

ORDINANCE NO. 274

A ZONING ORDINANCE REGULATING THE USE OF LAND AND STRUCTURES; DIVIDING THE TOWN OF RICO INTO DISTRICTS FOR SUCH PURPOSES; ADOPTING MAPS OF SAID TOWN SHOWING BOUNDARIES AND THE CLASSIFICATION OF SUCH DISTRICTS; ESTABLISHING A BOARD OF ADJUSTMENT AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

SECTION 1: AUTHORITY AND PURPOSE

Under authority of Colorado Revised Statutes, Sections 31-23-301, et. seq., the Town of Rico, Colorado, hereby establishes zoning districts and regulations providing the citizens of Rico a mechanism for regulating future development activities within the Town for the purposes of (1) promoting the public health and safety and welfare of present and future residents of the Town, including restrictions on development in hazardous areas, (2) promoting compatibility of land uses, and (3) promoting an attractive community and protecting property values.

SECTION 2: ADMINISTRATION AND ENFORCEMENT

A. Administration

1. Enforcing Official: The provisions of this Zoning Ordinance shall be administered and enforced by the officer(s) or department(s) designated by the Town Board.

2. Building Permit: No building construction shall be initiated until a building permit is issued by the enforcing official. Building permit application form and fees shall be established by the Town Board. < The following improvements are not considered to be buildings and therefore no building permit is required:

- a. one-story detached accessory buildings with a total area area of 120 square feet or less
- b. decks
- c. fences 6 feet tall or less
- d. retaining walls 4 feet or less above grade
- e. platforms, walks, and driveways
- f. prefabricated swimming pools
- g. roofing and siding
- h. any remodeling which does not change, or diminishes, the outside footprint of the building

All relevant zoning requirements such as appropriate heights and setbacks must be observed. >

B. Enforcement Procedure:

1. An alleged violation of any of the provisions of this Zoning Ordinance shall be investigated by the enforcing official or officials, either on their own initiative or upon

receipt of a signed written complaint from a person or persons who believe a violation exists, or by order of the Town Board.

2. If a violation is found to exist, it shall be corrected in one or more of the following ways:

a. The enforcing official shall notify the property owner and any other persons responsible for the violation, in writing, and order the necessary correction. Said correction shall be completed within a prompt, reasonable period, as ordered by the enforcing official in said notice.

b. The enforcing official may issue a stop work order by notice in writing posted on the building or property or in or upon which such violation is occurring.

c. Any law enforcement officer may cite the property owner and/or any other persons who may be responsible with a violation of an Ordinance of the Town of Rico, as provided in section C herein.

d. Upon the failure of < the enforcement official(s) > to act in the case of a violation of this Ordinance, the necessary notification of violation or stop order may be issued by the Town Board, either upon its own initiative or that of the Planning Commission, or upon receipt of a written complaint from an individual or group of individuals.

C. Violation and Penalty: Failure to comply with any of the provisions of this Ordinance, unless a variance has been authorized by the Board of Adjustment, shall constitute a misdemeanor, and upon conviction is punishable by a fine of not less than \$10.00 nor more than \$300.00, or by imprisonment for a period of not less than three (3) days nor more than one (1) month. Each day that such violation continues to exist shall be considered as a separate offense. The Town Board, at its discretion, may withhold or withdraw non-emergency town services from any property not in compliance with the provisions of this Ordinance.

D. Appeals of Administrative Decisions: Appeals of any decision or directive of an enforcing official shall be made to the Board of Adjustment, in writing, and by such procedures as are outlined in Section 3 of this Ordinance, provided that such appeal is made within 21 days following issuance of the official's decision or directive.

E. Appeals of Board of Adjustment Decisions: Appeals of any decision of the Board of Adjustment may be made to the district court, as provided by state statute, provided, however, that such appeal is made within sixty (60) days following the date of notification of the Board of Adjustment's decision.

F. Conflict: Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, resolutions or ordinances, the one which is the most restrictive, or which requires the highest

standard, shall apply.

G. Interpretation: In their interpretation and application the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare.

SECTION 3: BOARD OF ADJUSTMENT

A. Creation and Members: A Board of Zoning Adjustment is hereby established which shall consist of five (5) members as follows: < Two members of the Rico Planning Commission appointed by the Board of Trustees and three members who are citizens of Rico and are not members of the Planning Commission, also to be appointed by the Board of Trustees. > "Board", when used in this section, shall mean the Board of Zoning Adjustment. The Board members shall be legal residents of the Town of Rico, shall be appointed for a term of three (3) years, and except as modified herein, shall have such powers and duties as are authorized by statute.

B. Organization and Records: The Board of Adjustment shall elect a chairman, vice chairman, and a secretary from among the members, whose terms shall be for one (1) year, with eligibility for re-election. The chairman shall preside at all meetings, the vice-chairman shall act in the absence of the chairman, and the secretary shall keep a record of the Board meetings showing the action of the Board the vote of each member upon each question considered, which record shall be a public record.

C. Purpose and Powers: The Board shall meet at the call of the chairman, by his request, or by petition of at least three (3) Board members, or by request of an official of the Town, or by petition from an aggrieved party of an applicant for variance or by order of the Town Board. The Board shall in general have the right to grant either an exception to, or variance from, the zoning ordinance for good cause. More particularly, the Board shall have the following powers:

1. 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 zoning ordinance.

2. To hear and decide upon the granting of adjustments, variances, modifications or exceptions to the regulations and requirements of this ordinance relating to the use, construction or alteration of buildings or structures, or the use of land, so that the spirit of this ordinance is observed, public safety and welfare secured, and substantial justice done.

3. To interpret the zoning ordinance, including any uncertainty as to boundary location or meaning of words, provided such interpretation is not contrary to the purpose and intent of this ordinance.

4. To permit the public to attend and to be heard at all of its meetings.

D. Procedure:

1. All requests for appeal of an administrative decision or variance to the zoning ordinance shall be submitted, in writing, to the Town Clerk, along with a \$25.00 application fee.

2. All applications shall contain a description of the property, including lot and block numbers, as well as sufficient maps, diagrams, and notations. It shall cite the Section of the ordinance which is involved, state what relief is being sought, and the grounds and justification upon which such application is being made. It shall also contain the addresses, names and the signatures of the property owners abutting or adjacent to the applicant's property on all four sides, signifying that they have been notified of the variance being requested in the application.

3. All applications shall be referred by the Town Clerk, to the Board in a timely fashion. A public hearing shall be held, with at least ten (10) days advance notice of the date, time, place and purpose of such hearing to be published in the usual manner of Town ordinances. The Board of Adjustment shall notify, or direct the Town Clerk to notify, in writing, the applicant, any administrative official involved, and the Town Board of all hearings scheduled, and of all decisions, variances, recommendations or directives issued.

