

JOINT PLANNING COMMISSION MEETING MINUTES

Date: July 20, 2022

Call to order

Chairman Mike Contillo called the meeting to order at 6:03PM.

Present:

Chairman Mike Contillo
Gerrish Willis
Leah Chmielewski
Cristal Hibbard
Andrew Romanyshyn

Absent:

Brad Fox

Staff Present.

Chauncey McCarthy, Anna Wolf, Jen Stark

Approval of the Agenda

Motion

To approve the agenda.

Moved by Gerrish Willis, seconded by Cristal Hibbard.

Vote. A roll call vote was taken and the motion was approved, 5-0.

Discussion Items

Town Manager Chauncey McCarthy gave gross summary.

Discussion was had between the Board of Trustees, Planning Commission, and staff to use the framework the previous Town Manager procured. The Planning Commission will go through that framework article by article. The Board of Trustees would like to be updated through joint special meetings throughout the process.

Motion

To adjourn the meeting.

Moved by Cristal Hibbard, Second by Michael Contillo.

Vote. A roll call vote was taken and the motion was approved, 6-0

The meeting adjourned at 7:00 pm.

Anna Wolf
Rico Town Clerk

Mike Contillo
Chairman

PLANNING COMMISSION MEETING MINUTES

Date: July 13, 2022

Call to order

Chairman Mike Contillo called the meeting to order at 7:05PM.

Present:

Chairman Mike Contillo
Gerrish Willis
Leah Chmielewski (Zoom)
Cristal Hibbard
Andrew Romanyshyn
Brad Fox

Staff Present. Chauncey McCarthy, Anna Wolf, Jen Stark

Approval of the Agenda

Motion

To approve the agenda.

Moved by Mike Contillo, seconded by Cristal Hibbard.

Vote. A roll call vote was taken and the motion was approved, 6-0.

Approval of the Minutes

Comment was made that the Clerk should use more detail in the minutes during public hearings.

Motion

To approve the minutes for the June 8, 2022 Planning Commission meeting.

Moved by Gerrish Willis, seconded by Mike Contillo.

Vote. A roll call vote was taken and the motion was approved, 6-0.

Discussion Items

Staff Updates

Jen Stark is in the process of correcting the Land Use Code to include all 10 amendments since the adoption.

She has been making a bridging document between the current Land Use Code and the revised potential Land Use Code.

Staff is looking to work through and adopt a new Land Use Code in a one year timeframe. This would allow time to pursue grant money for hazard mapping next year and to adopt simultaneously with the new Land Use Code.

Chauncey McCarthy expresses as the VCUP agreement progresses and appendence of the code will need to be adopted. In parallel with the global revision. It will be a first revision by the planning commission. Legal will be the guiding body.

Joint work session was confirmed for July 20, 2022 6:00PM

Motion

To adjourn the meeting.

Moved by Gerrish Willis, Second by Michael Contillo.

Vote. A roll call vote was taken and the motion was approved, 6-0

The meeting adjourned at 7:39 pm.

Anna Wolf
Rico Town Clerk

Mike Contillo
Chairman

LUC Section	Current Code	Modified code	Highlights of Issues	Planner/ Staff comments
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LUC Section	Current Code	Modified code	Highlights of Issues	Planner/ Staff comments
Article I – Administration and Enforcement	Article I Section 100-104.9 currently of the RLUC and Article VII Section 730 and Section 740 provide for administration, interpretation and enforcement.	Article I of the proposed revised Rico Land Use Code (RLUC) addresses the authority of the Town to adopt and enforce a Land Use Code. The ability of a Town to adopt and enforce Land Use Codes is governed by the State of Colorado. Revisions are listed are listed as follows:		
Article I Sections 1.1 Title and Short Title, 1.2 Authority and 1.3 Jurisdiction	Article I Section 106.1-106.3 aid in addressing this	These sections offer a short description of Rico Land Use Code and how it may be referred to in the body of the document. These sections have no substantive changes from the June 15th, 2011 RLUC		Any other concerns?
Article I Section 1.4 Purpose	RLUC Article I Section 104-104.9	Article I Section 1.4 addresses the purpose of the Rico Land Use Code. In the revised RLUC, the purposes have been expanded to include the following: • Preserve the historic, small town character of the community by minimizing the visual impact of development upon important view sheds and preserving the historic town grid where reasonably practicable; • Discourage the misuse of buildings, sites, and development parcels to avoid excessive concentrations of population and traffic; to promote energy conservation; and, to facilitate the provision of adequate transportation, water, sewerage, schools, parks and other public facilities and services; • Provide a procedure which can relate the type, design and layout of residential		Any discrepancies or concerns between the RLUC and proposed?

LUC Section	Current Code	Modified code	Highlights of Issues	Planner/ Staff comments
		development to the particular site, and achieve the Town of Rico's goal of encouraging mixed-use development while preserving and protecting existing residential areas; • Create livable neighborhoods that foster a sense of community and reduce dependency on private vehicles; 2 • Encourage the proper arrangement of streets in relation to existing and planned streets and ensure that streets facilitate safe, efficient and pleasant walking, biking and driving; • Protect sensitive natural and historic areas and Town of Rico environmental quality; • Integrate a high quality natural environment into the developed portions of the community; • Facilitate the adequate and efficient provision of transportation, water, sewage, schools, parks and other public needs; • Provide protection from geologic, flood, fire hazards and other dangers; and • Promote the health, safety and general welfare of the Town of Rico residents. These purposes are guidelines intended to help the Rico Planning Commission make consistent decisions when evaluating development proposals.		
Article I Sections 1.5 Interpretation and Application, 1.6 Application to Public Entities, 1.7	Article I Section 106-108	These sections deal with interpretation, general application, application to other regional public entities such as the Rico Fire Protection District and to what activities the RLUC applies. These sections have no		Any discrepancies or concerns between the RLUC and proposed?

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Applicability of Article and 1.8 Severability		substantive changes from the June 15th, 2011 RLUC.		
Article I Sections 1.9 Rico Planning Office, 1.10 Building Official, 1.11 Rico Town Attorney, 1.21 Rico Planning Commission, 1.13 Board of Adjustment	There is no language of planning office in RLUC. Building Official is present in Article IV Section 403, 404, 405, 406.1 and 2, Article VIII Section 852 and Section 855. Article VII Section 700-703.4 establishes Planning Commission. Article VII Section 704 affords contract professionals. Article VII Section 720 established the Board of Adjustments.	These sections define the powers and duties of the Rico Planning Official (currently the Town Manager's office), the Building Official, the Rico Planning Commission, the Rico Board of Adjustments and the Rico Board of Trustees as well as composition and terms of the Rico Planning Commission. There have been no changes to this portion of the RLUC. The duties, composition and terms of these Town entities are the same as they were in the June 15th, 2011 RLUC.		
Article I Sections 1.14 Enforcement	Article VII Section 730 and Section 740	While the ability of the Town to enforce zoning violations has not substantively changed in this proposed revision, the process by which the Town will enforce zoning code violations is more clearly defined.		
Article I Sections 1.15 Relationship to Existing Ordinances and 1.16 Relationship to the Town of Rico Regional Master Plan	Article IV Section 410 outlines relationship to RLUC, Zone District Map and Rico Regional Master Plan	These sections cover the revised RLUC's relationship to existing ordinances and the Rico Regional Master Plan. The June 15th, 2011 RLUC amended the August 31st 1999 RLUC. Following the amendments included in the 2011 RLUC, the RLUC was amended to allow shortterm rentals with a special use permit and to clarify language in the	Issue: recently staff has discovered that significant changes in the landscape of Rico including FS property, Platted	Short term rentals being addressed by incorporation of Ordinance 2022-05.

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		Residential District Design Regulations in the Silverglance Subdivision (Ordinance 2011-3). The short-term rental provision is included in the proposed revised RLUC. The clarifying language for Silverglance subdivision was amended by Ordinance 2018-5, which allows accessory dwelling units if an engineer licensed in the State of Colorado certifies that a septic system can be constructed on the lot to accommodate the additional use. Ordinance 2013-5 which, establishes floodplain damage prevention regulations is incorporated into the proposed, revised RLUC. Ordinance 2014-1, an Ordinance regarding floodplains and the Colorado Rural Conservation Boards' rules and regulations has also been incorporated into the proposed, revised RLUC. Provisions in Ordinance 2017-1, which updates the on-site wastewater treatment system regulations, are incorporated into the proposed, revised RLUC by reference. The Town of Rico Regional Master Plan remains the same as does the relationship between the Town of Rico Regional Master Plan and the proposed, revised RLUC.	areas and introduction of the Rico River corridor is leading to the need to update maps and remove and add sections of the Rico Regional Master plan to update current regional plan actions and initiatives.	
Article I Sections 1.17 Effective Date, 1.18 Fees, 1.19 Computation of Time and 1.20 Miscellaneous	Fee schedule currently exists as Appendix A of the RLUC	The Rico Board of Trustees will amend fees for permits and applications from time to time. Computations of time and miscellaneous are clarifying sections and do not include substantive changes.	This maybe a mute point as there are amendments occurring to the RLUC currently to	Fee schedule being modified by ordinance 2022-06

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			amend the fee schedule. The question is if the introductory narrative presented here is valuable to incorporate.	
Article I Sections 1.21 Definitions	Definitions currently Article IX of the RLUC	This section has been updated to include a more comprehensive list of terms used in the proposed, revised RLUC		We could review this to see if additional terms need to be added or amended if the manager is running into terms and definitions in current daily operations that are causing issue. Several ordinances passed within the last 5 or so years will be updating definitions
Article II – Community Design Principles & Development Standards				
Article II Section 2.1 General Provisions	There is not currently a General Provisions in Article II. General	This section speaks to the relationship between development and building permits and the provisions in this article as well as		

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	provisions are found currently only in Article VIII Section 803 and 851	this article and Article III, which addresses zoning. It is a housekeeping item that is consistent with the June 15th, 2011 RLUC.		
Article II Section 2.2 Vision and Intent	Article IV Section 418 is about the closest thing to vision and intent of any amendment to RLUC, Master Plan or Zoning maps.	This is a provision that ties to the Objectives listed in the August 18th, 2004 Rico Regional Master Plan with the addition of more specific objectives relating to the “Promote Pedestrianism” goal.		This could be redone to reflect those 2004 concepts if the P&Z and BOT believes they align with current efforts and actions.
Articles II Sections 2.3 Application of Community Design Principles, 2.4 Design Elements, 2.5 Neighborhood Design Principles	Article VII Section 705 articulates Powers and Duties with regard to the master plan particularly 705.2.	Sections 2.3 - 2.5 offer general guidelines with which to evaluate proposed subdivisions.		
2.6 Lots and Blocks, 2.7 Streets, 2.8 Parking, 2.9 Sidewalks, Multi-use Paths and Trails, 2.10 Utility Easement Standards, 2.11 Parks and Open Space, 2.12 Public Sites and Dedication Requirements, 2.13 Fair Contribution for Public School Sites, 2.14 Landscape Design, 2.15	Article VII Section 705 articulates Powers and Duties with regard to the master plan particularly 705.2. As well as Article V Section 504.3, 526.1 D. And Section 556	Sections 2.6 – 2.20 contain specific standards for subdivision development. These standards are consistent with the existing RLUC but they are more comprehensive and intended to clarify subdivision planning requirements. While due to space and water constraints within the existing Town limits, it is unlikely that there will be any major development in Rico. Should the community decide that either developing previously undeveloped parcels within the Town boundaries or annexing privately owned parcels within the three mile planning radius,		

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Fences and Walls, 2.16 Residential Architecture, 2.17 Historic Commercial and Commercial Architecture, 2.18 Lighting, 2.19 Sanitary Sewer, 2.20 Potable Water		it will be helpful to have a structure with which to evaluate proposed development activities and ensure that subdivisions are carefully planned to support the goals of the Regional Master Plan and to avoid undue negative impacts		
Article III – Zoning				
Article III Sections 3.1 General Provisions and 3.2 Zone Districts and Boundaries	Article II Section 200-202 articulate zone districts but not with the language of General Provisions	These sections define the intent of zoning policies, ensure that there is uniformity of the zoning regulations and outline the purpose of Rico’s zoning districts and boundaries. Section 3.2 lists zone districts within the Town boundary. There are areas that are being revised in this RLUC. Proposed changes to the existing zoning map are Lots 27 – 40, Block 14 and Lots 9 – 20, Block 20 at the north side of Town from Historic Commercial to Commercial. This proposed 5 revision is the result of evaluating existing uses and determining that topography and the configuration Colorado State Highway 145 is more conducive to lots that allow commercial uses but do not compel the design and storefront restrictions seen in the Historic Zone District. Section 3.3 offers information about the Hazard Overlay District boundaries. These maps have not changed since the Rico Planning Commission approved the updated maps in November of		

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		2018. The revised Rico Land Use Code also offers the addition of a Conservation PUD zone district. A proposed change in the zoning map would be to include the portions of the mining claims surrounding the town in this district rather than the existing zoning of Residential PUD. See attached map.		
Article III Section 3.3 Principle and Conditional Uses Permitted by Zone District		This section defines principle and conditional uses permitted by zone district.		
In the residential zone district revisions are as follows:	Current RLUC residential zone district uses by right	<ul style="list-style-type: none"> • Duplexes will become a use by right. • Accessory dwelling units will be allowed if an engineer licensed in the State of Colorado certifies that the septic system can accommodate or can be expanded to accommodate the additional use. • Short-term rentals will be allowed subject to a special use permit. 		
Revisions to the commercial zone district are as follows:	Currently Article II section 250-252 articulate commercial zone district. NOT historic commercial zone district	<ul style="list-style-type: none"> • Metalworking and woodworking shops are a use by right rather than by special use permit. • Trade businesses, including electrical, heating, plumbing, welding etc. will become uses by right rather than requiring a special use permit. • Minimum lot sizes can be 2,500 square feet only if an engineer licensed in the State of Colorado can certify that the lot can accommodate a septic system and soil treatment area. • Minimum side yard set back has been 		Do any of these recommendations need to be considered?

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		reduced to five feet. • Building heights shall be as defined in Article I Section 1.21.		
Article I Section 1.21				
Revisions to the Historic Commercial District	Article II Section 240-246 articulate Historic Commercial District.	In the June 15th 2011 RLUC, there is no list of specific commercial uses in the Historic Commercial Zone District. This RLUC includes a more specific list of uses permitted by right as well as a list of uses that require special use permits. Other revisions are to the setbacks. The 6 setbacks are minimums rather than maximums. Design regulations for the Historic Commercial Zone District are addressed in Article 2.17 rather than this Article. Mixed-use, Open Space and Public Facility zone district regulations remain consistent with the June 2011, RLUC.		Do any of these recommendations need to be considered?
Revisions to the Historic Commercial District	See Article II Section 240	In the June 15th 2011 RLUC, there is no list of specific commercial uses in the Historic Commercial Zone District. This RLUC includes a more specific list of uses permitted by right as well as a list of uses that require special use permits. Other revisions are to the setbacks. The 6 setbacks are minimums rather than maximums. Design regulations for the Historic Commercial Zone District are addressed in Article 2.17 rather than this Article. Mixed-use, Open Space and Public Facility zone district regulations remain consistent with the June 2011, RLUC.		
Article III Section 3.4 Special Uses Permitted	Article IV Section 420-428.12	This section covers the process that is required to apply for and obtain a special use permit. The process has not changed and is		

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		reflected in the permit application. The standards for review are also consistent with the previous RLUC.		
Article III Section 3.5 Non-conforming Use, Building or Lot	Article I Section 208-208.7	This section covers non-conforming buildings and lots. The revised RLUC is generally consistent with the June 2011 RLUC with respect to what constitutes a grandfathered nonconforming use or structure but in the event of the destruction of a non-conforming building, the revised RLUC allows reconstruction of the structure and allows twelve months rather than nine months to commence rebuilding and two years rather eighteen months for completion.		
Article III Section 3.6 Appeals and Variances	Article IV Section 430-441.4	This section covers the process by which, an applicant appeals a decision by the Rico Planning Commission or applies for a variance. This process remains consistent with the June 2011 RLUC. There is some clarifying language and the steps that should be taken to engage in this process are spelled out.		
Article III Section 3.7 Amendments to the Rico Land Use Code	Article IV Section 410-418.4	This section covers the process and requirements for amending the RLUC. This section is consistent with the June 2011 RLUC but again, adds clarifying language and steps required to amend.		
Article III Section 3.8 Zoning and Use of Wireless Telecommunications	Does not exist in RLUC	This is a new section. Wireless telecommunications are not addressed in the 2011 RLUC.		This is a serious issue we should get ahead of with 5G regulations. For better or

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				worse Telluride has already drafted something around this that staff time and town funds should be spent on drafting something to address it. There is a template to work from.
Article III Section 3.10 Home Occupation	Home Occupation is only currently in RLUC in Definitions, Article II: 206.11 and 270	This section has not changed substantively from the June 2011 RLUC.		As a staff member I don't full understand this comment or what it is seeking to change
Article IV – Subdivisions Article IV Sections 4.1 General Provisions and 4.2 Intent	Article V Section 500-570 no general provisions section.	Article IV Sections 4.1 General Provisions and 4.2 Intent These sections describe the procedural and substantive rules for obtaining approvals for land development in the Town of Rico. Section 4.2 describes the intent of the subdivision regulations and processes. In addition to the intensions listed in the June 2011 RLUC, this revised RLUC includes the following: • Encouraging new subdivision developments to relate to Rico's historic development pattern. • Promoting compact, well-defined sustainable neighborhoods that enhance the Town of		Ordinance 2002-06 may be addressing some of these comments.

LUC Section	Current Code	Modified code	Highlights of Issues	Planner/ Staff comments
		Rico's character. • Creating livable neighborhoods that foster a sense of community and reduce dependency on private vehicles. • Protecting sensitive natural and historic areas and Rico's environmental quality. • Providing open spaces for adequate storm water management. • Providing adequate spaces for educational facilities.		
Article IV Sections 4.3 Jurisdiction and Applicability	Article V Section 506.1 A-E	This section remains the same as in the June 2011 RLUC with the addition of a paragraph about administration.		Not sure what was being sought here as well.
Article IV Sections 4.5 Sketch Plan, 4.6 Preliminary Plan, 4.7 Final Plat and 4.8 Concurrent Sketch Plan/Preliminary Plan	Please look at RLUC sections in Article IV for any issues concerning Sketch plan, Preliminary plan, Final plat?	These sections have remained essentially the same as in the June 2011 RLUC but there are more comprehensive instructions with respect to each process and the requirements associated with each process.		Are there situations in which boards think this is an issue? Please refer to ordinances
Article IV Section 4.9 Conservation Subdivision	This is a proposed new section for the RLUC	This is an entirely new section. Currently there are a number of larger parcels that are mining claims or portions of mining claims that exist on the steep slopes surrounding the original Rico Townsite lots. These claims are within the Town boundary and are currently zoned Residential Planned Unit Development. The conservation subdivision is a mechanism by which the Town could encourage conservation on these parcels while allowing some limited development		

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Article IV Section 4.10 Minor Subdivisions	Article V Section 514-570	What constitutes and minor subdivision remains the same in this revised RLUC as do the steps necessary for a minor subdivision application. Sketch plan and preliminary plan processes are not required for minor subdivisions in the revised RLUC however a site visit with the Town Manager or Planner will be. The revised RLUC also requires that minor subdivision application be submitted thirty days prior to the hearing before the Rico Planning Commission unless otherwise approved by the Town Manager/Town Planner. Again, there are more comprehensive, and hopefully easier to follow, instructions for how to proceed with a minor subdivision application.		It could be this issue has been addressed in some fashion through ordinance 2022-06?
Article IV Section 4.11 Planned Unit Developments	Article III Section 300-306.4	Planned Unit Developments are intended to allow flexibility without the rigid application of zoning requirements in the original Rico Townsite. The larger lots that surround the historic Rico Townsite, which are mainly portions of mining claims, are zoned PUD residential. This section of the revised RLUC has remained the same as in the June 2011 version.		
Article IV Section 4.12 Amendments to Recorded Plats	Article V 504 does mention that the process is to be followed for replat of recorded plats.	Amendments to recorded plats are not really addressed in the current RLUC. These amendments are needed to correct minor survey or drafting errors. They are not intended to substantively change lot or road configurations. Amendments to recorded plats shall be prepared and submitted in		Amendment to a plat is not really a correct statement. Any altercation from the plats recorded and on

LUC Section	Current Code	Modified code	Highlights of Issues	Planner/ Staff comments
		compliance with the minor subdivision requirements.		file are really replats.
Article IV Section 4.13 Re-subdivision	Same as above	Re-subdivisions are also known as replats. In the June 2011 RLUC, replats are addressed in conjunction with minor subdivisions and evaluated in the same manner. This is also true of this revised RLUC. In the event that any Town streets are being relocated as a result of a re-subdivision, the Town must officially vacate the road and the applicant must go through the road vacation process.		The language of re-subdivision is not accurate it is a replat. It is also important to ensure a vacation needs to occur (Which it may not) and who is the actual owner of the road. All modified or newly developed roads must currently go through the road design standards within the RLUC 478
Article VI Section 6.2 Sign Permits and Administration	See RLUC section 206	This section described what types of signs require sign permits and the process that the applicant must go through to acquire a sign permit. In this updated RLUC, signs requiring a permit will be reviewed and approved by the Rico Planning Commission rather than the Rico Board of Trustees. The sign review criteria has also changed. It is much more comprehensive.		In all honesty it is not clear who approves the sign for meeting guidelines but it does state in 206.1 that any sign that is found in poor condition can be removed

LUC Section	Current Code	Modified code	Highlights of Issues	Planner/ Staff comments
				by the order of the Trustees.
Article VI Section 6.3 Enforcement	See RLUC 730 and 740	This is a new section that covers Town remedies for illegal signs		Pretty blanket sort of area of the RLUC without much of a penalty fine to it.
Article VI Section 6.4 Signs Authorized without a Permit	RLUC section 206 is the only section staff can see with signs that are exempt of a permit process	Although there are no substantive changes to this section, the description of sign authorized without a permit is much more detailed and inclusive.		Not fully understanding this section comment
Article VI Section 6.5 Signs for which a Permit is Required and Section 6.6 Signs is Specific Zone Districts	RLUC section 206 is the only section staff can see with signs that are restricted in zone districts- see RLUC 206.11	This section, while not new, is more comprehensive and adds details regarding the placement and appearance of signs. It also describes size restrictions in individual zone districts. It is important to note that subsequent to the adoption of the June 15th, 2011 Rico Land Use Code, there was a Court Case that disallowed sign regulations based on the content of the text. For example, a Town can no longer place restrictions on real estate signs specifically.		Not fully understanding this section comment
Article VI Section 6.7 Prohibited Signs	The only section visible to staff in the RLUC on prohibited signs is Article II 206.2	This is a new section. While the June 2011 RLUC has some prohibitions on signs, this RLUC prohibits the following: • Flashing rotating, blinking or moving signs, animated signs, signs with moving, rotating or flashing lights or signs that create the illusion of movement, except for time and temperature devices. • Any sign that is erected in such a location as to cause visual obstruction or		Looks like there has been a issue with signs. Are there areas in here that need to be addressed that are not currently addressed?

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		<p>interference with motor vehicle traffic, or traffic-control devices including any sign that obstructs clear vision in any direction from any street intersection or driveway. • Mechanical or electrical appurtenances, such as “revolving beacons”, that are designed to compel attention. • Any sign other than traffic control signs erected, constructed, or maintained within, over or upon the right-of-way of any road or highway, except in the case of a sign for which a permit has been issued with the requirements of this Article. • Roof Signs. • Off-premise advertising signs or any other sign not pertinent and clearly incidental to the permitted use on the property where located, except for temporary subdivision directional signs and political signs, and except for signs permitted in Section 6.5. 11 • Any sign which, interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder or opening intended as a means of ingress or egress or providing light or air. • Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign. • Vehicle- mounted signs, including but not limited to, signs painted on or attached to semi-trailers or cargo containers when exhibited on private property adjacent to public right-of-way for the purpose of advertising the business or services offered</p>		

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		<p>on the property. Vehicle-mounted signs used in connection with a special event are exempted from the requirements of this section during the duration of the special event only. Upon the conclusion of the special event, such signs must be dismantled. For the purposes of this subsection, the term special event shall mean a parade, circus, fair, carnival, festival, farmers' market or other similar event that is different in character from the customary or usual activities generally associated with the property upon which the special event is to occur.</p> <ul style="list-style-type: none"> • Rotating signs. • Searchlights. • Inflatable freestanding signs or tethered balloons. • Fabric signs, flags, pennants or banners when used for commercial advertising purposes except as permitted in Section 7.4 (Exempt Signs). • Electronic message boards except governmental signs. • Any sign or sign structure which: <ol style="list-style-type: none"> 1. Is structurally unsafe 2. Constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation; 3. Is not kept in good repair; or 4. Is capable of causing electrical shocks to persons likely to come in contact with it. • Any sign or sign structure which: <ol style="list-style-type: none"> 1. In any other way obstructs the view of, may be confused with or purports to be an official traffic sign, signal or device or any other official sign; 2. Uses any words, phrases, symbols or characters implying the 		

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		existence of danger or the need for stopping or maneuvering a motor vehicle; 3. Creates in any other way an unsafe distraction for motor vehicle operators; or 12 4. Obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare. • Signs on Marquees that are 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. • 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.		
Article VI Section 6.8 Measurement of Sign Area and Height	Article II 206.10 and 206.11 have sign size specifications	This section describes the manner in which signs should be measured. This is also a new section and intended for clarification		Do changes need to occur? Have issues arisen that 206.10 or 206.11 don't cover?
Article VI Section 6.9 Sign Design	Currently the RLUC only has one area where signs	This is a new section intended to promote good sign design with the use of graphics		Do boards want to consider the

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	are exempt from the sign requirements of Article II 206.2 through 206.12 this is in RLUC section 206.1 A and B	and examples. This section addresses larger commercial signs since signs that are smaller than two square feet are exempt from the permit process.		exemption of meeting sign designs for signs smaller than 2 square feet?
Article VI Section 6.10 Installation and Maintenance	Again, RLUC Article II section 206.1 dictates the signs must be permanent in nature and can be removed by order of the Trustees as well as RLUC 206.10 which provides for Structural Characteristics	This is a new section that addresses the installation and maintenance required to ensure that signs are installed safely and securely. This section also requires that signs be adequately maintained.		Have there been situations that have not been able to be addressed by the current RLUC on this issue.
Article VI Section 6.11 Creative Design	There is no known section in Article II Section 206 signs for creative design. There is RLUC article II section 206.12 Permit for Special Sign design	This is a new section that provides a process by which sign that do not fit traditional molds can be evaluated and permitted.		Does section 206.12 not afford an opportunity for creative sign design application process?
Article VII – Areas of Environmental Concern 13 Article VII Section 7.1 Statutory Authorization – General, Section 7.2 Statement of Purpose – General, Section 7.3 and Lands to Which this Article Applies	RLUC currently has both Areas of State Interest Article VIII section 802 and areas of environmental hazard 801.6 but no Areas of Environmental concern. There is also an Article VIII Section 800-801.9 that has an	Section 7.1 refers to the Colorado Revised Statute that delegates the responsibility of adopting regulations to promote public health, safety and welfare to local governments. Section 7.2 discusses the purpose of the regulations addressed in this article. Section 7.3, lands to which this article applies establishes jurisdiction. These sections are consistent with the June 2011 RLUC.		Almost all ordinances drafted around areas of state interest include this language of delegating responsibility of adopting regulations to promote public

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	environmental permits section.			health, safety and welfare. It is also stated in Article VIII section 802 opening paragraph. Is something further needed here?
Article VII Section 7.4 Compliance, Section 7.5 Abrogation and Greater Restriction, Section 7.6 Interpretation, Section 7.7 Warning and Disclaimer of Liability	RLUC Article VII section 730-742 process articulated	Section 7.4 says that no structure can be built without complying with this portion of the RLUC. This is not different that the June 2011 RLUC.		Anything further needed here?
Article VIII – Developed Campgrounds	There is currently no section in the RLUC regarding the establishment of campgrounds. It does look as if the town could issue a camping permit if it so chose on say town property like a park. See Article II section 214.2 C.	This is an entirely new section dedicated to ensuring the developed campgrounds are well thought out and adequately provisioned and regulated.		Does this need to be considered? Is there really enough developable space in town limits or in close annexation approximation to consider this at this time?
Article IX – Historic Landmarks and Historic Districts Article IX Section 9.1 Designation of Historic Landmarks and Historic Districts,	RLUC Article II section 240-246 has Historic commercial zone districts and guidelines. Article II section 440-441.4 has Historic	These sections allow the Town to designate historic landmarks and districts. They also describe the criteria for designation and the procedures necessary to obtain a designation. The June 15th, 2011 RLUC has provisions for designating landmarks but not		Is there interest in designating this area. This idea has been sought before by staff but was not met

LUC Section	Current Code	Modified code	Highlights of Issues	Planner/ Staff comments
Section 9.2 Procedures for Designating Structures and Districts for Preservation, Section 9.3 Criteria for Designation	Landmark Preservation. Article II Section 442-442.6 Designation of historic Landmarks and Section 443 Alteration certificate. Article VIII Section 855.3 B allows for Variances for reconstruction, rehabilitation and or restoration of historic places. Finally appendix B Graphic 1 and 2 offer historic façade designs.	districts however the 2011 RLUC does designate the area between Soda Street and King Street to the north and south and Argentine Alley and the alley between Glasgow (Highway 145) and Commercial Street to the east and west as the Historic Commercial Zone District with the intent of retaining the historic value of Rico's commercial core. In this revised RLUC, the criteria for designation is defined while in the 2011 RLUC, it is not. The June 2011 RLUC refers that decision to the Rico Historic Society. While it is appropriate to include the Rico Historic Society in the discussion and the decision, ultimately this is a land use issue that will be reviewed and enforced by the Town of Rico. The criteria for designation are a reflection of the National Historic Preservation Act criteria.		with favorable results by the public in the past.
Article IX Section 9.4 Revocation of Designation, Section 9.5 Amendment of Designation	RLUC currently has Article II Section 442-442.6 designation or revocation through amendments to this section via ordinance.	These sections allow the Town to revoke or amend an historic designation if the structure is substantively altered or if a feature is added. This provision is not included in the June 2011 RLUC.		Not sure this section is necessary as usually those are designated or removed via ordinance and then reflected in Article II Section 442-442.6 listing of designated landmarks. Additionally other

LUC Section	Current Code	Modified code	Highlights of Issues	Planner/ Staff comments
				historic Zones could be designated by ordinance and modification of the zoning map of the Town of Rico.
Article IX Section 9.6 Historic Landmark Alteration Certificate Required	In Article X Definitions: Substantial Improvement provides measure of alteration and Article VIII Section 855.3 B establishes variances for reconstruction, rehabilitation or restoration of historic places. Finally, Article IV Section 443-447 outlines a process for Alteration Certificate	This section is similar to that of the 2011 RLUC but it adds provisions about records that the Town is required to keep.		Anything further needed in this area?
Article IX Section 9.7 Construction on Proposed Landmark Sites or in Proposed District	Article IV Section 443 does not provide a time period in which the Alteration Certificate for Historic (not landmark) sites.	This section regulates the time period in which a permit to construct, alter or remove can be issued once a historic designation is proposed.		The assumption here is that if the Alteration certificate is issued it would run the same time line as a building permit would that fits the same concept of ether construction,

LUC Section	Current Code	Modified code	Highlights of Issues	Planner/ Staff comments
				alteration, removal or demolition of a structure in Rico?
Article IX Section 9.8 Historic Landmark Alteration and Review, Section 9.9 Criteria for Review of an Alteration Certificate	RLUC IV Section 443-447 is actually where the Alteration Certificate process is located. There is nothing in Article IX that is visible.	These sections exist in the June 2011 RLUC and have not been substantively altered however there are additional requirements to ensure compliance with the Secretary of the Interior's Standards for Rehabilitation. Compliance with these would be necessary to retain a State or National designation as an historic structure. It would also be necessary to obtain any grant funding from the State Historical Fund.		Not sure it is accurate that an applicant would need to receive state funding from the State Historical Fund. An applicant that had suitable funds could just maintain compliance with State or National Historic Standards. Two current examples are the Rico Post Office and the Burley Building who are in private ownership. This section 442.6 should be reviewed for accuracy and update of the qualifying structures.

LUC Section	Current Code	Modified code	Highlights of Issues	Planner/ Staff comments
Article IX Section 9.10 Relocation of an Historic Structure	There is nothing in the RLUC about relocating historic structures currently	This is a new section. Relocating historic structures is not addressed in the June 2011 RLUC.		Is this an issue? Has there been an instance of relocating an historic structure?
Article IX Section 9.11 Exemptions from Alteration Certificate Requirements	There is nothing in the RLUC about exemptions of alteration certificates on historic structures currently	This is also a section that is not included in the June 2011 RLUC		Does this need to be included. Would there ever be a time we would want to generate an exemption for an alteration certificate of an historic landmark?
Article IX Section 9.12 Enforcement and Penalties	Article VII Section 730 and Section 740	This is a new section		You really don't have a penalties fee schedule like say a pass through fee schedule. Should one be created?
Article IX Section 9.13 Town of Rico Designated Structures	Assuming this is referring to RLUC Article II section 240-246 has Historic commercial zone districts and guidelines. Article II section 440-441.4 has Historic Landmark Preservation. Article II Section 442-	There have been no changes to the designated structures since the June 2011 RLUC.		Not sure what Town of Rico Designated structures would encompass or define.

LUC Section	Current Code	Modified code	Highlights of Issues	Planner/ Staff comments
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	442.6 Designation of historic Landmarks			
Article X – Annexation	RLUC Article IV Annexation Sections 600-606 already exists.	Annexations are governed largely by the substantive and procedural requirements of the Municipal Annexation Act of 1965, as amended. The June 2011 RLUC covers annexations only briefly and requires that application submittal materials generally follow the requirements of the subdivision process. This revised RLUC details the requirements of the annexation process.		Article X is actually being modified in the RLUC currently for Ordinance 2019-2 Public Property.

Date: March 5th, 2021

TO: Rico Planning Commission
FROM: Kari Distefano
SUBJECT: Rico Land Use Code Revisions

Article I – Administration and Enforcement

Article I of the proposed revised Rico Land Use Code (RLUC) addresses the authority of the Town to adopt and enforce a Land Use Code. The ability of a Town to adopt and enforce Land Use Codes is governed by the State of Colorado. Revisions are listed as follows:

Article I Sections 1.1 Title and Short Title, 1.2 Authority and 1.3 Jurisdiction

These sections offer a short description of Rico Land Use Code and how it may be referred to in the body of the document. These sections have no substantive changes from the June 15th, 2011 RLUC.

