

**RICO ORDINANCE NO. 2011- 3**

**AN ORDINANCE OF THE TOWN OF RICO, COLORADO AMENDING RICO LAND USE CODE, ARTICLE II, SECTION 220, TO ALLOW SHORT-TERM RENTAL DWELLING UNITS AS A USE BY "SPECIAL USE PERMIT REVIEW" IN THE RESIDENTIAL ZONE DISTRICT; ARTICLE IV, SECTION 420, TO ALLOW SPECIAL USE PERMITS ONLY WHERE SPECIFIED IN AN UNDERLYING ZONE DISTRICT; AND ARTICLE IX, DEFINITIONS, TO FURTHER CLARIFY THESE AMENDMENTS; AND ARTICLE II, SECTION 222 REGARDING ACCESSORY DWELLING UNITS IN THE SILVERGLANCE SUBDIVISION**

**WHEREAS**, the Board of Trustees of the Town of Rico has determined that short-term rental dwelling units are beneficial to the local economy of the Town and that allowing this use in the Town's Residential Zone District will promote the best interests of the citizens of Rico;

**WHEREAS**, to accomplish this goal and still protect the integrity of surrounding neighborhoods, the Board finds that Rico's Land Use Code, Article II, Section 220, titled "Residential (R) Zone District", should be amended to allow for short-term rental dwelling units by "Special Use Permit Review";

**WHEREAS**, Rico Land Use Code, Article IV, Section 420, presently authorizes uses by Special Use Permit Review;

**WHEREAS**, in order to further clarify that uses permitted by "Special Use Permit Review" are only those specified as such in an underlying Zone District, the Board of Trustees declares that it is in the public interest to also amend Rico Land Use Code, Article IV, Section 420, to align with this intent;

**WHEREAS**, the Commercial Districts outlined in the Rico Land Use Code presently specify uses which may be allowed by "Special Use Permit Review";

**WHEREAS**, in order to clarify the Board of Trustees' intent as set forth herein and to correct any present ambiguities in the Rico Land Use Code, the Board finds that it is in the best interest of the Town to amend Article II, Section 420, to authorize specified uses by "Special Use Permit Review" in certain zone districts, and to also amend Article IX, Definitions, to comport with the other amendments set forth herein;

**WHEREAS**, in order to keep the Rico Land Use Code up to date and grammatically correct, the Board accepts administrative changes to subtext within Article II, Section 222; Residential District Guidelines, and Article VI, Subsection 424.3 to aid with the clarity and conformity of the Rico Land Use Code.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO THAT THE RICO LAND USE CODE, ARTICLE II, SECTIONS 220 AND 222; ARTICLE IV, SECTION 420 AND 424.3; AND ARTICLE IX SHALL BE AMENDED AS FOLLOWS:**

**SECTION I.**

Article II, Section 220, titled "Residential Zone District" shall be amended to add a Section 221, A & B, to allow short-term rental dwelling units, daycare facilities, schools and churches as uses permitted by "Special Use Permit Review" in the Residential Zone District as follows:

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

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

**221. RESIDENTIAL USES BY SPECIAL USE PERMIT REVIEW**

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

**SECTION II.**

Article II, Section 222, titled "Residential District Design Regulations," shall be amended to grammatically clarify language regarding the Atlantic Cable, Upper Atlantic Cable, Silverglance Subdivision, and Silverglance Subdivision Filing 2 as follows:

**222. RESIDENTIAL DISTRICT DESIGN REGULATIONS**

**(ORD. No. 2008-3. § 222, 03-19-08)**

<b>DESIGN REGULATIONS</b>	<b>REQUIREMENTS</b>
<b>LOT SIZE</b>	5,000 Square Feet, 7,500 Square Feet for Single family dwellings with Accessory Dwelling Units*
<b>FRONT SET BACK</b>	12 feet
<b>SIDE SET BACK</b>	7 feet
<b>REAR SET BACK</b>	5 feet**
<b>BUILDING HEIGHT</b>	30 feet

<b>MAXIMUM FLOOR AREA</b>	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
<b>SITE COVERAGE</b>	70% of the lot
<b>OFF-STREET PARKING</b>	One vehicle space per dwelling unit.
<b>PERMITTED EXTERIOR MATERIALS</b>	Wood siding (stained or painted), Stone, Brick, Cementitious 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.
<b>PROHIBITED EXTERIOR MATERIALS</b>	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, ~~Silver Glance~~ 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 permitted as uses by right.

### **SECTION III.**

Article IV, Section 420, titled "Special Use Permits," shall be amended to clarify that uses by "Special Use Permit Review" are permitted only as specified by the underlying Zone Districts:

#### **420. SPECIAL USE PERMITS**

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.

**SECTION IV.**

Article IV, Section 424.3 shall be amended as follows to comport with the changes to Section 420:

**424.3** A statement explaining why the proposed use meets the standards for review and why the proposed use is compatible ~~which~~ with existing adjacent land uses and the surrounding neighborhood. An application fee as indicated in Appendix A.

**SECTION V.**

Article IX, Definitions, shall be amended to add a definition for "Short-Term Rental Dwelling Unit," and to amend the definition of "Accommodations" to distinguish it from short-term rental dwelling units as follows:

**Accommodations:** The short term rental of properties for periods of 30 days or less, including motels, hotels, inns, condominium-hotels, lodges, and bed and breakfasts.

**Short term rental dwelling unit:** The short-term rental of properties for periods of 30 days or less, excluding hotels, condominium-hotels, motels, lodges, boarding houses, rooming houses, and bed and breakfasts.

**SECTION VI.**

**Effective Date.** This Ordinance shall be effective upon its final passage by the Rico Board of Trustees and publication as required by Colorado Statute.

**INTRODUCED, READ AND ADOPTED UPON FIRST READING THIS 18th DAY OF May \_\_\_\_, 2011.**

**INTRODUCED, READ, AND ADOPTED FOLLOWING PUBLIC HEARING UPON SECOND READING THIS 15 DAY OF June \_\_\_\_, 2011.**



**Rico Mayor**

**Attest: Rico Town Clerk**

