and should not create a financial burden for the existing residents, property owners or businesses in the Town of Rico.

606. INTERGOVERNMENTAL AGREEMENTS

Annexations shall be subject to any existing Intergovernmental Agreements with Dolores County concerning annexations, subdivisions and development applications within the Rico Growth Boundary, and other agreements which may concern or be affected by potential annexations.

ARTICLE VII
AUTHORITY AND ENFORCEMENT

700. PLANNING AND ZONING COMMISSION

Sections **700** through **709** establishes the organization, authority, and duties of the Rico Planning Commission

701. INTENT

The Planning and Zoning Commission for the Town, which shall be known as the Rico Planning Commission, or RPC, is governed by the standards set forth in this section.

702. MEMBERSHIP

702.1 Composition. The RPC shall consist of five regular members and first and second alternate members who shall be appointed by the Board of Trustees.

702.2 Terms. Members shall be appointed for two year staggered terms commencing on January 1st. The term for 3 regular members and the second alternate shall commence on even numbered years and the term for 2 regular members and the first alternate shall be commence on odd numbered years. Vacancies occurring otherwise than through the expiration of terms shall be filled by appointments. Upon resignation of a member, the Board of Trustees shall appoint a new member after advertising notice of the vacancy in accordance with State and Local legal notice publication laws.

702.3 Removal. Members may be removed after public hearing before the Board of Trustees on grounds of inefficiency, neglect of duty, inability to properly perform required duties, or intentional disregard of duties. Three (3) unexcused absences of a member from properly noticed meetings of RPC shall constitute good cause for removal on the grounds of neglect of duty.

702.4 Qualifications. Members of the RPC shall be bona fide residents and qualified electors of the Town prior to the time of appointment. If a member ceases to reside in the Town his membership on the RPC shall terminate immediately.

702.5 Compensation. Members shall serve without compensation, except reimbursement for reasonable out-of-pocket expenses may be approved by the Board of Trustees.

702.6 Officers. The RPC shall annually elect from its membership a Chairperson during the first meeting of the calendar year or as soon thereafter as possible, with eligibility for re-election. The Chairperson shall be responsible for setting meeting agenda and conducting the meeting. The Town Clerk shall act as the RPC Secretary, unless otherwise determined by the RPC or Board of Trustees. The secretary shall have the responsibility of taking meeting minutes and maintaining the official records of the RPC.

703. MEETINGS

703.1 Regular Meeting. The RPC shall meet in regular session at a time and place to be designated by the RPC and noticed in accordance with state and local laws.

703.2 Special Meetings. Special meetings may be called by the RPC upon the request of the Chairperson or any three members of the RPC. Each member shall be personally notified at least 24 hours prior to the meeting.

703.3 Quorum. Three members of the RPC shall constitute a quorum.

703.4 Record. The RPC shall keep a public record of its meeting minutes.

704. STAFF AND CONTRACT PROFESSIONALS

704.1 Hiring. The RPC may contract with professional planners, consultants and employees provided that expenditures for these positions have been authorized by the Board of Trustees or the Mayor. The hiring of professional staff, consultants, or employees shall require the approval of four RPC members or the approval of the Board of Trustees. The RPC shall advise the Board of Trustees of all such appointments.

704.2 Attorney and Planner. With prior approval of the Board of Trustees or the Mayor, the Town Attorney or the Town Planner shall, when requested by the RPC, attend any meetings of the RPC. With the prior approval of the Board of Trustees, the Mayor or the Town Manager, any member of the RPC may call upon the Town Attorney for an oral or written opinion relating to any question of law involving matters of planning or zoning.

705. POWERS AND DUTIES: MASTER PLAN

705.1 Purpose. It is the function and duty of RPC to make, adopt and then recommend to the Board of Trustees a master plan for the physical development of the Town plus a regional plan for land use including a street plan for any area located within 3 miles of the town boundary of Rico

705.2 Content. The master plan shall show RPC's recommendations and may include, among other things, the general location, character and extent of streets, parks, parkways, playgrounds, and public spaces; the general location and extent of utilities and terminals, whether publicly or privately owned; the acceptance, widening, removal, extension, relocations, narrowing, vacation, abandonment or change of use of any of the foregoing; and the general location, character, layout and extent of community centers.

705.3 Zoning Plan. RPC shall also make, adopt and recommend to the Board of Trustees a zoning plan which shall include zoning maps and all other matters pertaining to zoning, including but not limited to the control of height, area, bulk, location and use of buildings and premises.

705.4 Public Hearing. Before the adoption of the Plan or any such part, amendment,

extension or addition, the RPC shall hold at least one (1) public hearing, notice of the time and place of which shall be given in the official newspaper of record.

706. POWERS AND DUTIES: DEVELOPMENT APPLICATIONS

706.1 The RPC shall have full power and authority to act on matters granted to it by statutes of the State, and as they may be amended from time to time, and, to the extent not inconsistent therewith, matters granted to it by this RLUC and any ordinances of the Town. In general, the RPC shall have such powers as may be necessary to enable it to perform its functions, promote municipal planning, and review development applications.

706.2 Grant approval to uses or activities permitted on review.

706.3 Make recommendations to the Board of Trustees to approve or deny applications for zoning amendments.

706.4 Initiate amendments to the text of this RLUC or to the Rico Regional Master Plan.

706.5 Make recommendations to the Board of Trustees to approve or deny amendments to the text of this RLUC, the Official Zone District map of the Town or to the Rico Regional Master Plan.

706.6 To make recommendations to the Board of Trustees to approve, deny, or approve with conditions, preliminary and final annexations, subdivisions, and planned unit developments.

720. BOARD OF ADJUSTMENTS

720 through **729** establishes the organization, authority, and duties of the Rico Board of Adjustments, or 'BOA'.

722. MEMBERSHIP

722.1 Composition. The Board of Trustees shall act as the BOA.

722.2 Terms. The terms shall correspond with the terms for the Board of Trustees.

722.3 Qualifications. Qualifications shall be the same as those for the Board of Trustees.

722.4 Compensation. Members shall serve without compensation, except reasonable out-of-pocket expenses.

722.5 Officers. The BOA shall elect from its membership a chairperson, whose term shall correspond with his BOA term, with eligibility for re-election.

722.6 Attorney, Planner, Consultants. With prior approval of the Board of Trustees or the Mayor, the Town Attorney, the Town Planner, or other consultant shall, when requested by the BOA, attend any meetings of the BOA. With the prior approval of the Board of Trustees or the Mayor, any member of the BOA may call upon the Town Attorney or Town Planner for and oral or written opinion relating to any question of

law or planning involving matters of the BOA.

723. MEETINGS

723.1 Meetings. Meetings shall be held by the BOA as applications for BOA review or appeals to the BOA are submitted and may be held on the same night as meetings of the Board of Trustees. Meetings may be called by the BOA upon the request of the Chairperson or any four members of the BOA. Each member shall be personally notified at least 24 hours prior to the meeting.

723.2 Quorum. Four members of the BOA shall constitute a quorum.

723.3 Record. The BOA shall keep a public record of its meetings.

724. POWERS AND DUTIES

724.1 The BOA shall have full power and authority to act on matters granted to it by statutes of the State, and as they may be amended from time to time, and, to the extent not inconsistent therewith, matters granted to it by this RLUC and any ordinances of the Town. In general, the BOA shall have such powers as may be necessary to enable it to perform its functions, promote municipal planning, and review development applications.

724.2 The BOA shall have the authority to hear and decide appeals from, and review, any order, requirement, decision or determination made by an administration official charged with the enforcement of this RLUC.

724.3 The BOA shall have the authority to hear and decide upon the granting of adjustments, variances, modifications or exceptions to the regulations and requirements of this RLUC relating to the construction or alteration of buildings or structures, setbacks, and design regulations.

724.4 The BOA shall have the authority to render interpretations of this RLUC, including any uncertainty as to boundary location or meaning of words and phrases, provided that such interpretation is not contrary to the purpose and intent of this RLUC.

730. ENFORCEMENT OF RLUC

730 through **742** establish the authority for enforcement, and penalties for violations, of this RLUC.

732. ENFORCING OFFICIAL

The provisions of this RLUC shall be enforced and administered by the Enforcement Official of the Town of Rico as is appointed by the Board of Trustees of the Town.

734. RIGHT TO INSPECT

The Enforcement Official or any duly authorized person with reasonable belief of that a violation of this RLUC exists shall notice the property owner or tenant and establish an agreed upon time

to inspect the premises within two days of the notice.

736. LIABILITY

The Enforcement Official or any employee charged with the enforcement of this code, or any member of the Planning Commission or any other public body of the Town of Rico, acting in good faith and without malice for the Town in the discharge of his duties, shall not thereby render himself or herself personally liable and is hereby relieved of all personal liability for any damage which may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties. Any suit brought against the Enforcement Official, his or her employee, or any member of a public body of the Town when acting in his or her official capacity, shall be defended by the Town.

738. STOP WORK ORDERS

Whenever any development activity is being done contrary to the provisions of this RLUC or the authorized development permit, the Enforcement Official may order the work stopped by serving written notice on any such person engaged in doing or causing such work to be done; or, by mailing the notice by certified mail to the property owner of record according to the Dolores County Assessor's office and posting the notice in a conspicuous place on the property. Any such person shall immediately stop such work until authorized by the Enforcement Official or the Board of Trustees to resume work.