Article I Section 1.4 Purpose

Article I Section 1.4 addresses the purpose of the Rico Land Use Code. In the revised RLUC, the purposes have been expanded to include the following:

- Preserve the historic, small town character of the community by minimizing the visual impact of development upon important view sheds and preserving the historic town grid where reasonably practicable;
- Discourage the misuse of buildings, sites, and development parcels to avoid excessive concentrations of population and traffic; to promote energy conservation; and, to facilitate the provision of adequate transportation, water, sewerage, schools, parks and other public facilities and services;
- Provide a procedure which can relate the type, design and layout of residential development to the particular site, and achieve the Town of Rico's goal of encouraging mixed-use development while preserving and protecting existing residential areas;
- Create livable neighborhoods that foster a sense of community and reduce dependency on private vehicles;

- Encourage the proper arrangement of streets in relation to existing and planned streets and ensure that streets facilitate safe, efficient and pleasant walking, biking and driving;
- Protect sensitive natural and historic areas and Town of Rico environmental quality;
- Integrate a high quality natural environment into the developed portions of the community;
- Facilitate the adequate and efficient provision of transportation, water, sewage, schools, parks and other public needs;
- Provide protection from geologic, flood, fire hazards and other dangers; and
- Promote the health, safety and general welfare of the Town of Rico residents.

These purposes are guidelines intended to help the Rico Planning Commission make consistent decisions when evaluating development proposals.

Article I Sections 1.5 Interpretation and Application, 1.6 Application to Public Entities, 1.7 Applicability of Article and 1.8 Severability

These sections deal with interpretation, general application, application to other regional public entities such as the Rico Fire Protection District and to what activities the RLUC applies. These sections have no substantive changes from the June 15th, 2011 RLUC.

Article I Sections 1.9 Rico Planning Office, 1.10 Building Official, 1.11 Rico Town Attorney, 1.21 Rico Planning Commission, 1.13 Board of Adjustment

These sections define the powers and duties of the Rico Planning Official (currently the Town Manager's office), the Building Official, the Rico Planning Commission, the Rico Board of Adjustments and the Rico Board of Trustees as well as composition and terms of the Rico Planning Commission. There have been no changes to this portion of the RLUC. The duties, composition and terms of these Town entities are the same as they were in the June 15th, 2011 RLUC.

Article I Sections 1.14 Enforcement

While the ability of the Town to enforce zoning violations has not substantively changed in this proposed revision, the process by which the Town will enforce zoning code violations is more clearly defined.

Article I Sections 1.15 Relationship to Existing Ordinances and 1.16 Relationship to the Town of Rico Regional Master Plan

These sections cover the revised RLUC's relationship to existing ordinances and the Rico Regional Master Plan. The June 15th, 2011 RLUC amended the August 31st 1999 RLUC. Following the amendments included in the 2011 RLUC, the RLUC was amended to allow short-term rentals with a special use permit and to clarify language in the Residential District Design Regulations in the Silverglance Subdivision (Ordinance 2011-3). The short-term rental provision is included in the proposed revised RLUC. The clarifying language for Silverglance subdivision was amended by Ordinance 2018-5, which allows accessory dwelling units if an engineer licensed in the State of Colorado certifies that a septic system can be constructed on the lot to accommodate the additional use. Ordinance 2013-5 which, establishes floodplain damage prevention regulations is incorporated into the proposed, revised RLUC. Ordinance 2014-1, an Ordinance regarding floodplains and the Colorado Rural Conservation Boards' rules and regulations has also been incorporated into the proposed, revised RLUC. Provisions in Ordinance 2017-1, which updates the on-site wastewater treatment system regulations, are incorporated into the proposed, revised RLUC by reference.

The Town of Rico Regional Master Plan remains the same as does the relationship between the Town of Rico Regional Master Plan and the proposed, revised RLUC.

Article I Sections 1.17 Effective Date, 1.18 Fees, 1.19 Computation of Time and 1.20 Miscellaneous

The Rico Board of Trustees will amend fees for permits and applications from time to time. Computations of time and miscellaneous are clarifying sections and do not include substantive changes.

Article I Sections 1.21 Definitions

This section has been updated to include a more comprehensive list of terms used in the proposed, revised RLUC

Article II – Community Design Principles & Development Standards

Article II Section 2.1 General Provisions

This section speaks to the relationship between development and building permits and the provisions in this article as well as this article and Article III, which addresses zoning. It is a housekeeping item that is consistent with the June 15th, 2011 RLUC.

Article II Section 2.2 Vision and Intent

This is a provision that ties to the Objectives listed in the August 18th, 2004 Rico Regional Master Plan with the addition of more specific objectives relating to the “Promote Pedestrianism” goal.

Articles II Sections 2.3 Application of Community Design Principles, 2.4 Design Elements, 2.5 Neighborhood Design Principles, 2.6 Lots and Blocks, 2.7 Streets, 2.8 Parking, 2.9 Sidewalks, Multi-use Paths and Trails, 2.10 Utility Easement Standards, 2.11 Parks and Open Space, 2.12 Public Sites and Dedication Requirements, 2.13 Fair Contribution for Public School Sites, 2.14 Landscape Design, 2.15 Fences and Walls, 2.16 Residential Architecture, 2.17 Historic Commercial and Commercial Architecture, 2.18 Lighting, 2.19 Sanitary Sewer, 2.20 Potable Water

Sections 2.3 - 2.5 offer general guidelines with which to evaluate proposed subdivisions. Sections 2.6 – 2.20 contain specific standards for subdivision development. These standards are consistent with the existing RLUC but they are more comprehensive and intended to clarify subdivision planning requirements. While due to space and water constraints within the existing Town limits, it is unlikely that there will be any major development in Rico. Should the community decide that either developing previously undeveloped parcels within the Town boundaries or annexing privately owned parcels within the three mile planning radius, it will be helpful to have a structure with which to evaluate proposed development activities and ensure that subdivisions are carefully planned to support the goals of the Regional Master Plan and to avoid undue negative impacts.

Article III – Zoning

Article III Sections 3.1 General Provisions and 3.2 Zone Districts and Boundaries

These sections define the intent of zoning policies, ensure that there is uniformity of the zoning regulations and outline the purpose of Rico’s zoning districts and boundaries. Section 3.2 lists zone districts within the Town boundary. There are areas that are being revised in this RLUC. Proposed changes to the existing zoning map are Lots 27 – 40, Block 14 and Lots 9 – 20, Block 20 at the north side of Town from Historic Commercial to Commercial. This proposed

revision is the result of evaluating existing uses and determining that topography and the configuration Colorado State Highway 145 is more conducive to lots that allow commercial uses but do not compel the design and storefront restrictions seen in the Historic Zone District. Section 3.3 offers information about the Hazard Overlay District boundaries. These maps have not changed since the Rico Planning Commission approved the updated maps in November of 2018. The revised Rico Land Use Code also offers the addition of a Conservation PUD zone district. A proposed change in the zoning map would be to include the portions of the mining claims surrounding the town in this district rather than the existing zoning of Residential PUD. See attached map.

Article III Section 3.3 Principle and Conditional Uses Permitted by Zone District

This section defines principle and conditional uses permitted by zone district. *In the residential zone district revisions are as follows:*

- Duplexes will become a use by right.
- Accessory dwelling units will be allowed if an engineer licensed in the State of Colorado certifies that the septic system can accommodate or can be expanded to accommodate the additional use.
- Short-term rentals will be allowed subject to a special use permit.

Revisions to the commercial zone district are as follows:

- Metalworking and woodworking shops are a use by right rather than by special use permit.
- Trade businesses, including electrical, heating, plumbing, welding etc. will become uses by right rather than requiring a special use permit.
- Minimum lot sizes can be 2,500 square feet only if an engineer licensed in the State of Colorado can certify that the lot can accommodate a septic system and soil treatment area.
- Minimum side yard set back has been reduced to five feet.
- Building heights shall be as defined in Article I Section 1.21.

Revisions to the Historic Commercial District

In the June 15th 2011 RLUC, there is no list of specific commercial uses in the Historic Commercial Zone District. This RLUC includes a more specific list of uses permitted by right as well as a list of uses that require special use permits. Other revisions are to the setbacks. The

setbacks are minimums rather than maximums. Design regulations for the Historic Commercial Zone District are addressed in Article 2.17 rather than this Article.

Mixed-use, Open Space and Public Facility zone district regulations remain consistent with the June 2011, RLUC.

Article III Section 3.4 Special Uses Permitted

This section covers the process that is required to apply for and obtain a special use permit. The process has not changed and is reflected in the permit application. The standards for review are also consistent with the previous RLUC.

Article III Section 3.5 Non-conforming Use, Building or Lot

This section covers non-conforming buildings and lots. The revised RLUC is generally consistent with the June 2011 RLUC with respect to what constitutes a grandfathered non-conforming use or structure but in the event of the destruction of a non-conforming building, the revised RLUC allows reconstruction of the structure and allows twelve months rather than nine months to commence rebuilding and two years rather eighteen months for completion.

Article III Section 3.6 Appeals and Variances

This section covers the process by which, an applicant appeals a decision by the Rico Planning Commission or applies for a variance. This process remains consistent with the June 2011 RLUC. There is some clarifying language and the steps that should be taken to engage in this process are spelled out.

Article III Section 3.7 Amendments to the Rico Land Use Code

This section covers the process and requirements for amending the RLUC. This section is consistent with the June 2011 RLUC but again, adds clarifying language and steps required to amend.

Article III Section 3.8 Zoning and Use of Wireless Telecommunications

This is a new section. Wireless telecommunications are not addressed in the 2011 RLUC.

Article III Section 3.10 Home Occupation

This section has not changed substantively from the June 2011 RLUC.

Article IV – Subdivisions

Article IV Sections 4.1 General Provisions and 4.2 Intent

These sections describe the procedural and substantive rules for obtaining approvals for land development in the Town of Rico. Section 4.2 describes the intent of the subdivision regulations and processes. In addition to the intentions listed in the June 2011 RLUC, this revised RLUC includes the following:

- Encouraging new subdivision developments to relate to Rico's historic development pattern.
- Promoting compact, well-defined sustainable neighborhoods that enhance the Town of Rico's character.
- Creating livable neighborhoods that foster a sense of community and reduce dependency on private vehicles.
- Protecting sensitive natural and historic areas and Rico's environmental quality.
- Providing open spaces for adequate storm water management.
- Providing adequate spaces for educational facilities.

Article IV Sections 4.3 Jurisdiction and Applicability

This section remains the same as in the June 2011 RLUC with the addition of a paragraph about administration.

Article IV Sections 4.5 Sketch Plan, 4.6 Preliminary Plan, 4.7 Final Plat and 4.8 Concurrent Sketch Plan/Preliminary Plan

These sections have remained essentially the same as in the June 2011 RLUC but there are more comprehensive instructions with respect to each process and the requirements associated with each process.

Article IV Section 4.9 Conservation Subdivision

This is an entirely new section. Currently there are a number of larger parcels that are mining claims or portions of mining claims that exist on the steep slopes surrounding the original Rico Townsite lots. These claims are within the Town boundary and are currently zoned Residential Planned Unit Development. The conservation subdivision is a mechanism by which

the Town could encourage conservation on these parcels while allowing some limited development.

Article IV Section 4.10 Minor Subdivisions

What constitutes a minor subdivision remains the same in this revised RLUC as do the steps necessary for a minor subdivision application. Sketch plan and preliminary plan processes are not required for minor subdivisions in the revised RLUC however a site visit with the Town Manager or Planner will be. The revised RLUC also requires that minor subdivision application be submitted thirty days prior to the hearing before the Rico Planning Commission unless otherwise approved by the Town Manager/Town Planner.

Again, there are more comprehensive, and hopefully easier to follow, instructions for how to proceed with a minor subdivision application.

Article IV Section 4.11 Planned Unit Developments

Planned Unit Developments are intended to allow flexibility without the rigid application of zoning requirements in the original Rico Townsite. The larger lots that surround the historic Rico Townsite, which are mainly portions of mining claims, are zoned PUD residential. This section of the revised RLUC has remained the same as in the June 2011 version.

Article IV Section 4.12 Amendments to Recorded Plats

Amendments to recorded plats are not really addressed in the current RLUC. These amendments are needed to correct minor survey or drafting errors. They are not intended to substantively change lot or road configurations. Amendments to recorded plats shall be prepared and submitted in compliance with the minor subdivision requirements.

Article IV Section 4.13 Re-subdivision

Re-subdivisions are also known as replats. In the June 2011 RLUC, replats are addressed in conjunction with minor subdivisions and evaluated in the same manner. This is also true of this revised RLUC. In the event that any Town streets are being relocated as a result of a re-subdivision, the Town must officially vacate the road and the applicant must go through the road vacation process.

Article IV Section 4.14 Exceptions to Design Principle and Development Standards

This section does not occur in the June, 2011 RLUC. An exception, as opposed to a variance, is not a request for relief from the strict application of the Zoning Code, but rather a request to modify a design principle or standard based on the specific conditions, circumstances or design context of a development proposal. The burden is on the applicant to prove the need for the modification. Conditions for approval are explained in this section of the revised RLUC.

Article IV Section 4.15 Vacation of Right-of-Way or Easement

This section explains the application for a right-of-way vacation process. The section is essentially the same as the June 2011 RLUC but it also addresses easement vacations.

Article IV Section 4.16 Subdivision & Development Agreements

This is a new section. It is intended to provide a framework to protect the Town from developers that may not construct agreed upon public improvements. This section also lists required improvements and protects the Town from partially completed subdivisions. The Board of Trustees has the ability to waive any or all of these required improvements. This section also specifies a time frame during which improvements are expected to be completed.

Article V – Vesting of Property Rights

Vesting of property rights allows a owner/developer to undertake development of real property under the terms and conditions of an approved site plan. This is the agreement between the Town and a property owner that the land will be developed as planned and within the confines of the RLUC. This entire article remains substantively the same.

Article VI – Sign Regulations

Article VI Section 6.1 Purpose/Intent

This section describes the purpose and intent of sign regulations. It is a new section but the ideas behind sign regulations are consistent with those in the June 2011 RLUC.

Article VI Section 6.2 Sign Permits and Administration

This section described what types of signs require sign permits and the process that the applicant must go through to acquire a sign permit. In this updated RLUC, signs requiring a permit will be reviewed and approved by the Rico Planning Commission rather than the Rico Board of Trustees. The sign review criteria has also changed. It is much more comprehensive.

Article VI Section 6.3 Enforcement

This is a new section that covers Town remedies for illegal signs.

Article VI Section 6.4 Signs Authorized without a Permit

Although there are no substantive changes to this section, the description of sign authorized without a permit is much more detailed and inclusive.

Article VI Section 6.5 Signs for which a Permit is Required and Section 6.6 Signs is Specific Zone Districts

This section, while not new, is more comprehensive and adds details regarding the placement and appearance of signs. It also describes size restrictions in individual zone districts. It is important to note that subsequent to the adoption of the June 15th, 2011 Rico Land Use Code, there was a Court Case that disallowed sign regulations based on the content of the text. For example, a Town can no longer place restrictions on real estate signs specifically.

Article VI Section 6.7 Prohibited Signs

This is a new section. While the June 2011 RLUC has some prohibitions on signs, this RLUC prohibits the following:

- Flashing rotating, blinking or moving signs, animated signs, signs with moving, rotating or flashing lights or signs that create the illusion of movement, except for time and temperature devices.
- Any sign that is erected in such a location as to cause visual obstruction or interference with motor vehicle traffic, or traffic-control devices including any sign that obstructs clear vision in any direction from any street intersection or driveway.
- Mechanical or electrical appurtenances, such as “revolving beacons”, that are designed to compel attention.
- Any sign other than traffic control signs erected, constructed, or maintained within, over or upon the right-of-way of any road or highway, except in the case of a sign for which a permit has been issued with the requirements of this Article.
- Roof Signs.
- Off-premise advertising signs or any other sign not pertinent and clearly incidental to the permitted use on the property where located, except for temporary subdivision directional signs and political signs, and except for signs permitted in Section 6.5.

- Any sign which, interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder or opening intended as a means of ingress or egress or providing light or air.
- Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign.
- Vehicle- mounted signs, including but not limited to, signs painted on or attached to semi-trailers or cargo containers when exhibited on private property adjacent to public right-of-way for the purpose of advertising the business or services offered on the property. Vehicle-mounted signs used in connection with a special event are exempted from the requirements of this section during the duration of the special event only. Upon the conclusion of the special event, such signs must be dismantled. For the purposes of this subsection, the term special event shall mean a parade, circus, fair, carnival, festival, farmers' market or other similar event that is different in character from the customary or usual activities generally associated with the property upon which the special event is to occur.
- Rotating signs.
- Searchlights.
- Inflatable freestanding signs or tethered balloons.
- Fabric signs, flags, pennants or banners when used for commercial advertising purposes except as permitted in Section 7.4 (Exempt Signs).
- Electronic message boards except governmental signs.
- Any sign or sign structure which:
 1. Is structurally unsafe
 2. Constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation;
 3. Is not kept in good repair; or
 4. Is capable of causing electrical shocks to persons likely to come in contact with it.
- Any sign or sign structure which:
 1. In any other way obstructs the view of, may be confused with or purports to be an official traffic sign, signal or device or any other official sign;
 2. Uses any words, phrases, symbols or characters implying the existence of danger or the need for stopping or maneuvering a motor vehicle;
 3. Creates in any other way an unsafe distraction for motor vehicle operators; or

4. Obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare.

- Signs on Marquees that are 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.
- 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.

Article VI Section 6.8 Measurement of Sign Area and Height

This section describes the manner in which signs should be measured. This is also a new section and intended for clarification.

Article VI Section 6.9 Sign Design

This is a new section intended to promote good sign design with the use of graphics and examples. This section addresses larger commercial signs since signs that are smaller than two square feet are exempt from the permit process.

Article VI Section 6.10 Installation and Maintenance

This is a new section that addresses the installation and maintenance required to ensure that signs are installed safely and securely. This section also requires that signs be adequately maintained.

Article VI Section 6.11 Creative Design

This is a new section that provides a process by which sign that do not fit traditional molds can be evaluated and permitted.

Article VII – Areas of Environmental Concern

Article VII Section 7.1 Statutory Authorization – General, Section 7.2 Statement of Purpose – General, Section 7.3 and Lands to Which this Article Applies

Section 7.1 refers to the Colorado Revised Statute that delegates the responsibility of adopting regulations to promote public health, safety and welfare to local governments. Section 7.2 discusses the purpose of the regulations addressed in this article. Section 7.3, lands to which this article applies establishes jurisdiction. These sections are consistent with the June 2011 RLUC.

Article VII Section 7.4 Compliance, Section 7.5 Abrogation and Greater Restriction, Section 7.6 Interpretation, Section 7.7 Warning and Disclaimer of Liability

Section 7.4 says that no structure can be built without complying with this portion of the RLUC. This is not different than the June 2011 RLUC. Section 7.5, the

Article VIII – Developed Campgrounds

This is an entirely new section dedicated to ensuring the developed campgrounds are well thought out and adequately provisioned and regulated.

Article IX – Historic Landmarks and Historic Districts

Article IX Section 9.1 Designation of Historic Landmarks and Historic Districts, Section 9.2 Procedures for Designating Structures and Districts for Preservation, Section 9.3 Criteria for Designation

These sections allow the Town to designate historic landmarks and districts. They also describe the criteria for designation and the procedures necessary to obtain a designation. The June 15th, 2011 RLUC has provisions for designating landmarks but not districts however the 2011 RLUC does designate the area between Soda Street and King Street to the north and south and Argentine Alley and the alley between Glasgow (Highway 145) and Commercial Street to the east and west as the Historic Commercial Zone District with the intent of retaining the historic value of Rico's commercial core. In this revised RLUC, the criteria for designation is defined while in the 2011 RLUC, it is not. The June 2011 RLUC refers that decision to the Rico Historic Society. While it is appropriate to include the Rico Historic Society in the discussion and the decision, ultimately this is a land use issue that will be reviewed and enforced by the Town of Rico. The criteria for designation are a reflection of the National Historic Preservation Act criteria.

Article IX Section 9.4 Revocation of Designation, Section 9.5 Amendment of Designation

These sections allow the Town to revoke or amend an historic designation if the structure is substantively altered or if a feature is added. This provision is not included in the June 2011 RLUC.

Article IX Section 9.6 Historic Landmark Alteration Certificate Required

This section is similar to that of the 2011 RLUC but it adds provisions about records that the Town is required to keep.

Article IX Section 9.7 Construction on Proposed Landmark Sites or in Proposed District

This section regulates the time period in which a permit to construct, alter or remove can be issued once a historic designation is proposed.

Article IX Section 9.8 Historic Landmark Alteration and Review, Section 9.9 Criteria for Review of an Alteration Certificate

These sections exist in the June 2011 RLUC and have not been substantively altered however there are additional requirements to ensure compliance with the Secretary of the Interior's Standards for Rehabilitation. Compliance with these would be necessary to retain a State or National designation as an historic structure. It would also be necessary to obtain any grant funding from the State Historical Fund.

Article IX Section 9.10 Relocation of an Historic Structure

This is a new section. Relocating historic structures is not addressed in the June 2011 RLUC.

Article IX Section 9.11 Exemptions from Alteration Certificate Requirements

This is also a section that is not included in the June 2011 RLUC.

Article IX Section 9.12 Enforcement and Penalties

This is a new section.

Article IX Section 9.13 Town of Rico Designated Structures

There have been no changes to the designated structures since the June 2011 RLUC.

Article X – Annexation

Annexations are governed largely by the substantive and procedural requirements of the Municipal Annexation Act of 1965, as amended. The June 2011 RLUC covers annexations only briefly and requires that application submittal materials generally follow the requirements of the subdivision process. This revised RLUC details the requirements of the annexation process.

Article XI – Building Permits

Town of Rico

Land Use Code

Article I – Administration and Enforcement

Section	Page
1.1 Title and Short Title	4
A. Title	4
B. Short Title	4
1.2 Authority	4
1.3 Jurisdiction	4
1.4 Purpose	4
1.5 Interpretation and Application	6
1.6 Application to Public Entities	6
1.7 Applicability of Article	6
1.8 Severability	7
1.9 Rico Town Planning Office	7
A. Planning Administrator	7
B. Issuance of Development Permits	7
1.10 Building Official	7
A. Issuance of Building Permits	7

Article I – Administration and Enforcement

Section	Page
B. Enforcement Powers	7
1.11 Rico Town Attorney	8
1.12 Rico Planning Commission	8
A. Intent	8
B. Membership	8
C. Meetings	9
D. Staff and Contract Professionals	9
E. Powers and Duties – Rico Regional Master Plan	9
F. Powers and Duties – Development Applications	10
1.13 Board of Adjustment	10
A. Membership	10
B. Meetings	10
C. Powers and Duties	11
1.14 Enforcement	11
A. Responsible Entity	11
B. Authorization for Inspection	11
C. Violations and Enforcement Procedures	11

Article I – Administration and Enforcement

Section		Page
1.15	Relationship to Existing Ordinances	15
1.16	Relationship to the Town of Rico Regional Master Plan	15
	A. Intention	15
1.17	Effective Date	15
1.18	Fees	15
1.19	Computation of Time	16
1.20	Miscellaneous	16
1.21	Definitions	16

Rico Land Use Code Section 1.1 Title & Short Title

- A. Title.** This ordinance establishes the regulations and standards governing the use and development of land within the Town of Rico. Included are provisions for the annexation, subdivision and zoning of land, as well as the administrative procedures governing the submission of applications, administrative and public reviews, and appeals. Also included are Town of Rico standards for site design, landscaping, parking and public infrastructure.
- B. Short Title.** This ordinance shall be known and may be cited as the Rico Land Use Code. Within this text, it may be called the Rico Land Use Code or simply be referred to as “the RLUC.”

Rico Land Use Code Section 1.2 Authority

The RLUC is adopted pursuant to the authority contained in the Colorado Revised Statutes (C.R.S.), and the Colorado Constitution, Article XX, Section 6. Local governments are provided broad authority to plan for and regulate the use of land within their jurisdictions, as authorized in Title 29, Article 20, *et seq.* Local Government Land Use Control Enabling Act; Title 31, Article 23, *et seq.* Planning Commission of the C.R.S., as amended. C.R.S. Title 24, Article 65.1-101 *et seq.* Areas and Activities of State Interest; C.R.S. Title 24, Article 68-101 *et seq.* Vested Property Rights; C.R.S. Title 24 Article 72-101 *et seq.* Planned Unit Developments. Additional statutory authority such as the Rico Home Rule Charter may also exist for specific types of land use regulation.

Whenever a section of the Colorado Revised Statutes that is referred to in the RLUC is later amended or superseded, the RLUC is deemed amended to refer to the amended section or section that most nearly corresponds to the superseded section.

Rico Land Use Code Section 1.3 Jurisdiction

The RLUC shall be effective throughout the Town of Rico’s corporate boundaries. The Town of Rico’s planning jurisdiction includes all land within the Town of Rico and where applicable, the land within three miles of the Town of Rico’s boundaries. For purposes of zoning and subdivision, this RLUC only applies to lands within the Town of Rico’s corporate boundaries.

A copy of a map showing the boundaries of the Town of Rico and the area within the three- mile planning jurisdiction shall be available for public inspection at the Rico Town Hall and on the official Town of Rico web site.

Rico Land Use Code Section 1.4 Purpose

- A. Purpose.** The of the RLUC is to create a vital, cohesive, well-designed community in order to enhance the Town of Rico’s character and further the citizens’ goals as identified in the most current Rico Regional Master Plan. The RLUC is designed to:
- Preserve and enhance integrity, stability and livability of residential neighborhoods;
 - Extend greater opportunities for traditional community living, working, housing, and recreation to all citizens of Rico;

Rico Land Use Code Section 1.4 Purpose

- Promote reasonable certainty to land use and development expectations associated with property ownership;
- Promote the timely provision of public infrastructure to meet potential demand in the present and future.
- Promote consumer protection assurances for property buyers that properties can be developed for their intended use;
- Establish a clear, consistent, predictable and efficient land development process;
- Preserve the historic, small town character of the community by minimizing the visual impact of development upon important view sheds and preserving the historic town grid where reasonably practicable;
- Discourage the misuse of buildings, sites, and development parcels to avoid excessive concentrations of population and traffic; to promote energy conservation; and, to facilitate the provision of adequate transportation, water, wastewater disposal, schools, parks and other public facilities and services;
- Provide a procedure which can relate the type, design and layout of residential development to the particular site, and achieve the Town of Rico's goal of encouraging mixed-use development while preserving and protecting existing residential areas;
- Create livable neighborhoods that foster a sense of community and reduce dependency on private vehicles;
- Encourage the proper arrangement of streets in relation to existing and planned streets and ensure that streets facilitate safe, efficient and pleasant walking, biking and driving;
- Protect sensitive natural and historic areas and Town of Rico environmental quality;
- Integrate a high quality natural environment into the developed portions of the community;
- Facilitate the adequate and efficient provision of transportation, water, sewage, schools, parks and other public needs;
- Avoid hazards from geologic, flood, fire hazards and other dangers; and
- Promote the health, safety and general welfare of the Town of Rico residents.

Rico Land Use Code Section 1.5 Interpretation & Application

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

1. Minimum Requirements. In the interpretation and application of the RLUC, the provisions hereunder shall be regarded as the minimum requirements for the protection of the public health, safety and general

Rico Land Use Code Section 1.5 Interpretation & Application

welfare of the Rico community. The provisions and requirements in the RLUC shall be liberally construed to further the general purposes stated in Section 1.5, and as is stated in each specific RLUC section. Where a term or phrase is not otherwise defined in these RLUC, such term or phrase shall be defined by the latest edition of Webster's dictionary.

2. Conflict of Laws. Whenever a provision in the RLUC contains any restrictions which covers the same subject matter as another provision herein, or in any law of the Town of Rico, State of Colorado, or United States of America, the provision, regulation, or law which imposes the greater restriction shall govern. The RLUC shall not supersede any private land use regulation in a deed or covenant which is more restrictive than this RLUC.
3. Existing Permits and Agreements. The adoption of the RLUC is not intended to abrogate or annul any permits or approvals of subdivisions, re-subdivisions, improvements agreements, or any conditions related to any development, issued by the Town of Rico before the effective date of the RLUC.

Rico Land Use Code Section 1.6 Application to Public Entities

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

Rico Land Use Code Section 1.7 Applicability of Article

1. The provisions of the Rico Land Use Code (RLUC) shall apply to any and all development of land within the municipal boundaries of the Town of Rico, unless expressly and specifically exempted or provided otherwise in the RLUC. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of the RLUC. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in the RLUC.
2. Except as herein provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the zone district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.

Rico Land Use Code Section 1.7 Applicably of Article

3. Whenever both the provisions of this RLUC and provisions of any other law cover the same subject matter, whichever rule is more restrictive shall govern.
4. This RLUC establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Rico Regional Master Plan and with adopted regulations, policies and other guidelines.

Rico Land Use Code Section 1.8 Severability

If any part, section, subsection, sentence, clause or phrase of this RLUC is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the RLUC. The Rico Board of Trustees hereby declares that it would have passed the RLUC including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

Rico Land Use Code Section 1.9 Rico Town Planning Office

- A. **Establishment.** The Rico Planning Office is part of the Rico Town government and operates in accordance with the Town operational, fiscal, employment and other policies and directives.
- B. **Planning Administrator.** Planning activities are under the control and direction of the Planning Administrator, who may be the Town Manager or the Planning Administrator. The Planning Administer reports to the Rico Board of Trustees. If the Board does not appoint a Planning Administrator, the Planning Administrator shall be the Town Manager.
 1. Power and Duties. The Planning Administrator administers the Rico Land Use Code and has those powers and duties expressly assigned to him/her under this RLUC and otherwise delegated or assigned to him/her in accordance with Town policy. The Planning Office has such duties as the Planning Administrator delegates and has such other powers and duties as are expressly assigned to it under this RLUC or in accordance with Town policy.
- C. **Issuance of Permits.** The Planning Administrator shall issue appropriate permits prior to any construction or development activities. These permits may include an excavation permit, a development permit for areas of environmental concern, a soils excavation permit or a building permit. [No person(s) may engage in any development within the boundary of the Town of Rico without obtaining a permit unless the proposed development qualifies for an exemption.]

Rico Land Use Code Section 1.10 Rico Building Official

The Building Official shall have, in addition to powers granted to such office under applicable International Building Code as adopted by the Rico Board of Trustees in Ordinance 2016-1 and other enactments of the Rico Board of Trustees, the additional duties and powers identified in this Section.

- A. **Issuance of Building Permits.** The Building Official shall issue applicable permits to allow construction activities which do not need additional permits or have received other permits pursuant to the procedures in the RLUC and deny building permits for activities which have not received appropriate permits.

Rico Land Use Code Section 1.10 Building Official

- B. Enforcement Powers.** The Building Official shall conduct the duties of the office consistent with RLUC requirements, in addition to the other duties of the office, including specifically the enforcement powers and duties under this RLUC.

Rico Land Use Code Section 1.11 Rico Town Attorney

The Rico Town Attorney shall advise the Rico Board of Trustees regarding all legal matters related to the Rico Land Use Code.

Rico Land Use Code Section 1.12 Rico Planning Commission

- A. Intent.** The planning and zoning Commission for the Town, which shall be known as the Rico Planning Commission, or RPC, is governed by the standards set forth in this section.

B. Membership.

1. Composition. The RPC shall consist of five regular members and first and second alternate members who shall be appointed by the Board of Trustees.
2. Terms. Members shall be appointed for two-year staggered terms commencing on January 1st. The term for 3 regular members and the second alternate shall commence on even numbered years and the term for 2 regular members and the first alternate shall be commence on odd numbered years. Vacancies occurring otherwise than through the expiration of terms shall be filled by appointments. Upon resignation of a member, the Board of Trustees shall appoint a new member after advertising notice of the vacancy in accordance with public notice requirements.
3. Removal. Members may be removed after public hearing before the Board of Trustees on grounds of inefficiency, neglect of duty, inability to properly perform required duties, or intentional disregard of duties. Three (3) unexcused absences of a member from properly noticed meetings of RPC shall constitute good cause for removal on the grounds of neglect of duty.
4. Qualifications. Members of the RPC shall be bona fide residents and qualified electors of the Town prior to the time of appointment. If a member ceases to reside in the Town his membership on the RPC shall terminate immediately.
5. Compensation. Members shall serve without compensation, except reimbursement for reasonable out-of-pocket expenses may be approved by the Board of Trustees.
6. Officers. The RPC shall annually elect from its membership a Chairperson during the first meeting of the calendar year or as soon thereafter as possible, with eligibility for re-election. The Chairperson shall be responsible for conducting the meetings. The Town Clerk shall act as the RPC Secretary, unless otherwise determined by the RPC or Board of Trustees. The secretary shall have the responsibility of taking meeting minutes and maintaining the official records of the RPC.

7. Conflict of Interest. When reviewing applications, members of the Rico Planning Commission are obliged to declare a conflict of interest, and abstain from voting on an application if they have a financial interest or live within 200 feet of the subject of the application.

C. Meetings.

1. Regular Meeting. The RPC shall meet in regular session at a time and place to be designated by the RPC and noticed in accordance with state and local laws.
2. Special Meetings. Special meetings may be called by the RPC upon the request of the Chairperson or any three members of the RPC. Each member shall be notified at least 24 hours prior to the meeting.
3. Quorum. Three members of the RPC shall constitute a quorum.
4. Record. The RPC shall keep a public record of its meeting minutes.

D. Staff and Contract Professionals.

1. Hiring. The Rico Planning Commission may contract with professional planners, consultants and employees provided that expenditures for these positions have been authorized by the Board of Trustees or the Mayor.
2. Attorney and Planning Administrator. With approval of the Board of Trustees or the Mayor, the Town Attorney or the Planning Administrator shall, when requested by the RPC, attend any meetings of the RPC. With the approval of the Board of Trustees, the Mayor or the Town Manager, any member of the RPC may call upon the Town Attorney for an oral or written opinion relating to any question of law involving matters of planning or zoning.

E. Powers and Duties – Rico Regional Master Plan, Adopted August 18th, 2004

1. Purpose. It is the function and duty of the Rico Planning Commission (RPC) to make amendments to the August 18th, 2004 Rico Regional Master Plan, adopt and then recommend to the Board amendments to the master plan for the physical development within the Town including the regional plan for land use for any area located within 3 miles of the town boundary of Rico.
2. Content. The master plan shall show RPC's recommendations and may include, among other things, the general location, character and extent of streets, parks, parkways, playgrounds, and public spaces; the general location and extent of utilities and terminals, whether publicly or privately owned; the acceptance, widening, removal, extension, relocations, narrowing, vacation, abandonment or change of use of any of the foregoing; and the general location, character, layout and extent of community centers.
3. Public Hearing. Before the adoption of the Plan or any such part, amendment, extension or addition, the RPC shall hold at least one (1) public hearing, notice of the time and place of which shall be posted in the Rico Town Hall, the Rico Post Office and the Town of Rico website.
4. Zoning Plan. The RPC shall also make, adopt and recommend to the Board of Trustees a zoning plan, which shall include zoning maps and all other matters pertaining to zoning, including but not limited to the control of height, area, bulk location and use of buildings and premises.

