

**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:

<u>Zone District</u>	<u>Abbreviation</u>
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, and are intended to preserve the rural and mountain and historic mining character of the Town. Applications for building permits should include architectural plans consistent with the rural mountain and historic mining character.

(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 and decks may be constructed of wood, logs, bark slab, stone, wrought iron, steel field fencing, iron, synthetic or composite materials designed to appear as these materials (for example, plastic composite like “Trex” which is designed to look like wood). 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.** All new development for residential or commercial purposes shall include off-street parking, which may be enclosed, covered, or open. Except as may otherwise be provided in the terms and conditions of a special use permit or variance, the following standards shall apply:

- A. Location.** Off-street parking shall be provided on the same lot or lots as the principal use, or on a contiguous lot it is owned by the same property owner.
- B. Dimensions.** Each off-street parking space shall consist of an open area measuring not less than nine (9) feet wide by eighteen (18) feet long and seven (7) feet in height if the space is covered or enclosed.
- C. Access.** Off-street parking spaces shall have direct vehicular access to a public street or alley, unless a valid easement or other agreement is presented to demonstrate a right of access across private property not owned by the property owner.
- D. Design.** Non-enclosed off-street parking shall be properly drained so as not to burden neighboring properties. All off-street parking shall be maintained in a usable condition.
- E. 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 and the off-street parking requirement for the property cannot be met without use of that space.

**204.10 Minimum Roof Pitch.** The minimum roof pitch for the primary structure or an accessory dwelling on a property shall be seven/twelve (7/12), with seven feet of rise for twelve feet of run. This 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. Variations on this pitch may be permitted for double garages, and other structures, including the primary structure, in order to prevent snow from being shed on neighboring property. No snow may be shed onto a neighboring property from an accessory building. Such variations shall be requested prior to the issuance of a building permit, and shall be approved by the Planning Commission and the Town Board as a variance. All roof designs must meet applicable building code requirements, including snow load requirements for the Town of Rico. The minimum roof pitch shall not apply to structures in commercial zones.

## **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 therefrom 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.

**ADD A NEW SECTION 209:**

209. Variation of lot or parcel line/boundary line adjustment – process and when required.

209.1 Boundaries between lots or parcels may be altered or removed by this process providing that the adjustment results in not more than the original number of lots or parcels; the adjustment does not increase an existing non-conformity or result in a new non-conforming lot/parcel. If the lot/parcel line boundary adjustment results in the elimination of a lot/parcel, any residential density associated with the eliminated lot/parcel shall also be eliminated, subject to any future land use approval, except that combining parcels or lots for purposes of increasing an allowable building envelope for commercial uses shall retain the density for the individual parcels or lots.

209.2 All applications for lot/parcel boundary adjustments shall include the following:

- a. Completed application form and fee.
- b. Agreement from all affected property owners.
- c. Narrative explaining the proposed boundary adjustment and description of proposed change.
- d. Copy of preliminary title report.
- e. Approval of all applicable utility companies.
- f. Site plan showing all existing structures, utilities, ditches, roads and known easements.
- g. Map or preliminary plat prepared by a Colorado Licensed Land Surveyor showing the existing and proposed lot/parcel configuration and improvements (to be recorded upon approval).

209.3 Once the application has been accepted as complete, it shall be set for review and public hearing at the next available Town Board meeting. The applicant shall send notice to all property owners adjoining any lot/parcel being proposed for adjustment and shall provide confirmation of such notice to Town staff. Notice of the application shall be published with the agenda for the Town Board meeting.

209.4 The Town Board may approve the application if it finds that the criteria in Section 209.1 have been met.

209.5 If the applications is approved, the applicant shall present for Town Board signature an improvement survey plat, prepared by a licensed surveyor, locating all improvements on each affected lot/parcel within thirty (30) days of approval. The 24" x 36" Mylar shall include the following:



- \_\_\_\_\_ a. Title
- \_\_\_\_\_ b. Legal description of the lots/parcels affected.
- \_\_\_\_\_ c. Vicinity map.
- \_\_\_\_\_ d. Signature block for the Mayor.
- \_\_\_\_\_ e. Signature and seal of the surveyor.
- \_\_\_\_\_ f. Certificate to be signed and acknowledged by all parties having record title interest in the affected parcels, consenting to the preparation and recordation of the plat.
- \_\_\_\_\_ g. Evidence of a title opinion or title insurance or at applicant's option, an attorney's signature confirming that title to the property has been examined and that all record owners and holders of encumbrances affecting the plat have properly executed the plat.
- \_\_\_\_\_ h. Signature block for all holders of encumbrances against the property included on the plat certifying consent to the lot/parcel boundary adjustment.
- \_\_\_\_\_ i. Acceptance block for the Clerk and Recorder of Dolores County to record the plat.

209.6 The applicant shall be responsible for the costs of recording the executed final plat, which the Town Clerk shall file with the County Clerk and Recorder within seven (7) days from the date of the Mayor's signature.

**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. This Land Use Code Section is currently inconsistent with the language of the referenced Ordinance. The Planning Commission requests the Town Board to consider amending the Ordinance to reflect the language in the Land Use Code which permits a recreation vehicle or camper to be parked on undeveloped private property for ten (10) days total in a year.**

**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.