740. PENALTY

Violation of any provision of this RLUC is hereby deemed to be a misdemeanor and any person found guilty hereunder shall be fined not less than $40.00 nor more than $1,000 and/or sentenced to jail for a term of not more than one year. Every day the RLUC is violated shall constitute a separate offense. The Town may withhold any building or development permit, stop the review of any pending development application, or issue a stop work order for any pending construction or development activity by a person who is in violation of this RLUC.

742. COMPLAINTS

Any person aggrieved by violation, or apparent violation, of this RLUC shall file a written complaint with the Enforcement Official, who shall immediately investigate such complaint and take legal action to have the violation penalized and removed if such a violation is found to exist.

ARTICLE VIII
ENVIRONMENTAL DEVELOPMENT PERMITS

800. AUTHORITY

The Environmental Development Permit regulations in this Article VIII are adopted pursuant to the general police powers and home rule charter authority of the Town of Rico, C.R.S. §24-65.1-101 Areas and Activities of State Interest, and C.R.S. §31-23-301 Grant of Power.

801. PURPOSE

The Town of Rico is located in a high alpine mountainous environment which presents a variety of natural conditions that can impact development and where development can impact significant natural resources. This Article VIII regulates development of areas where natural conditions present unique environmental considerations in order to balance private property rights with safety and preservation of natural resources.

It is the purpose of this Article VIII to promote the public health, safety, and general welfare, and to minimize public and private losses due to natural environmental conditions to specific areas by provisions designed:

801.1. To protect human life and health;

801.2. To protect valuable natural resources and minimize the potential impact and loss of natural resources that can occur by development activities; and,

801.3. To minimize expenditure of public money for costly environmental hazards and/or natural resource mitigation projects;

801.4. To minimize the need for rescue and relief efforts associated with environmental hazards generally undertaken at the expense of the general public;

801.5. To minimize prolonged business interruptions;

801.6. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of environmental hazards;

801.7. To help maintain a stable tax base by providing for the sound use and development of areas of special environmental hazard so as to minimize future flood blight areas;

801.8. To promote the awareness of property owners and potential buyers of the impacts,

constraints and unique considerations of development and property ownership in areas that contain environmental hazards and natural resources; and,

801.9. To ensure that those who occupy the areas of natural hazard assume responsibility for their actions.

802. DECLARATION OF AREAS OF STATE INTEREST

This Article VIII establishes additional regulations for development activities in Areas of State Interest, including but not limited to: The Areas of State Interest are intended to define hazardous areas which threaten the health and safety of persons and property, and to define other areas where development activity is a state interest; and to require development to avoid these areas or to sufficiently mitigate hazards or impacts in those areas to protect the health and safety of persons and property and the natural values of environmentally sensitive areas. Unless otherwise specified, all development in areas potentially affected by naturally occurring hazards must be designed for 100 year hazard events.

The following areas are hereby designated Areas of State Interest:

802.1. Avalanche Hazard Areas; and,

802.2. Flood Plain Areas; and,

802.3. Geologic Hazard Areas; and.

802.4. Steep Slopes; and,

802.5. Wetland Areas; and,

802.6. Wildfire Hazard Areas; and,

802.7. Wildlife Habitat.

803. GENERAL PROVISIONS

803.1 Definitions. The definitions used in C.R.S. §24-65.1-101 *et.seq*., are hereby incorporated herein. Where a definition in this RLUC differs or is inconsistent with a definition in the state statutes, the definition in this RLUC shall apply and supercede other definitions which are in conflict.

803.2 Interpretation. In the interpretation and application of this Article VIII, all provisions shall be considered as minimum requirements; shall be liberally construed in favor of the governing body; and, deemed neither to limit nor repeal any other powers granted under State statutes. This Article is not intended to repeal, abrogate, or impair any existing easements,

covenants, or deed restrictions. However, where this Article, other ordinance, regulation, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

803.3 Warning and Disclaimer of Liability. The degree of protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger hazard events can and will occur on rare occasions. Hazard events may be increased by man-made or natural causes. This Article does not imply that land outside the areas of natural hazards or uses permitted within such areas will be free from damages caused by hazard events. This Article VIII shall not create liability on the part of the Town of Rico, any officer or employee thereof, the Federal Emergency Management Agency, or any state agency for any damages caused by natural hazard events that result from reliance on this Article VIII or any administrative decision lawfully made hereunder.

804. PERMIT REQUIRED

An Environmental Development Permit shall be obtained prior to commencement of any development activities for the following Areas of State Interest, except that a Environmental Development Permit is not required for building permits in the Geologic Hazard areas:

804.1. Avalanche Hazard Areas; and,

804.2. Flood Plain Areas; and,

804.3. Geologic Hazard Areas; and,

804.4. Steep Slopes; and,

804.5. Wetland Areas; and,

804.6. Wildfire Hazard Areas; and,

804.7. Wildlife Habitat.

805. APPLICATION SUBMITTAL REQUIREMENTS

The Applicant shall file eleven (11) copies of an application requesting an Environmental Development Permit. The application shall be accompanied by or show the following:

805.1 The street address and legal description of the subject property;

805.2 A legible site plan and any and all other information necessary to clearly demonstrate the proposed development activity in relationship to the Area, or Areas, of State and Local Interest; and,

805.3 For development in Areas of State Interest that pose potential hazards to property and persons, the Applicant and property owner must indemnify the Town of Rico from

any liability associated with granting a development permit with a signed agreement approved by the Town Attorney; and,

805.4 For development in Areas of State Interest that pose potential hazards to property and persons, the applicant and property owner must submit a written report analyzing the potential hazards and the potential physical forces created on the proposed improvements or structure for the subject property. The report must by prepared and signed by an engineer licensed in the State of Colorado; and,

805.5 For development in Areas of State Interest that pose potential hazards to property and persons, the applicant shall provide certification from an engineer licensed in the State of Colorado stating that the proposed improvement or structure is designed to withstand the potential hazards, or that the recommended mitigation is feasible and adequate to protect persons and property from the potential hazards; and,

805.6 An application fee as set forth in Appendix A.

806. REVIEW PROCEDURES.

806.1. Reviewing Board. The Rico Planning Commission shall review and recommend to the Town Board who shall render decisions on all Environmental Development Permits for Areas of State Interest. Environmental Development Permits for Areas of State Interest shall be approved by a majority vote. The Town Board have the authority to waive any of the general standards for mitigation or specific mitigation standards set forth herein, if the Town Board deems it to be in the public interest. Building permits in Flood Plain areas shall be reviewed and administered in accordance with sections **850.** *et.seq.*

806.2. Public hearing required. The Rico Planning Commission and the Town Board shall conduct a public hearing on any application for an Environmental Development Permit prior to rendering its decision.

806.3. Notice. Public hearings for an Environmental Development Permit applications shall be posted at least ten (10) days prior to the hearing at the Town Hall, the Post Office, and on the subject property, and shall be published as designated by the Town at least ten (10) days prior to the hearing. Written notice shall be mailed to the property owners within 200 feet of the subject property at least twenty (20) days prior to the hearing. Notice shall include the present Zone District classification; the proposed development activity; identification of the Areas of State and Local Interest; the time, date, and place of the hearing; and the name, address, and phone number of the Applicant and a statement that the application is available for public inspection in the Town Clerk's office during normal office hours.

806.4. Conditions. The Rico Planning Commission has the authority to recommend approval of a Development Permit with conditions, including but not limited to:

required pre-construction mitigation improvements, phasing of mitigation improvements and construction, covenants restricting development activities on the subject property, and review and acceptance of completed mitigation prior to releasing a performance bond.

806.5. Appeal. The decision of the Board of Trustees shall be the final decision of the Town and may be appealed to the District Court within thirty (30) days of the date of the meeting where the decision was rendered.

806.6. Records. A file containing all documents relevant to the application and disposition of such Environmental Development Permit shall be maintained by the Town Planner.

807. GENERAL STANDARDS FOR MITIGATION AND SITE DESIGN

The standards in this section apply to all Areas of State Interest. The reviewing body shall cite specific standards in this section when approving, approving with conditions, or denying, any proposed development activity in an Area of State Interest.

807.1. Avoidance. Development activities shall avoid Areas of State and Local Interest where alternative development sites are feasible unless the reviewing body finds the following:

A. Allowing the development activity in an Area, or Areas, of State and Local Interest will result in site development which represents a better overall design in relationship to the purposes set forth in **104.** than that allowable under strict application of **807.**; and,

B. The affected Area, or Areas of State and Local Interest, can be fully mitigated according to the standards of **808** and supported by recommendations contained in engineered mitigation proposals .

807.2. Mitigation. Where no alternative development sites are feasible, or where the Town Board makes the findings in **807.1 A.** and **B.**, development activities may be permitted in Areas of State Interest provided the area is fully mitigated with regard to public safety, impacts on adjacent property, and implementation of the Rico Regional Master Plan. Cost estimates of proposed mitigation shall be included with any application to develop in Areas of State and Local Interest. Where the cost estimates of mitigation exceed ten thousand dollars ($10,000.00) the Applicant shall be required to provide a performance bond for the proposed mitigation prior to receiving a permit for development activity.