F. Powers and Duties – Development Applications.

1. The Rico Planning Commission shall have full power and authority to act on matters granted to it by Colorado law or the Town Charter, and as they may be amended from time to time, and, to the extent not inconsistent therewith, matters granted to it by this RLUC and any ordinances of the Town. In general, the RPC shall have such powers as may be necessary to enable it to perform its functions, promote municipal planning, and review development applications.
2. Grant approval to uses or activities permitted on review.
3. Make recommendations to the Board of Trustees to approve or deny applications for zoning amendments.
4. Initiate amendments to the text of this RLUC or to the Rico Regional Master Plan.
5. Make recommendations to the Board of Trustees to approve or deny amendments to the text of this RLUC, the Official Zone District map of the Town or to the Rico Regional Master Plan.
6. To make recommendations to the Board of Trustees to approve, deny, or approve with conditions, preliminary and final annexations, subdivisions, and planned unit developments.

Rico Land Use Code Section 1.13 Rico Board of Adjustments

A. Membership.

1. Composition. The Board of Trustees shall act as the Rico Board of Adjustments.
2. Terms. The terms shall correspond with the terms for the Board of Trustees.
3. Qualifications. Qualifications shall be the same as those for the Board of Trustees.
4. Compensation. Members shall serve without compensation, except reasonable out-of-pocket expenses.
5. Officers. The BOA shall elect from its membership a chairperson, whose term shall correspond with his BOA term, with eligibility for re-election.
6. Attorney, Planner, Consultants. The Town Attorney, the Town Planner, or other consultant shall, when requested by the BOA, attend any meetings of the BOA. With the approval of the Board of Trustees or the Mayor, any member of the BOA may call upon the Town Attorney or Town Planner for and oral or written opinion relating to any question of law or planning involving matters of the BOA.

B. Meetings.

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

2. Quorum. Four members of the BOA shall constitute a quorum.
3. Record. The BOA shall keep a public record of its meetings.

C. Powers and Duties.

1. The BOA shall have full power and authority to act on matters granted to it by Colorado law or the Town Charter, and as they may be amended from time to time, and, to the extent not inconsistent therewith, matters granted to it by this RLUC and any ordinances of the Town. In general, the BOA shall have such powers as may be necessary to enable it to perform its functions, promote municipal planning, and review development applications.
2. The BOA shall have the authority to hear and decide appeals from, and review, any order, requirement, decision or determination made by an administration official charged with the enforcement of this RLUC.
3. The BOA shall have the authority to hear and decide upon the granting of adjustments, variances, modifications or exceptions to the regulations and requirements of this RLUC relating to the construction or alteration of buildings or structures, setbacks, and design regulations.
2. The BOA shall have the authority to render interpretations of this RLUC, including any uncertainty as to boundary location or meaning of words and phrases, provided that such interpretation is not contrary to the purpose and intent of this RLUC.

Rico Land Use Code Section 1.14 Enforcement

- A. Responsible Enforcement Entity.** The Rico Board of Trustees, or its designee, shall be responsible for enforcing the provisions of this RLUC. Any criminal enforcement shall be by the issuance of a complaint and summons to Municipal Court by a peace officer.
- B. Authorization for Inspection.** Upon presentation of proper credentials, the Rico Town Manager, the code enforcement officer, or his or her designee(s) may enter any building, structure, real property, or premises to ensure compliance with the provisions of this RLUC. Such inspections shall be carried out during normal business hours unless the Town Manager or code enforcement officer determines there is an emergency.
- C. Violations and Enforcement Procedures.**
1. Violations. It shall be a violation of this RLUC to undertake any of the following activities:
 - a. Activities Inconsistent with the RLUC. Erecting, constructing, reconstructing, remodeling, altering, maintaining, expanding, moving, or using any building, structure, or sign, or to engage in development or subdivision of any land in contravention of any zoning, subdivision, sign, or other regulation of this RLUC, including all required approvals;

- b. Land Disturbing Activities Inconsistent with RLUC. Excavating, grading, cutting, clearing, or undertaking any other land disturbance activity contrary to the provisions of this RLUC or without first obtaining all requisite land use approvals required by this RLUC or other applicable regulations;
 - c. Nonconforming Uses Inconsistent with RLUC. Creating, expanding, replacing; or changing a nonconforming use, structure, lot, or sign except in compliance with this RLUC;
 - d. Making Lots or Setbacks Nonconforming. Reducing or diminishing the lot area, setbacks, or open space below the minimum required by this RLUC;
 - e. Increasing Intensity of Use. Increasing the intensity of use of any land or structure, except in accordance with the procedural and substantive standards of this RLUC;
 - f. Activities Inconsistent with Conditions of Approval. Failure to comply with any terms, conditions, or limitations placed by the Rico Board of Trustees upon any final development plan, subdivision plat, permit, or other form of authorization.
2. Penalty for Violations. Any person, including but not limited to the officers and agents of a corporation responsible for its actions or inaction, and the partners or members of a partnership, firm or joint venture, either as owner, lessee, occupant, or otherwise, who violates or causes the violation of any of the provisions of this RLUC, shall be guilty of a separate offense for each and every day or portion thereof during which a violation is committed, permitted, or continues.
3. Civil Remedies and Enforcement Powers. In addition to criminal prosecution for violations, the code enforcement officer, the Town Manager or the Rico Board of Trustees shall have the following civil remedies and powers to enforce this RLUC:
- a. Notice of Violation and Corrective Action Order.
 - i. Non Emergency Violations. In the case of violations of this RLUC that do not constitute an emergency or require immediate attention, written notice of the nature of the violation and required corrective action to be taken shall be given to the property owner, agent, occupant, or to the applicant for any relevant permit. Notice shall be given in person, by certified U.S. Mail (return receipt requested) or by posting notice on the premises. The notice shall specify the RLUC provisions allegedly in violation, and shall state that the individual has a period of thirty (30) days from the date of the receipt of the notice in which to correct the alleged violations before further enforcement action shall be taken. The notice shall also state any appeal and/or variance procedures available pursuant to this RLUC.
 - ii. Emergency Violations. In the case of violations of this RLUC that constitute an emergency as a result of safety or public concern, or violations that will create increased problems or costs if not remedied immediately, the Code Enforcement Officer, Rico Town Manager or the Rico Board of Trustees may

use the enforcement powers available under this Article without prior notice, but shall attempt to give notice simultaneously with beginning enforcement action or as soon thereafter as practicable. Notice may be provided to the property owner, agent, occupant, or to the applicant for any relevant permit.

- b. Deny/Withhold Permits. The Rico Town Manager or Building Official may deny and withhold all permits, certificates, or other forms of authorization to use or develop any land, structure, or improvements thereon until the alleged violation related to such property, use, or development is corrected. This provision shall apply whether or not the current owner or applicant for the permit is responsible for the violation. Where a property owner, agent, or other person has a record of an outstanding serious violation or violations of this RLUC, the Town Manager, Building Official and/or the Rico Board of Trustees shall be authorized to deny or withhold all permits, certificates of occupancy, or other forms of authorization for any use or development activity undertaken by such person until the outstanding violation is corrected. This provision shall apply whether or not the property for which the permit or other approval is sought is the property in violation.
- b. Revocation of Permits.
 - i. Public Hearing Required. The Rico Board of Trustees may revoke any development permit, building permit or other authorization, after notice and a public hearing.
 - ii. Notice of Public Hearing. The public hearing on the revocation of a development permit, building permit or other authorization shall be conducted during a regular special meeting of the Rico Board of Trustees not less than seven (7) days, nor more than fourteen (14) days from the date the notice of the hearing is given. Notice of hearing shall be deemed given to the owner, the owner's agent or other person to whom the development permit was issued, upon deposit of said notice in the U.S. Mail, by certified mail, return receipt requested, addressed to the last known address of said person. Additional methods of service may also be utilized to give notice of the public hearing.
 - iii. Findings. Following the public hearing, the Rico Board of Trustees upon a finding of the following, may revoke any development permit, building permit or other authorization:
 - a) There is a departure from the approved plans, specifications, or conditions of approval; or
 - b) There is a violation of any provision of the Rico Land Use Code; or
 - c) The development permit was obtained by false representation; or
 - d) The development permit was issued in error.
 - iv. Notice of Revocation. Written notice of revocation shall be served upon the owner, the owner's agent, applicant, or other person to whom the permit was issued by certified mail, return receipt requested, or such notice may be posted in a prominent location at the place of the violation. No work or construction or use of the property shall proceed after service of the revocation notice.

- d. **Stop Work Order.**
 - i. **Issuance of Stop Work Order.** The Rico Town Manager, Building Official, Code Enforcement Officer or the Rico Board of Trustees may issue a written order to stop work on any property on which there is an uncorrected violation of either a provision of this RLUC or a provision of a development permit, building permit or other form of authorization. The stop work order shall specify the RLUC provisions allegedly in violation. Service of the order shall be given in person, by certified U.S. Mail (return receipt requested) or by posting notice on the premises. After any such order has been served, no work shall proceed on any building, other structure, or tract of land covered by such order except to correct such violation or comply with the order. The notice shall also state any appeal and/or variance procedures available pursuant to this RLUC.
 - ii. **Timing/Notice.** The stop work order may be issued in conjunction with a notice of violation or subsequent to such notice. The stop work order may also specify a shorter time for correction of the violation than the thirty (30) day period specified in Section 6.1.C.3.a.i above. The stop work order shall also indicate that failure to comply with the order may subject the violator to criminal liability as penalty for the violation(s).
 - e. **Abatement or Injunctive Relief.** The Rico Board of Trustees, through the Rico Town Attorney, may initiate injunction or abatement proceedings or other appropriate legal action in the District Court or other court of competent jurisdiction to abate, remove, or enjoin such violation and to recover damages, costs, and reasonable attorney's fees incurred in the abatement and removal of such violation.
4. **Remedies Cumulative.** The remedies provided for violations of this RLUC, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.
 5. **Continuation of Prior Enforcement Actions.** Nothing in this RLUC shall prohibit the continuation of previous enforcement actions undertaken by the Town of Rico pursuant to previous regulations.
 6. **Appeals of Enforcements Actions.** Appeals of any order, requirement, decision, or determination made by an administrative official in the enforcement of this Article shall be made to the Board of Adjustments in accordance with the provisions of this RLUC.
 7. **Liability of The Town of Rico.** This RLUC shall not be construed to hold the Town of Rico responsible for any damages to persons or property by reason of the inspection or re-inspection, or failure to inspect or re-inspect, or by reason of issuing a building permit, or by reason of pursuing or failing to pursue an action for injunctive relief.

Rico Land Use Code Section 1.15 Relationship to Existing Ordinances

All ordinances or resolutions or motions of the Rico Board of Trustees of the Town of Rico or parts thereof in conflict with the RLUC are to the extent of such conflict hereby superseded and repealed. The adoption of the RLUC shall not adversely affect the Town of Rico's right to seek remedies for any violation of previous ordinances that occurred while those ordinances were in effect.

Rico Land Use Code Section 1.16 Relationship to the Town of Rico Regional Master Plan

- A. Intention.** It is the intention of the Town of Rico that the Rico Land Use Code implement the planning policies adopted in the Rico Regional Master Plan for Rico and its extraterritorial planning area. While this relationship is reaffirmed, it is the intent of the Town of Rico that neither the RLUC nor any amendment to it may be challenged on the basis of any alleged substantial nonconformity with the Rico Regional Master Plan.
1. Requirement for Rico Regional Master Plan Amendment. Where a development proposal would be in substantial conflict with the Rico Regional Master Plan, an amendment to the Rico Regional Master Plan will be required prior to any zoning or subdivision approvals.
 2. Criteria for Evaluating Amendment Proposals. Amendments to the Rico Regional Master Plan resulting from development proposals under the RLUC shall be evaluated according to the criteria and procedure outlined in the Rico Regional Master Plan.

Rico Land Use Code Section 1.17 Effective Date

The provisions of this RLUC became effective (need date) and were originally adopted on (need date). Development plans approved under previous regulations that received vested property rights through a site specific development plan shall be valid for the duration of that vested property right provided that all terms and conditions of the site specific development plan are followed. Existing legal uses that may become nonconforming by adoption of the RLUC shall become legal nonconforming uses subject to the provisions in this RLUC.

Rico Land Use Code Section 1.18 Fees

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters will be charged to applicants for permits, plat approvals, zoning amendments, variances and other administrative relief. The fee schedule will be adopted periodically by the Town of Rico Board of Trustees and is available at the Town of Rico web site.

Rico Land Use Code Section 1.19 Computation of Time

- A. Days.** In computing a period of days, the first day is excluded and the last day is included. Days refers to calendar days.
- B. Extensions.** If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday or legal holiday.
- C. Months.** If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

Rico Land Use Code Section 1.20 Miscellaneous

As used in the Rico Land Use Code, words used in the singular include the plural and words used in the plural include the singular. The words “must,” “shall” and “will” are mandatory; “may,” “can,” “should” and “might” are permissive.

Rico Land Use Code Section 1.21 Definitions

Terms used in this RLUC are defined as follows:

Accessory building means a subordinate building or structure, the use of which is customarily incidental to that of the main building or to the main use of the land, which is located on the same lot (or on a contiguous lot in the same ownership) with the main building or use. Accessory buildings are only permitted when they are incidental or accessory to an existing and permitted principal or conditional use.

Accessory dwelling unit means a permanent residential dwelling unit not exceeding 600 square feet of floor area which contains kitchen and bath facilities rendering the structure suitable for residential use and has its own entrance. The floor area of accessory dwelling units located in basement shall be measured at 100% for the purpose of this definition.

Accommodations (Ord. No. 2011-3 910, 06-15-11) the short-term rental of properties for periods of 30 days or less, including motels, hotels, inns, condominium-lodges, and bed and breakfasts.

Adjacent means meeting or touching at some point or separated from a lot or parcel by one of the following: a street, alley, or other right-of-way, lake, stream or open space.

Adjacent property owner is an owner of record of any estate, right or interest in real property abutting and within two hundred (200) feet of the subject property.

Agricultural land means land that is being used for agricultural activities and meets the Dolores County Assessor's Office definition of Agricultural Land.

Agricultural activity means any activity directly related to the production of crops, dairy products, poultry, or livestock for the initial commercial sale or as a principal means of personal subsistence.

Alley means a public minor or secondary way, which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Alteration means any change, addition or modification in construction, occupancy or use.

Animal boarding shall mean the operation of an establishment in which domesticated animals other than household pets are housed, groomed, bred, boarded, trained or sold. This term shall not include the operation of a kennel.

Applicant is the owner of land, the owner's authorized representative, or the optionee of the land, as well as mineral owners and lessees.

Appurtenances are the visible, functional, or ornamental objects accessory to and part of a building.

Aquifer recharge area means an area where water is absorbed into a natural aquifer adding to the zone of saturation.

Area of lot means the total horizontal area within the lot lines of a lot.

Attached means a physical connection of the foundation wall or roof of two (2) buildings. If the method by which the buildings are attached includes an above grade wall, or an above grade wall with roof, or has a common above grade wall, then the attached buildings shall be considered a single structure for the purpose of determining site coverage and floor area. If the attachment does not enclose area and does not include an above grade wall, then the area of the attachment shall not be counted for the purposes of determining site coverage.

Automotive repair means an establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and large mechanical equipment, including paint, body and fender, engine part overhaul, brake, muffler, upholstery work, tire repair and change, lubrication, tune ups and transmission work, car washing, detailing, polishing or the like, provided it is conducted within a complete enclosed building. Such use shall not include the sale of fuel, gasoline or petroleum products.

Awning means a roof-like cover of canvas or other material extending in front of a doorway or window, or over a deck, to provide protection from the sun or rain.

Bar or tavern means an establishment providing or dispensing fermented malt beverages, and/or malt, vinous or spirituous liquors and in which the sale of food products such as sandwiches or light snacks is secondary.

Basement means that portion of a building located partially or wholly underground having fifty percent (50%) or more of its floor to ceiling height below the average pre-existing grade of the adjoining ground.

Beacon, revolving means a rotating source of light.

Bed and breakfast shall mean a small lodging establishment that offers overnight accommodation and breakfast.

Best Management Practices (BMPs): Economically feasible conservation practices and land and water management measures that minimize adverse impacts to the chemical, physical and biological characteristics of water areas and wetlands. BMPs may include a wide range of structural and non-structural practices to be implemented in association with land disturbance, development and construction activities.

Bikeway means a path designed for use by bicyclists, which may be used by pedestrians.

Blank wall shall mean an exterior building wall with no openings and a single material and uniform texture on a single plane.

Block means a unit of land, or a group of lots, bounded by streets or by a combination of streets and public lands, or other rights-of-way other than an alley, waterways or any barrier to the continuity of development, or land which is designated as a block on any recorded subdivision tract.

Board of Trustees means the governing board of the Town of Rico.

Boarding and rooming house shall mean a building or portion of which is used to accommodate, for compensation, four (4) or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The word compensation shall include compensation in money, services or other things of value.

Buffer zone means all areas where development could impact wetlands and riparian areas and are subject to Article VII Section 22 (7.22).

Building means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which is governed by the following characteristics:

- a. Is permanently affixed to the land.
- a. Has one (1) or more floors and a roof.

Building code means the set of standards that must be followed in the construction and remodeling of buildings and structures. The building code used by the Town of Rico is the 2006 International Building Code.

Building frontage means the horizontal, linear dimension of that side of a building, which abuts a street, a parking area, a mall, or other circulation area open to the public and has either a main window display or a public entrance to the building

Building height is measured from the average of finished grade at the center of all walls of the building to the top of the parapet or highest roof beam (whichever is higher) on a flat or shed roof, to the top of the parapet or deck level (whichever is higher) of a mansard roof, or the average distance between the highest ridge and its eave of a gable, hip, or gambrel roof.

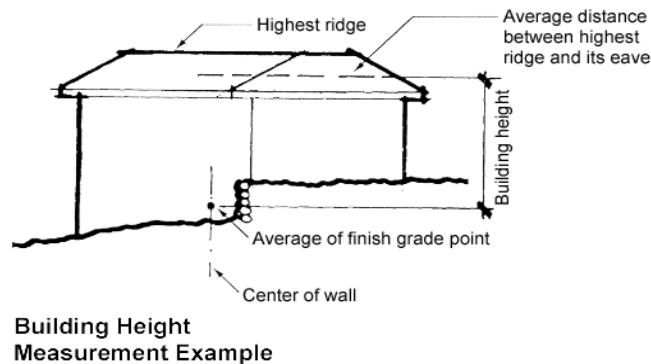


Figure 1-1

Caliper means the American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch caliper size, and as measured at twelve (12) inches above the ground for larger sizes.

Cash-in-lieu (also known as “fee-in-lieu”) means that the applicant, at the determination of the Rico Board of Trustees may pay the Town of Rico money instead of land dedication in those cases where the dedication of land is not the preferred alternative. The payment shall comply with the following requirements unless otherwise provided for by this RLUC.

- a. Payment shall be based on the market value, to be determined after completion of the platting process, of the entire property as it is valued after platting.
- b. The value of the land is based upon an appraisal by a competent, independent appraiser selected by the Town of Rico and the applicant, or upon value negotiated between the Town of Rico and applicant. The suitability of the land to be dedicated for public purposes and the credit to be given toward the land dedication requirement is at the Town of Rico sole option and discretion.
- c. Combination of dedication and cash-in-lieu:
 - i. The applicant, at the option of the Rico Board of Trustees may meet the dedication requirements through a combination of cash-in-lieu and land dedication in those cases where a portion of the dedication of land is not desired.

- i. The value of the combination of both the land dedication and the cash-in-lieu of land shall not exceed the full market value of the total required dedication of sites and land areas.

Cemetery means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with, and within the boundaries of, such cemetery.

Character means those attributes, qualities and features that make up and distinguish a development project and give such project a sense of purpose, function, definition and uniqueness.

Child care center means a facility, by whatever name known, which is maintained for the whole or part of a day for the care of four (4) or more children under the age of sixteen (16) years who are not related to the owner, operator or manager, whether such facility is operated with or without compensation for such care and with or without stated education purposes. The term includes, but is not limited to, facilities commonly known as day-care centers, day nurseries, nursery schools, preschools, play groups, day camps, summer camps, centers for developmentally disabled children and those facilities which give twenty-four hour per day care for dependent and neglected children, but specifically excludes any family-care home as defined in this RLUC. Child care centers are also those facilities for children under the age of six (6) years with stated educational purposes which are operated in conjunction with a public, private or parochial college or a private or parochial school, except that the term shall not apply to a kindergarten maintained in connection with a public, private or parochial elementary school system of at least six (6) grades so long as the school system is not also providing extended day services.

Church or place of worship and assembly means a building containing a hall, auditorium or other suitable room or rooms used for the purpose of conducting religious or other services or meetings of the occupants of such structure. Church or place of worship and assembly shall include churches, synagogues or the like, but shall not include buildings used for commercial endeavors, including, but not limited to, commercial motion picture houses or stage productions.

Clinic means a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

Clubs and lodges means organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or places of worship or assembly.

Commercial mineral deposits means oil, gas, gravel and other natural deposits that may be extracted from a property for economic benefit.

Common equestrian stabling and grazing means shared pastures and/or common barns for horses in conservation subdivision, which is owned and maintained by a homeowner's association.

Common open space means a parcel land, an area of water, or a combination of land and water within the site designated for a planned unit development (PUD) designed and intended primarily for the use or enjoyment of residents, occupants and owners of the planned unit development.

Community Design Principles & Development Standards means the standards in the Rico Land Use Code set forth in Article 2.

Community facility means a publicly owned facility or office building which is primarily intended to serve the recreational, educational, cultural, administrative or entertainment needs of the community as a whole.

Compressed gravel means gravel that has ninety-five (95) percent compaction at standard proctor densities at two (2) percent optimum moisture content.

Condominium means a single dwelling unit in a multiple unit structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

Connecting walkway means:

- a. Any street sidewalk; or
- b. Any walkway that directly connects a building entrance(s) to the street sidewalk, and connects other origins and destinations for pedestrians, including but not limited to commercial establishments, schools, parks, dwellings, work places and transit stops, without requiring pedestrians to walk across parking lots or driveways, around buildings or following parking lot outlines which are not aligned to a logical route.

Conservation easement means a right of the owner of the easement to prohibit certain acts with respect to the property in order to maintain the property in a manner that will preserve its value for recreation, education, habitat, open space, or historical importance. See also §38-30.5-102 C.R.S.

Container (also known as cargo or shipping container) means a truck trailer body that can be detached from the chassis for loading into a vessel, a rail car or stacked in a container depot. Containers may be ventilated, insulated, refrigerated, flat rack, vehicle rack, open top, bulk liquid or equipped with interior devices. A standard container may be twenty (20) feet, forty (40) feet, forty-five (45) feet, forty-eight (48) feet or fifty-three (53) feet in length, eight feet (8'0") or eight feet six inches (8'6") in width, and eight feet six inches (8'6") or nine feet six inches (9'6") in height.

Convenience retail store means a retail store containing less than five thousand (5,000) square feet of gross floor area, which sells everyday goods and services which may include, without limitation, ready-to-eat food products, groceries, over-the-counter drugs and sundries.

Cornice means a continuous, molded projection that crowns a wall or other construction, or divides it horizontally for compositional purposes.

Covenants means a private written agreement outlining regulations specific to a development. As private restrictions; they are not enforced by the Town of Rico. In the event of conflict between the covenants and this RLUC, this RLUC controls.

Critical plant communities means vegetation which is essential to the conservation of threatened or endangered species and which may require special management considerations or protection.

Crosswalk means pathway marked off for pedestrians to cross a street.

Development means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into two (2) or more parcels. When appropriate in context, development shall also mean the act of developing or to the result of development.

a. Development shall also include:

- i. Any construction, placement, reconstruction, alteration of the size, or material change in the external appearance of a structure on land;
- ii. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
- iii. The maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure;
- i. The use of any land for an agricultural activity;
- i. A change in the ownership or form of ownership of any parcel or structure; or
- i. The creation or termination of rights of access, easements, covenants concerning development of land, or other rights in land.
- ii. Any change in use of land or a structure;
- i. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland;
- ii. The commencement of drilling oil or gas wells, mining, stockpiling of fill materials, filling or excavation on a parcel of land;
- iii. The demolition of a structure;

b. Development shall not include:

- i. Work by a highway, road agency, railroad company or utility service provider for the maintenance or improvement of such infrastructure, if the work is carried out on land within the boundaries of the right-of- way;

- ii. The maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure
- iii. The use of any land for an agricultural activity;
- iv. A change in the ownership or form of ownership of any parcel or structure; or
- v. The creation or termination of rights of access, easements, covenants concerning the development of land or other rights in land.

Development plan means the written and graphical documents that detail the provisions for development of a PUD development. These provisions may include, and need not be limited to, easements, covenants and restrictions relating to use; location and bulk of buildings and other structures; intensity of use or density of development; utilities, private and public streets, ways, roads, pedestrians, areas, and parking facilities; common open space, and other public facilities.

Downtown means the original business district of the Town of Rico. The boundary of downtown may change as Rico continues to grow.

Drive aisles means the lanes in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term drive aisle does not include lanes used only or primarily for drive-in customer service.

Drive-in use means an establishment which by design, physical facilities, service or packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

Driveway means a constructed vehicular access serving one (1) or more properties and abutting a public or private road.

Dwelling means a building used exclusively for residential occupancy, including single-family dwellings, two-family dwellings and multi-family dwellings.

Dwelling, multi-family means a dwelling containing three (3) or more dwelling units, not including hotels, motels, fraternity houses and sorority houses and similar group accommodations.

Dwelling, single-family means a building designed exclusively for occupancy by one (1) family, but not including mobile home, otherwise provided herein.

Dwelling, single-family attached means a residential building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.

Dwelling, single-family detached means a single-family dwelling, which is not attached to any other dwelling or building by any means, excluding mobile homes and manufactured housing situated on a permanent foundation.

Rico Land Use Code Section 1.21 Definitions

Dwelling, two-family means a building occupied by two (2) families living independently of each other.

Dwelling unit means one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling or mixed-use building.

Easement means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation or particular persons for specified uses.

Eave means the overhanging lower edge of a roof.

Elevation means the external vertical plane of a building. Elevations are considered different if they have different roof lines, building materials, details, color and overall stylistic expression

Employees means the total number of persons to be employed in a building during normal periods of use.

Entertainment facilities and theaters means a building or part of a building devoted to showing motion pictures or dramatic, musical or live performances.

Environmentally sensitive areas means aquifer recharge areas, significant wildlife habitat and migration corridors, unique vegetation and critical plant communities, and ridge lines.

Family child care home means a facility for child care in a place of residence of a family or person for the purpose of providing less than twenty-four (24) hour care for children under the age of eighteen (18) years who are not related to the head of such home. Family child care home may include infant-toddler child care homes, large child care homes, experienced provider child care homes, and such other types of family child care homes designated by rules of the State Department of Social Services pursuant to C.R.S. § 26-6-106 (2) (p).

Farm animals means animals commonly raised or kept in an agricultural, rather than an urban, environment including, but not limited to, chickens, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys and mules.

FEMA means Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

Fen means wetlands dominated by herbaceous hydrophytes receiving water that has passed through mineral soils. Water table levels are high and have pH values greater than 5.0; and, have 16 inches, or more, of organic material in the upper 32 inches of surface soil horizon. Organic soils are classified as Histosols by the USDA.

Floor area, also called gross floor area, means the total square footage of the building measured along the outside walls of the building and including each floor level, but not including open balconies, garages or other enclosed automobile parking areas and basement storage areas, and not including one-half (1/2) of all storage and display areas for durable goods.

Floor Area Ratio (FAR) means the amount of gross floor area of all principal buildings on a lot or block, as the case may be, divided by the total area of such lot, or the block size, respectively, on which such buildings are located. For mixed-use blocks, the residential square footage shall be added to the commercial development for a total block FAR.

Footprint, also called ground level footprint, means the outline of the total area, which is covered by a building's perimeter at ground level.

Freestanding sign means a sign which is supported by one (1) or more columns, uprights, poles or braces extended from the ground, or which is erected on the ground and shall also include a monument sign and pole signs but does not include a sign attached to a structure.

Functional open space means open space which is large enough to serve a practical purpose such as recreation, wildlife habitat or preservation of areas of agricultural, archeological or historical significance and shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells or their appurtenances, or other hazards to the public.

Gable means the triangular portion of wall enclosing the end of a pitched roof from cornice or eaves to ridge.

Gasoline station means any building, land area, premises or portion thereof, where gasoline or other petroleum products or fuels are sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs and carburetor cleaning may be conducted. Gasoline station shall not include premises where heavy automobile maintenance activities such as engine overhaul, automobile painting and body fender work are conducted.

Geological Hazards means unstable or potentially unstable slopes, undermining, faulting, landslides, rockfalls or similar naturally occurring dangerous features or soil conditions or natural features unfavorable to development.

Grade means

- a. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
- b. The degree of rise or descent of a sloping surface.

Grade, finished means the final elevation of the ground surface after development.

Grade, natural means the elevation of the ground surface in its natural state, before man-made alterations.

Gross square footage (GSF) means the total floor area designed for occupancy and use, including basements, mezzanines, stairways and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

Guest house means an accessory structure which is physically detached from a single-family dwelling unit, is serviced through the same utility meters or connections as the principal use, and is intended for temporary occupancy by visitors to the family residing in the single-family dwelling, and has no cooking facilities.

Hazard areas are areas which are subject to geologic hazards that constitute a significant hazard to public health, safety and property, including, but not limited to: avalanche areas, flood plains, wildfire, landslides, rock falls, mud-flows, unstable or potentially unstable slopes, seismic effects, radioactivity, mine waste contamination and ground subsidence.

Hip roof means a roof having sloping ends and slides meeting at an inclined projecting angle.

Historic district means an area related by historical events or themes by visual continuity or character, or by some other special feature that helps give it a unique historical identity. Such area may be designated a historic district by local, state, or federal government and given official status and protection.

Historic site means a structure or place of historical significance. Such structure or place may be designated a historic site by local, state, or federal government and given official status and protection.

Historic Structure. Any structure that is: 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

Homeowners association means the association set up to enforce the covenants and maintain all common areas and buildings for a development. Also known as "Owners Association."

Home occupation means a business occupation or trade conducted in the residential district for gain or support by a resident or residents of the dwelling, and no other, which:

- a. Is clearly incidental and secondary to the residential use of the building;
- b. Operates pursuant to a valid occupational license for the use held by the resident of the dwelling unit, if required;
- c. Is confined to no more than fifty percent of the total floor area of the dwelling;
- d. Provides off-street parking to accommodate the parking demand generated by the home occupation;
- e. Does not include retail shops, lodging or restaurants;

Rico Land Use Code Section 1.21 Definitions

- f. Does not employ more than one person who does not reside at the residence
- g. Does not create any noise, odor, vibration, dust, smoke, haze or other nuisance greater than customary residential uses outside any building on the premises or outside the boundary of the premises;
- h. Does not change the essential residential character of the use;

Horticulture means the growing of fruits, vegetables, herbs, flowers or ornamental plants.

Hotel/motel/lodging establishment means a building intended and used for occupancy as a temporary abode for individuals who are lodged with or without meals, in which there are five (5) or more guest rooms.

Human scale (pedestrian scale) means the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

Illumination, direct means lighting by means of an unshielded light source (including neon tubing), which is effectively visible as a part of the sign, where light travels directly from the source to the viewer's eye. illumination does not include lighting which is primarily used for purposes other than sign illumination; e.g., parking lot lights, or lights inside a building that may silhouette a window sign but are primarily installed to serve as inside illumination.

Illumination, internal means lighting by means of a light source that is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs that are themselves made of a translucent material.

Industrial, heavy means uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involved hazardous conditions. Heavy industrial shall also mean those uses engaged in the operation, parking and maintenance of vehicles, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, and transport terminals (truck terminals, public works yard, container storage).

Industrial, light means uses engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, light industrial shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories or the like.

Infrastructure means those man-made structures which serve the common needs of the population, such as: potable water systems; wastewater disposal systems; solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.

Irrigation ditch or canal means a channel designed to transport irrigation water.

Junkyard means an industrial use contained within a building, structure or parcel of land, or portion thereof, used for collecting, storing or selling wastepaper, rags, scrap metal or discarded material or for collecting, dismantling, storing, salvaging or demolishing vehicles, machinery or other material and including the sale of such material or parts thereof. Junkyard shall not include a recycling facility.

Kenel means a facility licensed to accommodate dogs, cats or other household pets and/or where grooming, breeding, boarding or training or selling of animals is conducted as business.

Landowner means any owner of a legal or equitable interest in real property, and includes the heirs, successors, and assign of such ownership interests.

Landscaping means any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. Landscaping shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation or the preservation, protection and replacement of existing trees.

Lane means a private street; or a portion of a roadway delineated for a single line of vehicles; or a secondary means of access to the abutting lots and not intended for general traffic circulation.

Laundry and dry-cleaning retail outlet means a laundry or dry-cleaning business which consists primarily of serving retail customers, provided that any laundry and dry-cleaning processing that occurs on the premises is limited to items which are brought directly to the premises by the retail customer.

Lighting, indirect when applied to the lighting of signs, shall mean reflected light only from a concealed light source outside the sign face which, reflects from the sign face only or from the sign face and sign copy.

Livestock means domestic animals kept or raised for use, pleasure and/or profit.

Lodging establishment means a building intended and used for occupancy as a temporary abode for individuals who are lodged with or without meals, in which there are five (5) or more guest rooms.

Lot means a designated parcel, tract or area of land established by plat or subdivision of at least a sufficient size to meet minimum requirements for use, street frontage coverage and area, and to provide required yards and other open spaces in the zoning district in which the lot is located, and which has direct access onto a public or private street.

Lot depth means the average distance between the front lot line and the rear lot line.

Lot, double frontage means lots which front on one (1) public street and back on another.

Lot, flag means a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

Lot line, front means the property line dividing a lot from a street. On a corner lot only one (1) street line shall be considered as a front line, and the shorter street frontage shall be considered the front line.

Lot line, rear means the line opposite the front lot line.

Lot, reverse corner means a corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.

Machine shop means a workshop where power-driven tools are used for making, finishing, or repairing machines or machine parts.

Manufactured Home. A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufacturing means a business, which makes products by hand or by machinery.

Mini-storage warehouse means a building or a group of buildings containing separate, individual self-storage units divided from the floor to ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased on a short-term basis to the general public for private storage or personal goods, materials and equipment.

Mitigation Plan means a plan describing the restoration of wetland areas destroyed or otherwise negatively impacted by an activity; or, a plan to minimize safety concerns associated with land use activities in hazardous areas; or, a plan to address impacts related to land use activities, such impacts to include, but not limited to: parking, noise, traffic, storm water run-off, and odors.

Mixed use shall mean the development of a lot tract or parcel of land, building or structure with two (2) or more different uses including but not limited to residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.

Mixed use building means a building designed, planned and constructed as a unit, used partially for residential use and partly for commercial uses including, but not limited to, office, retail, public uses, personal service or entertainment uses.

Mixed use dwelling unit means the dwelling unit in a mixed use building. For purposes of calculating residential density, each dwelling unit shall count as one-half (1/2) dwelling unit.

Mobile Home means a single-family dwelling unit partially or entirely manufactured in a factory, built on a permanent chassis, and designed to be transported on streets to the place where it is to be occupied as a dwelling unit. A mobile home shall conform to the following design and installation standards:

- a. Is at least twenty-four (24) feet wide and thirty-six (36) feet long;
- b. Is permanently affixed to and installed on an engineered, permanent perimeter foundation;
- c. Has a pitched or cosmetically equivalent roof, and brick or wood exterior siding; and

Complies with HUD or IBC standards, as applicable, or meets or exceeds equivalent requirements and performance engineering standards.