4. Four (4) members of the Board of Adjustment shall constitute a quorum, and a concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which the Board is required to pass under this ordinance, or to effect any variance of exception to his ordinance.

5. All decisions of the Board shall be made within 31 days of the date of submission of the application. Any final determination of the Board shall be reported in writing over the signature of the chairman or vice chairman of the Board, and a copy of said report shall be furnished the applicant and filed with the Town Clerk. All decisions of the Board may be appealed to the district court.

SECTION 4: AMENDMENTS OR CHANGES TO THE ZONING ORDINANCE

A. The regulations, restrictions, and boundaries established by this Ordinance and the official Zoning District Map may be amended, supplemented, changed, modified or repealed by the Town Board, following review and recommendation by the Planning Commission. Such amendments or changes may be initiated by the Board, the Commission, or by application of any citizen or group of citizens, firm or corporation residing, owning or leasing property in the Town of Rico.

B. Application Procedure:

1. Application for such action by citizens, firms or corporations shall be filed, in writing, with the Town Clerk, along with a \$25.00 application fee.

2. Application for an amendment or change in the Zoning District Map shall contain the following information:

a. Name, address, and phone number of applicant(s).

b. A brief narrative describing the proposed change and rationale for requesting the change.

c. Description of land area including tract or lot and block numbers to be rezoned, and requested new classification, along with a drawing to the scale of the Zoning District Map showing boundaries of the area requested to be rezoned, and an indication of existing zoning for all adjacent areas.

d. A statement of justification of the rezoning requested.

e. Description and sketches of buildings or uses proposed if rezoning is granted, along with a description of land and building uses within 200 feet of the boundary of the proposed area of change, in all directions, excluding thoroughfares.

< Said description shall include, but not be limited to, a drawing which locates any proposed buildings on the site and a description of any structures to be constructed on the site including dimensions, height, exterior construction materials, usage, parking, traffic, and landscaping. >

f. Time scheduled for any contemplated new construction or uses.

g. Effect that the new zoning would have on adjacent uses.

h. Signature of applicant(s) with date.

3. All applications shall be referred by the Town Clerk to the Planning Commission, which shall review and return a recommendation either for or against the proposed amendment or change to the Town Board within 31 days of the receipt of the application by the Planning Commission.

C. Before action is taken to amend or change this Ordinance, a public hearing shall be held by the Town Board. At least fifteen (15) days advance notice of the date, time and place of such hearing shall be published in the usual manner of town ordinances. < In addition, the property owners identified below shall be notified by mail of the public hearing and shall be provided a description of the proposed zoning change as identified in sections b through g above.

1. The following property owners are to receive written notification:

a. All owners of property located within a 200 foot radius of the requested zoning change.

b. All property owners on the same block as the

requested change.

c. All property owners on the facing street of the facing block. >

D. The adoption of any amendment, supplement, change or modification to the ordinance shall require a favorable vote of two-thirds of all members of the Board of Trustees.

E. The Board shall render its decision within sixty (60) days of the date of submission of the application, unless an extension of said time is agreed upon, in writing, by the applicant and the Board.

SECTION 5: USES SUBJECT TO REVIEW

A. Applications for uses subject to review and all uses in the Commercial District (C-2) or Development Area District (D) or in the Hazard Overlay District (H) shall be filed, in writing, with the Town Clerk, along with a \$15.00 fee for advertisement and processing. An additional application fee, sufficient to meet the costs of acquiring any professional assistance necessary for properly evaluating the proposed use, may be assessed by the Town Board. Applications shall contain the following site plan information regarding the property in question, as applicable:

1. Name, address, and phone number of applicant(s).
2. A brief narrative description of the proposed project.
3. Location and identification of all existing and proposed public and private easements.
4. Boundaries of sites to be reserved or dedicated for trails, parks, playgrounds, schools, or other public uses and the location of any common open area not reserved or dedicated to public use.
5. The areas, in square feet, and percentage of the total area of the proposed development devoted to each type of use.
6. The existing buildings, telephone and power lines, and sewer, water, gas and drainage pipes located on the proposed development and adjacent to its boundaries.
7. A legal description of the land area of the request, along with a drawing to scale showing boundaries, and an indication of existing zoning for all areas on the drawing.
8. Time schedule for any contemplated new construction or uses.
9. Signature of applicant(s) with date.

B. Criteria for judging applications shall include, but not be limited to, the effect of the proposed use on aesthetics, air quality, density, noise generation, refuse generation, traffic patterns, parking, drainage, snow removal, and adjacent land uses.

C. All applications shall be referred by the Town Clerk to the Planning Commission, which shall review and return a recommendation either for or against the proposed development to the Town Board within 31 days of the receipt of the application by the Planning Commission. A public hearing shall be held, with at least ten (10) days advance notice of the date, time and place of such hearing to be posted in three designated public locations.

D. The Board shall render its decision within sixty (60) days of the date of submission of the application, unless an extension of said time is agreed upon, in writing, by the applicant and the Board.

SECTION 6: DEFINITIONS

For the purpose of this Ordinance, certain words and phrases used herein shall be defined or interpreted as follows:

1. Accessory Customarily associated with but incidental to another use or structure on the same lot.
2. Alley As platted and shown on the official town map, a public way other than a street, permanently reserved as a secondary means of access to abutting property.
3. Awning Any device attached to an supported solely by a building and designed to provide shade or shelter over a building opening, walkway or thoroughfare.
4. Basement That portion of a building with walls and floor located wholly or partially underground.
5. Bed and Breakfast A service offering lodging accommodations to the public, conducted within a residential structure, visits not to exceed thirty days for any one party, with limited meal service for guests only, with a limitation of four rental rooms if not located within the C-1, C-2, or D Districts. The allowable signage shall be the same as that permitted in the district in which the Bed and Breakfast is located.
6. Building Any temporary or permanent structure having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal, or property of any kind, excluding tents or vehicles.
7. Camper Any recreational, mobile vehicle designed for temporary occupancy and having self-contained utilities.
8. Camper Park Any property used to provide public parking facilities for one (1) or more campers or camper units of any type.
9. Carport A shelter for one or more vehicles which is not fully enclosed by walls.
10. Car Wash A lot on which motor vehicles are washed or waxed, either by the patron or by others, using machinery

especially designed for that purpose.

11. Child Care Center A state licensed facility used for the day care of five (5) or more children under sixteen years of age.

12. Clinic A place where medical or dental care is furnished to persons on an out-patient basis by licensed medical practitioners.

13. Club Any membership organization including a lodge catering exclusively to members and their guests and whose facilities are limited to meeting, eating, and recreational uses, and whose activities are not conducted principally for monetary gain

14. 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.

15. Dwelling A permanent building, or portion thereof, which is used as the private residence or sleeping place of one or more persons or families, excluding hotels, hospitals, nursing homes, or such temporary structures as tents or campers.