808. SPECIFIC MITIGATION STANDARDS

Mitigation for development activities in specific Areas of State and Local Interest shall meet the following standards in addition to meeting the recommended mitigation in site specific

engineering reports:

808.1 AVALANCHE HAZARDS

A. No dwelling units or residential structures shall be allowed in areas of High Avalanche Hazard (defined as areas where avalanches occur at a frequency of more than once per 100 years or where avalanches are capable of creating impact pressures greater than 615 pounds per square foot once every 100 years);

B. all proposed structures, improvements and other development activities must receive certification from an engineer licensed in the State of Colorado stating that the proposed development is designed to withstand the potential avalanche force; and,

C. no vegetation removal which results in creating, increasing, or expanding the avalanche hazard shall be allowed in or near designated avalanche hazard areas or potential avalanche hazard areas.

808.2 GEOLOGIC HAZARDS, INCLUDING: LANDSLIDES, ROCKFALLS, STEEP SLOPES, AND UNSTABLE SLOPE AREAS

A. All proposed structures, improvements and other development activities associated with Subdivision and PUD applications must receive certification from an engineer licensed in the State of Colorado stating that the proposed activity is designed to withstand the potential hazard and will not increase hazards to adjacent or nearby properties, structures, or improvements;

B. protective vegetation removal should be avoided where practical and shall be accompanied by a feasible revegetation plan which includes the type and quantity of revegetation, cost estimate, and time frame for implementation;

C. water shall not be added to the site which would decrease the site's stability;

D. excavations shall not remove the toe of slopes without adequate mechanical support and shall not increase hazards to adjacent or nearby properties, structures, or improvements; and,

E. excavations shall utilize debris fences where appropriate to protect lower elevation properties from rock fall.

808.3 WILDFIRE HAZARD AREAS.

A. In areas of Moderate and Severe Wildfire Hazard roof coverings shall be of a non-combustible material approved by the Underwriter's Laboratory; and,

B. in areas of Severe Wildfire Hazard a minimum 15 foot fire break shall be maintained between all combustible structures and vegetation by removing evergreens, thinning vegetation, and removing brush.

808.4 WILDLIFE HABITAT AREAS.

A. High impact activities, including, but not limited to, commercial, industrial, and road construction, should avoid Wildlife Habitat Areas where technically possible;

B. residential development shall be clustered to minimize wildlife habitat impacts;

C. removal of native vegetation shall be minimized;

D. water holes, springs, seeps, marshes, ponds, and watering areas shall be preserved and protected with a 100 foot buffer; and,

E. mesh and woven fences shall be prohibited and no fences shall be allowed which exceed 42 inches in height, except to protect vegetable and flower garden areas from animals, provided a natural avenue for the animals egress and access is available.

808.5 Wetland Protection Regulations

Additional regulations and specific standards are set forth in sections **820.** *et. seq.*

808.6 Flood Plain Regulations

Additional regulations and specific standards are set forth in sections **850**. *et. seq.*

820. WETLAND PROTECTION REGULATIONS.

820.1 **Intent**. These Wetland Protection Regulations are enacted to protect the vital, beneficial functions and values of wetlands and water areas within Rico. This is to be accomplished by requiring that a permit be obtained for development activities in wetlands and water areas, and associated buffer areas, and that, as a part of this permitting process, the Town will review disturbance permits and mitigation plans. A critical element of this process is the determination of the buffer area boundary which will vary from a minimum 25 feet and a maximum of 100 feet depending upon the presence of site-specific features and the use of best management practices. It is intended that the buffer width will equal what is necessary to protect the wetlands and water areas from significant adverse impact arising from activities within the buffer and that applicants will be encouraged to reduce the width of the buffer through appropriate best management practices. It is anticipated that where an Applicant includes best management practices, the width of this buffer will be decreased below the maximum, and that where these practices will fully mitigate the impact of development within the maximum buffer upon the wetlands or water area, the buffer will be reduced to the minimum of 25 feet.

820.2 **Application**. The requirements of these Wetland Protection Regulations shall apply to all site development activity within a water area, wetland, or buffer zone, including site clearing, grading, excavation, and the placement of material, including without

limitation any soil, sand, gravel, mineral, aggregate, organic material, or the storage of plowed snow. A Disturbance Permit is required for any site development in wetland areas, rivers, streams, ponds, lakes, or other water areas in the Town of Rico, or within the buffer zone associated with such wetland or water areas.

820.3 **Enforcement**. In addition to other fines and penalties established herein for violations of this Code, the Town may seek an injunction requiring complete restoration of any area disturbed in violation of these Wetland Protection Regulations, or payment in lieu of restoration or mitigation at the rate established in these Wetland Protection Regulations, and may issue stop work orders, withhold any further permits for site development, and cease the processing of any site development applications related to the property, project, or owner that violates the provisions of these Wetland Protection Regulations.

820.4 **Compliance with Disturbance Permit**. Any site development which is subject to a Disturbance Permit shall at all times comply with the requirements of the Disturbance Permit, including the provisions of a Disturbance Plan and Mitigation Plan. Failure to comply with a Disturbance Permit shall be deemed a violation of these Wetland Protection Regulations.

821. PURPOSE.

821.1 **Wetland and Water Areas**. Preservation of wetland and water areas serves to prevent water quality degradation of the Dolores River and its tributaries; to protect ecosystems, aquatic habitats, and wildlife habitats, especially habitats for state or federally designated endangered and threatened species; to preserve ground water recharge functions; and, to preserve existing natural flood plain control.

821.2 **Buffer Zone**. The buffer zone serves as an ecological transition zone from uplands to wetlands and water areas which is an integral portion of the wetland and water area ecosystems.

Specifically, buffer zones can provide:

A. a temporary refuge for wetland fauna during high water episodes;

B. a habitat area for activities such as breeding, spawning, nesting and wintering for migrating, endangered, commercially and recreationally important wildlife;

C. an area to accommodate slight variations in wetland and water area boundaries over time due to hydrologic and climatologic effects;

D. a remediation and filtration area to remove and store nutrients, sediments, petrochemicals, pesticides, debris and other pollutants as they move from the upland towards the wetlands and water areas;

E. a buffer area to keep disturbances at a distance from wetland and water areas, thus reducing the impact of noise, traffic, and other direct and indirect human impacts on wetland species;

F. a corridor area which facilitates the movement of wildlife to and from wetland and water areas and from and to uplands, streams and other waterways; and,

G. a sediment and storm water control area to reduce the adverse effects of development or disturbance upon wetland and water areas.

822. REVIEW PROCEDURE.

Disturbance Permits for development in wetland areas and buffer zone areas shall be reviewed and decided by the reviewing entity and by the process for the development application as otherwise designated in this RLUC and such review may be consolidated with other development applications and procedures as appropriate. The notice and public hearing requirements shall follow the requirements for the development application. Comments regarding compliance with the review standards in these Wetland Protection Regulations shall be considered at any public hearings required by the site development application. In the case of development applications which are reviewed and approved by the Town Planner, the Applicant for a permit under these Wetland Protection Regulations may appeal the decision of a lower reviewing official or board to the Board of Adjustments in accordance with the procedures for Variances in sections **430.** ***et.seq.***

823. DISTURBANCE PERMIT APPLICATION SUBMITTAL REQUIREMENTS.

In addition to other submittal requirements for development applications, an Applicant shall submit the information identified below for any development that requires a Disturbance Permit pursuant to these Wetland Protection Regulations. Upon request, the Town Planner may perform a site inspection, verify that no wetland, water areas, or associated buffer zone exist on the site, and waive this submittal requirement.

823.1 **Boundary Map.** A map or diagram separately depicting the boundary of water areas, wetlands, and riparian areas, depicting the boundary of the restrictive inner buffer zone from water areas and wetlands, depicting any site specific triggers for a variable outer buffer zone listed in **824.3**, and depicting the boundary of the proposed disturbance in wetland areas, water areas and buffer zone areas.

823.2 **Proposed Disturbance.** A description of the proposed activity causing disturbance, including the amount, location, and acreage of water area or wetland fill, removal, or other alteration proposed, and location and extent of proposed disturbance in the buffer zone.

823.3 **Grading Plan.** A grading and erosion control plan, utilizing soil stabilization measures

and practices to minimize the impacts of the proposed disturbance described in **827**, including a timeframe for installation of erosion control measures.

823.4 **Re-vegetation Plan.** Plan showing quantity and type of plant material to be used for re-vegetation, time frame for re-vegetation, and proposed soil stabilization measures.

823.5 **Mitigation Plan.** A plan to mitigate the impacts of proposed fill of water areas or wetlands showing the proposed on-site restoration improvements, including information of those wetland areas to be restored and/or created, in accordance with **828**.

823.6 **Alternative Analysis**. A statement and analysis of any practicable on-site development configuration alternatives to the proposed development activity causing disturbance which reduce or avoid such disturbances, including reduction in the scale of the proposed development.

823.7 **Army Corps**. For activities that involve the fill of wetland areas, evidence of compliance acceptance of the Plan by the U.S. Army Corp of Engineers.