Municipality means an incorporated city or town.

Natural areas means floodplains and flood ways, natural drainage and water ways, significant native trees and vegetation, wildlife travel corridors, special habitat features such as raptor nest sites, key nesting, breeding or feeding areas for birds; fox and coyote dens, prairie dog colonies over twenty-five (25) acres in size, remnant native prairie habitat, plains cottonwood galleries, and any wetland.

Neighborhood means a geographical area, the focus of which are residential uses, but also may include a mixture of activities that people need to live. A neighborhood may include a diversity of housing types, schools, parks, shopping and jobs (frequently service-type), and a civic component.

Nightclub means a bar or tavern containing more than one hundred (100) square feet of dance floor area.

Nonconforming building means a building or structure, or portion thereof, that does not conform to the regulations of this RLUC, but that was lawfully constructed under the regulations in force at the time of construction.

Nonconforming use means a use that does not conform to the use regulations of this RLUC, but that was lawfully established under the regulations in force at the time the use was established and has been in regular use since that time.

Off-street parking area means all off-street areas and spaces designed, used, required or intended to be used for the parking, storage, maintenance, service, repair, display or operation of motor vehicles, including driveways or access ways in and to such areas, but not including any outdoor storage area used principally as a "recreational vehicle, boat or truck storage" use, storage areas for landscaping and other bulk items or public streets and rights-of-way.

Oil and gas operation means any structure, facility or activity which is constructed on or disturbs land in association with oil or gas drilling, production or waste treatment and disposal, including but not necessarily limited to wells, tanks or tank batteries, pits, access roads for ingress and egress and pipelines.

Oil or gas well means a well, the principal production of which at the mouth of the well is oil or gas.

Open space means any land or water area with its surface open to the sky, which serves specific uses of: providing park and recreation opportunities, conserving natural areas and environmental resources, structuring urban development form, and protecting areas of agricultural, archeological or historical significance. Open space shall not be considered synonymous with vacant or unused land but serves important urban functions. Usable open space shall exclude areas used for off- street parking, off-street loading, service driveways and setbacks from oil and gas wells and their appurtenances, or other hazards to the public.

Outdoor storage means the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours.

Outlot means a measured piece of land contained within subdivided land that is not a building lot. An outlot may be conveyed to the public for open space or other public purposes, be retained by the developer for later subdivision, or be conveyed to an owners association.

Owner means the person or entity that owns the property under consideration.

Parapet means a low, protective wall at the edge of a terrace, balcony or roof, especially that part of an exterior wall, fire-wall, or party wall that rises above the roof.

Parcel means a tract or plot of land.

Park means an area open to the general public and reserved for recreational, educational or scenic purposes.

Parking garage means an off-street parking area within a building.

Parking lot means off-street parking area or vehicular use area.

Pedestrian scale (human scale) means the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

Permanent monument means any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

Phase means a portion of property that is being platted and engineered for development at the same time.

Pilaster means a rectangular support or pier treated architecturally as a column, with a base shaft and capital.

Plan means the map(s) and supporting documentation for a development, which includes but is not limited to, lots, blocks, easements, rights-of-way, pedestrian ways, park and school sites, open space areas, and conservation areas in accordance with the requirements of the RLUC.

Planned Unit Development (PUD) means a project of a single owner or a group of owners acting jointly, involving a related group of residences, businesses, or industries and associated uses. Planned as a single entity, the project is subject to development and regulations as one (1) land-use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development includes usable, functional open space for the mutual benefit of the entire tract; and is designed to provide variety and diversity through the variation of normal zoning and subdivision standards so that maximum long-range benefits can be gained, and the unique features of the development or site preserved and enhanced while still being in harmony with the surrounding neighborhood. Approval of a planned unit development does not eliminate the requirements of subdividing and recording a plat.

Planning Area Boundary means the area surrounding the Town of Rico that Rico will consider annexing and developing. The Planning Area Boundary is delineated on the Rico Regional Master Plan.

Plant nursery and greenhouse means any land or structure used primarily to raise trees, shrubs, flowers or other plants for sale or for transplanting.

Plat means a map of certain described land prepared in accordance with the requirements of this RLUC, and C.R.S. § 38-51-106 as an instrument for recording of real estate interests with the County Clerk and Recorder.

Principal use means the main use of land or of a structure as distinguished from a subordinate or accessory use.

Private property rights means the rights a property owner within the Town of Rico to use his/her property within the legal parameters set forth in the RLUC, and subject to applicable state, federal, and constitutional law. Nothing herein guarantees any private property rights to develop in a particular manner except pursuant to a valid vested right.

Principal Building means that main structure or building on a building site or lot in which the primary use by right occurs.

Proof of ownership means ownership as specified in a current title insurance commitment or policy, or certification of title, issued by a title insurance company licensed by the state of Colorado.

Property means all real property subject to land use regulation by the Town of Rico.

Property line means the boundary of any lot, parcel or tract as the same is described in the conveyance of such property to the owner; and does not include the streets or alleys upon which the said lot, parcel or tract abuts.

Public areas means streets, parks, open spaces and other property designated or described as for public use on a map or plat of the Town of Rico and fee title is vested in the Town of Rico, other public body or a special district as defined in 32-1-103 C.R.S.

Public facilities means those constructed facilities, including but not limited to, transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police and emergency systems or facilities, electric, gas, telecommunication utilities or facilities, and publicly owned buildings or facilities.

Public hearing means a meeting called by a public body for which public notice has been given and which is held in a place at which the general public may attend to hear issues and to express their opinions.

Public improvement means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree lawn, landscaped open space, off-street parking area, lot improvement or other facility, which benefits the public.

Public open space means an open space area conveyed or otherwise dedicated to the municipality, state or county or other public body for recreational or conservation uses. Public open spaces are to be unencumbered by oil and gas wells, their appurtenances or other hazards to the public.

Public use means uses which are owned by and operated for the public by the Town of Rico County, state or federal governments or by school districts.

Public utility means a common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or storm water service or similar public services, but shall not include railroads or other forms of rail mass transit or depots or terminals supporting the same, or wireless telecommunication facilities.

Raw water means water that has not been treated and does not have any of its minerals, ions, particles, bacteria, or parasites removed.

Recreational vehicle (RV). Recreational vehicle means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. The following shall be considered a recreational vehicle (RV):

- a. Camping trailer or tent trailer means a folding structure, constructed of canvas, plastic or similar water repellent material, designed to be mounted on wheels and designed for travel and recreation.
- b. Motorized home, motor home and/or recreational bus or van. A recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation and vacation uses, and constructed as an integral part of a self-propelled vehicle.
- c. Pick-up camper means a vehicle designed to be mounted on or loaded into a pick-up truck chassis for use as a temporary dwelling for travel and recreation.
- d. Tent means a portable or temporary cover or shelter, with or without side panels, which is supported by poles and is made of canvas, plastic or similar materials.
- e. Travel trailer means a towed vehicle designed as a temporary dwelling for travel and recreation.
- f. Travel trailer, self-contained means a trailer, which can operate independently of connections to sewer, water and electric systems. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

Recreational vehicle park Recreational vehicle park means a parcel of land specifically developed for locating only recreational vehicles on lots on a short-term basis.

Recreational vehicle site Recreational vehicle site means a plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent or any other individual camping unit on a temporary basis.

Restaurant means any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state; where fermented malt beverages, and/or malt, special malt or vinous and spirituous liquors may be produced on the premises as an accessory use; and where the design or principal method of operation includes one (1) or both of the following characteristics:

- a. Customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; or
- b. Customers are served their food and/or beverages by means of a cafeteria- type operation where the food or beverages are consumed within the restaurant building.

Restoration means a human activity that returns wetlands areas from a disturbed or altered condition with a lesser wetland area acreage and/or function values to an enhanced or improved condition with greater wetland acreage and/or functional values.

Resubdivision means the changing of any existing lot or lots, street rights-of-way or easements of a subdivision plat previously recorded with the County Clerk and Recorder.

Retention basin means a pond, pool or basin used for permanent storage of water runoff.

Rico Regional Master Plan means the plan, which was adopted by the Rico Planning Commission and the Rico Board of Trustees in accordance with C.R.S § 31-23-206, to guide the future growth, protection and development of the Town of Rico affording adequate facilities for housing, transportation, comfort, convenience, public health, safety and general welfare of its population.

Right-of-way means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use on the plat on which such right-of-way is established.

Riparian Area means the transition area between aquatic and terrestrial (upland) environments influenced by the high water table associated with a stream or river. Plant types typically associated with riparian areas include hydrophytes (obligate, facultative wet, and facultative species) and phreatophytes (typical plants include, but are not limited to, cottonwoods, willows, alders, aspens, and chokecherry). Riparian areas are commonly recognized by the combination of high species diversity, high species densities, and high productivity.

Roof, gable means a roof sloping downward in two parts from a central ridge, so as to form a gable at each end.

Roof, hip means a roof having sloping ends and sides meeting at an inclined projecting angle.

Roof segment means the entire segment of roof existing on one plane.

Rural road means a street designed following the rural local cross-section as described in Section 2.9.

Scenic Views means views of mountain ridges and slopes, natural landscapes, rivers, waterfalls, forests and the sky as seen from the Town commercial core, public roads and public trails.

Setback means the required unoccupied open space between the nearest projection of a structure and the property line of the lot on which the structure is located.

Setback, front yard means the distance a building or structure must be placed from the front lot line.

Setback, rear yard means the distance a building or structure must be placed from the rear lot line.

Setback, side yard means the distance a building or structure must be placed from the side lot line.

Short-term rental dwelling unit (ordinance number 2011-3 910, 06-15-11) means the short term rental of properties for periods of 30 days or less, excluding hotels, condominium hotels, lodges and bed and breakfasts.

Sidewalk means the hard surface path within the street right-of-way for use by pedestrians and/or bicyclists.

Sight distance triangle means the area at the four corners of an intersection that is to be kept free of shrubs, ground covers, berms, fences, structures, or other materials or items greater than thirty (30) inches in height. Trees shall not be planted in the triangular area. The size of the sight distance triangles is determined as follows:

- a. At the intersection of any two streets or where a street intersects with an alley, a triangle measuring thirty (30) feet along each curb or edge of roadway from their point of intersection, the third side being a diagonal line connecting the first two.
- b. At the intersection of a driveway or private access and a street, a triangle measuring fifteen (15) feet in length along the edge of the driveway and along the curb or edge of roadway from their point of intersection, the third side being a diagonal line connecting the first two.

Sign, projecting means any sign supported by a building wall and projecting therefrom.

Sign, wall means 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 the building wall.

Sign, window is a sign that is painted on, applied or attached to a window or that can be read through the window from the public right-of-way.

Significant wildlife habitat and migration corridors are areas designated by the Colorado Division of Wildlife and/or the Colorado Natural Diversity Information Source (.ndis.nrel.colostate.edu) as areas of landscape that provide food, cover and water sufficient to meet the needs of a given species to survive and reproduce.

Site plan means a scale drawing of a lot, showing the actual measurements, the size and location of any existing or proposed buildings, the location of the lot in relation to abutting streets, and other details such as parking areas, access points, landscaped area, building areas, setbacks from lot lines, building heights, floor areas, densities, utility locations and easements.

Site specific development plan means the final plat of a subdivision or Final Development Plan of a PUD (Planned Unit Development) when approved by the Rico Board of Trustees pursuant to Article 5 of this RLUC.

Split garages means having at least two (2) separate garages that are oriented in different directions.

Steep Slope means a slope greater than 30% for a vertical distance greater than ten (10) feet.

Rico Land Use Code Section 1.21 Definitions

Street means a public thoroughfare, which affords the principal means of access to abutting property.

Street furniture means constructed objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas and other outdoor spaces open to and used by the public.

Sign, projecting means any sign supported by a building wall and projecting therefrom.

Sign, wall means 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 the building wall.

Sign, window is a sign that is painted on, applied or attached to a window or that can be read through the window from the public right-of-way.

Significant wildlife habitat and migration corridors are areas designated by the Colorado Division of Wildlife and/or the Colorado Natural Diversity Information Source (.ndis.nrel.colostate.edu) as areas of landscape that provide food, cover and water sufficient to meet the needs of a given species to survive and reproduce.

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Structure means a combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above or below the surface of land or water.

Subdivider or developer means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

Subdivision means the platting of a lot or the division of a lot, tract or parcel of land into two (2) or more lots, plots or sites.

Subsidence means a local mass movement that involves the downward settling or sinking of the solid Earth's surface. Subsidence may be due to natural geologic processes or man's activity such as coal mining.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage," regardless of the actual repair work performed. The term does not include;

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- a. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Tandem parking means parking two (2) cars in a driveway or parking space so that one car is right in front of the other and the front car can not move until the back car is moved.

Temporary housing Temporary housing shall mean any structure that is being inhabited that does not have a septic system or a composting toilet.

Temporary use means a prospective use intended for limited duration, is to be located in a zoning district not permitting such use, and shall not include continuing a nonconforming use or building.

Title commitment means formal documentation from a title company listing the name of the owner of the property under consideration, the legal description of the property and any legal holdings on the property such as easements, rights-of-way or liens.

Tiny Home means is a dwelling limited to one bedroom and less than 400' of livable space, excluding a loft for the purpose of the 2006 International Residential Code review and including the loft for the purpose of the reduced soil treatment area as defined in Colorado Health and Environment Regulation 43, adopted by the Rico Board of Trustees on September 20th 2017 and attached to a permanent foundation.

Undermining means land that has been mined under the surface of the ground.

USGS datum means United States Geological Survey basis of elevations.

Vacant land means land that does not have development on it.

Vegetation means plants growing in a place, including, but not limited to trees, shrubs, vines, grasses and groundcover.

Vehicle major repair, servicing and maintenance means any building, or portion thereof, where heavy maintenance activities such as engine overhauls, automobile/truck painting, body or fender work, welding or the like are conducted. Such use shall not include the sale of fuel, gasoline or petroleum products.

Vehicle minor repair, servicing and maintenance means the use of any building, land area, premises or portion thereof, where light maintenance activities such as engine tune-ups, lubrication, carburetor cleaning, brake repair, car washing, detailing, polishing or the like are conducted.

Vested property right means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan, pursuant to Article 5 of this RLUC.

Walkable means a distance of one-quarter ($\frac{1}{4}$) mile or within a five (5) to ten (10) minute walk.

Walkway means:

- a. A right-of-way dedicated to public use that is not within a street right-of-way, to facilitate pedestrian access through a subdivision block by means of a hard surface path.
- a. Any portion of a parking area restricted to the exclusive use of pedestrian travel.

Warehouse and distribution means a use engaged in storage, wholesale, and distribution of manufactured products, supplies or equipment, including accessory offices or showrooms, including incidental retail sales, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Warehousing means a business, which stores or stacks merchandise or commodities.

Waters of the Town of Rico means all waters, including without limitation a wetland, perennial or intermittent river, stream, lake, reservoir, or natural ponds, impoundments and tributaries. The following water features are excluded: irrigation and roadway drainage ditches; artificial lakes and ponds which are not tributary to state waters or are created and used for the primary purposes of agricultural activities or stormwater treatment; and, development water features less than 0.5 acres in surface area. A “perennial” river, stream, reservoir, or pond is one that normally holds water or flows continuously during all the calendar year as a result of groundwater discharge or surface run-off. An “intermittent” river, stream, reservoir or pond is one that is defined as such by the U.S. Geological Survey and may be shown as intermittent water features on the U.S. Geological Survey 7.5 Minute Series Topographical maps. Waste treatment systems presently in use, including treatment ponds and lagoons designed to meet the requirements of the Clean Water Act (33 U.S.C. sec. 1341), and treated water distribution and storage facilities or treated water that otherwise meets the criteria of this definition, are not waters of the Town of Rico.

Wetland means An area inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances support, vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation, and includes area delineated as a wetland by the Army Corps of Engineers or defined as a wetland by the Army Corps of Engineers delineation manual. Wetland areas include all Waters of the Town of Rico, all riparian areas in the Town, and are presumed to include all areas identified on official wetland area maps of the Town of Rico.

Yard means that portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the zone district in which the lot is located.

Yard, front means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

Yard, front setback means the distance a building or structure must be placed from the back of the front property line.

Yard, rear means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

Yard, rear setback means the distance a building or structure must be placed from the back of the rear property line.

Yard, side means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

Yard, side setback means the distance a building or structure must be placed from the back of the side property line.

Zone district means a zone district of the Town of Rico as established in Article 3 of this RLUC, unless the term is used in a context that clearly indicates that the term is meant to include both the zone district(s) of the Town of Rico and the zone district(s) of an adjoining governmental jurisdiction. Also referred to as "zoning district."

Zoning map means the official zoning map adopted by the Town of Rico by ordinance, as amended.

Article II – Community Design Principles & Development Standards

Section	Page
2.1 General Provisions	6
A. Applicability	6
B. Relationship to Zone District Standards	6
2.2 Vision and Intent	6
2.3 Application of Community Design Principals	7
2.4 Design Elements	7
2.5 Neighborhood Design Principals	8
A. Intent	8
B. Neighborhood Structure	8
C. General Provisions	9
2.6 Lots and Blocks	10
A. Intent	10
B. General Provision	10
2.7 Streets	11
A. Intent	11

Article II – Community Design Principals & Development Standards Continued

Section	Page
B. General Provisions	11
C. Street Standards	13
D. Designated Road Uses	13
E. Road Building Procedures	16
2.8 Parking	18
A. Intent	18
B. General Provisions	18
C. Off-Street Parking Requirements	20
D. Handicap Parking Requirements	20
E. Bicycle Parking Spaces	21
F. Parking Restrictions for Recreational Vehicles	21
G. Parking Restrictions for Excess Weight Vehicles	21
2.9 Sidewalks, Multi-Use Paths & Trails	21
A. Intent	21
B. General Provisions	22
2.10 Easement & Utility Standards	23
A. Utility Improvements	23

Article II – Community Design Principals & Development Standards Continued

Section	Page
B. Utility Permits	23
C. Permit Required	23
D. Utility Easement Width	23
E. Multiple Installations within Easements	24
F. Underground Utilities	24
G. Standards for Utility Installation	24
H. Minimum Separation of Lines	25
2.11 Parks & Open Space	25
A. Intent	25
B. Types of Parks & Open Space	25
C. General Provisions	26
D. Open Space Requirements	27
2.12 Public Sites & Dedication Requirements	29
A. Percentage of Dedication	29
B. Fee-in-lieu of Dedication	29
2.13 Fair Contribution for Public School Sites	29

Article II – Community Design Principals & Development Standards Continued

Section	Page
A. Exemptions from Fair Contribution for Public School Sites	29
B. Land Dedication	29
C. Cash-in-Lieu of Land Dedication	30
2.14 Landscape Design	30
A. Intent	30
B. General Provisions	30
C. Site Landscape Design	31
D. Environmental Considerations	32
E. Storm Drainage Facilities	32
F. Prohibited Plant Materials List	33
2.15 Fences & Walls	33
A. Intent	33
B. General Provisions	33
C. Fences in the Historic Zone District	35
2.16 Residential Architecture (Single-Family and Multi-Family Dwellings)	36
A. Intent	36

Article II – Community Design Principals & Development Standards Continued

Section	Page
B. Single-Family Detached and Duplex Dwelling	36
C. Townhouses and Row Houses (Single-Family Attached Dwellings)	37
D. Multi-Family Stacked Units including Condominiums and Apartments	38
2.17 Historic Commercial and Commercial Architecture	40
A. Intent	40
B. General Provisions	40
C. Historic Commercial District Architectural Standards	41
2.18 Lighting	44
A. Intent	44
B. General Provisions	44
2.19 Sanitary Sewer	44
A. On Site Wastewater Treatment Systems	44
2.20 Potable Water	45
A. Potable Water	45

Rico Land Use Code Section 2.1 General Provisions

- A. Applicability.** All development applications and building permit applications shall comply with the applicable standards contained in this article.
- B. Relation to Zone District Standards (Section 3.6).** In the event of a conflict between a standard or requirement contained in Section 3.6 and Article 2, the standard in Section 3.6 shall prevail.

Rico Land Use Code Section 2.2 Vision and Intent

The intention of the Town of Rico in enacting this Article is to clearly describe the Town's vision and to create a vital, cohesive, well-designed community in order to enhance its small-town character and further the citizens' goals as identified in the Town of Rico Regional Master Plan.

Community Design – Maintain and enhance community values that are unique to Rico

- Preserve Rico as a traditional Colorado mountain town, especially our individual freedom, alternative lifestyle and connection to the surrounding natural alpine environment.
- Preserve the historic “mountain hamlet” scale and appearance of Town.
- Promote design in new development that creates a sense of community and fosters traditional small town values.
- Limit tourism to retain the predominate traditional small town character and avoid a predominate resort character.
- Manage growth so that new development and population increases occur at rates that can be absorbed by the community without negative impacts.

Promote Mountain Compatible Design

- Promote design in new development that is compatible with and complementary to Rico's mountain setting.
- Support design that embodies the historic, rustic and utilitarian character of Rico
- Encourage design that functions in Rico's high altitude setting.

Promote Pedestrianism

- Maintain a compact town based on the historic townsite where pedestrian travel is the preferred mode of transportation in Town for residents and visitors.
- Maintain and enhance enjoyable pedestrian experiences in Rico.
- Reduce potential vehicle trips by providing desirable pedestrian opportunities.

Rico Land Use Code Section 2.2 Vision and Intent

Preserve the Historic Character of Rico

- Maintain and enhance opportunities for residents and visitors to appreciate Rico's history.
- Discourage the destruction of remaining historic buildings and structures in Rico
- Encourage the restoration of existing historic buildings and structures in Rico.

Community Focal Point

- Maintain the Historic Commercial District as a community focal point.
- Recognize and support the Glasgow Avenue / Mantz Street intersection as the center of Town

Rico Land Use Code Section 2.3 Application of Community Design Principals

The community design principles as set forth in this Section are to be considered in every development proposal. The Town of Rico's goal is to expedite the planning review process by clearly outlining the Town of Rico's expectations for new development. To this end, the Town requests that applicants schedule a preliminary meeting with Town Staff prior to preparing the development application. This meeting is an initial meeting between the developer and the Town. It is intended to begin a collaborative process to ensure that new development is consistent with the community's goals and that issues are identified early in the process.

Once the application is determined to be complete, the Rico Planning Commission and the Rico Board of Trustees will evaluate the proposal based on these principles and the context within which a project is located. The principles are intended to be specific enough to guide development, but not to preclude creative design solutions. Applicants must substantially conform to the design principles unless it can be demonstrated that an acceptable alternative meets one or more of the following conditions:

1. The alternative better achieves the stated intent;
2. The intent will not be achieved by application of the principle in this circumstance;
3. The effect of other principles will be improved by not applying the principle; and/or
4. Strict application or unique site features make the principle impractical.

Rico Land Use Code Section 2.4 Design Elements

One of the greatest challenges facing small towns is the successful integration of new development with the original town pattern. In order to maintain Rico's unique, small town character and clearly describe the Town of Rico's vision, the following design elements have been set forth within Article 2.

Rico Land Use Code Section 2.4 Design Elements

1. Lots and Blocks, Streets and Sidewalks. The layout of lots and blocks should be designed to continue Rico's existing block pattern to form a grid or modified grid pattern that is adapted to the topography, natural features and environmental considerations.
2. Parks and Open Space. Any new developments shall use natural open spaces and developed public space (such as parks) to organize and focus lots, blocks and circulation patterns, protect natural areas to create an identity for the neighborhood.
3. Site Design, Architecture and Landscaping. One of the fundamental intentions of this RLUC is to encourage innovative, quality site design, architecture, and landscaping in order to create new places that can be integrated with the existing community and reflect the traditional patterns of the region.
4. Environment. Any new development should be designed to fit within the environment. Sites should be designed to preserve natural areas and the plants and wildlife inhabiting those areas. In addition, developments are encouraged to conserve natural resources, especially water.
5. Water Conservation. As the Colorado grows, increasing pressure will be placed on the limited supply of water resources. Rico residents have emphasized the importance of preserving the quality and quantity of water. All new development is encouraged to use raw water for irrigation and shall incorporate water-saving measures in building design and landscaping. Developments are required to use storm water management techniques that address water quality as well as quantity.

Rico Land Use Code Section 2.5 Neighborhood Design Principals

A. Intent. To encourage the creation of viable neighborhoods that interconnect with each other and integrate new projects into the existing community, thereby strengthening the original town. New development layout should consider the street, lot and block pattern of the original town, as well as solar orientation, topography, sensitive wildlife and vegetation, drainage patterns, and environmental and regional climate issues. Further, the edges of neighborhoods should be formed by features shared with adjacent neighborhoods such as streets, changes in street pattern greenways or natural features such as streams and major drainage or riparian corridors. New streets, bikeways, sidewalks, paths, and trails should connect to existing adjacent neighborhoods.

B. Neighborhood Structure. Following is a summary of essential elements to consider integrating into new neighborhoods:

1. Street, sidewalk and trail connections within new developments that connect to adjacent existing neighborhoods and strengthen the connection to the existing town.
2. Streets that encourage pedestrian activity by creating an inviting atmosphere through attention to the details of landscaping and tree locations, sidewalks, lighting and the building architecture, etc.

3. A variety of land uses that are well integrated and a transition of intensity. Commercial uses and attached multi-family housing should be encouraged to be located near the commercial center with a transition to smaller buildings closer to low density neighborhoods.
4. Pedestrian and bike connections throughout residential neighborhoods and linked to neighborhood commercial and open space systems.
5. Parks, open space, and greens that are well integrated into the neighborhood.
6. Architectural, landscaping and site design elements of new developments as outlined in this Article.

C. General Provisions. The following principles are contained in the original mining town of Rico. The Town of Rico Regional Master Plan identifies them as contributing to the community's small town character. Although the size of individual development proposals will vary, projects will be evaluated with consideration to these neighborhood design principles and the context within which a project is located. Failure to incorporate these design principles into a project may be cause for denial of the project by the Rico Board of Trustees

1. Each Neighborhood has a Center and an Edge. It is important that every neighborhood have activity centers that draw people together. Use natural and man-made features such as a drainage way, major roadways, and ditches to define neighborhood edges. Buildings or other features located at gateways entering a neighborhood shall mark the transition into and out of the neighborhood in a distinct fashion using massing, additional height, contrasting materials, and/or architectural embellishments to obtain this effect.
2. Mix of Types of Dwelling Units. A mix of dwelling unit types shall be distributed throughout the development.
3. Order Rather Than Repetition. The orderly arrangement of design elements can unify a space even when the elements are not the same. The location of sidewalks relative to streets, building setbacks and orientation, the placement of trees can all help create an overall impression of unity even though each home or building has a distinct character.
6. Use Human Proportion. Buildings shall be considered in terms of their relationship to the height and massing of adjacent buildings, as well as in relation to the human scale. In Rico, this means generally one and two story buildings.)
7. Encourage Walking and Bicycling. Sites shall be designed to minimize conflicts between vehicles, bicycles and pedestrians. Pedestrian and bicycle access and connections shall be designed to make it safe and easy to get around on foot and by bicycle.
8. Fit Within the Environment Rather Than on Top of It. New developments shall be designed to respond to the natural environment, fit into the setting and protect scenic view corridors. Key design considerations shall include a site layout that responds to natural features both on and off site, the size of structures and materials used in the development and the transition between the development and the surrounding landscape.

Rico Land Use Code Section 2.5 – Neighborhood Design Principals

9. Encourage a Range of Residents In Every Neighborhood. Housing types and the size of lots shall be varied to enable people to remain in the neighborhood as their needs change. (Refer to Section 2.26 for illustrations of architectural styles that the Town of Rico is encouraging.)
10. Housing Types and Styles That Reflect the Architecture of the Region. Familiar architectural styles shall play an important role in developing an architectural identity for neighborhood dwellings. New homes shall be designed to be consistent with the architectural principles outlined in this RLUC.

Rico Land Use Code Section 2.6 – Lots and Blocks

- A. Intent.** The intent of the block and lot standards is to continue Rico's existing block pattern in a manner that is compatible with site-specific environmental conditions. New subdivisions shall be designed with the following considerations:
- B. General Provisions.**
1. Blocks. Streets shall be designed to create blocks that consider interconnectedness, topography, solar orientation, views, and other design features. The length of blocks in original Rico Townsite is typically five hundred (500) feet. The lengths, widths and shapes of blocks shall be determined with due regard to the following:
 - a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - b. Need for convenient access, control and safety of vehicular and pedestrian traffic circulation.
 - c. Limitations and opportunities of topography
 2. Lot Dimension and Configuration.
 - a. Lot size, width, depth, shape, and orientation and minimum building setback lines shall conform to Article 3 - Zoning and shall facilitate the placement of buildings with sufficient access, outdoor space, privacy and view.
 - b. Depth and width of properties shall be adequate to provide for on site wastewater systems, (pending construction of a central sewer system) off-street parking, landscaping and loading areas required by the type of use and development contemplated.
 - c. Lot Frontage. All lots shall have frontage that is either adjacent to or directly accessible to a street. Street frontage shall typically not be less than twenty-five (25) percent of the lot depth. Flag lots are prohibited unless otherwise approved by the Town of Rico Board of Trustees.
 - d. Corner Lots. Corner lots for residential use shall have extra width to accommodate side elevation enhancements, such as porches and bay windows, the required building setback and utility easements on both street frontages.

For a corner lot, the front of the lot is defined as the side having the shortest street frontage. In the case of a reverse corner lot, the side with the main access shall maintain a front yard setback.

- e. Side Lot Lines. Side lot lines should be substantially at right angles or radial to road right-of-way lines or centerlines.

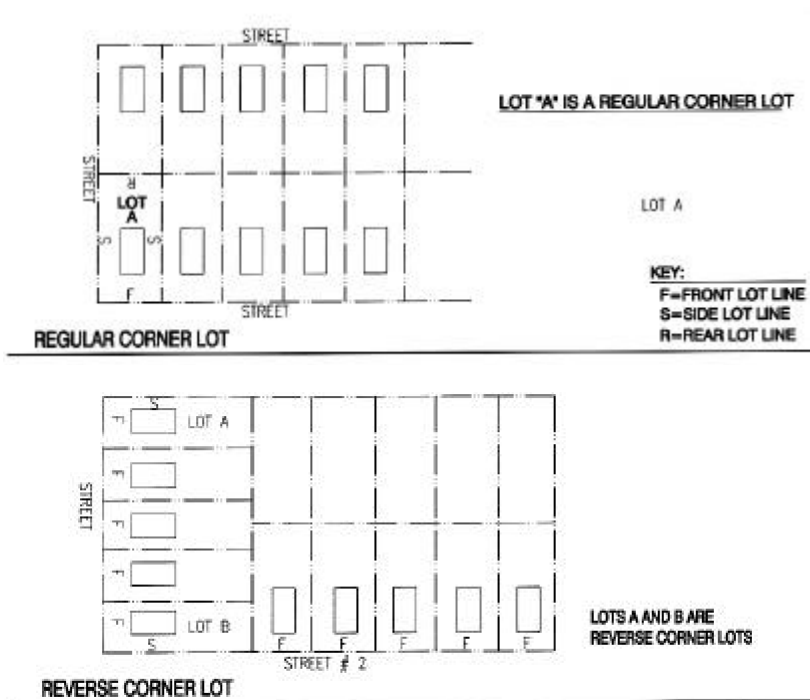


Figure 2-1

- e. Residential Lot Access to Adjacent Street. Driveway access to a local or collector street from a single-family detached residential lot shall be limited to one driveway curb-cut or driveway access of no greater than twenty (20) feet in width. A circular drive in which each access to the local or collector street is less than ten (10) feet in width, separated by at least thirty (30) feet and which is constructed as an integral part of the overall architectural design of the single family residence may be considered as a single driveway access.

Rico Land Use Code Section 2.7 – Streets

- A. **Intent.** The intent of the street standards is to establish a safe, efficient, attractive transportation system that promotes all modes of transportation and is sensitive to the environment.
- B. **General Provisions.** The local street system of any proposed development shall be designed to be safe, efficient, convenient and attractive, and consider the use by all modes of transportation that will use the system. Streets should be an inviting public space and an integral part of community design.

Local streets shall provide for both intra-and inter-neighborhood connections to knit developments together, rather than forming barriers between them. To the degree possible, all streets should interconnect to help create a comprehensive network of public areas to allow free movement of cars, bicycles and pedestrians.

1. Street Connections. All streets shall be aligned to join with planned or existing streets. All streets shall be designed to bear a logical relationship to the topography of the land. Intersections of streets shall be at right angles unless otherwise approved by the Town of Rico. Street intersections shall be separated by not less than one hundred twenty-five (125) feet as measured from the intersecting right-of-way lines.
2. Street Layout. The street layout shall form an interconnected system of streets primarily in a grid or modified pattern adapted to the topography, unique natural features, environmental constraints, and peripheral open space areas. The street layout shall emphasize the location of neighborhood focus points, other internal open space areas, gateways, and vistas. The use of cul-de-sacs and other roadways with a single point of access shall be minimized. The integration of traffic calming features within and adjacent to residential areas shall be utilized when appropriate. To the greatest extent possible, streets shall be designed to have a maximum length of seven hundred (700) feet, from intersection to intersection.
3. Visibility at Intersections. No shrubs, ground cover, berms, fences, structures, or other materials or items greater than thirty (30) inches in height shall be planted, created or maintained at street intersections within the site distance triangle. Trees shall not be planted in the site distance triangle.
4. Pedestrian Crossings at Street Intersections and Mid-block. Pedestrian crossings shall be accessible to handicapped individuals and mid-block crossings may be required at the direction of the Rico Board of Trustees when appropriate.
5. Horizontal Alignment. Horizontal alignment shall provide for the safety of pedestrians, bicyclists, and motorists. The street pattern shall be the most advantageous to serve the adjoining areas. When possible, proposed streets shall be continuous and in alignment with existing and proposed streets.
6. Vertical Alignment. No vertical grade shall be less than two percent (2%) in order to facilitate adequate drainage. The maximum percent of street grade, except as approved by an engineer, appointed by the Town of Rico, shall be ten percent 10%.
7. Street Right-of-Way Dedication. The full width of right-of-way for all streets being platted must be dedicated to the Town of Rico. In cases where the perimeter streets have a portion of the proposed right-of-way on an adjacent property, the following standards will apply:
 - a. The developer shall either:
 - i. Purchase the other one-half (1/2) of the proposed right-of-way property for the Town of Rico at the appraised fair market value and then dedicate the right-of-way to the Town of Rico or

- ii. If the landowner of the proposed right-of-way property is unwilling to sell the proposed right-of-way property to the developer for its appraised fair market value, the developer shall pay for the cost of an appraisal for the proposed right-of-way property and legal fees for the Town of Rico Attorney to complete the condemnation process.
 - b. The developer shall finalize an agreement with the Town of Rico, which guarantees the construction of the street to Rico standards.
 - 9. Intersections. Intersections shall meet the following requirements unless otherwise approved by the Rico Board of Trustees.
 - a. No more than two (2) streets shall intersect at one (1) point.
 - b. Streets shall intersect at ninety degree (90°) angles, unless otherwise approved by the Rico Board of Trustees or a Town appointed engineer.
 - 10. Street Names. Names of new streets shall not duplicate names of existing streets. However, new streets which are extensions of, or which are in alignment with, existing streets shall bear the names of such streets.
- C. Street Standards.** The width of street right-of-way and the design of the street it contains shall conform to the following minimum standards. However, additional right- of-way and street width may be required based upon special development requirements including but not limited to additional parking needs, sight distances. Street cross-sections within or adjacent to a development may be modified by the Town of Rico or a Town appointed engineer.
- D. Designated Road Uses.**
- 1. General Design Standards. Where curb and gutter is required, it shall be constructed per the Colorado Department of Transportation Specifications or be approved by a Town appointed engineer.
 - a. Design of streets shall be in accordance with the Americans with Disabilities Act (ADA) standards.
 - b. Streets shall be designed in accordance with the most recent version of the American Association of State Highway and Transportation Officials Policy on Geometric Design of Highways and Streets.
 - c. Where future extension of a street is anticipated, a temporary turnaround having a minimum outside diameter of sixty (60) feet shall be provided unless otherwise approved by the Rico Fire Protection District.
 - d. The maximum allowable length of closed-end streets (cul-de-sacs) in single-family residential and multi-family residential developments shall be six hundred (600) feet unless otherwise approved by the Rico Board of Trustees or a Town appointed engineer.