16. Dwelling Unit A building, or portion thereof, providing complete housekeeping or residential facilities for one person or one family.

17. Family Any individual, or two or more persons related by blood or marriage, or between whom there is a legally recognized relationship, or a group of not more than five (5) unrelated persons, occupying the same dwelling unit.

18. Family Care Home A state licensed or approved facility providing twenty-four (24) hour child care in a place of residence of a family or person.

19. Floor Area The total gross living or business area on all floors, including finished basements, as measured to the outside surfaces of existing walls, excluding crawl spaces, garages, carports, vent shafts, courts, breezeways, open porches, balconies, and terraces.

20. Garage An enclosed building designed for the private storage of motor vehicles, excluding buildings from which motor vehicle fuels are sold, or where repair or other services are performed for compensation.

21. Group Home for the Aged An owner-occupied or non-profit group home for the exclusive residential use of not more than eight (8) persons sixty (60) years of age or older.

22. Height The vertical distance from the highest point on a structure or building, excluding any chimney, antenna, cupola or steeple, to the average ground level of the grade where the walls or other structural elements intersect the ground.

23. High Impact Repair Shop An enclosed building, or portion thereof, wherein products, equipment, appliances, or other machinery are repaired.

24. Home Occupation Any business conducted principally within a dwelling unit, enclosed garage, or accessory building, and carried on principally by the inhabitants, which use is

clearly incidental and secondary to the use of the dwelling and property for residential purposes, and which does not change or adversely affect the character of the property or neighborhood.

25. Hotel/Motel A structure designed, used or offered for residential occupancy for any period less than one month, including tourist homes and lodges, but not including hospitals or nursing homes.

26. Kennel Any building, structure or open space devoted wholly or partially to the raising, boarding or harboring of six (6) or more animals that are over four (4) months old.

27. < Landscaped An area covered with living, ornamental foliage including, but not limited to, grass, shrubs, trees, and flowers. Landscaping by means other than living foliage subject to approval by the Town Board. >

28. Laundromat A facility where patrons wash, dry or dryclean clothing or other fabrics in machines operated by the patron.

29. Lot A parcel of real property as shown with a separate and distinct number or letter on a plat recorded in the Dolores County Courthouse. Also, or when not platted in a recorded subdivision, a parcel of real property abutting upon at least one public street and held under one separate ownership.

30. Lot line A line marking the boundary of a lot or parcel.

31. Low Impact Repair Shop An enclosed building, or portion thereof, wherein products, equipment, appliances, or other machinery are repaired, and from which no heat, glare, vibration, or noise extends beyond the lot line.

32. Manufactured Home A single family dwelling which meets the following criteria:

- a. Is partially or entirely manufactured in a factory.
- b. 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.
- c. Is installed on any engineered permanent foundation.
- d. Has brick, wood, or cosmetically equivalent exterior siding and a pitched roof.
- e. Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., as amended.
- f. Meets or exceeds minimum Town of Rico Building Code Standards.

33. Marquee Any roofed structure attached to a building and having columns, posts or other supports, and which projects over the public right-of-way.

34. Mobile Home A structure or mobile vehicle manufactured partially or entirely in a factory, which is designed and used as a permanent single family dwelling, and which has no self-contained utilities. The structure shall be considered a mobile home whether or not its wheels or other rolling devices have been removed, or it has been jacked up, skirted, or any addition to the basic trailer has been built upon the ground.

35. Mobile Home Park Any property under the same ownership which had been planned, improved or used for the placement of five (5) or more mobile homes for residential occupancy.

36. Multi-family Dwelling A building or structure designed or used for residential occupancy by two or more families, with or without common or separate kitchen or dining facilities, including apartment houses, rooming houses, boarding houses, fraternities, sororities, dormitories, row houses, townhouses, and similar housing types.

37. Non-conforming Building or Structure A building or structure or permanently affixed sign, or portion thereof, legally existing at the time of passage of this ordinance on October 27, 1987, but conflicting with the provisions of this ordinance applicable to the district in which it is located. This shall not include any building or structure existing under a variance to the Zoning Ordinance.

38. Non-conforming Use The use of a building, structure or premises, or portion thereof, legally existing at the time of passage of this ordinance on October 27, 1987, but which conflicts with the provisions of this ordinance. This shall not include any use existing under a variance to the Zoning Ordinance, which shall not be considered a non-conforming use.

39. Nursing Home A structure or building designed or used for residential occupancy and providing limited medical or nursing care on the premises for occupants, but not including a hospital or mental health center.

40. Permanently-affixed Sign A sign securely attached to a building or its own supporting structure which is in turn securely affixed to ground.

41. Property A contiguous parcel of land owned by one person, one collection of persons, or one organization.

42. Rear Lot Line A boundary line, or lines, opposite the front lot line, which (usually) separates the lot from the adjoining alley.

43. Religious Institution A building wherein persons regularly assemble for religious worship, which is used only for that purpose and those accessory activities customarily associated therewith.

44. Repair Shop see High Impact Repair Shop and Low Impact Repair Shop.

45. Restaurant/Bar A building, or portion thereof, in which food or beverages are prepared and offered for sale, and where consumption is permitted on the premises, whether or not entertainment is offered, including grilles, cafes, taverns, nightclubs, drive-ins, and any fast food establishment permitting consumption on the premises.

46. Service Station A facility where motor vehicle fuels are sold at retail and at which repair or other service may be performed for compensation.

47. Service Yard Any yard area utilized for storage of materials or supplies accessory to, or used in conjunction with, the principal use of the lot or building, or used for trash or

garbage containers, or for the location of mechanical equipment or machinery accessory to the principal building or use.

48. Setback The required distance between the farthest protrusion of a building or structure and any lot line of the lot or parcel on which it is located.

49. Side Lot Line A line, or lines, which represent the boundary between adjoining lots or parcels of property.

50. Single Family Dwelling A structure, except a mobile home, designed or used for residential occupancy by one family.

51. Sign Any device affixed to, painted on, or incorporated into a building surface, or free-standing upon the site, and which is visible from the public right-of-way, designed to convey or direct a message to the public concerning the identification of the premises or to advertise or promote the interest of any private or public firm, person, or organization.

52. Sign Area The area of the plain geometric figure which encompasses the facing of a sign, including copy, insignia, background and borders.

53. Sign, Free-Standing A sign structurally separate from the building, being supported on itself or on a standard or legs, and which does not project into or over the public right-of-way.

54. Sign, Projecting A sign attached to and projecting (usually) perpendicular from a building, which may or may not project over the public right-of-way.

55. Sign, Wall Any sign painted on, incorporated in, or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on said wall. Where no background is defined on a wall sign, the sign area shall be the smallest geometric figure which encompasses all of the lettering or other elements of the sign.

56. Street As platted and shown on the official town map, a named or numbered public way which provided the principle means of access to abutting property.