824. BUFFER ZONE.

The buffer zone shall be measured outward from a wetland or water area boundary line on a horizontal scale perpendicular to such boundary line. The buffer zone from wetland areas and water areas is established as follows:

824.1 **Grandfather Clause**. Ten (10) feet. The total buffer zone from wetland and water areas shall be ten feet for single family residential subdivisions that have received final subdivision approval from the Town of Rico, and have had a final subdivision plat recorded in the County Clerk and Recorder's office, on or prior to the first day of January, 2003.

824.2 **Restrictive Inner Buffer**. Twenty-Five (25) Feet: The buffer zone from water areas and wetlands for any development application that is not subject to the grandfather clause in subsection (1) above shall be twenty-five (25) feet.

824.3 **Variable Outer Buffer Zone**. Zero to Seventy-Five (0-75) Feet: The variable outer buffer zone for any site is an additional buffer zone beyond the restrictive inner buffer; however, the variable outer buffer zone shall not apply to man-made and artificial ponds. The width of the variable outer buffer zone may be undulating across a piece of property in order to provide protection to site specific features. The width of the variable outer buffer zone shall be determined by the Watershed Protection Plan; or, if not yet completed and adopted, the variable outer buffer zone shall be determined on a site specific basis with the property owner during the site development application review process subject to the following standards and process. Site specific features

within one hundred (100) feet of the water area or wetland boundary, or adjacent land uses that trigger the need for an outer buffer zone are listed below. After the initial determination of the presence of site specific features that trigger the need for an outer buffer zone, the use of Best Management Practices shall be considered under **827** below to reduce the width of the variable outer buffer zone.

A. **Riparian Areas**. The outer buffer zone shall be coincident with the outermost extent of riparian areas.

B. **Threatened and Endangered Species**. The presence of occupied functional habitat for plant and animal species listed by the State of Colorado or United States as threatened or endangered shall result in an outer buffer zone of 25' to 75' from such habitat

C. **Wildlife Migration Corridor**. The presence of demonstrated wildlife migration corridor as determined by the Colorado Division of Wildlife shall result in an outer buffer of zone 25' to 75'.

D. **Fens**. The outer buffer zone from fens is 75'.

E. **100 Year Flood Plain**. The outer buffer zone shall be coincident with the outermost extent of the regulatory 100 year flood plain.

F. **Steep Slopes**. Where a slope of 20% grade or more draining into water areas or wetlands measured 100' outward from the water area or wetland exists, the outer buffer shall be 75'; where a slope of 30% grade or more that is 10' or more in vertical height exists the outer buffer zone shall be coincident with the area of such slope within 100' of such water area or wetland. Percentage grade is determined by dividing the vertical rise by the horizontal run and multiplying by 100.

G. **Erodable Soils**. Where soils adjacent to water areas or wetlands with an erosion "k" factor of 0.25 or greater, as determined by the Natural Resources Conservation Services ("NRCS") or other qualified expert, exists the outer buffer zone shall be coincident with the area of such soils within 100' of such water area or wetland.

H. **Unstable Streambank Conditions**. Where horizontal or vertical degradation beyond natural levels of river and stream banks exists, the outer buffer zone shall be 25'.

I. **Hazardous Materials**. Where the proposed use of property presents a special hazard to water quality due to storage, handling, or use of hazardous or toxic materials, chemical fertilizers or pesticides, not including residential uses, the outer buffer zone shall be 100'.

J. **Stormwater Permit**. Where the proposed land use involves commercial or industrial uses that require a CDPS stormwater permit (SIC-based), the outer buffer zone shall be 100'.

K. **Impervious Area**. Where the proposed site development would create 40% or more impervious surfaces for any one acre area within the potential buffer zone area (including restrictive inner and potential variable outer buffer zone), the outer buffer zones shall be 100'.

L. **Poor Vegetative Cover**. Where vegetative cover of less than 30% for any ½ acre exists within 100' of a water area or wetland, the outer buffer zone shall be 50'.

824.4 Reduction of Variable Outer Buffer Zone. When Best Management Practices for a proposed site development can be used to prevent, or at a minimum mitigate, degradation of the water quality of water areas, the function of wetlands, or the function of the buffer zone, the variable outer buffer zone width will be reduced accordingly. The specific use and development of property shall be considered when considering the appropriateness of reducing the variable outer buffer zone. The function of buffer zones can include:

A. Reduction of sediment inflows to water areas or wetlands.

B. Regulation of nutrient and organic matter input into water areas and wetlands.

C. Reduction of hazardous or toxic material inflows into water areas or wetlands.

D. Attenuation of stormwater/snowmelt flows into water areas and wetland (including changing concentrated flows into sheet flows).

E. Habitat for water area or wetland organisms or organisms that use water areas and wetland.

F. Groundwater recharge area which helps support a water area or wetland.

825. REVIEW STANDARDS FOR DISTURBANCE PERMIT.

The reviewing entity shall use the standards in this section for review of Disturbance Permits for site development in wetlands, water areas, and buffer zones. The reviewing entity must find that the application meets at least one of the following standards in order to issue a Disturbance Permit. In all cases where an application for a Disturbance Permit meets one of the standards below, an acceptable Disturbance Plan that meets the standards in **826** and, if required, an acceptable Mitigation Plan that meets the standards in **827** are required as a condition to issuance of a Disturbance Permit. Unless otherwise approved by Town, the requirements set out in the Disturbance Permit shall be completed prior to acceptance of any improvements involving wetland disturbance.

825.1 The proposed activity is water-dependent;

825.2 The proposed activity is necessary to achieve access to property or provide utility

service to property, and no other access route avoiding wetland and buffer zone areas is practical or the proposed access route results in better overall design of the site development;

825.3 The proposed activity in a buffer zone is a temporary disturbance for customary construction and development of a property;

825.4 Denial of the Disturbance Permit would result in unconstitutional taking of property pursuant to the Colorado and United States Constitution;

825.5 The proposed activity is (a) primarily for the promotion of the safety, health and general welfare of the Rico community, (b) the public benefit is greater than the impact to wetlands, and (c) there is no financially feasible alternative or other alternatives conflict with other provisions of the Comprehensive Plan;

825.6 The primary purpose of the proposed disturbance activity is to restore a wildlife habitat, create additional wetlands, improve existing wetland areas, or restore or improve existing water areas and associated riparian areas;

825.7 The proposed disturbance in a buffer zone would enhance the benefits of such buffer zone or involves residential landscaping that would not degrade the benefits of such buffer zone, or the proposed disturbance in a buffer zone is for construction of a storm water treatment area or equipment; or,

825.8 The proposed activity is (a) reviewed as a planned unit development application, (b) would not result in significant degradation to wetlands or natural water areas, and (c) results in a better overall design of the project that could not otherwise be achieved by the strict application of the standards in subsections **825.1** through **825.5** above.

826. DISTURBANCE PLAN PRACTICE STANDARDS.

A Disturbance Permit for site development in a wetland area, water area or associated buffer zone include a Disturbance Plan that meets the following standards for development practices to the extent practicable.

826.1 Disturbed wetland soils shall be retained for on-site revegetation, on-site mitigation, or off-site mitigation, as set forth in the Disturbance Permit;

826.2 Site development in wetland, water areas, and buffer zones shall be confined to the designated boundaries of the Disturbance Permit;

826.3 Appropriate erosion and siltation controls must be utilized. Areas not meant for development shall be protected with silt fence, snow fence, or other such barriers, and all exposed soil and other fill shall be permanently stabilized at the earliest practicable date;

826.4 Grading and construction shall be timed to minimize soil exposure to heavy run-off and rainy periods;

826.5 Runoff from impervious surfaces such as walkways, parking areas and driveways shall be detained and infiltrated;

826.6 The grade of exposed slopes shall be minimized and erosion shall be controlled by utilizing mulching, erosion control blankets, barriers, such as straw bale dikes and silt fencing, and other appropriate means;

826.7 Runoff velocities shall be maintained to prevent high erosion by using flow barriers (i.e., vegetation, rip-rap, etc);

826.8 Drainage ways and outlets shall be protected from increased flows;

826.9 On-site sediment shall be trapped by using check dams, temporary diversions, detention basins, straw bales, silt fences, or other appropriate means;

826.10 Disturbed areas shall be revegetated with native vegetation or other appropriate vegetation acceptable to Town;

826.11 Existing hydrologic flow shall be maintained through the site through the use of culverts, French drains, or other devices;

826.12 Cut and fill shall be minimized;

826.13 Heavy equipment working within a wetland area shall use measures to minimize soil disturbance;

826.14 Security in the amount of one hundred twenty five percent (125%) of the written estimated cost of the disturbance plan measures shall be provided;

826.15 Any other appropriate measure as deemed necessary by the reviewing entity shall be followed;

826.16 The project's runoff shall not violate other applicable regulations and laws (e.g., state water quality regulations, Endangered Species Act, National Environmental Policy Act), or significantly degrade wetland or water areas.

827. Mitigation Plan.

827.1 Mitigation Plan. A Mitigation Plan for proposed fill of, or impact to, wetland areas shall include the following information:

A. The amount, location, and acreage of wetland fill, removal, or other alteration proposed on the proposed development site. In the case of encroachment in the buffer zone the extent of that encroachment must be shown.