2. Arterial Arterials include Colorado State Highway 145. Should another arterial street be required, it shall be designed to accommodate present and future transportation requirements.
 - a. Arterial streets shall align and connect across intersecting arterials to distribute traffic and provide continuity.
 - b. Right-of-way requirements shall conform to CDOT regulations.
3. Collector Streets Collector Streets include Mantz Avenue, Commercial, Silver Street, Piedmont Access, Piedmont Street, West Rico Access, Picker Street, Eder Street, River Street. Permitted uses include residential access and related construction traffic. Commercial truck traffic must receive a special use permit prior to beginning truck operations.
 - a. Intersections of collector streets and arterial streets shall be aligned to distribute traffic and provide continuity for bike routes.
 - b. Right-of-way requirements for Collector with Parking
 - a. Sixty (60) feet of right-of-way.
 - b. two (2) – eleven (11) foot travel lanes
 - c. two (2) - two (2) foot shoulders
 - d. two (2) - eight (8) foot parking lanes;
 - e. two (2) - four (4) foot sidewalks or pedestrian pathway.
 - f. Posted speed limit shall be fifteen (15) miles per hour.

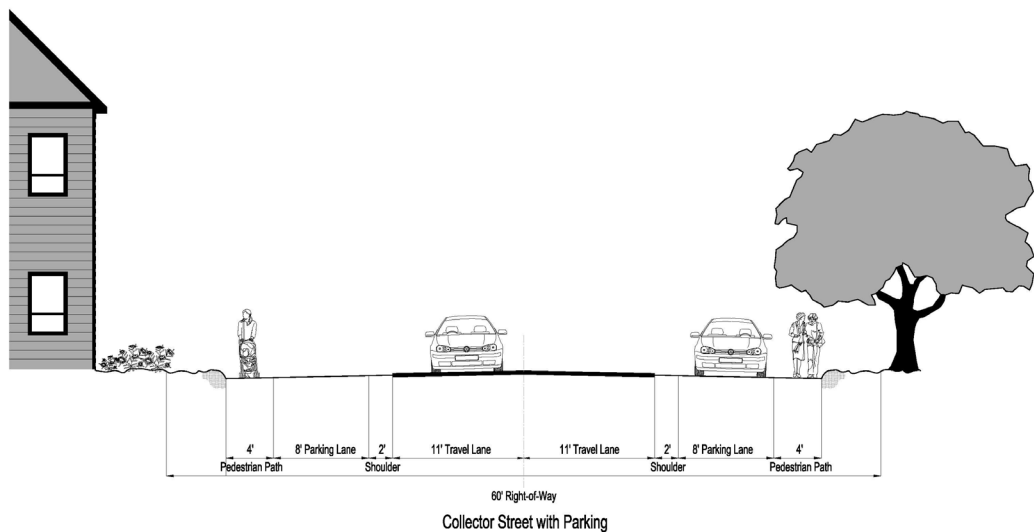
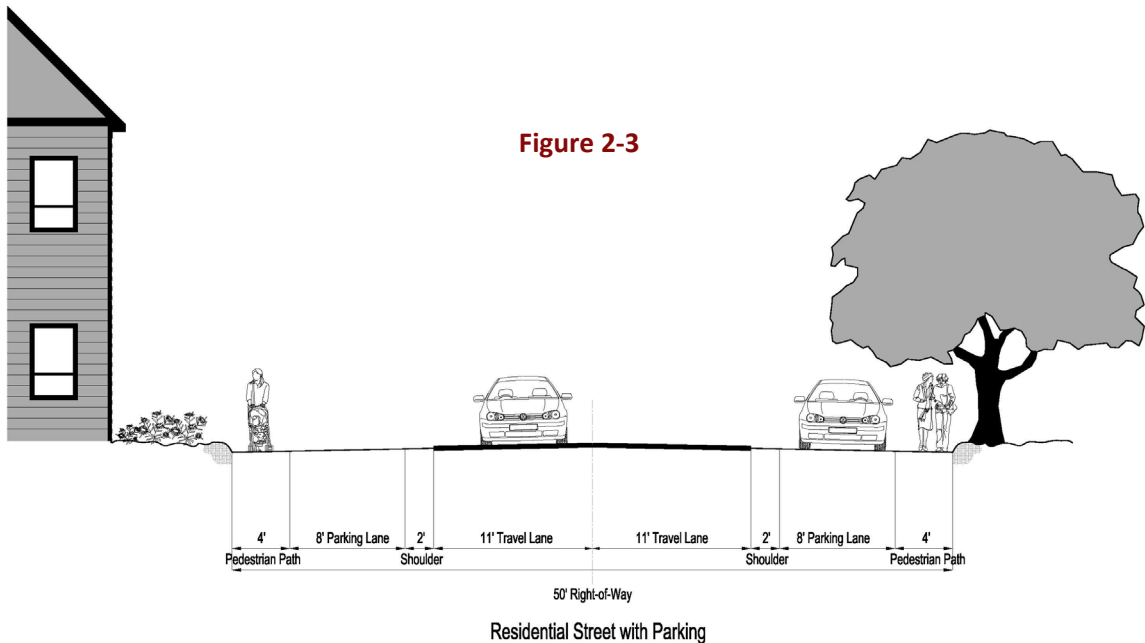


Figure 2-2

4. Collector by Review. Collector by review Includes Jones Mine, Water Tank Road, Newman Hill Road and Mill Road. Permitted uses include residential access and related construction traffic. Commercial truck traffic must receive a special use permit prior to beginning trucking operations. Subdivision access is permitted by review as part of an annexation application before the Town of Rico. Subdivision access shall meet the following standards:
 - a. Traffic volumes should not exceed recommended volumes in the Rico Regional Master Plan.
 - b. Roads, bridges and highway accesses between the subdivision and Colorado Highway 145 shall be upgraded where necessary to safely accommodate the additional traffic and to mitigate traffic impacts including but not limited to dust.
4. Residential Streets Residential streets include Soda Street, Hinkley Drive, Mill Road, Van Winkle Avenue, Hancock Street, Garfield Street, Garfield Extension, King Street, Elliot Street, Newman Street and Silver Glance. Permitted uses include residential access and related construction traffic. Commercial truck traffic must receive a special use permit prior to beginning trucking operations.
 - a. Intersections of residential streets and arterial streets shall be aligned to distribute traffic and provide continuity for bike routes.
 - b. Residential streets shall generally follow a modified grid pattern adapted to the topography, unique natural features, environmental constraints, and peripheral open space areas. These streets shall generally parallel the arterial and collector street system, provide a variety of route options, interconnect to allow traffic to disperse in an equitable manner and be as narrow as possible without sacrificing the ability to accommodate expected traffic and services.
 - c. Residential streets must provide for both intra- and inter-neighborhood connections to knit developments together, rather than forming barriers between them.



6. Alleys.

- a. Alleys shall be treated as public ways, and any lot having access from an alley shall also front upon a public street.
- a. Garages, accessory dwellings above garages and rear yards may access the collector and local street system via an alley with minimal travel through other land uses.
- a.
 - c. Right-of-way requirements for Residential Alleys in new subdivisions.
 - i. Twenty (20) feet of right-of-way unless approved by the Rico Fire Department.

E. Road Building Procedures

The Board of Trustees shall approve or deny road building applications after conducting a public hearing. The road building application shall be reviewed first by an Engineer appointed by the Town. The Planning Commission shall make its recommendation to the Town Board based on the Applicant's compliance with RLUC design standards. Public notice for road building applications shall be posted at the Town Hall and Post Office as well the Town web site at least ten (10) days prior to the hearing. Written notice shall be mailed to property owners within 200 feet of the proposed road construction at least twenty (20) days prior to the hearing.

1. Road Building Submittal Requirements. Road building submittal requirements shall contain the following materials and information in addition to a completed Road Building permit application form provided by Town.

- a. Site plan showing location and extent of work to be performed with a proposed grading and drainage plan that includes two foot contour lines as well as other relevant features. The plan must adequately illustrate significant grading and drainage conditions;
- b. Plan and profile view of the proposed road
- c. Typical cross section of proposed road
- d. Retaining wall sections if applicable
- a. Proposed off-street parking plan;
- b. Proposed erosion and sediment control plan;
- c. Proposed snow removal plan;
- d. Statement describing the proposed use of the road and where applicable an improvements agreement with acceptable financial guarantees for road building applications that are not part of a subdivision application.

2. Permit and Acceptance

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

3. Road Design Standards The following standards apply to Road Building activities. All Road Building applications shall be reviewed by an engineer appointed by the Town who may require additional improvements or conditions. The Town Board shall have the right to approve Road Building applications that vary from the standards set forth below where the variance in design does not result in safety, emergency vehicle access, or long term maintenance problems.

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

b. Road base and surfaces:

- i. The improved road surface shall be a minimum of twenty-two (22) feet in width.
- ii. Road surfaces shall have a minimum six (6) inch crown.
- iii. Road base shall consist of a minimum of 8" of compacted road base topped by a minimum four (4) inches of $\frac{3}{4}$ inch or smaller washed gravel if the road is to be unpaved.

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

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

6. Road Cuts: Any road cuts which are created during construction shall not exceed a 1½:1 slope. Any fill slopes shall not exceed a 2:1 slope. A retaining wall shall be used where the cut exceeds a 1½:1 slope or a fill exceeds 2:1 slope. A slope stability analysis shall be required for any road cuts requiring a retaining wall. Any wall higher than four (4) shall be engineered and signed by a licensed structural engineer.

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

Rico Land Use Code Section 2.7 – Streets

8. Intersections: Intersecting streets shall be at a ninety degree angle (90°), or as close as possible to a ninety degree angle (90°) , to each other and no intersecting streets shall be less than sixty degree (60°) angles to each other.
9. Cul-de-Sacs: All Cul-de-Sac streets shall meet the following minimum requirements:
 - a. Cul-de-Sac streets shall terminate with a minimum 60' diameter turn around or hammer head turn-around with a minimum width of 24' and extending a minimum length of 24' beyond each side of the improved road way;
 - b. Cul-de-Sac turnarounds shall have a minimum 15' road right-of-way extending beyond a circular or hammer head turn-around;
 - c. Cul-de-Sac streets longer than 500' may require additional mitigation for emergency vehicle access, traffic safety, and snow removal, as determined by the Rico Planning Commission. Such additional mitigation may include:
 - i. Periodic pull-outs, turn-arounds, or convenient places to reverse direction.
 - ii. Additional right-of-way areas for snow removal or snow storage.
 - iii. Street alignment that facilitates snow removal and improves line of sight distance for pedestrians and drivers.
 - iv. At least one on-street parking area per dwelling unit within 150 feet of each lot in addition to the off-street parking requirements.
 - v. Secondary access for emergency vehicles restricted by the use of gates or other appropriate devices.

Rico Land Use Code Section 2.8 – Parking

A. Intent. The intent of this section is to provide adequate parking for motor vehicles while minimizing the visual impact of parking lots and structures.

B. General Provisions.

1. 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 if it is owned by the same property owner.
 - a. 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.

- a. 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.
 - a. 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. Off-street parking areas shall be designed so that vehicles do not encroach upon or extend into public rights-of-way, sidewalks or damage any wall, vegetation, utility or other structure.
 - b. Integrate parking lots with surroundings. Parking lots shall not dominate the frontage of pedestrian-oriented streets, interfere with designated pedestrian routes, or negatively impact surrounding neighborhoods. The pedestrian character of streets and buildings shall be maximized through continuity of buildings and landscape frontage.
 - a. 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.
 - b. Parking of Advertising Vehicles Prohibited. No person shall park any vehicle or other mobile unit or sign on the roads or alleys, or on private property, which has attached thereto or suspended there from any advertising or sign, except a vehicle which has a sign painted directly onto or permanently affixed to the body or other integral part of the structure of the vehicle for permanent decoration, identification or display, including magnetic signs.
- 2. Parking Restrictions on Excess Weight and Recreational Vehicles This section establishes parking regulations for vehicles in excess of ten thousand (10,000) pounds (not including emergency vehicles), boats, boat trailers, tractors, trailers, semi-trailers, motor homes, buses and detached/dismounted campers, hereinafter collectively referred to excess weight and recreational vehicles.
 - a. Parking restrictions on excess weight and recreational vehicles. The owner or operator of excess weight or recreational vehicles shall not park on any public right-of-way or road way for longer than seventy-two (72) hours, and shall not be parked in a fashion that restricts normal access and use of town streets.
- 3. Use of Vehicles as Residences The unauthorized use of vehicles as residences within a public rights-of-way and on public property is deemed to be injurious to residential and nonresidential neighborhoods alike and conducive to the creation and perpetuation of congestion, unwanted noise, sanitation problems, unsightly visual conditions and confrontations between residents and nonresidents. The intent and purpose of this Section is not to regulate vehicles or those locations where vehicles may be parked or stored, except as otherwise set forth herein, but to prohibit activities and occupancies within vehicles so as to protect the integrity of neighborhoods, preserve public streets, rights-of-way and parks for their intended public purposes, ensure the proper use of public property in conformity with zoning and land use regulations and promote the public health and safety.

Rico Land Use Code Section 2.8 – Parking

- a. Prohibitions. No person shall occupy any vehicle upon any municipal street, state highway, alley or public right-of-way or public property for the purpose of providing residence or residential living or sleeping quarters or storage, whether temporary or permanent, except as otherwise set forth herein. The type or nature of any given vehicle shall not be conclusive as to whether a vehicle is being occupied for living or sleeping quarters or other residential use.
- b. Exemptions. The prohibitions as contained in this Section shall not apply to activities undertaken pursuant to a valid and authorized land use, building or camping permit issued by the Town or where a vehicle is used for occupancy for less than ten (10) days total within a calendar year.

C. Off-Street Parking Requirements.

Use	Required Off-Street Parking
Residential Zone District	Two parking spaces for 2 -3 bedroom units, 1 parking space for 1 bedroom or studio
Historic Commercial Zone District	One vehicle space per 1000 square feet of floor area
Commercial Zone District	One vehicle space per 300 square feet of gross floor area. Lodging facilities shall provide one vehicle space per lodging room.
Mixed Use Zone District	Two vehicle spaces per dwelling unit. One vehicle space per 1,000 square feet of light industrial space
Residential Planned Unit Development Zone District	Two vehicle spaces per dwelling unit.
Commercial Planned Unit Development Zone District	One vehicle space per accommodations room or bedroom. Two vehicle spaces per dwelling unit. One vehicle space per 250 square feet of restaurant, retail or office space.

D. Handicap Parking Requirements

1. Handicap parking spaces shall be required for all retail, office, business, industrial, institutional uses, as well as multi-family units.
2. Handicap parking spaces shall be located as close as possible to the nearest accessible building entrance.
3. Number of Handicap Parking Spaces will be one (1) for any parking lot with less than twenty-five (25) spaces.

Rico Land Use Code Section 2.8 – Parking

a. Handicap Parking Space Dimensions

- i. Parking spaces must be eight (8) feet by eighteen (18) feet with a five (5) foot wide access aisle.
- ii. Van-accessible spaces must be eight (8) foot by eighteen (18) feet with an eight (8) foot wide access aisle
- iii. Parking spaces for the physically handicapped that are parallel to a pedestrian walk which is handicap accessible may have the same dimensions as those for standard vehicles.

E. Bicycle Parking Spaces

1. Bicycle Parking Spaces. Commercial, industrial, civic, employment, multi-family and recreational uses shall provide bicycle facilities to meet the following standards:
 - a. A minimum number of bicycle parking spaces shall be provided, equal in number to two (2) percent of the total number of automobile parking spaces provided by the development, but not less than one (1) space.
 - a. For convenience and security, bicycle parking facilities shall be located near building entrances. Within downtown commercial areas, however, a grouping of spaces shall be utilized as directed by the Town of Rico.
 - b. Bicycle parking facilities shall be designed to allow the bicycle frame and both wheels to be securely locked to a parking structure which is permanently attached to the pavement.

F. Parking Restrictions for Recreational Vehicles (Ordinance Number 2009-04 § 212,06-24-09.) Recreational vehicles or campers may be parked on private property and used for occupancy with the express permission of the property owner. Recreational vehicles and campers may be used for occupancy for ten (10) days total in a calendar year on a private property. 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.

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

Rico Land Use Code Section 2.9 – Sidewalks, Multi-Use Paths & Trails

A. Intent. The intent of the standards for sidewalks, multi-use pathways and trails is to assure a safe, convenient, and attractive pedestrian/bicycle system that minimizes conflicts between vehicles, bicycles and pedestrians.

B. General Provisions.

1. Interconnected Network. Sidewalks shall be separate and distinct from motor vehicle circulation to the greatest extent possible. The pedestrian circulation system shall include gathering/sitting areas and provide benches, landscaping and other street furniture where appropriate.
2. Sidewalk Width. Sidewalks shall be a minimum of four (4) feet wide along local streets; a minimum of four (4) feet wide along one side and four (4) feet wide along the other side of collector streets; and a minimum of four (4) feet wide along arterial streets. A four (4) foot detached sidewalk is an acceptable sidewalk alternative if it is approved through the subdivision exception process.
3. Sidewalk Location. Sidewalks shall be located within the right-of-way unless otherwise authorized by the Rico Board of Trustees.
1. Sidewalk Materials. The acoustic, thermal, visual and tactile properties of sidewalk paving materials shall be appropriate to the proposed functions of pedestrian circulation. Sidewalks shall be constructed of concrete, brick, slate, colored/textured concrete pavers, concrete containing accents of brick, or some combination thereof that is compatible with the style, materials, colors, and details of the surrounding buildings. Asphalt shall not be used for sidewalks. Sidewalks must be constructed of approved materials of sufficient strength to support light maintenance vehicles.
5. Sidewalk Installation. Sidewalks and related improvements shall be installed or constructed by the developer in accordance with plans and specifications approved by the Town of Rico and, after installation or construction, they shall be subject to inspection and approval by the Town of Rico. All required improvements shall be completed in accordance with the officially established grades.
6. Accessibility. Sidewalks and plazas shall be accessible to handicapped individuals. (Refer to Americans with Disabilities Act [ADA] requirements.)
7. Multi-use Pathways (Bikeways). Multi-use pathways shall be provided to link internal open space areas with peripheral open space areas and shall connect to multi-use pathway routes throughout the community. Multi-use pathway routes shall be designated between residential areas and commercial and employment centers and schools. Multi-use pathways on local streets may be delineated by painted "bicycle only" lanes. Sidewalks that may be used as a multi-use pathway are required on arterial and collector streets. Bike racks shall be provided at the entry to internal and peripheral open space areas.
9. Trails. Trails shall be provided within and surrounding open space areas and connecting open space areas.

- A. Utility Improvements.** The following sections establish procedures and standards for Utility Structures. An Excavation Permit shall be acquired prior to any excavation in the Town rights-of-way or on Town property. Excavation Permits shall be issued by the Town Manager.
- B. Utility Permits.** Nothing in this RLUC shall be construed to prevent the construction or installation, in any Zone District, of a public utility use or structure necessary for the transmission of commodities or services of a public utility company, including mains, transmission and distribution lines, substations, and exchanges, provided that storage, maintenance, and business facilities shall be restricted to their appropriate district. The construction and installation of all public utilities shall comply with the following:
1. No towers or apparatus for the transmission, emission, or reception of signals, or wind driven devices, which are in excess of twenty (20) feet from base to tip shall be constructed, placed or maintained within the Town limits without a Special Use Permit or a variance.
 2. Substations, exchanges, and storage and maintenance facilities shall be required to be obscured with natural vegetation screening that is compatible with the surrounding environment, or by fencing which is a minimum of six feet and a maximum of eight feet above grade and which meets the applicable set back requirements.
 3. Extension of utility lines to new developments and areas not previously served by development shall be installed underground.
- C. Permit required.** An Excavation Permit shall be obtained from the Town of Rico prior to any excavation in the Town rights-of-way or on property owned by the Town of Rico, except for maintenance and repair of existing utility lines. Maintenance and repair of existing utility lines by utility companies with a valid agreement with the Town of Rico shall not require an Excavation Permit from the Town of Rico. A completed Excavation Permit application form shall be submitted to the Town Planner along with the applicable fee designated in Appendix A. Excavation Permits for driveway access permits shall indicate the width, grade, and location of driveway improvements and include a set of plans showing all work as indicated on the permit.
1. Notification of Excavation. The Utility Notification Center of Colorado shall be properly notified prior to any excavation.
 2. Town Manager/Planner. The Town Manager or the Town Planner shall have the authority to issue an Excavation Permit for utility lines, driveway access, and temporary use road rights-of-way for storage of construction materials or construction activity associated with a building permit or re-model. At the request of the Town Manager/Planner the Town Engineer may review all applications for installation of public utility lines and driveway access excavations which do not meet the standards prior to issuance of an excavation permit.
 3. As Built Drawings: As built drawings shall be submitted to the Town upon completion of utility distribution lines.

Rico Land Use Code Section 2.10 – Easement & Utility Standards

- D. Utility Easement Width.** Utility easements shall measure ten (10) feet on each side of abutting rear lot lines. On subdivision perimeter rear lot lines adjacent to un-subdivided property, utility easements shall measure ten (10) feet in width. In the event that the location of utility easements adjacent to rear property lines is unsuitable for use by utility companies due to drainage, irrigation ditches or other obstructions, the developer shall provide like width easements adjacent to said areas of obstruction. Side lot line easements, where necessary, shall measure ten (10) feet in full width; five (5) feet either side of a lot line is acceptable. Front lot line easements shall measure ten (10) feet in width. Easements may be more or less than widths stated if the specific utility indicates in writing a width other than those required by this RLUC. Utility easements shall be subject to the approval of the Town of Rico or applicable utility company.
- E. Multiple Installations within Easements.** Easements shall be designed so as to provide efficient installation of utilities. Public utility installations shall be located as to permit multiple installations within the easements. The developer will establish final utility grades prior to utility installations.
- F. Underground Utilities.** Telephone lines, electric lines, cable television lines, fiber optics and other like utility services shall be placed underground. The developer shall be responsible for complying with the requirements of this Section and shall make the necessary arrangements including any construction or installation charges with each utility provider for the installation of such facilities. Transformers, switching boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground utilities shall be placed underground or on the surface but not on utility poles. Screening or fencing is required to the satisfaction of the Rico Board of Trustees. Electric transmission and distribution feeder lines and necessary appurtenances thereto may not be placed above ground unless they are carrying greater than 115 kV. Such facilities shall be placed within easements or public streets, as therein provided, or upon private easements or rights-of-way provided for particular facilities.
- G. Standards for Utility Installation.** Minimum Depth of Lines: The depth of a line shall be measured from the top of the installed line to the finished grade. The minimum depth of lines is indicated as follows:

Utility	Depth
Telephone Service Line	24 inches
Telephone Distribution Line	48 inches
Electrical Service Line (less than 600 volts)	30 inches
Fiber Optics	30 inches
Water lines	72 inches to invert of pipe
Gas and Propane lines	36 inches
Sewer lines	60 inches to invert of pipe

Rico Land Use Code Section 2.10 – Easement & Utility Standards

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

Minimum horizontal separation for lines installed parallel to other lines:

Water or Sewer from Telephone, Cable, and Electric: 72 inches

Minimum vertical separation for lines installed that cross other lines:

Water or Sewer from Telephone, Cable, and Electric: 24 inches

Minimum separation between sewer and water lines: 10 feet

Rico Land Use Code Section 2.11 – Parks & Open Space

- A. **Intent.** To ensure that a comprehensive, integrated network of parks and open space is developed and preserved as the community grows.
- B. **Types of Parks and Open Space.**
1. Pocket Parks. Pocket parks provide places within walking distance of residential units for supervised play for young children and unstructured activities for neighborhood residents. At a minimum, a pocket park shall include live ground cover, trees, and irrigation plus one of the following: playground equipment, contemplative garden or other active or passive recreation opportunities for the neighborhood. Projects must provide a pocket park or demonstrate that they are within one-quarter (1/4) mile of a neighborhood park. The land and amenities of a pocket park may be added to a centrally located neighborhood park.
 2. Neighborhood Parks. Neighborhood parks are places for recreation and social gatherings that are within walking distance of most residents. These parks can include multiple-use lawn areas, picnic areas, playground equipment, court game facilities and community gardens. Every residential development shall either provide land for a neighborhood park or provide a fair share, cash-in-lieu contribution for the park that will serve the neighborhood. Developers providing land shall submit a conceptual design for the park to demonstrate that it meets the intent of the Rico Regional Master Plan.
 3. Community Park. Community parks serve the residents of several neighborhoods. Community parks are to be located on or near arterial streets at the edge of residential areas or in non-residential areas to minimize the impact of organized recreational activities such as lighted ball fields.

4. Trails. The trail system shall link neighborhoods, parks, schools, open spaces, employment centers, community facilities and neighboring communities and thus provide important transportation connections as well as recreational opportunities and access. Developers must provide trails in all areas designated “Parks and Trails” on the Rico Regional Master Plan as well as connections to the Town’s trail system and destinations within the neighborhood.
5. Regional Open Space. Rico’s regional open space system includes: drainage ways, floodplains, natural areas, natural area buffer zones, wetlands, subsidence areas, agriculture preservation areas and lands of archeological or historic significance. Access is generally limited to trails, educational signs and similar improvements.

C. General Provisions.

1. Open Space Should Serve as the Neighborhood Focus. Open space, such as the Rico drainage ways and developed parks, shall be used to organize and focus lot, block and circulation patterns and to enhance surrounding development. Street, block, lot and building patterns shall respond to the views, landscape and recreational opportunities provided by the open space.
2. Public Access. Areas designated as public open space shall be both visibly and physically accessible to the community. Public access shall be provided to all public open space, natural and developed, directly from the public street and trail system. Pocket parks and plazas shall be integrated into the neighborhood design and be accessible to pedestrians and bicyclists.
2. Open Space Uses. Uses designated within the open space shall be appropriate to the context and character of the site and the intensity of the proposed development.
3. Ownership and Maintenance of Open Space. Ownership and maintenance of public open space shall be determined by the Town of Rico on a case by case basis through the review process.
 - a. Generally, the Town of Rico shall own and maintain neighborhood parks, community parks, district parks and public trails.
 - a. Pocket parks, landscaped outlots and private recreational facilities shall be owned and maintained by a homeowners’ association or the landowner.
 - b. Environmentally sensitive, archaeological and historic resources may be dedicated to the Town of Rico and maintained by the Town if approved by the Rico Board of Trustees
 - a. Conservation areas set aside as part of a conservation subdivision shall be owned and maintained by the homeowners’ association.
 - a. Stormwater detention and retention areas that function as open space shall be owned and maintained by a homeowners’ association or the landowner, unless otherwise approved by the Town of Rico.

- f. Areas designated as open space shall be maintained according the designated function of the area. Applicants shall work with the National Resources Conservation Service to develop a management plan which addresses: irrigation, revegetation, erosion control, and weed management. If the area is to remain in private ownership, a mechanism which will assure maintenance will be funded in perpetuity must be in place at the time of final plat.
5. Open Space Protection. Areas designated as open space shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and remain open in perpetuity. They may be dedicated to the public or held in private ownership. Appropriate ownership will be determined through the review or held in private ownership. Appropriate ownership will be determined through the review process in cooperation with the landowner. Future use may include recreational or agricultural activities if approved by the Rico Planning Commission and the Town of Rico Board of Trustees.

D. Open Space Requirements.

1. Open Space Includes:
 - a. Areas within the community designated for the common use of the residents of an individual development and/or the community at large;
 - b. Areas designated for preservation and protection of environmental resources including floodplains, natural drainage ways, and wetland areas;
 - c. Areas impacted by subsidence;
 - d. Areas designated for agricultural preservation; and
 - e. Areas of archeological and historic significance.
2. Open Space Shall Not Include the Following:
 - a. Required setback areas around oil and gas production facilities;
 - b. Disconnected remnants of land created by division of sites into lots or parcels that do not qualify as functional open space or that preserve environmental resources, unless approved by the Rico Board of Trustees;
 - c. Private yards;
 - d. Tree lawns in street rights-of-way; or
 - e. Required parking lot landscaping associated with all uses, except parking specifically designated for access to open space areas and within commercial/industrial projects.
3. Amount of Open Space Required. The amount of functional open space required in each Planned Unit Development will be based on the density of the development, the recreational requirements of the anticipated users and the anticipated opportunities for public recreation

within walking distance of the site ($\frac{1}{4}$ mile). However, all residential subdivisions shall dedicate a minimum of twelve (12) percent of the gross land area for public parks, trails, open space or other civic purposes at the time of subdivision. Non-residential subdivisions shall dedicate twelve (12) percent of the gross land area for public parks, trails, open space and other civic purposes at the time of subdivision. This dedication can be credited toward the overall open space required for the subdivision.

- a. Conservation Subdivision. The developer shall provide a minimum of seventy-five (75) percent of the gross land being subdivided as functional open space which may include agricultural land, natural areas, drainage ways, floodplains, subsidence areas, trails and other civic purposes.
- b. Single-Family Planned Unit Residential Developments. The developer shall provide:
 - i. A minimum of twenty (20) percent of the gross land being subdivided as functional open space which may include: pocket parks, plazas, trails, recreational amenities, homeowner association owned landscaped areas (excluding parking lots), natural areas and amenities for residents or other civic purposes;
 - ii. One (1) centrally-located pocket park for every twenty-five (25) residential units;
 - iii. The land for one (1) neighborhood park within one-quarter ($\frac{1}{4}$) mile radius of the proposed homes or a fair-share, cash-in-lieu contribution for the cost of the neighborhood park that will serve the development; and
 - iv. An internal trail system.
- c. Multi-Family Planned Unit Residential Developments. The developer shall provide:
 - i. A minimum of twenty-five (25) percent of the gross land being subdivided as functional open space which may include: pocket parks, plazas, trails, recreational amenities, homeowner association or landowner owned landscaped areas (excluding parking lots), natural areas and amenities for residents or other civic purposes;
 - ii. One (1) centrally-located pocket park for every twenty-five (25) residential units;
 - iii. The land for one (1) neighborhood park within one-quarter ($\frac{1}{4}$) mile radius of the proposed homes or a fair-share, cash-in-lieu contribution for the neighborhood park that will serve the development; and
 - iv. An internal trail system and trails connecting to existing regional trails.
- d. Commercial Planned Unit Developments. The developer shall provide:
 - i. A minimum of twenty (20) percent of the gross land being subdivided as functional open space which may include: plazas, trails, landscaped areas (including parking lots), recreational amenities and natural areas and other civic purposes; and
 - ii. An internal trail system and trails designated on the Town of Rico Regional Master Plan.

Rico Land Use Code Section 2.12 – Public Sites & Dedication Requirements

The developer shall dedicate public sites for open space, parks or other civic purposes in accordance with the following requirements:

- A. Percentage Dedication.** Dedication of such sites and land areas to Rico or to the public, which dedication shall be a minimum of twenty (20) percent of the total gross area of the land within the proposed subdivision at the time of subdivision. This land dedication will be credited toward the overall open space required for each subdivision; or
- B. Fee-in-Lieu of Dedication.** As determined by the Rico Board of Trustees, the developer shall pay fee-in-lieu of land dedication in those cases where dedication of land is not the preferred alternative. Such payment shall be based on the fair market value of the entire property, to be determined after completion of the platting process. Such payment shall be held by the Rico Board of Trustees for the acquisition of sites and land areas by the Town. At the option of the Rico Board of Trustees the developer may meet the dedication requirements of this section through a combination of fee-in-lieu and land dedication.

Rico Land Use Code Section 2.13 – Fair Contribution for Public School Sites

If appropriate, the developer shall dedicate or convey land for a public school or day care site to the Town of Rico hereinafter or in the event the dedication of land is not deemed feasible or in the best interests of the Town of Rico, the developer shall make payment in-lieu of land dedication or conveyance. The amount of contribution of either land or payment in-lieu of land shall be determined pursuant to the tables set forth in this Section.

- A. Exemptions From Fair Contributions for Public School Sites.** The following uses shall be exempt from the Fair Contributions for Public School Sites requirements:
 - 1. Construction of any nonresidential building or structure.
 - 2. Alteration, replacement or expansion of any legally existing building or structure with a comparable new building or structure which does not increase the number of residential dwelling units.
 - 3. Construction of any building or structure for limited term stay or for long-term assisted living including, but not limited to, bed and breakfast establishments, boarding or rooming houses, family-care homes, group-care homes, halfway houses, hotels, motels, nursing homes or hospices.
 - 4. Construction of any residential building or structure classified as housing exclusively for older persons, pursuant to the Federal Fair Housing Act, as amended.
- B. Land Dedication.** In the event the Fair Contribution for Public School Sites includes the dedications of land, prior to recording the final plat the following items shall be completed by the developer:
 - 1. The developer shall convey to the Town of Rico, by general warranty deed, title to the land slated for dedication, which title is free and clear of all liens, encumbrances and exceptions (except those approved in writing by the Town of Rico), including, without limitation, real property taxes, which will be prorated to the date of conveyance or dedication.

Rico Land Use Code Section 2.12 – Public Sites & Dedication Requirements

2. The developer shall provide to the Town of Rico proof of the dedication or conveyance.
3. At the time of dedication or conveyance, the developer shall provide a title insurance commitment and policy in an amount equal to the fair market value of the dedicated property.
4. The public improvement agreement for the subdivision shall provide for the installation of the streets adjacent to the school site, the installation of water, sewer and other public utilities to the school site, and overlot grading of the school site.

C. Cash In-Lieu of Land Dedication. In the event the Fair Contribution for Public School Sites includes payment in-lieu of the dedication of land, prior to the issuance of any building permit for any residential dwelling unit not otherwise exempt under Section 2.15.A, the developer shall pay to the Town of Rico the cash to be paid in-lieu of land dedication.