57. Structure Any constructed or erected material or combination of materials in or upon the ground, including but not limited to, buildings, mobile homes, radio towers, sheds, decks, storage bins, and walls and fences over six feet high, but excluding sidewalks and paving on streets, driveways, parking areas and patios.

58. Survey A certified document provided by a licensed surveyor.

59. Warehouse A building used for the public or business storage of goods, materials, or vehicles.

SECTION 7: ZONING DISTRICTS

A. The Town of Rico is hereby divided into the Zoning Districts listed below.

ZONING DISTRICTS

- R-1 Single Family Residential District
- R-2 Medium Density Residential District
- C-1 Commercial Historical District
- C-2 Commercial District
- D Development Area District
- H Hazard Overlay District

The boundaries of said use districts are hereby established as shown on the Zoning District Map.

B. The Zoning Use District Map is hereby made a part of this Ordinance. The Town of Rico will maintain a Zoning Use District Map and the official copy shall be on file in the Town Clerk's office. The Zoning Use District Map has the same force and effect as if fully described and set forth herein.

C. General Requirements:

1. Compliance: No building or structure shall be erected, constructed, converted, enlarged, moved or structurally altered, nor shall any building, structure, land or premises be used for any purpose other than as permitted in the district in which it is located. No building or structure shall be erected, constructed, converted, enlarged, moved or structurally altered, except in conformity with all regulations prescribed herein for the district in which it is located.

2. Sewerage: A waste disposal system which complies with the individual waste disposal standards of the Colorado State Health Department shall be installed on any property with a structure containing toilet facilities. Such a waste disposal system will, at minimum, include an adequate septic system and absorption area. < Exception: campers which contain self-contained toilet facilities. >

3. Open to sky: Every part of a required yard or lot area shall be open to the sky, unobstructed, except as otherwise provided herein.

4. Drainage: All structures and uses shall be designed and maintained in such a manner that drainage from the property will not adversely affect any other property or street. Structures, walkways, driveways, gutters, etc., may not obstruct or interfere with municipal drainage systems, structures or devices.

5. Mandatory demolition: In the event a structure, building, unit or improvement, either permanent or mobile, is substantially damaged, destroyed or deteriorated by any means, the owner of the property upon which said structure or facility is located shall undertake demolition or repairs of said facility no later than 30 days after such damage occurs. Any demolition shall be completed and the land cleared and leveled no later than ninety (90) days after said damage occurs.

6. Lights: Any light or lights used to illuminate

parking areas or any other private property, shall be so arranged as to reflect light away from nearby residential properties.

7. Service Yards: All service yards shall be fenced so as not to be visible from any street, and such fences shall be a minimum of six feet and a maximum of eight feet in height above grade, and must meet applicable setback requirements if over six feet.

8. Scenic Views: Insofar as practicable, structures shall be designed and sited in a manner which will have the least impact on the scenic views of neighbors.

D. Non-Conforming Use: Any use of property or premises existing at the time of passage of this ordinance on October 27, 1987, which does not conform to the regulations prescribed herein, shall be deemed non-conforming use. Such use may be continued indefinitely as long as there is no interruption of active use. If there is a discontinuation of the non-conforming use, the owner of the property or premises shall have one (1) year from the date of the interruption of the non-conforming use to reinstitute the non-conforming use. Failure to reinstitute the non-conforming use within the one year limit shall require that the non-conforming property or premises be brought into full compliance with all the provisions of this ordinance and the use district within which the property or premises is located.

E. Non-conforming Structure: Any building or structure, including a permanently affixed sign, existing at the time of passage of this ordinance on October 27, 1987, which does not conform to the regulations prescribed herein, shall be deemed a non-conforming building or structure. (Signs not permanently affixed are subject to the provisions of Section 14-D.) Such building or structure may remain indefinitely until such time that it is moved or substantially damaged or destroyed.

1. Any non-conforming building or structure moved to a new location shall be brought into conformance with the standards of the district in which it is relocating. Reconstruction on the vacated lot shall meet all requirements of the use district in which it is located. Exception: Any non-conforming mobile home removed from its site may be returned to the same property or be replaced within sixty (60) days by another mobile home, provided the replacement meets all other requirements of the district.

2. The owner of a damaged or destroyed non-conforming structure shall have one (1) year from the date of damage or destruction to reconstruct the structure. Failure to reconstruct such damaged structure within one year shall require that the structure be brought into full compliance with all the provisions of this ordinance and the district within which the building or structure is located.

3. Any addition built onto a non-conforming building or structure must comply with all the provisions of this code and the use district in which it is located.

4. The use of a building or structure is separate and distinct from the actual building or structure itself, and shall comply with all the provisions of this ordinance and the use district in which it is located, or if applicable, with Section 7-D above.

Non-Conforming Signs: See: Section 7-E above and Section 14-D.

F. Public Utilities: Nothing in these regulations shall be construed to prevent the construction or installation, in any district, of a public utility use or structure necessary for the transmission of commodities or services of a 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:

1. No towers or apparatus for the transmission, emission, or reception of signals which are in excess of twenty (20) feet from base to tip, and no wind-driven apparatus which is in excess of twenty (20) feet from base to tip, shall be constructed, placed or maintained within the town limits, except in the Development Area District.

2. Substations, exchanges, and storage and maintenance facilities shall be required to be obscured by natural vegetation screening to conform with the surrounding environment, or by fencing which is a minimum of six feet and a maximum of eight feet above grade and which meets the applicable setback requirements if over six feet.

3. New utility transmission and distribution lines shall be buried in the R-1 and R-2 districts and in the C-1, Commercial Historical District and in all mobile home parks. This shall not include relocating or resizing of existing lines. Buried utility lines shall be a minimum of 18" below grade.

< G. Temporary Use Permits. When such action is deemed to be in the public interest, the Town Board may grant permission to an individual or organization to conduct an activity which is not normally permitted under the provisions of this zoning ordinance. Any such temporary use shall be limited to a period not to exceed ninety (90) days. Before action is taken to grant a temporary use permit, a public hearing shall be held by the Town Board. At least ten (10) days advance notice of the date, time and place of such hearing shall be published in the usual manner of town ordinances. >

SECTION 8: R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

A. Purpose: This district is established for the purpose of providing an area for single family dwellings.

- B. Uses Permitted by Right:
 - 1. Single family dwelling
 - 2. Manufactured home
- C. Uses Subject to Review (See Section 5):
 - 1. Child care center
 - 2. Family care home
 - 3. Group home for the aged
 - 4. Group home for the developmentally disabled
 - 5. Educational institution
 - 6. Religious institution
 - 7. Bed and breakfast establishment
 - 8. Private storage or garage building without residence
- D. Accessory Uses and Structures:
 - 1. Home occupation
 - 2. Garage
 - 3. Parking space
 - 4. Greenhouse, tool house, playhouse, and sheds
 - 5. Fences and walls
- E. Requirements:
 - 1. Minimum lot area of dwelling unit: 5000 square feet
 - 2. Minimum lot width of dwelling unit: 50 feet
 - 3. Maximum height of structure: 30 feet
 - 4. Minimum floor area of dwelling unit (other than manufactured housing): 550 square feet
 - 5. Minimum setback:
 - a. Principal Structures:
 - Front setback: 12 feet
 - Side setback: 7 feet
 - Rear setback: 5 feet
 - b. Accessory Structures (walls and fences six feet high or less excluded):
 - Front, Side, and Rear setbacks: 5 feet

Any building is to be designed so that all snow, water and ice from the roof falls on the owner's property.