B. Detailed plans showing the proposed wetland areas to be restored or created, the

hydrology supporting the wetland areas and maintenance of such hydrology, the location of those improvements including information on the timing of the proposed mitigation.

C. Authority to conduct mitigation measures at the proposed site.

D. A grading and erosion control plan, utilizing the soil stabilization measures and practices described in **826**.

E. A revegatation plan, planting schedule, and monitoring scheduling prepared by an engineer or scientist trained in wetlands mitigation;

F. Security in the amount of one hundred twenty-five percent (125%) of the estimated cost of the mitigation.

827.2 Standards for Mitigation Plan. A proposed mitigation plan shall be reviewed in accordance with the following standards:

A. Wetland restoration, enhancement, or creation should be considered on-site first, then in the close proximity to the impacted wetland area, or may be permitted at a wetland mitigation bank acceptable to Town. The location of wetland mitigation should be able to provide an equivalent function and purpose as the degraded wetlands.

B. The wetland mitigation plan should provide the functional equivalent of the impacted wetland area in relationship to the purposes stated in **821** above to the extent that such functions and values can be practically replicated. Restored or created wetlands in a Mitigation Plan are preferred to be in close proximity to the impacted wetlands and of similar type and function as the impacted wetlands. In the case where wetlands creation and establishment for mitigation will occur after the degrading wetlands, the required ratio of new wetlands to degraded wetlands may be two to one, or greater as determined by Town.

C. Wetland restoration, enhancement, or creation should use transplanted wetland vegetation and topsoil from the impacted wetland area, if feasible and appropriate, or must use nursery stock approved by Town.

D. The location of wetland mitigation should be contiguous to existing wetland or water areas or identified wildlife habitats or corridors where possible.

E. The proposed wetland mitigation area should provide a protected buffer zone area that meets the purposes in **821** and setbacks in **823**.

F. The location and quality of wetland mitigation should be in compliance with the Rico Regional Master Plan and the Watershed Protection Plan.

G. Payment in lieu of mitigation may be acceptable for wetland mitigation banking programs which are approved by the Town. Payment in lieu of mitigation is considered

more appropriate for minor degradation of wetland areas, such as driveway, street, and utility construction.

H. The Mitigation Plan shall be approved by the Army Corps of Engineers.

850. FLOOD PLAIN DEVELOPMENT REGULATIONS

850.1 Findings of Fact

The flood hazard areas of the Town of Rico are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

850.2 Methods of Reducing Flood Losses

In order to accomplish its purposes, this Article includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Controlling filling, grading, dredging, and other development which may increase flood damage; and,

E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

851. GENERAL PROVISIONS

852.1 Lands To Which the Flood Plain Development Regulations Apply

The Flood Plain Development Regulations shall apply to all areas of special flood hazard within the jurisdiction of the Town of Rico as designated by the Flood Insurance Rate Map and the Flood Hazard Map adopted by the Town of Rico.

851.2 Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency Flood Insurance Rate Map (FIRM) TOWN OF RICO, CO (DOLORES CO.), dated August 5, 1986, is hereby adopted by reference and declared to be a part of this Rico Land Use Code. The Flood Insurance Study and FIRM are on file at the Rico Town Hall, 2 Commercial Street, Rico, CO 81332. The Town may also use the 1995 flood hazard study maps prepared by Wilbur Engineering, in 1995, for interpretation purposes of the FIRM.

852. REVIEW PROCEDURES

The Building Official shall review and act to approve, approve with conditions or deny building permit applications in the special flood hazard areas. The Planning Commission and Town Board shall review any proposed development in special flood hazard areas for subdivision, planned unit development, zoning amendment, and master plan amendment applications.

853. SUBMITTAL INFORMATION

The following information must be submitted in addition to the general submittal requirements in **805.**:

853.1 Base flood elevation data shall be provided for subdivision, PUD and other development applications.

853.2 Subdivision and PUD applications shall provide a "no-rise" certification signed by a duly qualified engineer licensed to practice in the State of Colorado certifying that the proposed development in flood plain areas will not increase base flood elevations or floodway widths.

854. STANDARDS FOR FLOOD HAZARD REDUCTION

Development in areas of special flood hazard shall comply with the following standards:

854.1 Construction

A. New construction and substantial improvement of any structure shall have the lowest floor (including basement) elevated at least to one foot above the base flood elevation.

B. The plans for new construction or substantial improvement of any structure shall be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph.

854.2 Construction Materials and Methods

A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

854.3 Utilities

A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Utilities and sanitary facilities attendant to new construction or substantial improvement of any structure, shall:

(1) be flood-proofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

(2) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

854.4 Anchoring

A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.

B. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads.

Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may be:

(1) over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side.

(2) frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;

(3) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(4) any additions to the manufactured home be similarly anchored.

854.5 Openings in Enclosures Below the Lowest Floor

For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

A. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

B. The bottom of all openings shall be no higher than one foot above grade;

C. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

854.6 Encroachments

The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

854.7 Manufactured Homes

A. Manufactured homes shall be anchored in accordance with Section 5.l-l(2).

B. All manufactured homes or those to be substantially improved shall conform to the following requirements:

(1) Require that manufactured homes that are placed or substantially improved on a site (a) outside of a manufactured home park or subdivision, (b) in a new manufactured home park or subdivision, (c) in an expansion to an existing manufactured home park or

subdivision, or (d) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(2) Require that manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions that are not subject to the provisions in (a) above be elevated so that either (i) the lowest floor of the manufactured home is at or above the base flood elevation, or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

854.8 Recreational Vehicles

Recreational vehicles area required to be either (1) be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or (2) meet the permit requirements and elevation and anchoring requirements for manufactured homes.

855. VARIANCES FOR FLOOD PLAIN DEVELOPMENT APPLICATIONS

The Board of Adjustments shall hear and decide building permit appeals and requests for variances from the requirements of the Flood Plain Development Regulations. The Board of Adjustments shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Official in the enforcement or administration of these Flood Plain Development Regulations.

855.1 Procedures

Variance applications for building permits in the flood plain area shall follow the general procedures for Variances in **430.**

855.2 Standards

In passing upon such applications, the Board of Adjustments shall consider the general standards for Variance in **436.** All technical evaluations, all relevant factors, standards specified in other sections of this Article VIII, and the following specific standards:

A. the danger that materials may be swept onto other lands to the injury of others;

B. the danger to life and property due to flooding or erosion damage;

C. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;

D. the importance of the services provided by the proposed facility to the community;

E. the necessity to the facility of a waterfront location, where applicable;

F. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

G. the compatibility of the proposed use with the existing and anticipated development;

H. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

I. the safety of access to the property in times of flood for ordinary and emergency vehicles;

J. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

K. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.

855.3 Conditions

Upon consideration of the factors of **855.2** and the purposes of this Article, the Board of Adjustments may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

Conditions for Variances

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (**A. – K.**) in **855.2** have been fully considered. As the lot size increases beyond the one-half acre, the technical justifications required for issuing the variance increases.

B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.

C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. Variances shall only be issued upon:

(1) a showing of good and sufficient cause;

(2) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud on or victimization of the public as identified in Section **855.2** or conflict with existing local laws or ordinances.

856. Subdivision and PUD Proposals

All subdivision and PUD applications must meet the following standards in addition to other applicable standards:

856.1 Proposed development shall be consistent with the need to minimize flood damage to the subject property as well as other adjacent properties;

856.2 Proposed development shall avoid the flood way to the greatest extent possible;

856.3 Proposed development shall not increase or impact the base flood elevations or the flood way widths of flood plain areas;

856.4 All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage; and,

856.5 All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

857. Records and Reporting

The Board of Adjustments shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

858. Written Notice

Any Applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.

ARTICLE IX
DEFINITIONS

900. RULES OF CONSTRUCTION

900.1. Meaning and intent. All provisions, terms, phrases and expressions contained in this Code shall be construed in order to accomplish the purposes stated in **104**.

900.2. Text. In case of any difference of meaning or implication between the text of this Zoning Code and any illustration or figure, the text shall control.

900.3. Computation of time. For all application submittals, appeals of administrative or Planning Commission decisions or other requirements not including public hearing notices, if the last day is a Friday, Saturday, Sunday or legal holiday declared by the Town, then the next day that is not a Friday, Saturday, Sunday or legal holiday shall be the last day. In the computation of time for public hearing notice, the first day (day of the posting, mailing or publishing) shall be included and the last day (day of the hearing) shall be excluded. If the first day for Public Hearing notice is a Friday, Saturday, Sunday or legal holiday declared by the Town, then the first preceding day that is not a Friday, Saturday, Sunday or legal holiday shall be the first day The following time-related words shall have the following meaning:

"Day" means a calendar day unless working day is specified.
"Week" means seven (7) calendar days.
"Month" means a calendar month.
"Year" means a calendar year, unless a fiscal year is indicated.

910. DEFINITIONS

The words and phrases in this section shall have the following meaning throughout the RLUC:

Accessory Building: A detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located on the same lot or contiguous lots with the main building or use.