Rico Land Use Code Section 2.14 – Landscape Design

- A. Intent.** To preserve Rico's special character, and integrate and enhance new development by promoting quality landscape design that:
1. Reinforces the identity of the community and each neighborhood;
 2. Anchors new buildings in the landscape;
 3. Is environmentally sensitive by preserving existing trees, using water conservation techniques, planting native species and enhances valuable habitat.
- B. General Provisions.** All land development applications shall be accompanied by an appropriate landscape plan. Building permit applications for individual single-family residences will not require landscape plans. However, all landscaping within the community shall comply with the intent of these regulations. Landscape improvements in environmentally sensitive areas and lower density, rural developments shall be native-looking and informal.
- C. Site Landscape Design.** Landscape improvements shall be an integral part of the overall site design for each property. Landscape improvements shall be designed to complement and enhance the character of neighborhoods and shall follow these guidelines:
1. Landscaped areas shall be configured to maximize their interconnectivity within the site, to natural areas and to landscaped areas in adjacent developments.
 2. Enhance functional open space through the creation of outdoor rooms appropriate to the location and purpose of the open space within the development.
 3. Landscape improvements in all developments shall be consistent with the character of the proposed development and the surrounding area to reinforce neighborhood identity.
 4. Landscape design shall enhance natural features, drainage ways and environmental resources.
 5. All landscape improvements shall be designed for mature landscapes and shall provide appropriate visibility for cars and pedestrians.

D. Environmental Considerations.

Landscapes shall use the following xeriscape design principles to facilitate water conservation:

1. Well-planned planting schemes;
2. Appropriate turf selection to minimize the use of bluegrass;
3. Use of mulch to maintain soil moisture and reduce evaporation;
4. Zoning of plant materials according to their microclimatic needs and water requirements;
5. Improve the soil with organic matter if needed;
6. Efficient irrigation systems; and
7. Proper maintenance and irrigation schedules.
 - a. All landscapes shall strive to maximize the use of native species. Where native material is not appropriate for the intended use or appearance, plant species that are regionally adapted and noninvasive may be used.
 - b. Landscapes shall consist of a variety of species to enhance biodiversity. No one species may make up more than twenty-five (25) percent of the total non-grass plant materials on the site.
 - c. Buildings and parking areas shall be located to preserve and promote the health of existing trees, environmental resources and natural drainage ways. No healthy tree shall be removed without good cause. This requirement is not intended to prevent the removal of unhealthy trees in conjunction with site development or interfere with defensible spaces or other fire mitigation efforts.
 - d. Trees shall be located to provide summer shade and limit winter shade on walks and streets.
 - e. A combination of plantings, berms, walls and fences shall be used as appropriate to buffer sensitive habitat.
 - f. Use buffers to protect the physical integrity of riparian ecosystems. Try to preserve vegetation and trees in streamside zone and middle zone. Encourage grass and landscaping in outer zone to filter runoff from backyards, parking areas, roads, etc.
 - g. All areas disturbed by construction shall be reseeded to prevent erosion. Native, noninvasive grasses shall be used for revegetation. Weed control is the responsibility of the landowner on all reseeded areas and all preservation areas.
 - h. All areas disturbed by construction shall be reseeded to prevent erosion. Native, noninvasive grasses shall be used for revegetation. Weed control is the responsibility of the landowner on all reseeded areas and all preservation areas.

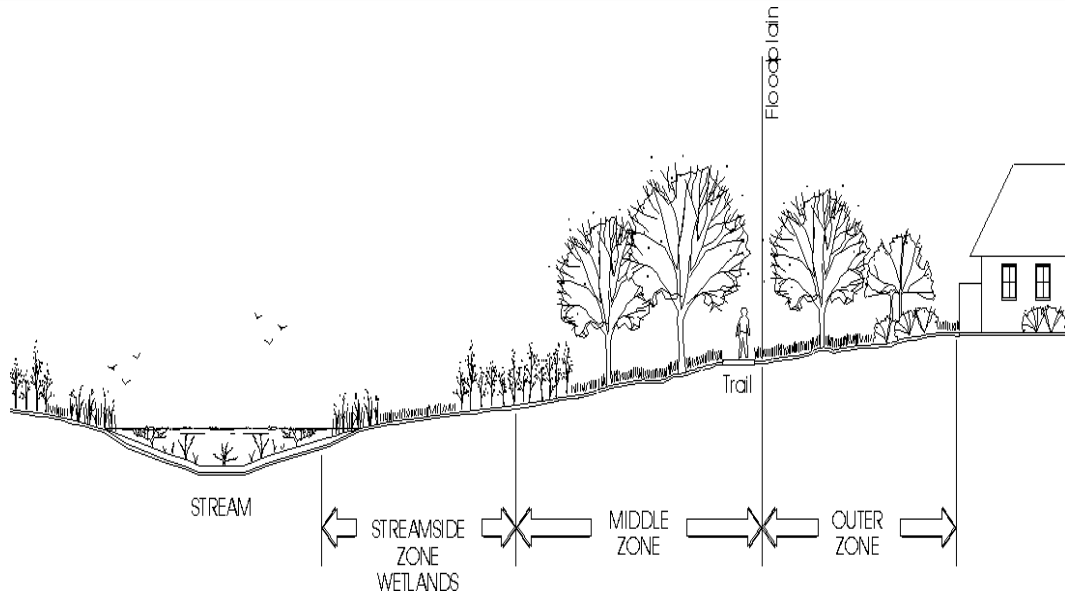


Figure 2-4

E. Storm Drainage Facilities

1. Intent. To promote innovative and effective land and water management techniques that protect and enhance water quality.
2. General Provisions.
 - a. Landscaping associated with storm drainage facilities shall be integrated into the overall design of the project.
 - b. It shall enhance the overall appearance of the project, prevent erosion and improve water quality of storm water runoff whenever possible.
 - c. Storm drainage facilities may function as open space for active recreation, trail corridors or habitat enhancement areas if they are designed appropriately and approved by the Rico Board of Trustees
 - e. The use of planting strips and shallow, landscaped depressions in parking lots and along roads is encouraged to help trap and remove pollutants from storm water runoff.
3. Applicability. All storm drainage facilities shall be appropriately landscaped.
4. Minimum Requirements.
 - a. All facilities shall be seeded to grass appropriate to the function of the area. Areas to be used for active recreation shall be seeded to a turf-type grass and irrigated with a permanent irrigation system. Areas to be maintained for habitat enhancement shall be seeded to native grasses and wildflowers. Developer is responsible for establishment of a complete, weed free stand of grass. Trail corridors may be seeded to native grasses if appropriately integrated with adjacent improvements.

Rico Land Use Code Section 2.14 – Landscape Design

- b. Maximum side slope on drainage facilities shall be 4:1, minimum slope of the bottom of a drainage facility shall be one-half (1/2) percent.

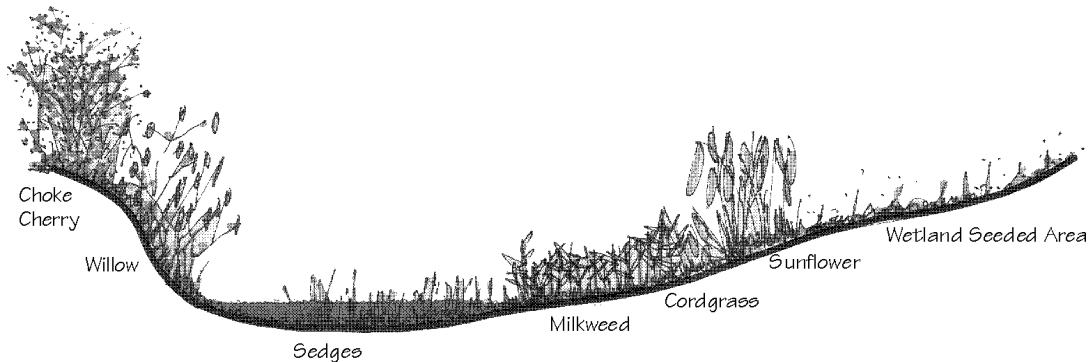


Figure 2-5

5. Ownership and Maintenance.

All drainage facilities shall be owned and maintained by the landowner or occupant unless otherwise approved by the Town of Rico

- F. **Prohibited Plant Materials List.** The following list of trees are prohibited in the Town of Rico. Please consult <https://www.colorado.gov/pacific/agconservation/noxious-weed-species> for a list of weeds and other invasive species.

1. Russian Olive (an invasive species that threatens native trees in riparian ecosystems).
2. Lombardy Poplar (susceptible to canker-forming fungi for which there are no available controls).
3. Siberian Elm (can dominate native vegetation, especially in disturbed areas; is weak-wooded and subject to continuous dieback when large; can be devastated by the elm leaf beetle).

Rico Land Use Code Section 2.15 – Fences & Walls

- A. **Intent.** To ensure that walls and fences are in character with the neighborhood.

B. **General Provisions.**

Compatibility. Walls and fences shall be architecturally compatible with the style, materials, and colors of the principal buildings on the same lot. If used along collector or arterial streets, such features shall be made visually interesting by integrating architectural elements such as brick or stone columns, varying the alignment or setback of the fence, softening the appearance of fence lines with plantings, or through similar techniques. A fence or wall may not consist of a solid, unbroken expanse for more than fifty (50) feet for every seventy-five (75) feet of length, or portion thereof.

2. Materials

- a. Stone walls, or brick walls with a stone or cast stone cap, treated wood fences, decorative metal, wire interspaced with wood elements, cast iron fences, stucco walls, and stone piers are encouraged. Solid walls and fences are permitted only in rear and side yards. Retaining walls are permitted where required for landscaping or architectural purposes. Hedges may be used in the same manner and for the same purposes as a fence or wall.
- b. Fences used in front yards shall be at least fifty (50) percent open. Allowable fences are split rail, wrought iron, picket, or other standards residential fences of a similar nature.
- c. Other materials may be used if they are approved by the Rico Planning Commission.

3. Prohibited Materials. Contemporary security fencing such as concertina or razor wire, or barbed wire, or electrically-charged fences are prohibited unless specifically allowed by the Rico Board of Trustees. Chain link fencing with or without slats shall not be used as a fencing material unless required for certain purposes and approved by the Rico Board of Trustees.

4. Retaining Walls. Retaining walls shall be designed to resist loads due to the lateral pressure of retained material in accordance with accepted engineering practice and shall not be unsightly or detrimental to abutting property. Retaining walls in excess of four feet in height shall be designed and stamped by a structural engineer licensed in the State of Colorado and require a building permit.

5. Height Limitations. Fences or walls shall be:

- a. No more than four (4) feet high between the front building line and the front property line. Walls shall not be solid except for retaining walls. For corner lots, front yard fence regulations shall apply to both street sides of lot.
- b. No more than six (6) feet high if located on a side yard line in the front yard, except if required for demonstrated unique security purposes. Fences and walls shall not be solid, except for retaining walls.
- c. No more than six (6) feet high for a fence located on a rear property line or on a side yard line in the rear yard or opaque privacy fences that are located directly adjacent to and integrated with the architecture of the house or connected to a courtyard.
- d. Fences around a recreation court (e.g. tennis, squash racket, squash tennis or badminton) or around a publically-owned recreation area may exceed six (6) feet in height if the fence is at least fifty (50) percent open.

6. Maintenance. Dilapidated, unsightly or dangerous fences shall be removed or repaired when so ordered by the Building Inspector. Hedges shall be maintained in a healthy condition, trimmed and pruned as appropriate for the plant type. Dead plant material in hedges shall be removed or replaced as appropriate when so ordered by the Building Inspector. Hedges shall not encroach upon sidewalks or street rights-of-way.

C. Fences in the Historic District. Historically, most properties in the historic commercial zone district did not have fences. Service yard fences that are visible from Highway 145 are highly discouraged. The purpose of the service yard fence regulations is to achieve a balance between requiring certain businesses to construct a service yard fence while maintaining a pedestrian friendly environment and preserving the historic nature of the Historic Commercial Zone District. The goal of any service yard fence constructed in the Historic Commercial Zone District shall be to obscure the service yard without building an opaque continuous façade and without having a negative visual impact on the historic nature of the Zone.

1. It is the responsibility of the owner to construct fences within the owner's property boundaries. No fence can be constructed within any town easement or right-of-way.
2. Service yard fences shall obscure the service yard but also include transparent elements within its design to minimize visual impacts on pedestrians. Transparent elements are such elements that provide a pedestrian a view into the yard. Service yard fences located in the Historic Commercial Zone District are not total privacy-type service yard fences that are permitted in other Zones.
3. Service yard fences shall be a minimum of six (6) feet in height and a maximum of seven (7) feet in height.
4. Fences shall be constructed using rough-cut or milled wood, natural stone, brick, wrought iron and any combination of these materials.
5. The following is an example list of prohibited fence types: chain link, wire unless interspaced with wood elements, mesh, concrete block, plastic, fiberglass, plywood, barkslab, barb wire, razor wire, electrified fences, slatted "snow" fences, and opaque fences without transparent elements. The aforementioned list is not, nor is it intended to be, all inclusive of prohibited fence types.
6. The use of materials native to Rico's historical character, such as railroad ties and brick, are encouraged. The use of vegetation to offset visual impacts is also encouraged.
2. Fences located along Highway 145 and side streets must be built along a minimum three- foot setback.
3. All fences shall be built parallel or perpendicular to the platted lot lines
4. Fences that meet the goals of these regulations but do not conform to the specific standards may be permitted upon approval of the Rico Planning Commission.

- A. Intent.** Architecture plays an important part in developing an identity for neighborhoods and dwellings. Thus, the Town of Rico wants to build upon the architectural traditions of the region yet allow for diversity of expression. In addition, the Town of Rico wants to encourage a variety of housing types, sizes and prices in each neighborhood to allow people to remain in their neighborhoods, as their housing needs change.
- B. Single-Family Detached, and Duplex Dwellings.** The intent of this section is to encourage the construction of single-family detached, and duplex dwellings with architectural designs that relate homes to the street, that create diversity and variety along residential streets, that have front porches, rear-loaded garages or alternatively loaded street- accessed garages, and that reflect traditional Rico styles as well as more modern designs.
1. Massing. The mass of a house or duplex should strongly reflect its architectural style and be scaled to provide visual interest and depth, reduce boxiness, and achieve an articulated form on all four sides. The mass of a proposed building should not overwhelm structures in the vicinity.
 2. Roof. The minimum roof pitch for the primary structure or a garage on a property shall be seven/twelve (7/12), with seven feet of rise for twelve feet of run unless this does not conform with the historic context of the neighboring buildings. 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. Variations shall be requested prior to the issuance of a building permit, and shall be approved by the Rico 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. Roof overhangs, eaves, fascias and soffit detail shall be detailed appropriately for the architectural style of the building. The character and placement of dormers, when used, shall also reflect the architectural style of the building.
 3. Covered Entries and Porches. A covered entryway for the front door is encouraged. Porch designs shall reflect the architectural style of the building.
 4. Garages. Homes, not garages, shall have the emphasis on residential streets. The intent is that residential streets have variety and that garages not dominate homes and streets. Alley accessed garages are strongly encouraged. Snout houses are prohibited.
 5. Permitted Exterior Materials. Wood siding, stained or painted, stone, brick, cementatous siding such as Hardy Plank, T1-11 with battens being no more than 12" wide. Metal, non-reflective architectural elements are permitted up to a maximum of 40% of the exterior surface area excluding the roof.
 6. Prohibited Exterior Materials. Vinyl, fiberglass, aluminum, exposed cinder block, exposed concrete block (CMU) and plywood with the exception of T1-11.

7. Building Height. The highest point of each roof segment shall not exceed 30 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 which have at least fifty percent (50%) of their site coverage on hillsides with a pre-construction grade of fifteen percent (15%) or greater, no portion of the building shall exceed a height of 35 feet vertical feet above the pre-construction grade of the building's site coverage.

C. Townhouses and Row Houses (Single -Family Attached Dwellings). The intent of this section is to encourage construction of townhouses and row houses with architectural designs that relate buildings to the street, and that achieve a harmonious balance between repetition and variety.

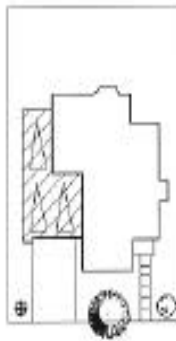
1. Individual Dwelling Identity. The composition of a row house grouping requires repetition of architectural elements like entries, bays, cornices and parapets. At the same time, visual interest and streetscape diversity are promoted by variation.
2. Articulation. Because repetition is important to the composition of the row houses, sufficient articulation of architectural elements on the primary facade of each row house is essential. A row house articulation is defined as a covered entry element, a dormer facing the street, a horizontal offset of at least two (2) feet in the principal building wall for a minimum of four (4) feet in width, a bay or projection, or a significant change in the parapet height and design.
3. Entry Definition. Well-defined and sensitive entries are particularly important for row house design. In addition to creating a feeling of welcome and providing shelter, they also help make a gracious transition between public and private realms.
4. Massing. The mass of the townhome or row house should strongly reflect its architectural style and be scaled to provide visual interest and depth, reduce boxiness, and achieve an articulated form on all four sides. The mass of a proposed building should not overwhelm structures in the vicinity.
5. Roof. The minimum roof pitch for the primary structure or a garage 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. Variations shall be requested prior to the issuance of a building permit, and shall be approved by the Rico 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. Roof overhangs, eaves, fascias and soffit detail shall be detailed appropriately for the architectural style of the building. The character and placement of dormers, when used, shall also reflect the architectural style of the building.
6. Covered Entries and Porches. A covered entryway for the front door is encouraged. Porch designs shall reflect the architectural style of the building.

7. Garages. Homes, not garages, shall have the emphasis on residential streets. The intent is that residential streets have variety and that garages not dominate homes and streets. Alley accessed garages are strongly encouraged.
8. Permitted Exterior Materials. Wood siding, stained or painted, stone, brick, cementatous siding such as Hardy Plank, T1-11 with battens being no more than 12” wide. Metal, non-reflective architectural elements are permitted up to a maximum of 40% of the exterior surface area excluding the roof.
9. Prohibited Exterior Materials. Vinyl, fiberglass, aluminum, exposed cinder block, exposed concrete block (CMU) and plywood with the exception of T1-11.

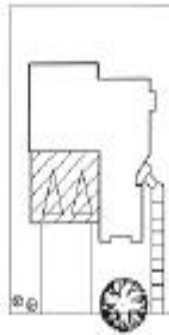
D. Multi-family stacked units, including condominiums and apartments. The intent of this section is to encourage the construction of multi-family stacked units that achieve a harmonious balance between repetition and variety. Each multi-family dwelling containing more than three dwelling units shall feature a variety of massing proportions, wall plane proportions, roof proportions and other characteristics. The following specific standards shall apply to multi-family stacked units, including condominiums and apartments:

1. Individual Building Identity. For all developments of three (3) or more multi- family stacked buildings, a floor plan may be repeated, however, identical building facades must not be replicated more than twice within the development. Before building may commence on a block and prior to the issuance of a building permit within the block, the applicant shall illustrate, how the development will comply with the requirements set forth in this section. Final plat approval cannot be given without approval of a for the initial stage of development. A plan shall include, at a minimum, the following:
 - a. A map that illustrates the floor plan and elevation for each building on the block.
 - b. A written statement that specifies how provisions in the the Multi-family stacked units section of this RLUC, will be met.
2. Articulation. Each multi-family dwelling or condominium shall be articulated with projections, recesses, covered doorways, balconies, box or bay windows and/or other similar features, dividing large facades and walls into human-scaled proportions. Each multi-family building shall feature walls that are articulated by a least two (2) of any of the following elements within every thirty-six (36) foot length of the façade:
 - a. Recesses, projections or significant offsets in the wall plane;
 - b. Distinct individualized entrances;
 - c. Chimneys that project from the wall plane;
 - d. Balconies and/or other outdoor living space; or
 - c. Bay or box windows.

3. Roofs. Each multi-family building shall feature a combination of primary and secondary roofs. Primary pitched roofs shall be articulated by at least one (1) of the following elements:
 - a. Changes in plane and elevations;
 - b. Dormers, gables or clerestories;
 - c. Transitions to secondary roofs over entrances, garages, porches, or bay windows.
4. Garages. No street-facing facade shall contain more than four (4) garage fronts. Resident garages or parking that is internal to the block is encouraged. On-street parking should be made available for visitors.



3-car Tandem



Shallow recessed



Deep recessed

Figure 2 – 6
Allowed types of street accessed
single family garages

Rico Land Use Code Section 2.17 – Historic Commercial and Commercial Architecture

- A. **Intent**. Rico has the following two distinctly different Commercial types of development within its Planning Area: Historic Commercial and Neighborhood Commercial. They are different in character, purpose, and mixture of uses. The design considerations vary for each type, although there are many common design elements. The General Provisions section outlines the common elements and the specific design considerations are identified by type.
- B. **General Provisions**.
 1. Connections. Commercial developments must be linked with surrounding areas by extending sidewalks, and/or paths directly into and through the development, thereby providing convenient, direct pedestrian, bicycle and vehicle access to and from all sides of the development.
 2. Accessibility. Developments must be accessible to pedestrians and bicyclists as well as motorists. Site plans shall equally emphasize the following:

- a. pedestrian access to the site and buildings and;
 - b. gathering areas for people;
 - c. The emphasis must not be placed on parking and drive-through functions.
3. Walkways. Walkways must be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and not be located and aligned solely based on the outline of a parking lot configuration that does not provide such direct pedestrian access.
4. On-Street Parking. Streets and other elements of the site plan shall be designed so that on-street parking is a functional part of the development.
5. Building Orientation. Where possible, buildings shall be located to front on and relate primarily to streets. Building setbacks from local and collector streets should be minimized in order to establish a visually continuous, pedestrian- oriented street front. In the case of large buildings for employment, storage or auto-related uses, where greater setbacks are needed, a minimum of thirty (30) percent of the building shall be brought to the setback line. If a minimized setback is not maintained, the larger setback area shall have landscaping, low walls or fencing, a tree canopy and/or other site improvements along the sidewalk designed for pedestrian interest, scale and comfort.
6. Pedestrian Scale. The establishment of buildings on isolated “pad sites” surrounded by parking lots and driveways, and that offer mainly auto-oriented signage to define entrances, is discouraged. Even relatively massive development can be configured into “blocks” or other spaces, proportioned on a human scale and city block scale; and need not be proportioned on a monolithic, auto-oriented scale.
7. Thematic Architectural Styles. Standardized “corporate” or strongly thematic architectural styles associated with chain-type restaurants and service stores are prohibited unless approved by the Rico Planning Commission and the Rico Board of Trustees.
8. Location of Parking Lots. Parking requirements shall be provided to the greatest extent possible by spaces at the rear or sides of the building. Refer to Parking (Section 2.10) for additional parking requirements.
9. Blank Walls. Blank, windowless walls are discouraged. Where the construction of a blank wall is necessary, the wall shall be articulated.
10. Wall articulation.
 - a. Walls shall not have an uninterrupted length exceeding fifty (50) feet. Pilasters, texture transitions, windows and stepping of the wall plane are required.
 - b. All exterior elevations shall maintain the integrity of the adjacent dwellings architectural character and detailing.
 - c. Continuous cornice lines or eaves are encouraged between adjacent buildings.
 - d. Buildings with flat roofs shall provide a parapet with an articulated cornice.

11. Facade Treatment. The architectural treatment of the front facade shall be continued, in its major features, around all visibly exposed sides of a building. Blank wall or service area treatment of side and/or rear elevations visible from the public view shed is discouraged.
12. Windows. Windows shall be vertically proportioned wherever possible.
13. Awnings. Fixed or retractable awnings are permitted. Canvas is the preferred material, although other water proofed fabrics may be used; metal or aluminum awnings shall not be used unless otherwise approved by the Rico Board of Trustees
14. Screening. All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes and other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, and landscaping. In addition, all trash facilities, loading and parking areas shall be properly screened
15. Architectural Details. All materials, colors, and architectural details used on the exterior of a building shall be compatible with the building's style and with each other.

C. Historic Commercial District Architectural Standards.

1. Massing. The mass of a building in the Historic Commercial District should strongly reflect its architectural style and be scaled to provide visual interest and depth, reduce boxiness, and achieve an articulated form on sides not adjacent to another building. The mass of a proposed building should not overwhelm structures in the vicinity.
2. Street Front. The design regulations for the Historic Commercial District require a street level pedestrian oriented commercial space on the front of the structure referred to as street front.
3. Architecture Guidelines. Design of new buildings in the Historic Commercial district should be compatible with existing buildings. Historic details that were not found in Rico are prohibited. Historic proportions of height, width and depth should be compatible with the surrounding buildings.
4. Pedestrian Scale. As seen up close, buildings should express human scale through materials and forms that are familiar building elements in the Historic Commercial District. Porches, bays and other building details similar to those seen on nearby historic buildings are encouraged.
5. Building Orientation. Orient a new building parallel to its lot lines similar to that of historic building orientations. The primary building entrance should be on Glasgow Ave. Entrances on the rear or sides of buildings should be secondary. The floor of the street front should be the same elevation as the abutting sidewalk.
6. Roof Form. Historically, commercial roof forms were flat, sloped or gabled, but all had false fronts as seen from the street. This characteristic is important to the Historic Commercial district and should be preserved.
7. Recessed Entries. Most primary entrances to buildings are recessed, providing a shaded area that helps define doorways and provides shelter to pedestrians. The repetition of this feature along the street contributes to the traditional and human scale of the area and should be continued in new construction. Entrance doors were traditionally topped with transom windows that extend the vertical emphasis of these openings.

8. Windows. Windows shall be vertically proportioned. The width of each window excluding transom windows shall not exceed its height. Second floor windows shall be dimensioned so that the height of each window is at least 1.5 times the width. Second floor windows shall be evenly aligned and spaced horizontally and shall be aligned vertically. Bay windows which do not exceed the height of the façade are allowed. Bay and oriel windows should fit below the cornice and be subordinate elements.

9. Parapets. The parapet of the façade shall extend vertically a minimum of four (4) feet and a maximum of ten (10) feet above the top of the window, not including window trim.

10. Cornice Details. The parapet shall incorporate a cornice detail with at least eight (8) inches of relief or overhang.

11. Awnings. The use of awnings to provide weather protection and create interest is encouraged.

- a. The awning should fit the dimensions of the storefront opening.
- b. Exotic forms not traditionally found in Rico are discouraged.
- c. Coordinate the color of the awning with the color scheme of the building.

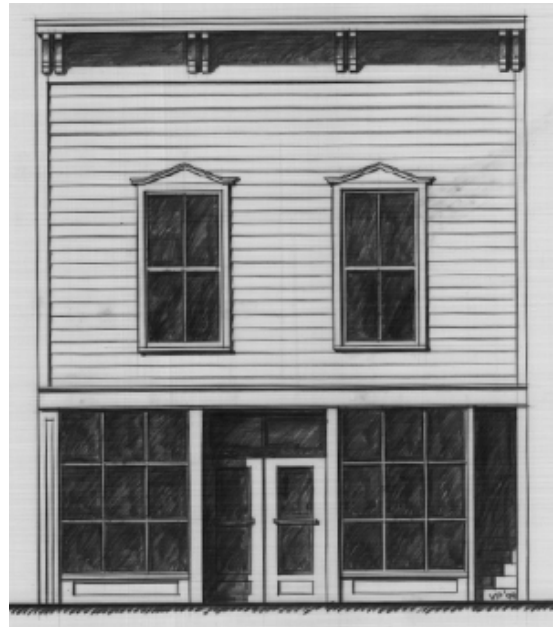


Figure 2 – 7 Historic Façade Design Samples

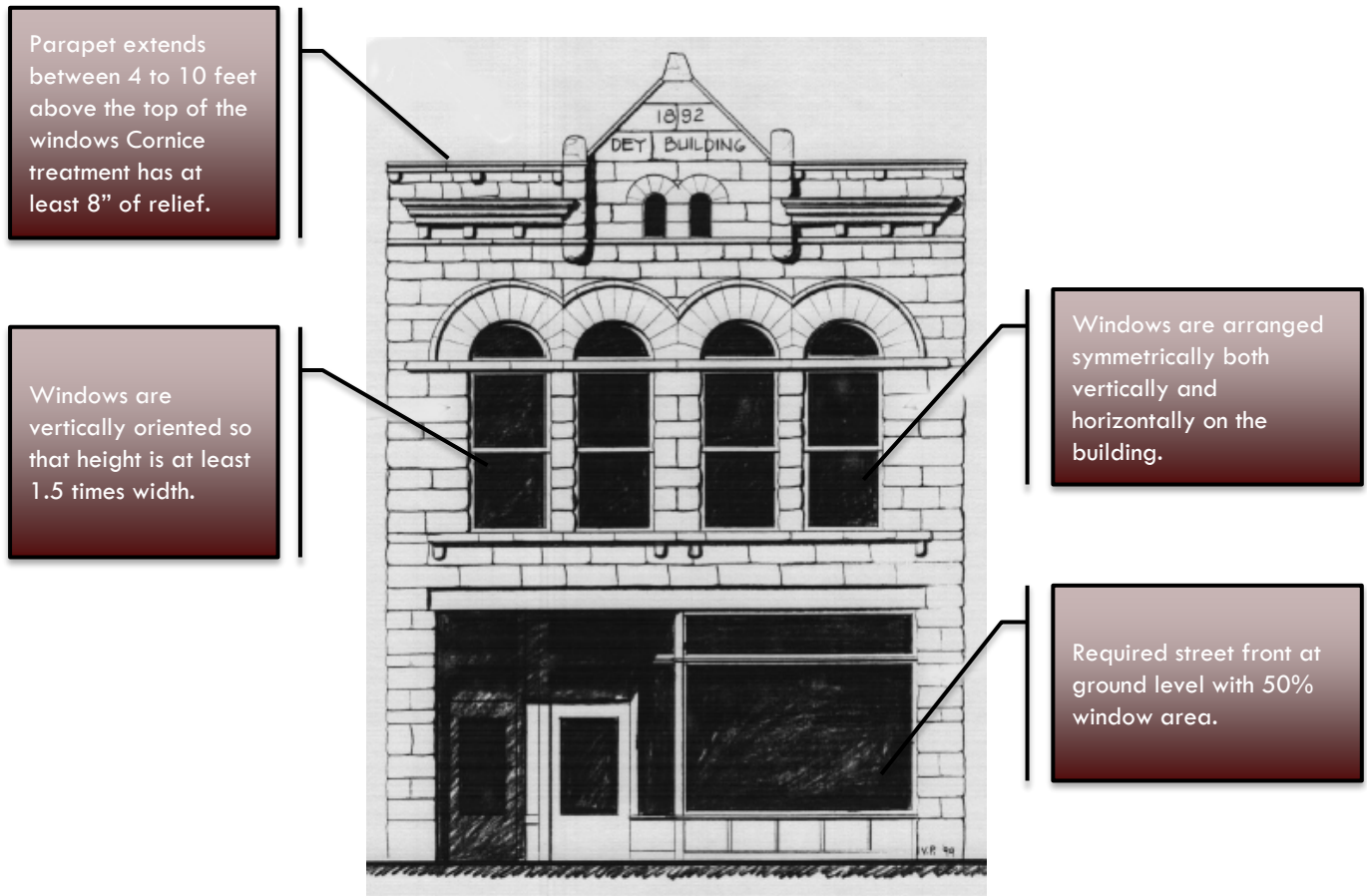


Figure 2 – 8 Historic Façade Design Samples

Rico Land Use Code Section 2.18 – Lighting

A. Intent.

1. To create an attractive lighting system to enhance visibility and safety, while minimizing glare and contrast.
2. To encourage exterior lighting that is functional, aesthetically pleasing, and complimentary to the architectural style of buildings.

B. General Provisions.

1. Evaluation of Exterior Lighting. Exterior lighting shall be evaluated in the development review process to ensure that the functional and security needs of the project are met in a way that does not adversely affect the adjacent properties or neighborhood. The degree to which exterior night lighting affects a property owner or neighborhood will be examined considering the light source, level of illumination, hours of illumination, and need for illumination in relation to the effects of the lighting on the adjacent property owners and the neighborhood.
2. Light Style. The style of lights shall be consistent with the style and character of architecture proposed on the site. Light fixtures that illuminate signage shall be compatible with the architecture of the building on which they are placed.
3. Exterior Lighting. Light sources shall be concealed or shielded to minimize the potential for glare and unnecessary diffusion on adjacent property and away from the vision of passing motorists. All lights shall be directed downward and the light source shall be equipped with “cut-off” devices so that it will not be visible from any adjacent property and to ensure that ambient skyward light is eliminated. Minimal lighting is encouraged to prevent undue light pollution of the night sky.
4. Hours of Lighting Operation. All parking lot lighting fixtures and exterior building lights, except those required for security purposes, shall be extinguished within one (1) hour after the end of business hours and remain extinguished until one (1) hour prior to the beginning of business hours. If a portion of a parking lot is used after dark, only that portion shall be lighted.
5. Exemption for Outdoor Recreational Uses and Special Events. Because of their limited hours of operation and their unique requirements for nighttime visibility, ball diamonds, playing fields, tennis courts, and other similar outdoor recreational uses and special events (both public and private, unless otherwise restricted by the Rico Board of Trustees shall be exempt from the general provisions of this section.

Rico Land Use Code Section 2.19 – Sanitary Sewer

- A. On Site Waste Water Treatment Systems.** Rico does not have a central sewer system. On site wastewater treatment systems are subject to the requirements of Ordinance No. 2017-1, which adopts CDPHE Regulation 43. Construction of new septic systems and repairs of old septic systems require a permit through the Town of Rico and a design produced and signed by an engineer licensed in the State of Colorado. Permits are available on the Town web site. A copy of Ordinance No. 2017-1 is available at the Rico Town Hall or upon request at townmanager@ricocolorado.gov. Further information about Regulation 43 is available at <https://cdphe.colorado.gov/OWTS>.

A. Potable Water. Currently Rico's municipal water supply comes from a well located north of the Town. This water right is the product of a 2010 agreement between Rico and the Colorado Water Conservation Board, which holds an instream flow water right that is senior to that of the North Rico well. Through this agreement, Rico is allowed 0.178 cubic feet per second (cfs), which is enough water to supply the existing 256 residents but not enough for substantial growth. Based on population predictions for the State of Colorado and the growth in the neighboring resort of Telluride, Rico is anticipating some moderate growth. Rico also has water rights included in the Silver Creek Flume agreement dated June 1968. The decree for the Silver Creek diversion point allows Rico 0.28 cfs with an additional 2.72 cfs being conditional. This water right is senior to that of the CWCBC instream flow right. At this time, the Silver Creek system is off-line due to an inadequate filtration system. Upgrades to the filtration system are being investigated.

1. **Facility Adequacy.** All applications for new multi-family dwellings and accommodations including RV parks and developed campgrounds must include an estimate of water usage. The average daily demand of an accommodation, apartment, townhome, or other multi-family dwelling for which a Facility Adequacy review is required will be calculated as 300 gpd (gallons per day) per residential unit, or 75 gpd per capita based on intended occupancy for short-term accommodation spaces such as hotels, lodges, inns, or other accommodation without kitchen facilities. Proposed use will be evaluated with the availability of water in mind.
2. **Water Conservation.** All new development is subject to water conservation strategies including but not limited to the following:
 - a. Water-efficient plumbing fixtures including ultra low-flush toilets and urinals, waterless urinals, low-flow sinks and showerheads, and water-efficient dishwashers and washing machines;
 - b. Irrigation and landscaping measures including water efficient irrigation control systems, low-flow sprinkler heads, water efficient scheduling practices and Xeriscape landscaping;
 - c. Water recycling or reuse measures including gray water and process recycling systems;
 - d. Methods to reduce water use in HVAC systems.