 - 6. Parking: one off-street parking space per dwelling unit. Other than residential uses must consult with the Planning Commission and obtain specific off-street parking requirements.
 - 7. Signs and outdoor advertising devices: See Section 14.

SECTION 9: R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

- A. Purpose: This district is established for the purpose of providing an area for multiple and single family dwelling units.
- B. Uses Permitted by Right:
 - 1. Single family dwelling
 - 2. Multi-family dwelling

3. Child care center
4. Family care home
5. Manufactured home
6. Group home for the aged
7. Group home for the developmentally disabled

C. Uses Subject to Review (See Section 5):

1. Educational institution
2. Religious institution
3. Bed and breakfast establishment
4. Clinic or hospital

D. Accessory Uses and Structures:

1. Home occupation
2. Garage
3. Greenhouse, tool house, playhouse, and sheds
4. Fences and walls
5. Private garage or storage building without residence

E. Requirements:

1. Minimum lot area: Single family: 5000 square feet/
Multi-family: 7500 square feet.
2. Minimum lot area per multi-family dwelling unit:
1250 square feet.
3. Maximum lot coverage: 50% of lot area exclusive of
parking.
4. Minimum lot width: 50 feet.
5. Maximum height of structure: 30 feet
6. Minimum floor area per dwelling unit: Single
family: 550 square feet/ Multi-family: 500 square feet.
7. Minimum Setback: Same Requirements as R-1 District.
8. Parking: One off-street parking space per dwelling
unit. Other than residential uses must consult with the Planning
Commission and obtain specific off-street parking requirements.
9. Signs: See Section 14.

SECTION 10: C-1 COMMERCIAL HISTORICAL DISTRICT

A. Purpose: This district is established for the purpose of providing an area for a wide range of retail uses, offices, personal and professional services, places of amusement and restaurants, which are readily accessible to a person on foot. This district is also designed to preserve the historical appearance of Rico's central business district.

B. Uses Permitted by Right:

1. Retail Shop
2. Office
3. Place of recreation or entertainment
4. Financial institution
5. Personal or professional service

6. Arts and crafts studio or shop
7. Post office
8. Print shop
9. Hotel
10. Restaurant, bar
11. Religious institution
12. Social or fraternal club
13. Transportation facility
14. Low impact repair shop
15. Child care center or family care home
16. Group home for the aged or developmentally disabled
17. Boarding house

C. Uses Subject to Review (See Section 5):

1. Any use or activity not conducted within an enclosed building.
2. Any use not listed above.

D. Accessory Uses or Structures:

1. Garage
2. Greenhouse, tool house, playhouse, and sheds
3. Fences and walls
4. Service yards (subject to Section 7-C-7)
5. Parking lot

E. Requirements (including Dwellings in Conjunction with Other Principal Use):

1. Minimum Lot Area: 2500 square feet for a storage facility without employees and toilet facilities, 5000 square feet for any other use.
2. Minimum Lot Width: 25 feet for a storage facility without employees and toilet facilities, 50 feet for any other use.
3. Maximum Height of Structure: 35 feet
4. Minimum height of front facade: 25 feet
5. Minimum Floor Area:
Per principal use (other than dwelling): 500 square feet.
6. Minimum Setback: Principal and Accessory Structures (Walls and fences six feet high and less excluded)
Front setback: 0 feet
Side setback: 0 feet
Rear setback: 5 feet
Any building is to be designed so that all snow, water and ice from the roof falls on the owner's property.
7. Maximum Setback: Front setbacks greater than 5 feet are subject to review.
8. Exterior Building Materials: Exterior building walls visible from Glasgow Avenue may be covered only with the following materials: wood siding, stone, or brick.

9. Sidewalk: A solid surface sidewalk with a minimum width of 4 feet extending along the entire frontage of property. Concrete sidewalks shall have a minimum thickness of 4 inches.
10. Signs: See Section 14.

SECTION 11: C-2 COMMERCIAL

A. Purpose: This district is established for the purpose of providing an area suited to the needs of customers arriving by motor vehicle.

B. Uses Permitted by Right, Subject to Site Plan Review (See Section 5):

1. Hotel, motel
2. Multi-family dwelling
3. Home occupation
4. Service Station
5. Service yard (subject to Section 7-C-7)
6. All uses Permitted by Right under C-1 District

C. Uses Subject to Review (See Section 5):

1. Any use or activity not conducted within an enclosed building.
2. Any use not listed above.

D. Requirements:

1. Minimum Lot Area: 5,000 square feet
2. Minimum Lot Width: 50 feet
3. Maximum Height of Structure: 35 feet
4. Minimum Floor Area Per Principal Use or Per Dwelling Unit: 500 square feet
5. Minimum Setback: Commercial Principal and Accessory Structures (Walls and fences six feet high and less excluded)
Front setback: 20 feet
Side setback: 7 feet
Rear setback: 5 feet
Residential setbacks same as R-1.
Any building is to be designed so that all snow, water and ice from the roof falls on the owner's property.
6. Site Plan: Required for review sixty (60) days prior to issuance of building permit.
7. Landscaping: 30% of the area of any lot or parcel must be landscaped
8. Parking: One off-street parking space per dwelling unit. Other than residential uses must consult with the Planning Commission and obtain recommended off-street parking requirements.
9. Signs: See Section 14.

SECTION 12: D DEVELOPMENT AREA DISTRICT

A. Purpose: This district is established for the purpose of providing areas for diverse types of future development activity compatible with neighboring Zoning Districts and uses and compatible with good land use practices. Development areas allow flexibility in development of large or small sites and are designed to promote the unified development and use of such sites while protecting environmental and ecological assets.

B. Uses Subject to Review: All uses in the Development Districts are subject to review. Possible uses include but are not limited to single family and multi-family housing developments, mobile home parks, shopping centers, recreational facilities, industrial parks, and warehousing, storage and distribution facilities.

C. Requirements: All development within the Development Area District shall be subject to the Town of Rico Master Plan, Street Ordinance, and all applicable provisions of the Rico Zoning Ordinance and Sub-division Ordinance. Additional requirements may be imposed by the Rico Town Board. An application fee shall be assessed sufficient to meet the costs of acquiring any professional assistance necessary for properly evaluating the proposed development.