Accessory Dwelling Unit: A permanent residential dwelling unit not exceeding 600 square feet of floor area which contains kitchen and bath facilities rendering the structure suitable for residential use and has its own entrance. The floor area of accessory dwelling units located in basements shall be measured at 100% for the purpose of this definition.

Accommodations: **(ORD. NO. 2011-3. § 910, 06-15-11)** The short term rental of properties for periods of 30 days or less, including motels, hotels, inns, condominium-hotels, lodges, and bed and breakfasts.

Alley: A public way permanently reserved as a secondary means of access to abutting property.

Area of special flood hazard: The land in the floodplain subject to a one percent or greater chance of flooding in any given year.

Attached: A physical connection of the foundation wall or roof of two (2) buildings. If the method by which the buildings are attached includes an above grade wall, or an above grade wall with roof, or has a common above grade wall, then the attached buildings shall be considered a single structure for the purpose of determining site coverage and floor area. If the attachment does not enclose area and does not include an above grade wall, then the area of the attachment shall not be counted for the purposes of determining site coverage.

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Basement: That portion of a building located partially or wholly underground having fifty percent (50%) or more of its floor to ceiling height below the average pre-existing grade of the adjoining ground.

Best Management Practices (BMPs): Economically feasible conservation practices and land and water management measures that minimize adverse impacts to the chemical, physical and biological characteristics of water areas and wetlands. BMPs may include a wide range of structural and non-structural practices to be implemented in association with land disturbance, development and construction activities.

Buffer Zone: All areas where development could impact Waters of the Town of Rico as defined in **824**, extending at least 100 feet around such areas.

Building: Any permanent structure built for the shelter or enclosure of persons, animals or property of any kind, not including fences.

Building Height: See **204.6**

Condominium: A building, or buildings, consisting of separate fee simple estates to individual units of a multi-unit property together with an undivided fee simple interest in common elements.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located.

Disturbance Permit: A permit which authorizes site development activity in a wetland area, water area, or associated buffer zone, and includes a Disturbance Plan and Mitigation Plan for site development which results in the fill of wetland areas.

Disturbance Plan: The plan for disturbance of wetland, water areas, and any associated buffer zone, as required by these Wetland Protection Regulations.

Dwelling: A permanent building or portion thereof which contains kitchen and bath facilities rendering the structure suitable for residential use, but not including structures used primarily for commercial purposes or portable structures.

Dwelling, Single Family: A detached building containing only one dwelling.

Dwelling, Multi-Family: A detached building containing more than one dwelling.

Enforcement Official: The Enforcement Official of the Town of Rico appointed by the Town to

perform the duties described in this RLUC.

Family: Any individual, or two or more persons related by blood or by marriage or between whom there is a legally recognized relationship, or a group of not more than five unrelated persons, occupying the same building.

Fen: Wetlands dominated by herbaceous hydrophytes receiving water that has passed through mineral soils. Water table levels are high and have *p*H values greater than 5.0; and, have 16 inches, or more, of organic material in the upper 32 inches of surface soil horizon. Organic soils are classified as Histosols by the USDA.

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

(l) The overflow of inland waters and/or

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): The official map on which the Federal Emergency Management Agency has delineated both the areas of special food hazards and the risk premium zones.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Floor Area: See **204.7**

Geologic Hazard. An area that contains unstable slopes, potentially unstable slopes, landslide complex, debris fan-high hazard, debris fan-low to moderate hazard, rockfall hazard, and erosion area.

Hazardous Areas: Areas which are subject to geologic hazards that constitute a significant hazard to public health, safety and property, including, but not limited to: avalanche areas, flood plains, wildfire, landslides, rock falls, mud-flows, unstable or potentially unstable slopes, seismic effects, radioactivity and ground subsidence.

Home Occupation: A business occupation or trade conducted in the residential district for gain or support by a resident or residents of the dwelling, and no other, which:

(1) Is clearly incidental and secondary to the residential use of the building;

(2) Does not change the essential residential character of the use;

(3) Operates pursuant to a valid occupational license for the use held by the resident of the dwelling unit, if required;

(4) Is confined to no more than fifty percent of the total floor area of the dwelling;

(5) Does not create any noise, odor, vibration, dust, smoke, haze or other nuisance greater

than customary residential uses outside any building on the premises or outside the boundary of the premises;

(6) Provides off-street parking to accommodate the parking demand generated by the home occupation;

(7) Does not include retail shops, lodging or restaurants;

(8) Does not employ more than one person who does not reside at the residence.

Lot: A parcel of real property as shown with a separate and distinct number or letter on a plat approved by the Town of Rico or created by Federal action, and recorded in the office of the Dolores County Clerk and Recorder.

Lot Line, Front: The property line dividing the lot from the street.

Lot Line, Rear: The line opposite the front lot line.

Lot Area: The total area within the lot lines.

Manufactured Home: A single family dwelling which meets the following criteria:

(1) Is partially or entirely manufactured outside of the Town of Rico.

(2) Is not less than twenty-four (24) feet in width and thirty-six (36) feet in length, exclusive of any towing apparatus, bumpers or additions.

(3) Is installed on an engineered permanent foundation.

(4) Meets the required exterior materials regulation set forth in Article II.

(5) Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 *et. seq.* as amended.

Mitigation Plan: A plan describing the restoration of wetland areas destroyed or otherwise negatively impacted by an activity; or, a plan to minimize safety concerns associated with land use activities in hazardous areas; or, a plan to address impacts related to land use activities, such impacts to include, but not limited to: parking, noise, traffic, storm water run-off, and odors.

Mobile Home: Any portable structure designed to permit residential use which does not meet the definition of manufactured home.

Non-Conforming Building: See **208**

Non-Conforming Use: See **208**

Principal Building: Principal building means that main structure or building on a building site or lot in which the primary use by right occurs.

Recreational vehicle: A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Restoration: A human activity that returns wetland areas from a disturbed or altered condition with lesser wetland area acreage and/or function values to a enhanced or improved condition with greater wetland area acreage and/or functional values.

Riparian Area: The transition area between aquatic and terrestrial (upland) environments influenced by the high water table associated with a stream or river. Plant types typically associated with riparian areas include hydrophytes (obligate, facultative wet, and facultative species) and phreatophytes (typical plants include, but are not limited to, cottonwoods, willows, alders, aspens, and chokecherry). Riparian areas are commonly recognized by the combination of high species diversity, high species densities, and high productivity.

Roof Segment: The entire section of the roof existing in one plane.

Scenic Views: Views of mountain ridges and slopes, natural landscapes, rivers, waterfalls, forests and the sky as seen from the Town commercial core, public roads and public trails.

Sign: See **206**

Site Coverage: See **204.8**

Short-term rental dwelling unit: **(ORD. NO. 2011-3. § 910, 06-15-11)** The short-term rental of properties for periods of 30 days or less, excluding hotels, condominium-hotels, lodges, and bed and breakfasts.

Steep Slope. A slope greater than 30% for a vertical distance greater than ten (10) feet. Percentage grade is determined by dividing the vertical rise by the horizontal run and multiply the result by 100.

Street: A public way other than an alley, which affords the principal means of access to abutting property.

Structure: Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground, but not including fences or walls used as fences six feet (6) or less in height.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or

(2) Any alteration of a "historic structure," provided that the alteration will not preclude the

structure's continued designation as a "historic structure."

Vehicle: Any device which is capable of moving itself, or being moved, from place to place upon wheels.

Vehicle, Parking: See **204.9**

Watershed Protection Plan: A plan to be created and adopted by the Town of Rico, to be incorporated into the Rico Regional Master Plan, which designates wetland areas of intermediate and exceptional resource and appropriate variable outer buffer zones on a site specific basis, which is adopted after providing written notice to affected property owners and conducting a public hearing thereon.

Waters of the Town of Rico: All waters, including without limitation a wetland, perennial or intermittent river, stream, lake, reservoir, or natural ponds, impoundments and tributaries. The following water features are excluded: irrigation and roadway drainage ditches; artificial lakes and ponds which are not tributary to state waters or are created and used for the primary purposes of agricultural activities or stormwater treatment; and, development water features less than 0.5 acres in surface area. A “perennial” river, stream, reservoir, or pond is one that normally holds water or flows continuously during all the calendar year as a result of groundwater discharge or surface run-off. An “intermittent” river, stream, reservoir or pond is one that is defined as such by the U.S. Geological Survey and may be shown as intermittent water features on the U.S. Geological Survey 7.5 Minute Series Topographical maps. Waste treatment systems presently in use, including treatment ponds and lagoons designed to meet the requirements of the Clean Water Act (33 U.S.C. sec. 1341), and treated water distribution and storage facilities or treated water that otherwise meets the criteria of this definition, are not waters of the Town of Rico.

Wetland: An area inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances support, vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation, and includes area delineated as a wetland by the Army Corps of Engineers or defined as a wetland by the Army Corps of Engineers delineation manual. Wetland areas include all Waters of the Town of Rico, all riparian areas in the Town, and are presumed to include all areas identified on official wetland area maps of the Town of Rico.

Yard: A space on the same lot with a principal building that is open, unoccupied, and unobstructed by buildings or structures from the ground upward, except as otherwise provided herein.

Yard, Front: A yard extending the full width of the lot or parcel, the depth of which is measured in the least horizontal distance between the front lot line and the nearest wall of the principal building; such distance being referred to as the front yard setback.