Town of Rico

Land Use Code

Article III – Zoning

Section		Page
3.1	General Provisions	5
	A. Uniformity of Regulations	5
	B. Conflicts with other Provisions of Law	5
	C. Conflicts with Private Covenants or Deeds	5
	D. Zoning of Annexed Territory	5
3.2	Zoning Districts and Boundaries	6
	A. Purpose	6
	B. Zoning Districts	6
	C. Zoning District Map	6
3.3	Principal and Conditional Uses Permitted by Zone District	8
	A. General Application of Uses	8
	B. Residential Zone District	8
	C. Commercial Zone District	9
	D. Historic Commercial Zone District	11
	E. Mixed Use Zone District	12

Article III – Zoning

Section	Page
F. Open Space Zone District	13
G. Public Facilities Zone District	13
H. Residential and Commercial Planned Unit Development Zone District	13
3.4 Special Uses Permitted	14
A. Purpose	14
B. Special Use Review Process	14
C. Special Use Review Criteria	16
3.5 Nonconforming Use, Building or Lot	18
A. Non-conforming Status of Uses and Structures	18
B. Termination of Non-conforming Uses within 5 years	18
C. Ordinary Repair and Maintenance	18
D. Abandonment	18
E. Destruction	18
F. Non-conforming Lots	18
G. Determination of Non-conforming Status	19
H. Termination of Non-conforming Uses within Five (5) Years	19
3.6 Appeals and Variances	20

Article III – Zoning

Section	Page
A. Purpose	20
B. Appeal Application	20
C. Variance Request	20
D. Set Public Hearing and Complete Public Notification	21
E. Board of Adjustment Public Hearing and Action on the Appeal or Variance Request	21
F. Standards for Review	21
G. Granting of Variances	22
3.7 Amendments to the Rico Land Use Code	23
A. Initiation of Amendments to Text or Official Zoning Map	23
B. General Rezoning of the Town of Rico	23
C. Zoning Amendment Application Process	23
D. Criteria for Amendments to the Official Zoning Map	26
E. Map – Amendments upon Zoning Establishment or Modification	26
3.8 Zoning and Use of Wireless Telecommunications	26
A. Use Permitted by Conditional Review	26
3.9 Home Occupations	27

Article III – Zoning

Section	Page
A. Incidental and Secondary	27
B. Character	27
C. License	27
D. Nuisance	27
E. Uses	27
F. Limits on Number of Employees	27
G. Employee Parking	27
H. Area Limitations	27
I. Neighborhood Courtesy	27
J. Maximum Number of Clients	27

Rico Land Use Code Section 3.1 General Provisions

In their interpretation and application, the provisions of these zoning regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, convenience, comfort, prosperity and general welfare.

A. Uniformity of Regulations. The regulations established by this Article within each zone shall apply uniformly to each class or kind of structure or land. Unless exceptions are specified in this Article, the following interpretations shall apply:

1. No buildings, structure, or land shall be used or occupied, and no building or structure or part thereof shall be erected, changed, constructed, moved, or structurally altered unless in conformity with all regulations herein specified for the zone in which it is located.
2. No building or other structure shall be erected or altered:
 - a. To exceed the height limitations;
 - b. To exceed constraints determined by the size of the soil treatment area associated with the septic system
 - c. To occupy a greater percentage of the area than is allowable in that zone district;
 - d. To encroach on setbacks.
3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Article, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building unless specific exception therefore is stated in this Article.
4. No yard or lot existing or approved at the time of passage of this RLUC shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this RLUC shall meet at least the minimum requirements established by this RLUC.
5. Any use not permitted in a zone either specifically or by interpretation by the Rico Board of Trustees per Section 3.4.A. is hereby specifically prohibited from that zone.

B. Conflict with Other Provisions of Law. Whenever the requirements of this Article are at a variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern.

C. Conflict with Private Covenants or Deeds. In case of a conflict between this RLUC and any private restrictions imposed by covenant or deed, the responsibility of the Town of Rico shall be limited to the enforcement of this RLUC. When provisions within this RLUC are more restrictive than those imposed by covenant or deed, or when any such private instruments are silent on matters contained within this RLUC, the provisions of this RLUC shall rule.

D. Zoning of Annexed Territory.

1. Zoning of land during annexation may be done in accordance with the procedure and notice requirements of this RLUC. The proposed zoning ordinance shall not be passed before the date when the annexation ordinance is passed.

Rico Land Use Code Section 3.1 General Provisions

2. Any area annexed shall be brought under the provisions of this Section and the map thereunder within ninety (90) days from the effective date of the annexation ordinance, despite any legal review that may be made challenging the annexation. During such ninety-day period, or such portion thereof as is required to zone the territory, the Town of Rico shall refuse to issue any building permit for any portion or all of the newly annexed area.

Rico Land Use Code Section 3.2 Zoning Districts & Boundaries

A. Purpose. The purpose of this Zoning Code is to create a vital, cohesive, well-designed community in order to enhance Rico's small-town character and further the citizens' goals as identified in the Rico Regional Master Plan. These zoning regulations are designed to:

1. Encourage the most appropriate use of land through the Town of Rico and insure a logical growth of the various physical elements of Rico.
2. Regulate the location and use of buildings, structures and land for residence, business, trade, industry or other purposes.
3. Promote good design and arrangement of buildings or clusters of buildings and uses in residential, business and industrial development.
4. Encourage innovative, quality site planning, architecture and landscaping that reflect improvements in the technology of land development.
5. Prevent the overcrowding of land, poor quality in development, waste and inefficiency in land use, danger and congestion in travel and transportation and any other use or development that might be detrimental to the stability and livability of the Town of Rico.
6. Promote the health, safety, and general welfare of Rico residents.

A. Zoning Districts. In order to carry out the provisions of this RLUC, the Town of Rico is divided into the following zoning districts:

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

C. Zoning District Map. The boundaries and classifications of districts established are as depicted on a map entitled Town of Rico Official Zoning Map as may from time to time be revised, updated or redrafted. The official zoning district map adopted and to be used for present reference shall be that map bearing the most recent date of publication which has been signed by the Mayor. See Appendix A of this RLUC.

1. Interpretation of Boundary Lines.

- a. Zoning District Boundaries – In the event uncertainty is deemed to exist on the zoning district map, district boundaries shall be on section lines, lot lines, the center lines of highways, streets, alleys, railroad rights-of-way or such lines extended; municipal corporation lines; natural boundary lines, such as streams; or other lines to be determined by the use of scales shown on the map. Where a lot is divided by a zoning district boundary line at the time of enactment of the ordinance codified in this section or by subsequent amendments to that ordinance or this Article, lot owner shall be allowed to opt into one district or the other.
- b. Hazard Overlay District Boundaries – Hazard district boundaries, as depicted by separate maps, which are included in Appendix A of this RLUC. Maps are estimates based upon the following:
 - i. Avalanche Hazard. Data for avalanche hazards are based on “Documentation for Hazard and Constraint Maps Town of Rico, Colorado, prepared by Chris Wilbur P.E. and Doug Bradley in 1995. Portions of the Avalanche Hazard map were updated by Chris Wilbur P.E. in May of 2018. This update is available upon request at townmanager@ricocolorado.gov
 - ii. Flood Hazard. Data for flood hazards is based on “Documentation for Hazard and Constraint Maps Town of Rico, Colorado, prepared by Chris Wilbur P.E. and Doug Bradley in 1995. Flood plain areas are regulated by FEMA.
 - iii. Geological Hazard. Data for geological hazards is based on “Documentation for Hazard and Constraint Maps Town of Rico, Colorado, prepared by Chris Wilbur P.E. and Doug Bradley in 1995.
 - iv. Mining Hazard. Data for mining hazards is partially based on “Documentation for Hazard and Constraint Maps Town of Rico, Colorado, prepared by Chris Wilbur P.E. and Doug Bradley in 1995 and partially based on documentation provided by Formation Environmental.
 - vi. Wetlands Hazard. Data for the wetlands hazard map is based on “Inventory of Wetlands and Riparian Areas within the Town of Rico Urban Growth Boundary” produced by Patrick Drew and Foley Associates. This update is available upon request at townmanager@ricocolorado.gov

Documentation for Hazard and Constraint Maps Town of Rico, Colorado, prepared by Chris Wilbur P.E. and Doug Bradley in 1995 and “Inventory of Wetlands and Riparian Areas within the Town of Rico Urban Growth Boundary” produced by Patrick Drew and Foley Associates are available upon request in the office of the Rico Town Manager.

These maps are provided for planning purposes only. All hazards must be field verified by the appropriate professionals and illustrated on the site plan that is to accompany the “Development Permit for Areas of Environmental Concern”.

Mining hazards are subject to Appendix D of this RLUC.

Rico Land Use Code Section 3.2 Zoning Districts & Boundaries

- vii. **Wildfire Hazard.** Data for wildfire hazards is based on “Documentation for Hazard and Constraint Maps Town of Rico, Colorado, prepared by Chris Wilbur P.E. and Doug Bradley in 1995.
2. **Amendment Upon Zoning or Modification.** Upon enactment of any ordinance annexing and establishing zoning or modifying existing zoning for any property, and upon final passage thereof, the Town of Rico shall amend the prior existing official map to include the annexed area with the proper zoning classification or show the amended classification, as the case may be. Such updated, current official map shall contain, in table form, the date and number of the ordinance amending it, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map.
3. **Cost For Amending Zoning.** Any person who proposes zoning for property being annexed or proposes modifying existing zoning shall bear the entire cost of amending the official zoning map, including all notification costs. The Town of Rico shall provide applicants with a copy of the current fee schedule and fee agreement form.
4. **Public Inspection; Storage of Original.** The official zoning district map shall be available and on display at the Rico Town Hall during normal business hours.

Rico Land Use Code Section 3.3 Principal & Special Uses Permitted by Zone District

A. General Application of Uses. Uses designated as “permitted uses” are allowed in a zone district as a matter of right. Uses classified as “special uses” are permitted upon the Rico Planning Commission and Rico Board of Trustees approval of a special use permit. Unless a use is designated as a “permitted use” or “special use” or is classified as a legal “non- conforming” structure or use, it is not permitted. Land uses not otherwise identified in this RLUC may be proposed for development. In order to provide for such uses, the classification of any new or unlisted land use shall be made by the Rico Board of Trustees to determine if the use can be reasonably interpreted to fit into a similar use category described in this RLUC. Unless such determination is made, the use is not permitted.

B. Residential Zone District.

1. **Permitted Uses.** The following uses are permitted in the Residential Zone District:
 - a. Single Family Dwelling Units
 - b. Duplexes
 - c. Accessory Dwelling Units – permitted if the septic system is adequate as per Ordinance 2018-5
 - d. Accessory Buildings
 - e. Home Occupancy Businesses

Accessory dwelling units are allowed subject to Ordinance 2018-5, “An Ordinance Establishing Municipal Regulations Concerning the Placement and Construction of Accessory Dwelling Units”.

Short Term Rentals in residential zones are allowed upon the approval of a special use permit by the Rico Planning Commission and are subject to annual review. Short term rentals are subject to Town lodging taxes.

Rico Land Use Code Section 3.3 Principal & Special Uses Permitted by Zone District

2. Special Uses. The following uses are permitted in the Residential Zone District by Special Use Permit Review (Ordinance No. 2008-3):
- a. Short-term rental dwelling units, excluding hotels, condominium hotels, bed and breakfasts, motels, lodges, boarding houses and rooming houses.
 - b. Triplexes
 - c. Daycare facilities
 - d. Schools
 - e. Churches or other religious institutions

Residential Lot Configuration Regulations	Requirements
Minimum Lot Size	5,000 unless an Engineer licensed in the state of Colorado can certify that the lot can accommodate a septic system and soil treatment area
Minimum Front Yard Setback	12 Feet
Minimum Side Yard Setback	7 Feet
Minimum Rear Yard Setback	10 Feet if it abuts private land 5 Feet if it abuts an alley, a public right-of-way or other public land
Maximum Floor Area	Maximum Floor Area including garages and accessory units = 50% of lot square footage
Maximum Site Coverage	70% of the lot
Off Street Parking	One vehicle space per dwelling unit

C. Commercial Zone District.

1. Permitted Uses. The following uses are permitted in the Commercial Zone District except in instances where a more specific or applicable category is set forth in Commercial Special Uses by Review:
- a. Accommodations including motels, hotels, inns, lodges and bed and breakfasts
 - b. Art studios, including galleries, craft and hobby shops, art supply shops
 - c. Barber shops and beauty saloons
 - d. Establishments selling alcohol. These establishments are subject to Colorado State liquor licensing requirements.
 - e. Retail establishments
 - f. Grocery stores
 - g. Hardware stores
 - h. Offices

Rico Land Use Code Section 3.3 Principal & Special Uses Permitted by Zone District

- i. Private social clubs and organizations
 - j. Residential including single family, multi-family, townhomes, apartments and condominiums
 - k. Repair shops other than automotive
 - l. Restaurants including all food service establishments where on-premise sales constitute the majority of sales.
 - m. Marijuana, both recreational and medicinal. These establishments are subject to State of Colorado regulations and Ordinance Numbers 2018-03 and 2018-06.
 - n. Trade businesses including electrical, plumbing and heating.
2. Special Uses. The following uses are subject to review by the Rico Planning Commission through a Special Use Permit process:
- e. Adult businesses, including retail sales of adult materials and nudity shows
 - f. Daycare
 - g. Fire stations and emergency facilities
 - h. Gas stations, fuel cell sales and any other stations that sell fuel and/or energy
 - i. Manufacturing businesses including large scale welding operations
 - j. Hospitals and medical centers
 - k. Churches or other religious institutions
 - l. Automobile repair shops
 - m. Schools
 - n. Warehouses, distribution centers where the majority of sales are off-premise or delivered, storage units or lockers
 - o. Other businesses that are not included in “use by right”.

Lot Configuration Regulations	Requirements
Minimum Lot Size	2,500 sq. ft. if an Engineer licensed in the State of Colorado can certify that the lot can accommodate a septic system and soil treatment area
Minimum Front Yard Setback	22 Feet
Minimum Side Yard Setback	5 Feet
Minimum Rear Yard Setback	5 Feet
Maximum Floor Area	Maximum Floor Area = Lot Square footage minus setbacks
Maximum Site Coverage	80% of the lot
Off Street Parking	One vehicle space per 350 square feet of floor area, lodging facilities shall provide one vehicle space per lodging room

D. Historic Commercial Zone District.

Design regulations for the Historic Commercial Zone District require a street level, pedestrian oriented commercial space at the front of the structure, referred to as “Street Front” that takes up no less than 50% of the first floor. Residential uses must occur in the rear 50% of the building or on the second floor. Structures in the Historic Commercial District are also subject to Article IX of this RLUC.

1. Permitted Uses. The following uses are permitted by right in the Historic Commercial Zone District.
 - a. Accommodations including motels, hotels, inns, lodges and bed and breakfasts
 - b. Fire house
 - c. School
 - d. Religious institutions
 - e. Art studios, including galleries, craft and hobby shops, art supply shops
 - f. Barber shops and beauty saloons
 - g. Establishments selling alcohol. These establishments are subject to Colorado State liquor licensing requirements
 - h. Retail establishments
 - i. Grocery stores
 - j. Hardware stores
 - k. Offices
 - h. Private social clubs and organizations
 - i. Residential including single family, multi-family, townhomes, apartments and condominiums
 - j. Repair shops other than automotive
 - k. Restaurants including all food service establishments where on-premise sales constitute the majority of sales.
 - l. Marijuana, both recreational and medicinal. These establishments are subject to State of Colorado regulations and Ordinance Numbers 2018-03 and 2018-06.
 - m. Trade businesses including electrical, plumbing, heating and wood shops.
2. Special Uses. The following uses are permitted in the Historic Commercial Zone District except by Review through a Special Use Permit process:
 - a. Adult Businesses, including retail sales of adult materials and nudity shows
 - b. Daycare
 - c. Gas stations, fuel cell sales and any other stations that sell fuel and/or energy
 - d. Manufacturing Businesses
 - e. Hospitals and Medical Centers
 - f. Other businesses that are not included in “use by right”.

Lot Configuration Regulations	Requirements
Minimum Lot Size	2,500 sq. ft. if an Engineer licensed in the State of Colorado can certify that the lot can accommodate a septic system and soil treatment area
Minimum Rear Yard Setback	5 Feet
Maximum Floor Area	Maximum Floor Area = Lot Square footage minus setbacks in including septic system setbacks.
Maximum Site Coverage	80% of the lot
Off Street Parking	One vehicle space per 1000 square feet of floor area

E. Mixed Use Zone District.

1. Permitted Uses. The following are uses by right in the mixed use zone district.
 - a. All commercial uses allowed in the Commercial and Historic Commercial Zone Districts
 - b. All residential uses
 - c. Light industrial
2. Special Uses. The following uses are permitted in the Commercial Zone District except by Review through a Special Use Permit process:
 - a. All uses that require a special use permit in the Commercial Zone district

Lot Configuration Regulations	Requirements
Minimum Lot Size	12,000 square feet if an Engineer licensed in the State of Colorado can certify that the lot can accommodate a septic system and soil treatment area
Minimum Front Yard Setback	12 Feet
Minimum Side Yard Setback	12 Feet
Minimum Rear Yard Setback	12 Feet
Maximum Floor Area	50% of lot area provided that the maximum floor area does not exceed 5,000 square feet
Off-street Parking	2 vehicle spaces per dwelling unit, 1 vehicle space per 1,000 sq. ft. of light industrial space

F. Open Space Zone District. The open space zone district is intended to preserve the natural values of undeveloped land for the benefit and enjoyment of the residents of the Town of Rico.

1. Permitted Uses. The following are uses by right in the open space zone district.

- a. Nature trails, for walking, hiking, biking, skiing, snow shoeing and other non-motorized activities.
- b. Structures and improvements identified in the Rico Regional Master Plan.

G. Public Facility Zone District. The public facility zone district is intended to permit construction and installation of structures, equipment, and facilities used primarily for public purposes.

1. Permitted Uses. The following are uses by right in the open space zone district.

- a. Structures and improvements identified in the Rico Regional Master Plan.

H. Residential and Commercial Planned Unit Development Zone District. The requirements of this section apply to the Residential Planned Unit Development Districts and Commercial Planned Unit Development Districts in addition to other requirements of the Rico Land Use Code.

1. Intention. The planned unit development districts (PUD) are intended to permit the use of land with flexibility in design and without rigid application of zoning requirements applied to the platted portion of Town. In addition to the purposes stated elsewhere in this RLUC, the PUD Districts also have the purposes stated in C.R.S. §24-67-102, as may be amended from time to time.
2. Multiple Zone Districts. A mixture of zone districts is permitted in PUD applications to permit site specific application of appropriate zoning based on the Rico Regional Master Plan, the purposes of this RLUC, the purposes of PUD and subdivisions, and site specific development opportunities and constraints. For example, a PUD site that contains a mixture of sites suitable for residential development and sites inappropriate for development due to environmental constraints can result in a PUD that utilizes a mixture of residential and open space zoning.
3. Multiple Property Owners. Applications by multiple property owners are permitted and encouraged where site development affects the current or planned development of multiple property owners. Site development which may affect multiple property owners includes, but is not limited to: road improvements, utility extensions, calculation of permitted density, and assignment of permitted density to property suitable for development. The PUD District permits the transfer of development rights and development credits among separate tracts or parcel of land and among multiple property owners.
4. Procedures and Submittal Requirements. The applicant shall follow submittal requirements for Major Subdivisions in Article IV.

Rico Land Use Code Section 3.3 Principal & Special Uses Permitted by Zone District

5. Planned Unit Development Standards. Any planned unit development may propose variances to the applicable standards which variances may be approved in the sole discretion of the Town Board of Trustees if the Trustees determine that the overall PUD application promotes the goals of the Rico Regional Master Plan. In addition to the standards contained in Article II and the Design Regulations applicable for the designated PUD district, the reviewing body shall use the following standards to review PUD applications: The application complies with the Rico Regional Master Plan, including but not limited to: use pedestrian and recreation access and connections to the Town core, U.S. Forest Service lands, and other public lands.
- a. All areas which are inappropriate for development, including but not limited to: steep slopes, areas affected by geologic hazards, wetlands, and other areas of state and local interest, may be dedicated to the Town as open space. Open space areas which are not dedicated to the Town are shall be held in common ownership by an Owner's Association and the Owner's Association is responsible and liable for the maintenance and oversight of all common open space areas.
 - b. All PUD applications shall conform to Article II, Community Design Principals and Design Standards.
 - c. Pedestrian access to the commercial districts of Town is provided by a sidewalk or trail on the Applicant's property, or by connection to an existing or future sidewalk, trail, or other suitable pedestrian access route.
 - d. Passive recreational access is provided to the existing and planned network of passive recreation trails identified in the Rico Regional Master Plan.
 - e. Direct access to Highway 145 will not create traffic related hazards. Direct access can be created which meets the minimum access design standards set forth by the Town of Rico and the Colorado Department of Transportation. Any necessary highway access permit from CDOT and the Town of Rico shall be obtained prior to commencement of any development activity.
 - f. For Commercial PUD applications, off-street parking should be visually screened from Highway 145 either by parking behind structures or through the use of landscaping.

Rico Land Use Code Section 3.4 Special Uses Permitted

- A. Purpose. In order to provide flexibility and to help diversify uses within a zoning district, specified uses are permitted in certain districts subject to the granting of a special use permit. Because of their unusual or special characteristics, special uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties. The review process prescribed in this Section is intended to assure compatibility and harmonious development between special uses, surrounding properties and the Town of Rico at large. Special uses may be permitted subject to such conditions and limitations as the Town may prescribe to ensure that the location and operation of the these uses will be in accordance with the special use criteria. The scope and elements of any special use may be limited or qualified by the conditions applicable to the specific property. If the scope and elements fail achieve these objectives, applications for special use permits shall be denied.

B. Special Use Permit Review Process.

Step 1: Pre-Application Conference. The applicant shall schedule a pre-application conference with the Rico Town Manager or the Rico Town Planner. The purpose of the meeting is to discuss the special use submittal requirements and review process.

Step 2: Special Use Application Submittal. The applicant shall submit one copy of the complete special use application package to the Rico Town Manager and shall request that the application be reviewed by the Rico Planning Commission and the Rico Board of Trustees. Special use permit requests shall include:

- a. Special Use Permit Application Form.
- b. Narrative of reasons that the Special Use be granted
- c. Statement from the County Treasurer showing status of current taxes due on affected property
- d. Letter of agency if applicant is other than the owner of the property.
- a. An application fee of \$200.00
- a. A site plan that includes any information relevant to the request i.e.: adequate parking for short term rental permit applications.
- b. A certificate of mailing with names, addresses and property owned of property owners within 200 feet of subject property.
- c. A copy of the deed for the property.

Step 3: Special Use Application Certification of Completion and Report to Planning Commission. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application. After a complete application is received, Staff shall prepare a report to the Rico Planning Commission explaining how the application is or is not consistent with the conditional use application review criteria.

Step 4: Set Special Use Public Hearing Date and Notify Public of Hearing. Town Staff shall schedule a hearing and the applicant shall send notice of public hearing to all property owners of record within two hundred (200) feet of the property in question twenty (20) days before the hearing. The notice information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name. Town Staff shall also publish notice of the hearing on the Town website. The hearing may be held no less than thirty (30) days from the date of notification. If the special use request is accompanying another application which is scheduled for public hearing before the Board of Trustees, one public hearing may be held on both applications.

Step 5: Planning Commission Review of the Special Use Application. The Planning Commission shall hold a meeting to review the application and determine if the application complies with the special use review criteria. The Planning Commission will then recommend to the Rico Board of Trustees approval, approval with conditions or denial.

Step 6: Board of Trustees Public Hearing and Action on the Special Use. The Rico Board of Trustees shall hold a public hearing on the special use application. Following the public hearing, the Rico Board of Trustees may approve, conditionally approve or deny the special use application based on the special use review criteria. A special use permit may be revocable, may be granted for a limited time period, or may be granted subject to conditions as the Rico Board of Trustees may prescribe. Conditions may include, but shall not be limited to: requiring special setbacks, open spaces, fences or walls, landscaping or screening, street dedication and improvement, regulation of vehicular access and parking, signs, illumination, hours and methods of operation, control of potential nuisances, prescription of standards for maintenance of buildings and grounds, and prescription of development schedules.

Records. A file containing all documents relevant to the special use application and the disposition of such applications shall be maintained by Town Staff.

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

1. Compatibility with Surrounding Area. The proposed use or operation is compatible with surrounding land uses and with the surrounding neighborhood.
2. General. The location, size, design and operating characteristics of all proposed uses shall mitigate any adverse effects, including visual impacts, on surrounding properties.
3. Noise. At no point on the bounding property line of any use in any district shall the sound pressure level of any use, operation or plant produce noise intensity greater than that customarily level of the underlying Zone District and surrounding neighborhood so as to create a nuisance or detract from the use and enjoyment of adjacent property. For the purposes of this section, bounding property line shall be interpreted as being at the far side of any street alley, stream or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between two (2) parcels of property shall be interpreted as the bounding property line.
4. Smoke and Particulate Matter. No proposed operation or use in any district shall at any time create smoke and particulate matter that, when considered at the bounding property line of the source of operation creates a nuisance or distracts from the use and enjoyment of adjacent property.
5. Odorous Matter. No proposed use shall be located or operated in any district that involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located. The odor threshold shall be the concentration of odorous matter in the atmosphere necessary to be perceptible to the olfactory nerve of a normal person.

Rico Land Use Code Section 3.4 Special Uses Permitted

6. Fire and Explosive Materials. No use involving the manufacture or storage of compounds or products that decompose by detonation shall be permitted in any district, except that chlorates, nitrates, phosphorus and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Fire Marshall as not presenting a fire or explosion hazard.
7. Flammables. The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the Town of Rico and receives the approval of the Fire Marshall.
8. Toxic and Noxious Matter. No proposed operation or use in any district shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter that will exceed the threshold limits set forth by the Colorado Department of Health.
9. Vibration. No proposed operation or use in any district shall at any time create earth-borne vibration that, when considered at the bounding property line of the source of operation creates a nuisance or distracts from the use and enjoyment of adjacent property.
10. Open Storage. No open storage of materials or commodities shall be permitted in any district except as an accessory use to a main use located in a building in the Mixed Use Zone District. No open storage operation shall be located in front of a main building. No wrecking, junk, or salvage yard shall be permitted as a storage use in any district.
11. Glare and Illumination. No proposed use or operation in any district shall be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property. proposed use or operation in any district shall be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.
12. Traffic. No proposed use or operation shall be permitted where the use would create undue traffic impacts on Town roads and affected residential neighborhoods.
13. Off-Street Parking. Adequate off-street parking is provided to accommodate the proposed use.

Rico Land Use Code Section 3.6 Non-conforming Uses, Buildings or Lots

- A. 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:
1. 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,

2. 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;
3. 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 below.

B. 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.

C. 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.

D. 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.

E. 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 be rebuilt subject to the following standards:

1. The size and function of the non-conforming use shall not be expanded; and
2. Work on the restoration of the use must begin within twelve (12) months and be completed within two (2) years of the time of the calamity.

F. Non-conforming Lots.

1. 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:
 - a. The "lot of record" is in separate ownership and not contiguous to lots in the same ownership; and
 - b. 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 accommodated or a Variance is obtained and an engineer licensed in the State of Colorado certifies that a septic system can be accommodated on the lot.

Rico Land Use Code Section 3.5 Non-conforming Uses, Building or Lot

- c. 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.
- d. 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.
- e. 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.

G. 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.

H. Termination of Non-conforming Uses Within Five (5) Years. The following nonconforming uses shall be terminated within five (5) years from the date of passage of the ordinance codified in this Article, in any district except that in which they are specifically allowed:

1. Auto salvage wrecking or similar salvage operations.
2. Mobile homes and house trailers.
3. Extractive land use.
4. Landfills.
5. Hazardous waste disposal.

The five (5) year period is designated as an amortization period during which the market value of the property and use can reasonably be amortized. The owner of property or user shall have four (4) years from the date of the passage of this zoning ordinance to submit to the Rico Board of Trustees an appeal setting forth his or her grounds asserting the five (5) year period is an inadequate amount of time to amortize the nonconforming use.

Rico Land Use Code Section 3.6 Appeals & Variances

A. Purpose. The Planning Commission is authorized to review and make recommendation to the Board of Adjustments. The Board of Adjustments is authorized to deny, approve or approve with conditions such Variance including but not limited to modifications of the building height, setbacks, yard area, site coverage, required off-street parking, and maximum floor area regulations it deems necessary to permit and promote appropriate development of a parcel of land that differs from other parcels in a Zone District by area, shape, slope, or pre-existing improvements that the subject parcel cannot be appropriately developed without such modification. The Board of Adjustment shall hear and decide appeals from any requirement, decision, or determination made by any administrative official charged with the enforcement of this RLUC. In addition, the Board of Adjustment shall hear and decide all requests for a variance from the requirements of this RLUC. Such variance shall not be granted if it would be detrimental to the public good, create a conflict with the Rico Regional Master Plan or impair the intent and purpose of this RLUC.

B. Appeal Application.

1. Any aggrieved person of interest may appeal a denial of a building or other development permit, or any order, requirement, decision, interpretation or determination made by an administrative official charged with the enforcement of this RLUC.
 - a. An appeal to the Board of Adjustment shall be made within ten (10) days after denial of a building permit or other development permit, or receipt of a written notice of an order, requirement, decision, interpretation or determination by an administrative official of the Rico. Failure to make a timely appeal shall be considered a waiver of the appellant's rights to appeal to the Board of Adjustments.
 - b. The applicant shall file with the town manager a written notice of appeal on a form approved by the Rico Board of Trustees and pay the fee set by the current fee schedule.
 - c. The Rico town manager shall prepare a record of the Town's action that is being appealed for consideration by the Board of Adjustment.

C. Variance Application Review Process. Any person may apply to the Board of Adjustment for a variance from the provisions this RLUC.

Step 1: Pre-Application Conference. The applicant shall schedule a pre- application conference with the Rico Town Manager or the Rico Town Planner. The purpose of the meeting is to discuss the variance submittal requirements and review process.

Step 2: Variance Application Submittal. The applicant shall submit one copy of the complete variance application package to the Rico Town Manager and shall request that the application be reviewed by the Rico Planning Commission and the Rico Board of Trustees. Variance requests shall include:

- a. Description of variance request. Cite the RLUC sections for which the variance is requested.
- b. Narrative of reasons that the variance should be granted.
- c. Statement from Dolores County Treasurer showing the status of current taxes due on affected property.
- d. Letter of agency if the applicant is other than the owner of the property
- e. An application fee in the amount of \$200.00.

- f. A certificate of mailing with names, addresses, and property owned of property owners within 200 feet of subject property.
- g. A copy of the deed for the property.
- h. Two (2) 24" by 36" site plans and (1) one electronic (pdf) site plan showing the following:
 - i. North arrow
 - ii. Adjacent streets with labels
 - iii. Scale not greater than 1"=20' unless the entire site will not fit on a 24"x 36" sheet
 - iv. Areas of environmental concern if applicable
 - v. Vicinity map
 - vi. Location of existing building if applicable
 - vii. Lotlines with dimensions
 - viii. Location of proposed building if applicable
 - ix. Easements with dimensions
 - x. Location of existing utilities if applicable
 - xi. Acreage of lot

Step 3: Variance Application Certification of Completion and Report to Planning Commission. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application. After a complete application is received, Staff shall prepare a report to the Rico Planning Commission explaining how the application is or is not consistent with the variance application review criteria.

Step 4: Set Variance Public Hearing Date and Notify Public of Hearing. Town Staff shall schedule a hearing and the applicant shall send notice of public hearing to all property owners of record within two hundred (200) feet of the property in question twenty (20) days before the hearing. The notice information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name. Town Staff shall also publish notice of the hearing on the Town website. The hearing may be held no less than thirty (30) days from the date of notification. If the variance request is accompanying another application which is scheduled for public hearing before the Board of Adjustments or the Board of Trustees, one public hearing may be held on both applications.

Step 5: Planning Commission Review of the Variance Application. The Planning Commission shall hold a meeting to review the application and determine if the application complies with the special use review criteria. The Planning Commission will then recommend to the Rico Board of Adjustments approval, approval with conditions or denial.

Step 6: Board of Adjustments Public Hearing and Action on the Variance Request. The Rico Board of Adjustments shall hold a public hearing on the variance application. Following the public hearing, the Rico Board of Adjustments may approve, conditionally approve or deny the special use application based on the special use review criteria..

Records. A file containing all documents relevant to the special use application and the disposition of such applications shall be maintained by Town Staff.

D. Board of Adjustment Public Hearing and Action on the Appeal or Variance Request. The Rico Board of Trustees acting as the Board of Appeals and Adjustments shall make the decision on appeals and variances at a regular meeting of the Board of Trustees.

1. The appellant or the applicant for a variance, has the burden of proof to establish the necessary facts to warrant favorable action of the Board.
2. The Board shall have all the powers of the applicable Rico administrative official on the action appealed. The Board may in whole or in part affirm, reverse or amend the decisions of the applicable Town administrative official.
3. The Board impose reasonable conditions in its order to be complied with by the appellant in order to further the purposes and intent of the Rico Land Use Code.
4. The Board may impose any reasonable conditions on the issuance of a variance and may amend the variance from that requested.
5. No single decision of the Board sets a precedent. The decision of the Board shall be made on the particular facts of each case.
6. No single decision of the Board sets a precedent. The decision of the Board shall be made on the particular facts of each case.

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

1. There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions, access, and location that do not apply generally to other property in the same area and Zone District;
2. The Variance will not unduly impact such things as: snow removal, streetscapes, separation of buildings for fire protection, and opportunity for off-street parking, which are provided by minimum setbacks; solar access, and protection of neighbors views to the surrounding mountains, which are provided by maximum building heights; continuity of design, minimization of visual impact, and provision of minimal yard area, which is provided by minimization of visual impact, and provision of minimal yard area, which is provided by maximum floor areas (particular attention shall be given to the impacts of the Variance on neighbors); and;

Rico Land Use Code Section 3.6 Appeals & Variances

3. The Variance if granted, will not constitute a material detriment to the public welfare or injury to the use, of property in the vicinity; and;
4. That the Variance is not sought to relieve a hardship to development of the property which has been created by the Applicant; and;
5. That the proposed use is a permitted use in the underlying Zone District.
6. The proposed use will have a positive or negative impact of the requested appeal on the achievement of stated in the Town of Rico Rico Regional Master Plan.

Any appeal of the decision of the Board of Adjustment may be made to the District Court as provided by law; provided however, that such appeal must be made prior to thirty (30) days following the date of the final action taken by the Board of Adjustment, as provided by Rule 106, Colorado Rules of Civil Procedure.