SECTION 13: H HAZARD OVERLAY DISTRICT

A. Purpose: This district is formed for the purpose of establishing rules for construction and uses, and limiting the types of uses in areas of the Town of Rico which are subject to flooding or avalanche or which contain active or abandoned mine materials or workings. Consideration should be given to uses in this district such as parks, open space, recreation, and wildlife sanctuaries which do not pose a hazard to life and property.

B. Uses Subject to Review: All uses are subject to review. If a proposed development is designated by an underlying Zoning District, the review is to determine if the requirements of the underlying District relating to minimum lot area, minimum lot width, maximum height and minimum setback are sufficient to mitigate the hazard or hazards affecting a lot. The Town Board may impose requirements which exceed the requirements imposed by the underlying Zoning District to lessen danger to the public health, safety, and welfare which may be caused by the hazard. If the proposed development is not designated by an underlying Zoning District, the Town Board may impose such conditions and requirements as are deemed necessary to protect the public health, safety, and welfare which may be endangered by the

hazard.

C. Requirements: The applicant for a permit to engage in any activity or undertake any construction in a Hazard Overlay District must submit sufficient information to show the extent of the hazard and the mitigation methods and design measures proposed for use on the site. Activity in the designated flood plain must comply with the requirements of Rico Ordinance No. 270 concerning Flood Damage Prevention. An application fee shall be assessed sufficient to meet the costs of acquiring any professional assistance necessary for properly evaluating the proposed development.

SECTION 14: SIGNS AND OUTDOOR ADVERTISING DEVICES

A. No signs shall be allowed except as permitted by this ordinance, and shall be subject to the requirements of the district in which they are located, unless specifically excepted elsewhere in this section. Signs shall be of a permanent nature and shall be maintained in good repair or they may be removed by order of the Board of Trustees.

B. Exceptions: Signs exempted from the provisions of this ordinance are any signs painted onto or located on the interior side of a window. Also exempted are banners, bunting, and other similar displays <erected temporarily. Such devices must be removed if damaged or disrepaired or immediately following the conclusion of any particular event being advertised,> and may not be erected so as to obstruct the use or visibility of the public right-of-way.

C. 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 Trustees, following review and recommendation by the Planning Commission, determines that an off-premise sign is necessary to promote the interests of a use not occupying the same lot or property.

D. Non-Conforming Signs: Permanently affixed signs existing at the date of passage of this ordinance on October 27, 1987 and which do not comply with the provisions of this ordinance shall be considered non-conforming structures subject to the provisions of Section 7-E. Other signs which do not meet all the applicable requirements of this ordinance shall be discontinued and removed within five years from the date of passage of the original ordinance, i.e. no later than October 27, 1987, unless a variance for such sign was granted prior to the removal date. No non-conforming sign shall be altered, reconstructed, or moved in any matter without being made to better comply with the provisions of this ordinance.

E. Abandoned Signs Prohibited: Any sign which is located on property which becomes vacant or is unoccupied for a period of twelve (12) months or more, or any sign which was erected for an occupant or business unrelated to the present occupant or business, or any sign which pertains to a time, event, or purpose which no longer exists or has passed, shall be determined to be abandoned, and no person shall maintain or permit to be maintained any such sign upon their property, building, structure or business.

F. Parking of Advertising Vehicles Prohibited: No person shall park any vehicle or other mobile unit on the streets 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.

G. 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.

H. Sign Illumination and Moving Parts: All illuminated signs shall be illuminated by an external lighting source. Internally illuminated signs shall not be permitted. No sign with flashing or moving lights or any type of moving parts shall be allowed.

I. 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 ordinance and are to be included in the computation of maximum aggregate allowable square footage.

J. Signs on Awnings: No signs may be attached to or suspended from an awning; however, lettering on awnings is permitted, provided it meets all the requirements of this ordinance and is included in the computation of maximum aggregate allowable square footage of sign area for the building.

K. Sign Materials: Exterior signs may not be constructed of paper, cloth, canvas, cardboard, wallboard, or other light material, nor may any spinners, pendants, balloons, banners or streamers be used as or incorporated into any signs, except for banners, etc. erected temporarily under the provisions of Section (B) herein, and awnings erected under the provisions of Section

(J) herein.

L. Structural Characteristics: The structural characteristics and the location of signs shall be restricted to the following categories of signs only:

1. Free-standing and projecting signs shall be limited to one sign per principal use and shall be subject to the total aggregate footage limits set forth herein. Any free-standing or projecting sign which projects over any public pedestrian way shall be located a minimum of eight (8) feet above grade and a maximum of twenty (20) feet, and shall not extend more than six (6) feet over the public sidewalk. Any free-standing or projecting sign which does not project over the public right-of-way shall not be subject to any minimum height requirement, but shall not exceed twenty (20) feet in height at its highest point above grade.

2. Wall signs shall not be higher than the eave line or parapet wall of the building on which they are located, and no sign part, including cut-out letters, shall extend more than twelve (12) inches from the building wall. Such signs shall be subject to the total aggregate footage limits herein.

M. Signs permitted by District:

1. R-1 and R-2 Districts

a. A maximum of two residential identification signs may be erected on the same lot or premises with any dwelling, identifying the occupant thereof, or any home occupation pursued therein. Each said sign shall not exceed two (2) square feet per dwelling unit.

b. Institutional or park identification signs may be erected on the same lot or premises as the institution or park being identified. The aggregate sign area allowed along any one street frontage shall not exceed sixteen (16) square feet. Illumination of such signs in any residential district shall be subject to the approval of the Board of Trustees.

c. Directional signs, non-illuminated and conforming to a standard design six (6) by thirty (30) inches, may be erected to direct persons to public, cultural or other facilities or attractions, subject to the approval of the property owner and the Board of Trustees.

d. For sale or rental signs, non-illuminated, may be erected only on the premises or parcel being sold or rented. Only one (1) sign shall be permitted per parcel of contiguous ownership being offered for sale or rent. The total square footage of the sign shall not exceed the following size requirements:

	For Sale Sign	For Rent Sign
Parcels containing 1 - 30,000 square feet	8 sq. ft.	3 sq. ft.
Parcels larger than 30,000 square feet	24 sq. ft.	12 sq. ft.

In addition one directional sign (of six (6) by thirty (30)

inches may be erected to direct persons to a sale or rental property subject to the approval of the property owner where sign is to be erected.

2. C-1 and C-2 Districts

a. All signs permitted in any residential district shall also be allowed in the C-1 and C-2 Districts, in conjunction with other permitted uses and signs, provided they identify or advertise a business or function occupying the premises, and meet all the requirements of this ordinance and the aggregate square footage limitations set forth below.

1. The maximum allowable aggregate sign area (including all sides of the sign) for any free-standing or projecting sign shall be forty (40) square feet.