Yard, Rear: A yard extending the full width of the lot or parcel, the depth of which is measured in the least horizontal distance between the rear lot line and the nearest wall of the principal

building; such depth being referred to as the rear yard setback.

Yard, Side: A yard extending from the front yard to the rear yard, the width of which is measured in the least horizontal distance between the side lot line and the nearest wall of the principal building; such depth being referred to as the side yard setback.

Yard, Service: Any yard area used for storage of materials accessory to or used in conjunction with the principal building, or used for garbage or trash containers, or for the location of mechanical equipment accessory to the principal building or use.

Utilities: All poles, lines, cables, pipes, and other transmission or distribution facilities of public utilities.

FEE SCHEDULE

(Ord. No. 2008-3, § Appendix A, 03-19-08)

Building Permits (new construction) = $25.00 minimum; 15 cents per square foot of construction for structures up to and including 2,500 sq.ft.; 20 cents per square foot of construction for structures over 2,500 square feet.

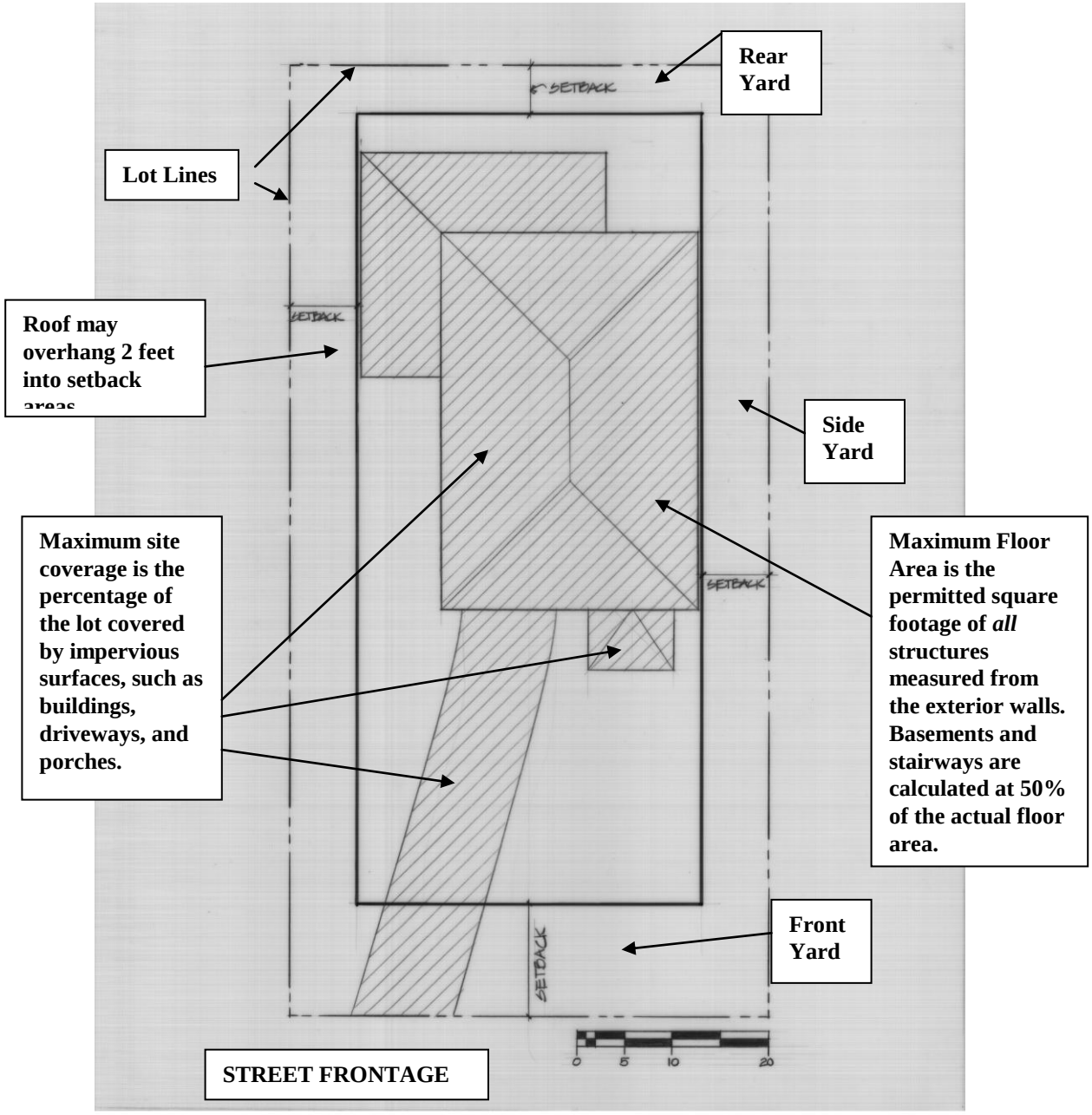
Electronic Copy of Rico Land Use Code	$	25.00
Hard Copy of Rico Land Use Code	$	75.00
Formal Interpretation of Rico Land Use Code - §408	$	200.00
Amendments to Code and Plans * - §410	$	500.00
Special Use Permit * - §420	$	200.00
All Variance Applications - §430	$	200.00
Development Permit for Areas of State and Local Interest * - §450	$	400.00
Road Building * - §470	$	350.00
Road Vacation - §480	$	250.00
Utility Improvements - §490	$	25.00
Excavation Permits - §494	$	25.00
Minor Subdivision * - Article V	$	750.00
Subdivision * - Article V	$	1,800.00
Planned Unit Development * - Article III	$	750.00
Annexation * - Article VI	$	2,000.00

Hourly rate charged for any other approved contractual Town Employee review shall be determined by the Board of Trustees.

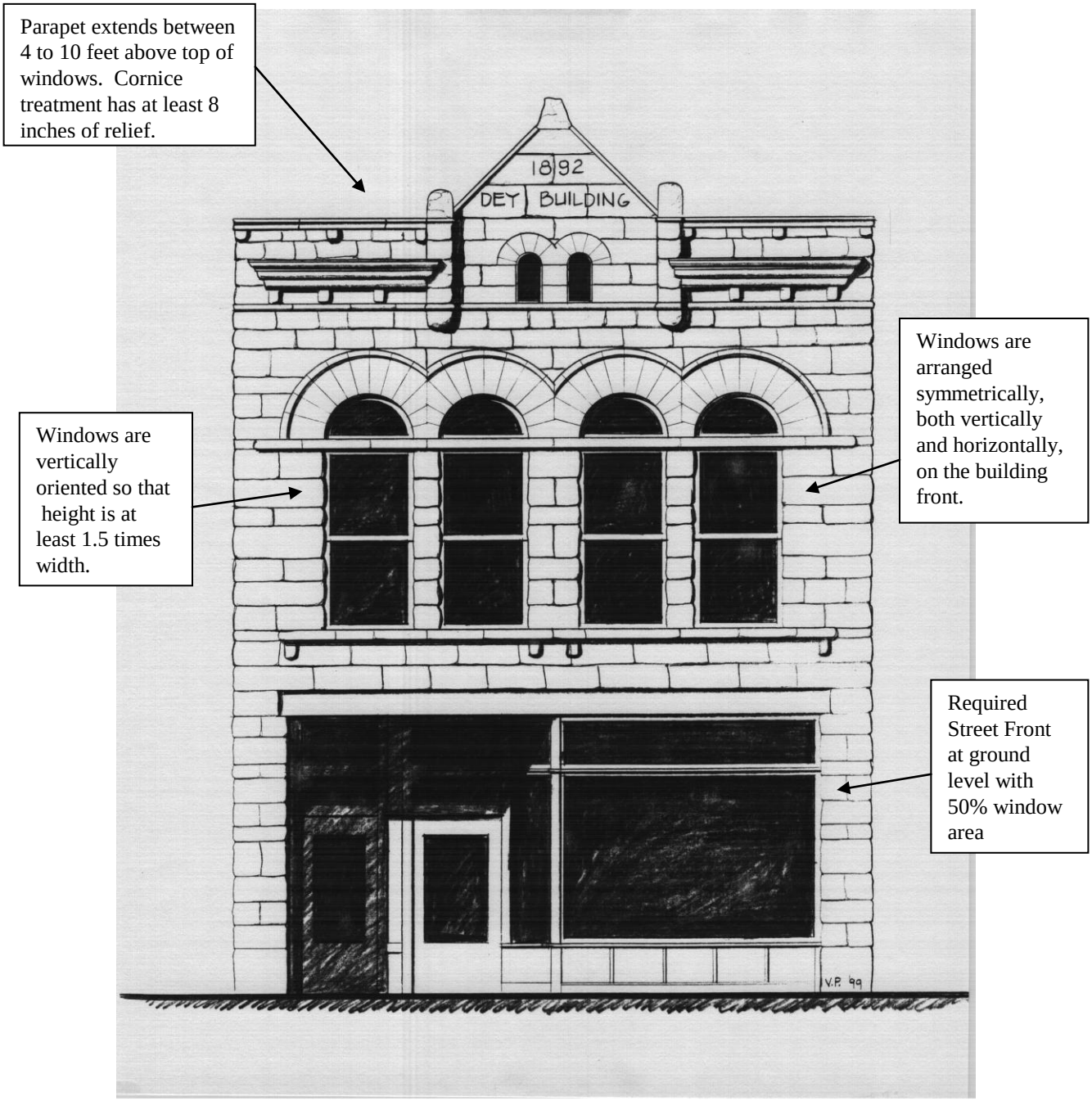
* These applications shall be treated as pass-through accounts whereby the Applicant shall be liable for all costs of review. Additional review fees may be requested if the initial amount designated in the Fee Schedule does not cover the cost of application review. The Town shall return the balance of any unused application review fees when the application process is complete.

