

THE TOWN OF RICO, COLORADO

ORDINANCE NO. 2008-3

**AN ORDINANCE OF THE TOWN OF RICO, COLORADO,
AMENDING RICO LAND USE CODE SECTIONS 204.1, 216.1,
216.3, 222, 430, 430.1, 434, 554 AND APPENDIX A**

WHEREAS, the Planning Commission for the Town of Rico has reviewed the Town's Land Use Code and through careful study has determined that certain sections of the Code are outdated or no longer adequately address current land use issues in the Town; and

WHEREAS, the Planning Commission recommends amendment of the Land Use Code to address these issues; and

WHEREAS, the Board of Trustees of the Town of Rico finds that it is in the best interest of the Town to amend the following specified provisions of the Land Use Code as recommended by the Town's Planning Commission.

NOW THEREFORE BE IT ORDAINED by the Board of Trustees of the Town of Rico that The Rico Land Use Code shall be amended as follows:

SECTION 1:

The Rico Land Use Code Section 204.1, GENERAL DESIGN REGULATIONS, shall be amended as follows:

204. GENERAL DESIGN REGULATIONS

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

- 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.

SECTION 2:

The Rico Land Use Code Section 216, COMMERCIAL USES, Subsections 216.1, COMMERCIAL USES BY RIGHT, and 216.3, PROHIBITED COMMERCIAL USES, shall be amended as follows:

216.1 COMMERCIAL USES BY RIGHT

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 ~~crafts shops~~ **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:

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|---|-----------------------------|
| <u>1. Antique Shop</u> | <u>2. Appliance Store</u> |
| <u>3. Bakery</u> | <u>4. Camera Shop</u> |
| <u>5. Candy, Tobacco or Cigarette Store</u> | <u>6. Catalogue Store</u> |
| <u>7. Clothing Store</u> | <u>8. Decorator Shop</u> |
| <u>9. Department Store</u> | <u>10. Drug Store</u> |
| <u>11. Florist Shop</u> | <u>12. Furniture Store</u> |
| <u>13. Gift Shop</u> | <u>14. Jewelry Store</u> |
| <u>15. Printing Shop</u> | <u>16. Key Shop</u> |
| <u>17. Liquor Store</u> | <u>18. Pet Shop</u> |
| <u>19. Paint and Wallpaper Shop</u> | <u>20. Photography Shop</u> |
| <u>21. Sporting Goods Store*</u> | |

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 ATVs

SECTION 3:

The Rico Land Use Code Section 222, RESIDENTIAL DISTRICT DESIGN REGULATIONS, shall be amended as follows:

222. RESIDENTIAL DISTRICT DESIGN REGULATIONS

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.
<u>PERMITTED EXTERIOR MATERIAL</u>	<u>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.</u>
<u>PROHIBITED EXTERIOR MATERIALS</u>	<u>Vinyl, Fiberglass, aluminum, exposed cinder block, exposed concrete block (CMU), plywood</u> <u>*(with the exception of T1-11)</u>

SECTION 4:

The Rico Land Use Code Section 430, VARIANCE APPLICATIONS, REVIEW

PROCEDURES, shall be amended as follows:

430. VARIANCE APPLICATIONS

The Planning Commission is authorized to review and make recommendation to the Board of Adjustments. The Board of Adjustments is authorized to approve or approve with conditions is ~~authorized to approve~~ such Variance including, but not limited to, ~~or~~ 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.

SECTION 5:

The Rico Land Use Code Section 430.1, ALTERNATIVE BUILDING MATERIALS, shall be amended as follows:

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. 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 Building Material Variance shall be approved by majority vote.

SECTION 6:

The Rico Land Use Code Section 434, REVIEW PROCEDURES, shall be amended as follows:

434. REVIEW PROCEDURES.

434.1. Reviewing Board. A request for any Variance shall first be submitted to the Rico the 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.
~~The Board of Adjustments shall review and render decisions on all Variance applications.~~ 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, other than a Building Material 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.

SECTION 7:

The Rico Land Use Code Section 554, IMPROVEMENTS, shall be amended as follows:

554. IMPROVEMENTS

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.**

SECTION 8:

The Rico Land Use Code APPENDIX A, FEE SCHEDULE, shall be amended as follows:

FEE SCHEDULE

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 <u>\$25.00</u>	\$ 10.00
Hard Copy of Rico Land Use Code <u>\$75.00</u>	\$ 50.00
Formal Interpretation of Rico Land Use Code - §408 <u>\$200.00</u>	\$ 150.00
Amendments to Code and Plans * - §410 <u>\$500.00</u>	\$ 300.00
Special Use Permit * - §420 <u>\$200.00</u>	\$ 150.00
<u>All Variance Applications</u> - §430 <u>\$200.00</u>	\$ 150.00
Development Permit for Areas of State and Local Interest * - §450 <u>\$400.00</u>	\$ 350.00
Road Building * - §470	\$ 350.00
Road Vacation - §480 <u>\$250.00</u>	\$ 150.00
Utility Improvements - §490 <u>\$25.00</u>	\$ 25.00
Excavation Permits - §494	\$ 25.00
Minor Subdivision * - Article V <u>\$750.00</u>	\$ 650.00
Subdivision * - Article V <u>\$1,800.00</u>	\$ 1,500.00
Planned Unit Development * - Article III <u>\$750.00</u>	\$ 500.00
Annexation * - Article VI <u>\$2,000.00</u>	\$ 1,500.00

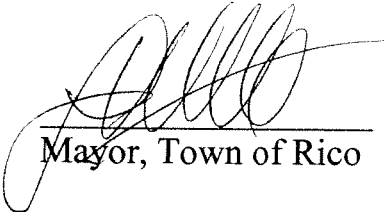
Hourly rate charged for **any other approved contractual Town Employee** ~~Town Planner and Town Attorney~~ review shall be determined by the Board of Trustees.

* These applications shall be treated as pass-through accounts whereby the Applicant

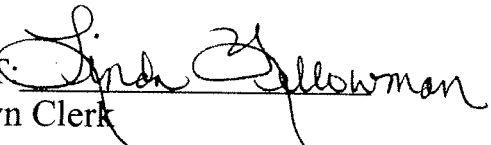
shall be liable for all costs of review. Additional review fees may be requested if the initial amount designated in the Fee Schedule does not cover the cost of application review. The Town shall return the balance of any unused application review fees when the application process is complete.

SECTION 9. EFFECTIVE DATE. This Ordinance shall be effective immediately upon final adoption and publication.

SECTION 10. POSTING AND PUBLICATION. This Ordinance shall be posted at the Town Hall, Rico Post Office, and on the Town's Website.



Mayor, Town of Rico

ATTEST: 

Town Clerk