2. For all buildings having a frontage along a public street of one (1) through fifty (50) feet in length, the maximum aggregate sign area shall be forty (40) square feet.

3. For those buildings having a frontage along a public street in excess of fifty (50) feet in length, the maximum aggregate sign area allowable shall be eighty (80) square feet.

4. In addition to the limitations set forth above, any building located on a corner lot which has an additional street frontage shall be permitted to add an additional aggregate sign area of twenty (20) square feet to that specified above, provided that such additional sign area allowed shall only be permitted to be placed on said additional frontage.

5. The aggregate sign area square footage allowance may include any desired combination of sign styles and types, but in no event shall any sign, or the combination of all signs on a building, be larger than the maximum allowable sign area computed using the above restrictions.

6. For the purpose of computing the maximum sign area allowable, "frontage" shall be defined as: That portion of a building in which a business or businesses are located which abuts upon or is adjacent to a public street or sidewalk, measured in a straight line, and not including abutment onto an alley, nor including any surrounding property or yard area adjacent to the building, and not including any portion of the building used for some purpose other than business. The total maximum sign area allowable shall apply to all businesses located within that building.

SECTION 15: MOBILE HOMES

A. No mobile home of any type shall be used for any purpose other than residential occupancy within the Town of Rico.

B. The placement of individual mobile homes for residential purposes shall be limited to the Development District and must meet all minimum and maximum specifications and regulations for single-family housing. Manufactured housing as defined in

Section 6-31 is not considered to be a mobile home and may be located in the R-1 and R-2 Districts.

C. A building permit is required for each mobile home prior to its placement on any property, including those placed in a mobile home park.

D. All mobile homes must be fully skirted within sixty (60) days of placement.

E. Mobile homes existing in place prior to the passage of this ordinance on October 27, 1987, may remain on the property indefinitely subject to the provisions of Section 7-E, Non-Conforming Structures.

F. Mobile homes may be parked for occupancy on private property by the property owner in any residential zone during the actual construction of a dwelling unit. Mobile homes so parked must meet all setback requirements of the zone. Said occupancy shall not take place prior to the issuance of a building permit for the new construction, and shall terminate upon occupancy of the new dwelling.

SECTION 16: CAMPERS

A. Occupancy:

1. < No Camper of any type shall be used for any purpose other than as a temporary dwelling within the Town of Rico. > Campers may be parked for occupancy on private property only with the express permission of the property owner upon whose property the unit is parked. Campers may be parked for occupancy on public thoroughfares only with the express permission of the property owner whose property is adjacent to the street frontage being used and provided a clear driving lane of twenty (20) feet remains along the roadway. Camper units parked for continuous occupancy under the above conditions shall be allowed to utilize the parking area described for a period not to exceed ten (10) days on a public thoroughfare and thirty (30) days on private property. < No more than one camper unit may be parked in any property in a residential zone for a period to exceed ninety (90) days. >

2. Camper units may be parked for occupancy on private property < with permission of the property owner in any zoning district > during the actual construction of a building. Campers so parked must meet all setback requirements of the zone. Said occupancy shall not take place prior to the issuance of a building permit for the new construction, and shall terminate upon occupancy of the new dwelling.

3. No campers shall be kept, stored, or parked in any alley.

B. Camper Parks: Camper parks may be established in the C-2 or D Use Districts only. < Rental of camper space shall be limited to designated camper parks only. >

SECTION 17: SEVERABILITY

If any part or parts of this ordinance are for any reason to be held invalid or unconstitutional, such decision shall not affect the validity or constitutionality or the enforceability of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts may be declared invalid or unconstitutional.

SECTION 18: EFFECTIVE DATE

The provisions of this ordinance shall be in effect on the 27th day of October, 1987, and thereafter until repealed.

READ, PASSED, APPROVED AND ADOPTED by the Board of Trustees of the Town of Rico on this 27th day of October, 1987.

ATTEST:

TOWN OF RICO:

Linda Yellowman

Town Clerk

Mike Maxwell

Mayor

< SECTION 19: FIRST REVISION

The first revisions to this Zoning Ordinance are identified in the text by the symbols: < >. These revisions are subject to the provisions of Sections 7-D, Non-conforming Uses, and 7-E, Non-conforming Structures. The effective date for the revisions so identified, shall be December 13, 1988.

SECTION 20: EFFECTIVE DATE OF FIRST REVISION

The provisions of the first revision shall be in effect on the 13th day of December 1988, and thereafter until repealed.

READ, PASSED, APPROVED AND ADOPTED by the Board of Trustees of the Town of Rico on this 13th day of December 1988.

ATTEST:

TOWN OF RICO:

Linda Yellowman

Town Clerk

Lonnie Cole

Mayor >

ORDINANCE NO. 275

AN ORDINANCE CLASSIFYING STREETS WITHIN THE TOWN OF RICO,
REGULATING THE DEVELOPMENT OF SAID STREETS, AND ADOPTING MAPS
IDENTIFYING SAID STREETS AND THEIR CLASSIFICATIONS.

SECTION 1: AUTHORITY AND PURPOSE

Under authority of Colorado Revised Statutes, 1973, Sections 32-23-206, 207, 209, 212, 213, et. seq., the Town of Rico, Colorado, hereby establishes street classifications and regulations providing the Town a mechanism for regulating future development of streets within the Town for the purposes of facilitating street maintenance and promoting good quality streets and acceptable traffic patterns in order to assure the health, safety, and welfare of the residents of Rico.

SECTION 2: ADMINISTRATION AND ENFORCEMENT

A. Administration

1. Enforcing Official: The provisions of this Street Ordinance shall be administered and enforced by the officer(s) or department(s) designated by the Town Board.

B. Enforcement Procedure:

1. An alleged violation of any of the provisions of this Street Ordinance shall be investigated by the enforcing official or officials, either on their own initiative or upon receipt of a signed written complaint from a person or persons who believe a violation exists, or by order of the Town Board.

2. If a violation is found to exist, it shall be corrected in one or more of the following ways:

a. The enforcing official shall notify the property owner and any other persons responsible for the violation, in writing, and order the necessary correction. Said correction shall be completed within a prompt, reasonable period, as ordered by the enforcing official in said notice.

b. The enforcing official may issue a stop work order by notice in writing posted on the property in or upon which such violation is occurring.

c. Any law enforcement officer may cite the property owner and/or any other persons who may be responsible with a violation of an Ordinance of the Town of Rico, as provided in section C herein.

d. Upon the failure of any official to act in the case of a violation of this Ordinance, the necessary notification of violation or stop order may be issued by the Town Board, either upon its own initiative or that of the Planning Commission, or upon receipt of a written complaint from an individual or group of individuals.