GRAPHIC DESIGN ILLUSTRATIONS

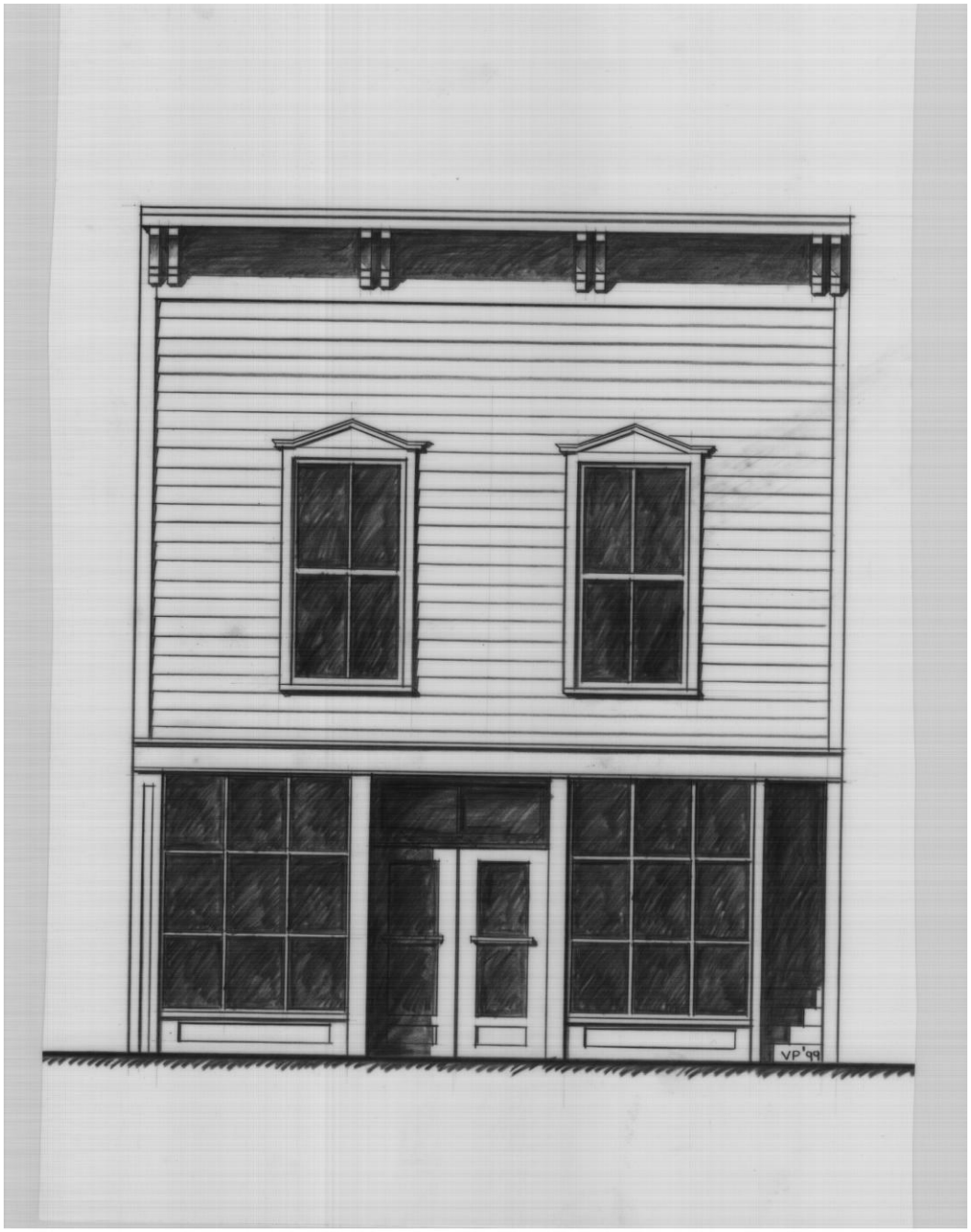
Graphic 1: Site Design



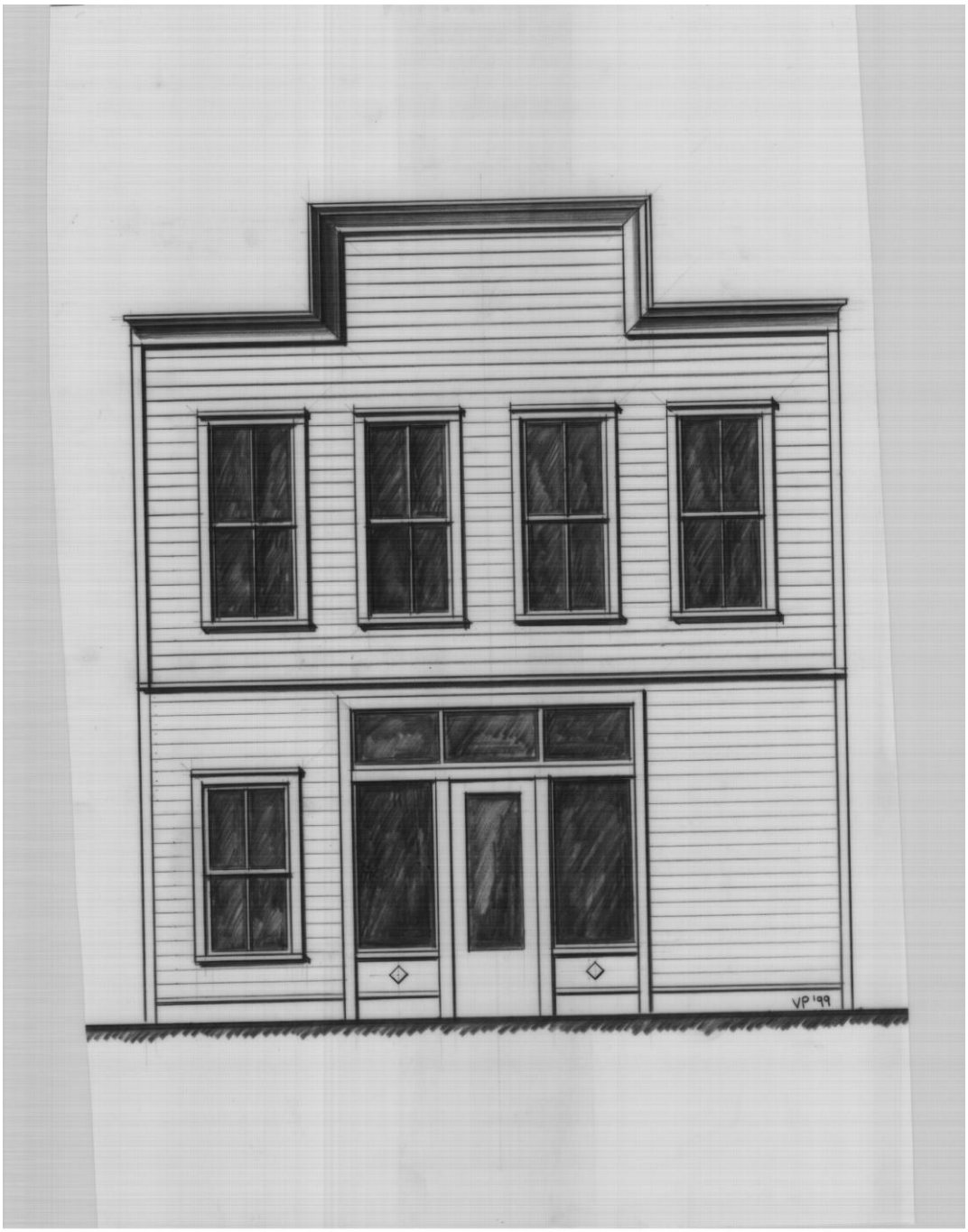
Graphic 2: Historic Façade Designs



Graphic 3: Historic Façade Design Sample



Graphic 4: Historic Façade Design Sample



ADOPTED BY ORDINANCE NO. 1999-7 ON AUGUST 31ST, 1999

1ST AMENDMENTS ADOPTED BY ORDINANCE NO. 2003-1 ON APRIL 16TH, 2003

2ND AMENDMENTS ADOPTED BY ORDINANCE NO. 2008-3 ON MARCH 19TH, 2008

3RD AMENDMENTS ADOPTED BY ORDINANCE NO. 2009-03 ON JUNE 24TH, 2009

4TH AMENDMENTS ADOPTED BY ORDINANCE NO. 2009-04 ON JUNE 24TH, 2009

5THAMENDMENTS ADOPTED BY ORDINANCE NO. 2011-3 ON JUNE 15TH, 2011