C. Violation and Penalty: Failure to comply with any of the provisions of this Ordinance shall constitute a misdemeanor, and upon conviction is punishable by a fine of not less than \$10.00 nor more than \$300.00, or by imprisonment for a period of not less than three (3) days nor more than one (1) month. Each day that such violation continues to exist shall be considered as a separate offense.

SECTION 3: CONTENT

The Ordinance consists of the Present Status Map, Designated Street Use Map, specifications for future road construction, procedures for vacations of street rights-of-way, and approval and permit procedures.

SECTION 4: PRESENT STATUS MAP

A. Street Classifications: The Present Status Map shows the present classification of Rico's Streets. The classifications are as follows:

1. Improved: All roads currently maintained by the Town of Rico, Dolores County, or the State of Colorado.

2. Unimproved: Existing roads or dirt tracks not regularly maintained by any governmental entity, but which have significant seasonal use; or, undeveloped but potentially developable roads between platted town lots, e.g. extensions of platted streets.

a. Questionable for Development: portions of Unimproved platted streets which are not feasible to develop due to unfavorable physical conditions.

B. Platted Streets: Previously unplatted streets which have been platted on the Present Status Map are: West Rico Access, Dump Road, Piedmont Access, Depot Road, Water Tank Road, Jones Mine Road, Burnett Road, Piedmont to West Rico Road, Mill Road to town boundaries, Newman Hill Road.

SECTION 5: DESIGNATED STREET USE MAP

A. The Designated Street Use Map designates streets based on historical uses as follows:

ARTERIAL: Glasgow Avenue/State Highway 145

COLLECTOR: Mantz Avenue, portions of Silver Street, Soda Street, Piedmont Access, Piedmont Street, West Rico Access, Picker Street and Eder Street.

RESIDENTIAL: All streets not designated above.

B. The following prohibitions apply to street use:

1. Residential:

- a. Access to subdivisions, commercial or industrial sites, or multi-unit housing developments is prohibited.
- b. Regular use by trucks with more than two axles is prohibited.
- c. On-street parking for vehicles of more than two axles is prohibited.

2. Collector:

- a. On-street parking for vehicles of more than two axles is prohibited.
- b. On those streets designated as Collector, reasonable care shall be used to protect residential neighborhoods from commercial and industrial traffic, noise, dust and hazardous materials as defined in CRS 43-6-101, et. seq. including, but not limited to, gasoline, diesel fuel and liquified petroleum gas being transported to or from commercial or industrial sites.

SECTION 6: STREET IMPROVEMENTS AND EXTENSIONS

A. Application and Review: Any person or group of persons wishing to improve or construct a street or alley within the Town of Rico shall first appear before the Rico Planning Commission and submit a written application and drawing identifying: location and extent of the work to be performed, proposed design specifications, copy of a certified survey, proposed parking plan, proposed snow removal plan, and statement as to the intended use of the road. The Planning Commission shall make its recommendation to the Town Board based on the applicant's compliance with the intent of the Street Plan and the requirements of this Ordinance.

B. Permit: Upon approval of the proposed street improvement by the Board of Trustees, the Town Clerk shall issue a permit valid for one year. Application and fees shall be established by the Town Board.

C. Design Specifications: New streets or improvements to or extensions of Unimproved Streets or Streets Questionable for Development within the Town of Rico shall be constructed according to the following design specifications.

1. Width: Residential rights-of-way shall be a minimum of 40 feet in width and Collector rights-of-way shall be a minimum of 60 feet in width. Arterial rights-of-way shall be a minimum of 80 feet in width. Street surfaces are to be a minimum of 24 feet wide with a six-inch crown.

2. Base: Road base shall consist of a minimum of 5 inches of 4-inch or smaller aggregate topped by a minimum of 4 inches of 1-inch or smaller road mix if the street is to be unpaved.

3. Drainage: All water diversions shall be installed in such a manner as to prevent flooding downhill, erosion of the shoulder, and water runoff from the drainage system flowing onto private property.

a. Culverts: Culverts shall be installed wherever water runoff crosses the roadway and at every intersection. Culverts are to be a minimum of 12 inches in diameter, and large enough to accommodate expected maximum runoff. Culverts shall be installed with sufficient slope to prevent clogging.

b. Curbs and Gutters: All paved streets shall be installed with curbs and gutters.

c. Bar ditch: Unpaved streets shall include a bar ditch sufficient to provide adequate drainage.

4. Grade: Streets shall be constructed with a grade not to exceed 10 percent.

5. Roadcuts: Any roadcuts higher than six vertical feet measured from the crown of the street which are created during construction and which are composed of loose rock or soil material adjacent to the street shall not exceed a 35% slope. A retaining wall shall be built in any case where the vertical distance between the street crown and the top of a cut would exceed fifteen vertical feet. Toe of the road shall not exceed 45 degrees. The vertical distance between the street crown and the tow may not exceed 15 feet without provision of a retaining wall to protect the downslope.

6. Exceptions: The Town Board shall have the right to waive any of the above design specifications for good cause during the review process. The Town Board shall have the right to impose any additional requirements necessary to ensure the public health, safety, welfare and convenience.

SECTION 7: VACATIONS OF STREET RIGHTS-OF-WAY

A. Authority and Purpose: The Town Board shall have the right to vacate street and alley rights-of-way pursuant to CRS 31-15-702 (1)(a)(I). Cause for vacation may include but shall not be limited to the following:

1. Promotion of health, safety, convenience, or general welfare of the citizens of Rico.

2. Existence of a street on topography which does not allow development of the street to meet design specifications required by this Ordinance.

3. Availability of alternate access to all outlying property which would ordinarily be served by said part of the

street.

B. Requirements

1. The Town Board shall enact the street vacation by ordinance.

2. The Town shall retain sufficient easements or rights-of-way for utilities.

3. Alternate access to other property served by the street shall be documented.

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

5. Vacated rights-of-way shall be subject to the provisions of the Rico Zoning Ordinance, and the Zoning District designation shall be dictated by the adjoining Zoning District. If the street served as a dividing line for different Zoning Districts, the midpoint of the street shall serve as the new boundary for adjoining Zoning Districts.

6. The vacation ordinance shall specifically amend the Street Plan and this Ordinance including the Present Status Map and the Designated Street Use Map.

7. The Town may not receive monetary compensation in return for any vacated street right-of-way.

SECTION 8: SEVERABILITY

If any part or parts of this ordinance are for any reason to be held invalid or unconstitutional, such decision shall not affect the validity or constitutionality or the enforceability of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts may be declared invalid or unconstitutional.

SECTION 9: EFFECTIVE DATE

The provisions of this ordinance shall be in effect on the 8th day of December, 1987, and thereafter until repealed.

READ, PASSED, APPROVED AND ADOPTED by the Board of Trustees of the Town of Rico on this 8th day of December, 1987.

ATTEST:

TOWN OF RICO:

Linda Yellowman
Town Clerk

Mike Maxwell
Mayor