E. Granting of Variances. In order to grant a variance to the Rico Land Use Code, the Board of Adjustment shall find that all the following have been satisfied:

1. There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions, access, and location that do not apply generally to other property in the same area and Zone District;
2. That because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of the Rico Land Use Code.
3. That due to such unique physical circumstances or conditions, the strict application of the Rico Land Use Code would create a demonstrated hardship;
4. That the demonstrable hardship is not self-imposed;
5. That the variance, if granted, will not adversely affect the proposed development or use of adjacent property or neighborhood;
6. That the variance, if granted, will will not change the character of the zoning district in which the property is located;
7. That the variance, if granted, is in keeping with the intent of the Rico Land Use;
8. That the variance, if granted, will not adversely affect the health, safety or welfare of the citizens of Rico.

Rico Land Use Code Section 3.7 Amendments to the Rico Land Use Code

A. Initiation of Amendments to the Text or Official Zoning Map. The Rico Board of Trustees may from time to time, amend, supplement, change or repeal the regulations and provisions of this RLUC. Amendments to the text of the RLUC may be initiated by the Rico Board of Trustees, Rico Town Staff, the Planning Commission, or by written application of any property owner or resident of Rico. Amendments to the zoning district map may be initiated by the Rico Board of Trustees, Town of Rico Staff, the Planning Commission, or by a real property owner in the area to be included in the proposed amendment.

B. General Rezoning of the Town of Rico. Whenever the zoning district map is in any way to be changed or amended incidental to or as part of a general revision of the RLUC, whether such revision be made by repeal of the existing RLUC and enactment of a new RLUC or otherwise, the requirement of an accurate survey map or other sufficient legal description of, and the notice to and listing of names and addresses of owners of real property in the area of the proposed change, shall be waived. However, the proposed zoning map shall be available for public inspection on the Town of Rico website and in the Rico Town Hall during regular business hours for fifteen (15) days prior to the public hearing on such amendments.

C. Zoning Amendment Application Process.

Step 1: Pre-Application Conference. The applicant shall schedule a pre- application conference with a representative from the Town of Rico. The purpose of the meeting is to discuss the zoning amendment, submittal requirements and review process.

Step 2: Zoning Amendment Application Submittal. The applicant shall submit one (1) copy of the complete zoning amendment application package to the Rico Town Manager and shall request that the application be reviewed by the Planning Commission and the Rico Board of Trustees. Note: In the case of text amendments, only Items a and b are required.

- a. Completed Land Use Application Form and application fee;
- b. Two (2) 11"x 17" paper maps, one (1) electronic (pdf) site plans showing the following:
 - i. North Arrow and Scale
 - ii. Legend
 - iii. Vicinity map
 - iv. Legal description
 - v. Lot lines with dimensions and acreage
 - vi. Notes
 - vii. Adjacent lots showing existing zoning
 - viii. Lot and street labels
 - ix. Right-of-way dimensions
 - x. Names of adjoining subdivisions if applicable
- c. If a text change is proposed, a written description of the proposed change to the text of this Article, including the citation of the portion of the Article to be changed and the wording of the proposed change. The description must provide the rationale for the proposed change, citing specific difficulties with the existing text and similar provisions in zoning codes of other jurisdictions that support the rational of the proposed change.
- d. If a zoning map change is proposed, a written statement describing the proposal and addressing the following points:
 - i. Need for the proposed rezoning
 - ii. Present and future impacts on the existing zone districts, uses and physical character of the surrounding area
 - iii. Impact of the proposed zone district on area accesses and traffic patterns

- iv. Availability of utilities for any potential development;
 - v. Present and future impacts on public facilities and services, including, but not limited to, fire, police, water, sanitation, roadways, parks, schools, and transit;
 - vi. The relationship between the proposal and the Town of Rico Regional Master Plan and
 - vii. Public benefits arising from the proposal.
- d. Statement from the County Treasurer showing the status of the current taxes due on affected property
- e. Letter of agency if applicant is other than the owner of the property
- f. A Certificate of Mailing with names, addresses and property owned of property owners within 200 feet of the subject property
- g. A copy of the deed for the property

Step 3: Zoning Amendment Application Certification of Completion. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Rico Town Manager. The original application and all documents requiring a signature shall be signed in blue ink.

Step 4: Final Staff Review and Report to the Planning Commission. Staff shall complete a final review of the resubmitted materials and prepare a report to the Planning Commission explaining how the application is or is not consistent with the Criteria for Amendments to the Official Zoning Map or Criteria for Amendments to the Text of the Zoning Code.

Step 5: Set Zoning Amendment Public Hearing and Complete Public Notification Process. The Town of Rico shall send notice of public hearing to the applicant. The applicant shall notice all property owners of record within two hundred (200) feet of the property in question no less than twenty (20) days in advance of the hearing. Such notice shall not be required for text amendments. The hearing may be held no less than twenty (20) days from the date of property and website posting. If the zoning amendment request is accompanying another application which is scheduled for public hearings before the Planning Commission and the Rico Board of Trustees, one public hearing may be held on both applications.

Step 6: Planning Commission Public Hearing and Action on the Zoning Amendment. The Planning Commission shall hold a public hearing to review the zoning amendment based on the Criteria for Amendments to the Official Zoning Map or the Criteria for Text Amendments to the Zoning Code. The Commission shall then make a recommendation to the Rico Board of Trustees to approve, conditionally approve, or deny the zoning amendment application.

Step 7: Finalize Zoning Amendment Based on Planning Commission Comments. The applicant shall revise the zoning amendment application based on Planning Commission's comments and submit it to the Town of Rico.

Step 9: Set Rico Board of Trustees Public Hearing and Complete Notification Process. The Rico Board of Trustees shall schedule a public hearing for the purpose of taking action on the zoning amendment.

Step 10: Rico Board of Trustees Public Hearing and Action on the Zoning Amendment. The Rico Board of Trustees shall, after receiving the report and recommendations from the Planning Commission, hold a public hearing and act upon the proposed amendment. Following the required hearing, the Rico Board of Trustees shall consider the comments and evidence presented at the hearing and evaluate the application in accordance with the criteria listed below and approve, approve with conditions, or deny the application, in whole or in part.

Post Approval Actions.

- a. Upon approval of an ordinance amending, changing or repealing part of the text of this Article, the Rico Town Clerk shall certify a copy of the ordinance and place it in the official records of Rico and make appropriate supplements to this Article.

The applicant initiating the official zoning map amendment shall have thirty (30) days after approval of the amendment by the to submit to the Town of Rico Clerk two (2) original drawings of the approved zoning amendment map. the petitioner shall submit one 11" x 17" of the zoning amendment map and an electronic version of the zoning amendment map in a format, (pdf).

D. Criteria for Amendments to the Official Zoning Map. For the purpose of establishing and maintaining sound, stable and desirable development within the Town of Rico the official zoning map shall not be amended except:

1. To correct a manifest error in an ordinance establishing the zoning for a specific property;
 2. To Rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town of Rico generally; or
 3. The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the Town of Rico Regional Master Plan; or
 4. The proposed rezoning is necessary to provide land for a community-related use that was not anticipated at the time of the adoption of the Town of Rico Regional Master Plan and the rezoning will be consistent with the policies and goals of that plan; or
1. The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area; or
 2. A rezoning to Planned Unit Development overlay district is requested to encourage innovative and creative design and to promote a mix of land uses in the development.

This declaration of criteria for zoning map amendments shall not control an amendment that occurs incidentally to a general revision of the zoning map.

Rico Land Use Code Section 3.7 Amendments to the Rico Land Use Code

- E. Map – Amendment upon Zoning Establishment or Modification.** Upon enactment of any ordinance annexing and establishing zoning or modifying existing zoning for any property, and upon final passage thereof, the Town of Rico shall amend the prior existing official maps to include the annexed area with the proper zoning classification or show the amended classification, as the case may be. Such updated, current official map shall contain, in table form, the date and number of the ordinance amending it, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map.

Rico Land Use Code Section 3.8 Zoning and Use of Wireless Telecommunications

- A. Use Permitted by Conditional Review.** It is unlawful for any person to install or operate such a wireless telecommunication services facility unless a use by conditional review has first been approved by the Rico Board of Trustees. The approval of such use by conditional review does not relieve the operator from otherwise complying with all applicable regulatory requirements of the Town of Rico, state and federal governments.

Rico Land Use Code Section 3.9 Home Occupation

Home occupations must meet the following standards:

- A. Incidental and Secondary.** Home occupations must be clearly incidental and secondary to the residential use of the building.
- B. Character.** Home occupations must not change the essential residential character of the building.
- C. License.** Home occupations must operate pursuant to a valid occupational license for the use held by the resident of the dwelling unit if required.
- D. Nuisance.** Does not create any noise, odor, vibration, dust, smoke, haze or other nuisance greater than customary residential uses outside any building on the premises or outside the boundary of the premises.
- E. Uses.** Home occupations must not include retail shops or restaurants.
- F. Limits on Number of Employees.** In addition to the family occupying the dwelling containing the home occupation, there shall not be more than one outside employee in the home occupation.
- G. Parking.** Provides off-street parking to accommodate the parking demand generated by the home occupation.
- H. Area Limitations.** The home occupation shall not exceed (50) percent of the total square footage of the dwelling or can be located in an accessory building not to exceed 50% of the square footage of the residence.
- I. Neighborhood Courtesy.** All exterior aspects of the home occupation operation shall not disrupt the residential character of the area.

Article IV – Subdivisions

Section	Page
4.1 General Provisions	5
4.2 Intent	5
4.3 Jurisdiction & Applicability	6
A. Applicability	6
B. Exempt Lands	6
C. Administration	7
4.4 Types of Subdivisions	7
A. Major Subdivisions	7
B. Conservation Subdivisions	10
C. Minor Subdivisions	11
4.5 Sketch Plan	12
A. Sketch Plan Purpose	12
B. Sketch Plan Application Process	12
C. Sketch Plan Review Criteria	16
4.6 Preliminary Plan	16

Article IV – Subdivisions

Section	Page
A. Preliminary Plan Purpose	16
B. Preliminary Plan Application Process	17
C. Preliminary Plan Review Criteria	20
4.7 Final Plat	21
A. Final Plat Purpose	21
B. Final Plat Application Process	21
C. Final Plat Review Criteria	26
4.8 Concurrent Sketch Plan/Preliminary Plan	27
A. Concurrent Sketch Plan/Preliminary Plan Purpose	28
B. Concurrent Sketch Plan/Preliminary Plan Process	28
C. Concurrent Sketch Plan/Preliminary Plan Review Criteria	33
4.9 Conservation Subdivision	34
A. Conservation Subdivision Purpose	34
B. Conservation Subdivision General Policies and Guidelines	34
C. Conservation Incentives and Benefits	34
D. Conservation Subdivisions Open Space Ownership Standards	36

Article IV – Subdivisions

Section	Page
E. Sketch Plan/Preliminary Plan Application for Conservation Subdivisions	37
F. Sketch Plan/Preliminary Plan Review Criteria for Conservation Subdivisions	43
4.10 Minor Subdivisions	44
A. Minor Subdivision Purpose	45
B. Minor Subdivision Plat Application Process	46
C. Minor Subdivision Plat Review Criteria	52
4.11 Planned Unit Developments	52
A. Planned Unit Development Purpose	52
B. Planned Unit Developments Application Process	52
C. Planned Unit Development Review Criteria	52
4.12 Amendments to Recorded Plats	52
A. Amendments to the Recorded Plat Process	54
4.13 Re-subdivision	54
4.14 Exceptions to Design Principles and Development Standards	54
A. Exception Purpose	54
B. Exception Application Process	55
C. Exception Review Criteria	55
D. Standards Not Open to Modification	55

Article IV – Subdivisions

Section	Page
C. Exception Review Criteria	55
D. Standards Not Open to Modification	55
E. Restrictions on Requesting Exceptions	56
4.15 Vacation of Right-of-way or Easement	56
A. Vacation of Right-of-way / Easement Review Purpose	56
B. Vacation of Right-of-way / Easement Process	56
C. Vacation of Right-of-way / Easement Review Criteria	59
D. Minimum Requirements for Vacation of Rights-of-Way	
4.15 Subdivision & Development Agreements	59
A. Agreements and Improvements	59
B. Other Agreements	59
C. Improvement Completions	60
D. Improvements Constructed	60
E. Time for Completion	60
F. Warranty	60

Rico Land Use Code Section 4.1 General Provisions

The provisions of this Article, the Subdivision Regulations, in conjunction with the Rico Land Use Code, shall apply to any and all development of land within the municipal boundaries of the Town of Rico unless expressly and specifically exempted or provided otherwise in these Regulations. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of these Regulations in conjunction with other provisions in the RLUC. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in these Regulations.

Except as herein provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.

These regulations in conjunction with the Zoning Code, establish procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Town of Rico Regional Master Plan and with adopted regulations, policies and other guidelines

Rico Land Use Code Section 4.2 Intent

prosperity and welfare of the present and future inhabitants of the Town of Rico by:

1. Encouraging new subdivision developments to relate to Rico's historic development pattern.
2. Promoting compact, well-defined sustainable neighborhoods that enhance the Town of Rico's character.
3. Creating livable neighborhoods that foster a sense of community and reduce dependency on private vehicles by facilitating pleasant walking and biking and efficient driving.
4. Encouraging the proper arrangement of streets, lots and utility lines and ensuring utility corridors provide efficient service delivery for intended land use and anticipated future land use.
5. Promoting accurate and complete subdivisions that are accurately surveyed, that separate interests created and conveyed by the subdivision are of permanent public record and that necessary access, improvements and utilities are provided to every lot.
6. Protecting sensitive natural and historic areas and Rico's environmental quality.
7. Providing for adequate and convenient open spaces for traffic, utilities, access of fire apparatus, recreation, light and air and for the avoidance of congestion of population.
8. Providing open spaces for adequate storm water management.
9. Providing adequate spaces for educational facilities.

Rico Land Use Code Section 4.2 Intent

11. Providing protection from geologic hazards, avalanche hazards and flood prone areas by discouraging and restricting development on unsuitable lands.
12. Ensuring compliance with the Rico Land Use Code and the implementation of the Town of Rico Regional Master Plan.
13. Regulating such other matters as the Rico Board of Trustees may deem necessary in order to protect the best interest of the public.
14. Encouraging the efficient coordination of inter-jurisdictional public improvements, plans and programs.
15. Ensuring that new development does not burden the Town's fiscal resources by requiring the apportionment of the costs of public services serving the proposed subdivisions.

Rico Land Use Code Section 4.3 Jurisdiction & Applicability

A. Applicability. Rico Subdivision Regulations shall apply to the subdivision activities listed below within the municipal boundaries of the Town of Rico and, limited only to control with reference to the Major Street Plan, all land within three miles of the municipal boundary of the Town of Rico. Nothing herein shall be deemed to apply to a lot shown on a recorded subdivision plat, unless such subdivision plat has not received the required approvals by state or local law.

1. The division of a lot, tract, or parcel into two or more lots for the purpose of sale or of building development;
2. The division of land subject to annexation by the Town of Rico;
3. The re-subdivision of a subdivision, re-platting of recorded lots and the vacation of an existing lot line or lines;
4. The division of contiguous parcels of land held in common ownership into tracts, lots or parcels less than thirty-five (35) acres; and,
5. The division of any structure, dwelling unit, condominium unit, apartment unit, or unit in a multi-family structure, which creates a greater number of separately owned units than previously existed.

B. Exempt Lands. The following divisions of land are exempt from application of the RLUC:

1. A. Any division of a tract of land that creates parcels of land each of which comprises thirty-five or more acres of land;
2. Any division of land pursuant to a judicial partition;
3. Any division of land that creates a cemetery lot; or,

Rico Land Use Code Section 4.3 Jurisdiction & Applicability

2. Any division of land occurring from the foreclosure of a deed of trust.
- C. Administration. All plans of streets or highways for public use, and all plans, plats, plots and replats of land laid out in subdivision or building lots, and the streets, highways, alleys or other portions of the same intended to be dedicated to a public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall be submitted to the Rico Board of Trustees for review and subsequent approval, conditional approval or disapproval. No plat shall be recorded in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the Rico Board of Trustees. Acceptance of proposed dedications by the public shall be given by separate action of the Rico Board of Trustees.

Rico Land Use Code Section 4.4 Types of Subdivisions

A. Major Subdivisions.

1. Definition. A major subdivision is required when any one or more of the following conditions exist:
 - a. Dedication of public right-of-way or other public tracts; or
 - b. The entire tract to be subdivided is greater than ten (10) acres; or
 - c. The resultant subdivision will produce more than ten (10) lots.
1. Major Subdivision Process. The major subdivision process is as follows (for more details refer to Sections 4.5 – 4.7):

Sketch Plan Process	
i. Pre-application conference	viii. Applicant addresses staff comments
ii. Site visit with Town Manager	ix. Final staff review and report
iii. Application submittal	x. Staff schedules public hearings – Rico Planning Commission and Rico Board of Trustees
iv. Staff certifies that the application is complete	xi. Rico Planning Commission Public hearing and recommendation
v. Staff refers application to parties of interest	xii. Applicant responds to conditions of approval
vi. Letters of commitment to serve from Rico Fire Protection District and other relevant agencies	xiii. Rico Board of Trustees public hearing and action
vii. Staff reviews applications and prepares comments	

Preliminary Plan Process

i. Pre-application conference	vii. Applicant addresses staff comments
ii. Application submittal	viii. Final staff review and report
iii. Staff certifies that the application is complete	ix. Staff schedules public hearings – Rico Planning Commission and Rico Board of Trustees
iv. Staff refers application to parties of interest	x. Rico Planning Commission Public hearing and recommendation
v. Letters of commitment to serve from Rico Fire Protection District and other relevant agencies	xii. Applicant responds to conditions of approval
vi. Staff reviews applications and prepares comments	xiii. Rico Board of Trustees public hearing and action

Final Plat Process

i. Application submittal	vii. Staff schedules public hearings – Rico Planning Commission and Rico Board of Trustees
ii. Staff certifies that the application is complete	ix. Rico Planning Commission Public hearing and recommendation
iii. Staff refers application to parties of interest for final comments	x. Applicant responds to conditions of approval
iv. Staff reviews applications and prepares comments	xi. Rico Board of Trustees public hearing and action
v. Applicant addresses staff comments	xii. Record final plat
vi. Final staff review and report	

3. **Concurrent Sketch Plan/Preliminary Plan Process.** Major subdivisions may also choose to submit a sketch plan and preliminary plat concurrently (for more details refer to Section 4.8):

Concurrent Sketch/Preliminary Plan Process

i. Pre-application conference	viii. Applicant addresses staff comments
ii. Site visit with Town Manager	ix. Final staff review and report
iii. Application submittal	x. Staff schedules public hearings – Rico Planning Commission and Rico Board of Trustees
iv. Staff certifies that the application is complete	xi. Rico Planning Commission Public hearing and recommendation
v. Staff refers application to parties of interest	xii. Applicant responds to conditions of approval
vi. Letters of commitment to serve from Rico Fire Protection District and other relevant agencies	xiii. Rico Board of Trustees public hearing and action
vii. Staff reviews applications and prepares comments	

Final Plat Process

i. Application submittal	vii. Staff schedules public hearings – Rico Planning Commission and Rico Board of Trustees
ii. Staff certifies that the application is complete	ix. Rico Planning Commission Public hearing and recommendation
iii. Staff refers application to parties of interest for final comments	x. Applicant responds to conditions of approval
iv. Staff reviews applications and prepares comments	xi. Rico Board of Trustees public hearing and action
v. Applicant addresses staff comments	xii. Record final plat
vi. Final staff review and report	

B. Conservation Subdivisions.

1. Definition. A conservation subdivision is permitted when the property to be subdivided is located on property beyond the Town's platted lots and on parcels that include areas of environmental concern as defined in Article VII.
2. Process. The conservation subdivision process is as follows:

Concurrent Sketch/Preliminary Plan Process

i. Pre-application conference	viii. Applicant addresses staff comments
ii. Site visit with Town Manager	ix. Final staff review and report
iii. Application submittal	x. Staff schedules public hearings – Rico Planning Commission and Rico Board of Trustees
iv. Staff certifies that the application is complete	xi. Rico Planning Commission Public hearing and recommendation
v. Staff refers application to parties of interest	xii. Applicant responds to conditions of approval
vi. Letters of commitment to serve from Rico Fire Protection District and other relevant agencies	xiii. Rico Board of Trustees public hearing and action
vii. Staff reviews applications and prepares comments	

Final Plat Process

i. Application submittal	vii. Staff schedules public hearings – Rico Planning Commission and Rico Board of Trustees
ii. Staff certifies that the application is complete	ix. Rico Planning Commission Public hearing and recommendation
iii. Staff refers application to parties of interest for final comments	x. Applicant responds to conditions of approval
iv. Staff reviews applications and prepares comments	xi. Rico Board of Trustees public hearing and action
v. Applicant addresses staff comments	xii. Record final plat
vi. Final staff review and report	

C. Minor Subdivisions.

1. Definition. A minor subdivision permitted under the following circumstances:

Option 1.

- a. The property has previously been platted within Rico
- b. There is no public right-of-way dedications.
- c. The entire tract to be subdivided is ten (10) acres or less in size.
- d. The resulting subdivision will produce three (3) or fewer lots.
- e. There will be no exceptions to the subdivision design standards.

Option 2.

- a. The property is to be subdivided in order to split the parcel and convey a portion of it as a separate tract; and
- b. There is no public right-of-way dedication.

2. Process. The minor subdivision process is as follows:

Minor Subdivision Plat Process	
i. Pre-application conference	viii. Applicant addresses staff comments
ii. Site visit with Town Manager	ix. Final staff review and report
iii. Application submittal	x. Staff schedules public hearings – Rico Planning Commission and Rico Board of Trustees
iv. Staff certifies that the application is complete	xi. Rico Planning Commission Public hearing and recommendation
v. Staff refers application to parties of interest	xii. Applicant responds to conditions of approval
vi. Letters of commitment to serve from Rico Fire Protection District and other relevant agencies	xiii. Rico Board of Trustees public hearing and action
vii. Staff reviews applications and prepares comments	xiv. Record minor subdivision plat

A. Sketch Plan Purpose. The sketch plan process is collaborative from the onset. The purpose of the sketch plan is two-fold. First, it provides the Town of Rico the opportunity to describe the community's vision to the applicant. Second, it gives the applicant an opportunity to discuss his/her development plans, explain how the plans will further the community's vision and obtain input and direction from the Rico Planning Commission and the Rico Board of Trustees early in the process. The ultimate goal of this process is to help the applicant develop a plan that fosters the community's vision.

B. Sketch Plan Application Process.

Step 1: Pre-Application Conference. A pre-application conference with a representative from the Town of Rico is required before the applicant may submit a sketch plan application. The purpose of the meeting is to allow the applicant to discuss his/her ideas for developing the property and to give the Town of Rico the opportunity to communicate Rico's vision. Topics to be discussed will include:

- a. Applicant's goals for the property.
- b. Town of Rico's vision and expectation.
- c. Community Design Principles and Development Standards.
- d. The character and quality of development the Town of Rico is seeking.
- e. Rico regulations and standards.
- f. The application review process.
- g. Submittal requirements.

Step 2: Site Visit with Town Representative. At the pre-application conference, the applicant will have an opportunity to schedule a site visit with a Town of Rico representative. This will give the applicant and the Town of Rico staff the opportunity to visit the site together to recognize and discuss the site's opportunities and constraints as well as:

- a. How the proposed project is consistent with the Community Design Principles and Development (Article 2) and Subdivision Regulations (Article 4) sections of this Code and the Town of Rico Regional Master Plan.
- b. How the proposed development incorporates variety in the type, design and siting of buildings.
- c. How the proposed subdivision will be connected to and integrated with surrounding natural and developed areas.
- d. How the proposed project is consistent with the Community Design Principles and Development (Article 2) and Subdivision Regulations (Article 4) sections of this Code and the Town of Rico Regional Master Plan.

- e. How the proposed development incorporates variety in the type, design and siting of buildings.
- f. How the proposed subdivision will be connected to and integrated with surrounding natural and developed areas.
- g. How the project will impact neighboring properties (i.e. water drainage, traffic circulation, environmental impacts, view corridors).
- h. How the design is cost-effective and environmentally responsive to site features and constraints and how potential impacts to natural systems will be mitigated.
- i. How the design capitalizes on natural and cultural assets on and around the site to build a positive and distinctive identity.
- j. How the proposal promotes the efficient use of land and public streets, utilities and governmental services.

Step 3: Sketch Plan Application Submittal. The applicant shall submit one (1) copy of the complete sketch plan application package to the Rico Town Manager and shall request that the application be reviewed by the Rico Planning Commission and the Rico Board of Trustees. The application must be submitted a minimum of three (3) weeks prior to the Planning Commission meeting at which the application will be reviewed. The sketch plan application package shall include the following items:

- a. Sketch Plan Application Form
- b. Application fee and fee agreement, a non-refundable fee is collected to cover the cost of review by the Town of Rico Attorney, an engineer designated by the Town of Rico, Rico Town Manager or Planner and any other expert whom the Town of Rico may wish to employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the application fee according to the fee agreement. The Town of Rico shall provide applicants with a copy of the most current fee schedule and fee agreement form.
- c. Title Commitment. The title commitment must be current and the date must be no more than thirty (30) days from the date of sketch plan application submittal.
- d. Legal Access. Sufficient information to demonstrate that the applicant has adequate legal access to the parcel for the proposed development project.
- e. Site data tabulation including listing of:
 - i. Total number and size of free market and restricted affordable housing unit lots, if applicable;
 - ii. Total square feet of non-residential space;
 - iii. Number of bedrooms per dwelling unit;

- iv. Ground coverage of the proposed structures and improvements including parking areas, streets, and sidewalks;
 - v. Acreage of agricultural land and open space to be preserved.
- f. General Development Information. Provide a written description of the existing conditions on the site and the proposed development. Include the following items in the description:
 - i. Design rationale - discuss how the development is connected to/integrated with surrounding area, how it responds to site features/constraints and how it is consistent with the Community Design Principles and Development Standards (Article 2 of this Code). If it is not consistent with the Community Design Principles and Development Standards section, explain how the intent of the criteria in the section is met.
 - ii. Water supply information including: the number of water taps needed; the amount of raw water that will be provided to the Town of Rico and the source of the water (if part of annexation, source of raw water).
 - iii. On site wastewater treatment system design.
 - v. Statement indicating whether or not any commercial mineral deposits are located on the site.
 - vi. Descriptions of of any floodplain hazards on the site (only if additional information is needed than what is shown on the sketch plan map).
 - vii. Show how the proposed development complies with the Town of Rico Regional Master Plan.
- g. Soils Report. The report shall be based on USDA Soils Conservation Service information and discuss the existing conditions and any potential constraints/hazards. The report shall also address groundwater issues.
- g. Geologic Report. This report is required only for areas that have the potential for subsidence. It must be prepared by either a registered professional engineer or professional geologist and the professional must have experience in mine subsidence. The report shall address:
 - i. Site conditions;
 - ii. Geologic conditions;
 - iii. Engineering and geologic considerations; and
 - iv. Limitations and any necessary additional investigations.

Sketch Plan Maps Required

Location, Ownership, Zone Districts

- Location of the proposed subdivision
- All adjacent lands
- Zone district in which the proposed subdivision and adjacent properties are located
- Special districts, if applicable

Lot, Street and Utility Layout

- Legal access to the property from a public road
- Conceptual lot and street layout
- Approximate layout of individual lots
- All off street parking
- Water system layout
- Sanitary sewer system layout
- Drainage plan

Natural Features

- Topography of site
- Streams and Lakes
- Areas of environmental concern
- Soil types based on USDA Soils Conservation Service
- Slope study map showing slopes at 0%-7%, 8%-15%, 16%-30% & greater than 30%

Existing Man-made features

- Buildings
- Irrigation ditches
- Utility lines
- Bridges and culverts
- Mines and/or mine dumps

Land Use Map

- Residential land uses
- Agricultural land uses
- Commercial and industrial land uses
- Community facilities
- Open space and parks, including public use or common areas
- Trails, or access points tot public lands

Step 4: Application Certification of Completion. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town of Rico manager. Staff issues a final report and notifies parties of interest.

Step 5: Schedule Sketch Public Hearing and Complete Public Notification Process. The Rico Planning Commission shall schedule a public hearing for the purpose of taking action on the preliminary plat. The Rico Town Staff shall post notice at the Rico Town Hall, the Rico Post Office and on the Rico website at www.colorado.gov/ricocolorado. The hearing may be held no less than thirty (30) days from the date of advertising.

Step 6: Planning Commission Review. The Rico Planning Commission shall review the Conceptual Plan and all supporting documents and information and shall review all comments taken at the public hearing and all comments taken from other reviewing agencies. The Planning Commission shall approve, approve with conditions, or deny the Conceptual Plan Application based upon compliance with standards in this Section and other applicable laws of the Town of Rico, State of Colorado, or United States of America. The Planning Commission may continue its review decision if mutually agreed upon by the Applicant and the Planning Commission..

C. Sketch Plan Review Criteria

1. The land use mix within the project conforms to Rico's Zoning District Map and furthers the goals and policies of the Town of Rico Regional Master Plan including:
 - a. The proposed development promotes Rico's character;
 - b. Proposed residential development adds diversity to Rico's housing supply;
 - c. Proposed commercial development will benefit Rico's economic base;
 - d. Parks and open space are incorporated into the site design;
 - e. The proposed project protects Rico's environmental quality; and
 - f. The development enhances cultural, historical, educational and/or human service opportunities.
2. The sketch plan represents a functional system of land use and is consistent with the criteria set forth in this code and the Town of Rico Regional Master Plan.
3. The utility and transportation design is adequate, given existing and planned capacities of those systems.
4. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
5. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within Rico, according to Rico's goals.

Rico Land Use Code Section 4.6 Preliminary Plan

A. Preliminary Plan Purpose. The purpose of the preliminary plat is to provide the Town of Rico with an overall master plan for the proposed development with more detail than that of the sketch plan.

B. Preliminary Plan Application Process.

Step 1: Pre-Application Conference. A pre-application conference with a representative from the Town is required before the applicant may submit a preliminary plat application. Topics to be discussed will include:

- a. The Town of Rico regulations and standards;
- b. The application review process;
- c. Submittal requirements
- d. Schedule

Step 2: Preliminary Plan Application Submittal. Upon approval or conditional approval of the sketch plan, the applicant shall submit one (1) copy of the complete preliminary plan application to the Rico Town Manager. The application must be submitted a minimum of thirty (30) days prior to the Rico Planning Commission meeting at which the application will be reviewed. The application must be submitted not more than twelve (12) months after approval of the sketch plan unless otherwise approved by the Rico Planning Commission. The preliminary plan application package shall include the following items:

- a. Application fee and agreement. A non-refundable fee is collected to cover the cost of review by the Rico Town Attorney, a Town designated engineer, the Rico Town Manager and/or Planner and any other expert whom the Town of Rico may wish to employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of deposit. Town of Rico staff shall provide applicants with a copy of the most current fee schedule and fee agreements form.
- b. Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of the preliminary plan application submittal.
- c. General Development Information. Provide a written description of the existing conditions on the site and the proposed development. Include the following items:
 - i. Explanation of how the preliminary plan is consistent with the sketch plan, and if there are any differences, what they are and how the plan is still consistent with the community's vision.
 - ii. Explanation of how the items of concern expressed by the Rico Planning Commission and the Rico Board of Trustees at the time of sketch plan review, have been addressed.
 - iii. Explanation of how the plan is consistent with the Rico Land Use Code and the Town of Rico Regional Master Plan.
- d. Preliminary Grading and Drainage Plan and Report. This plan and report must be certified by a Colorado registered professional engineer, including storm drainage concepts such as locations for on-site detention or downstream structural improvements and soil erosion and sedimentation control plans and specifications. It must also discuss the impacts on and to any existing floodways and/or floodplains on and adjacent to the site as well as any FEMA applications required.

- e. Master Utility Plan. This plan shall be prepared by a registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision. Plan shall include an on-site wastewater treatment design.
 - f. Preliminary Landscape Plan.
 - g. Draft of Proposed Covenants and Architectural Design Guidelines.
 - h. Mineral, Oil and Gas Rights Documentation. Evidence that the surface owner has contacted all lessees of mineral, oil and gas rights associated with the site and is working towards resolution. Included in the evidence must be the name of the current contact person, their phone number, and mailing address.
 - i. Colorado Historical Society Records Search. At the discretion of the Staff or Town of Rico Board of Trustees an applicant may be required to provide the Town with a Colorado Historical Society records listing historically or archaeologically significant findings on the property being subdivided. If a listing shows a significant finding, a site- specific historic survey is required. The survey shall provide the following information:
 - i. Site identification:
 - a) State site number;
 - b) Site address;
 - c) Site location/access;
 - d) Type and description of finding (what is historic); and
 - e) Owner's name and address.
 - ii. Eligibility assessment for historic designation.
 - iii. Statement of significance.
 - iv. Management and administrative data:
 - a) References;
 - b) Photographs of the site;
 - c) Maps of the site;
 - d) Name, address, phone number and qualifications of person completing survey; and
 - e) Date of survey completion.
- If, in coordination with the applicant, the Rico Board of Trustees decides to protect an historic resource, a protection plan must be devised.
- k. Public Hearing Notification Envelopes. Provide the Rico Town Manager with one (1) set of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town of Rico address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners (within two hundred [200] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property, and the appropriate referral agencies (as discussed in pre-application conference).

Step 3: Application Certification of Completion. Within a reasonable period to time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Rico Town Manager. Staff will issue a final report.

Step 4: Refer Application to Parties of Interest. Not less than forty-five (45) days before the date scheduled for the initial public hearing, Staff shall send information about the application by certified mail to: adjacent municipalities, Dolores County surrounding property owners within two hundred (200) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name.

Step 5: Letters of Commitment to Serve. Within thirty (30) days from the date the application is deemed complete, the applicant shall provide the Town with letters of support and commitment to serve from all agencies identified at the pre-application conference.

Step 6: Staff Reviews Application and Prepares Comments. Staff will complete a review of the preliminary plan based on the preliminary plat review criteria and referral comments received. Staff will then prepare a report identifying issues of concern for the applicant to address and forward this report to the applicant.

Step 7: Applicant Addresses Staff Comments. The applicant shall submit the following to the Rico Town Manager:

3. Letter explaining how all of the comments have been addressed; and
4. Revised maps and other documents

Step 8: Final Staff Review and Report to Rico Planning Commission. Staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the preliminary plan review criteria.

Step 9: Schedule Preliminary Plat Public Hearing and Complete Public Notification Process. The Rico Planning Commission shall schedule a public hearing for the purpose of taking action on the preliminary plan. The Rico Town Staff shall post notice at the Rico Town Hall, the Rico Post Office and on the Rico website at www.colorado.gov/ricocolorado. The hearing may be held no less than thirty (30) days from the date of advertising.

Step 10: Planning Commission Public Hearing and Recommendation. The Rico Planning Commission shall review the Preliminary Plan and all supporting documents and information at a public hearing and shall review all comments taken at the public hearing and all comments taken from other reviewing agencies. The Planning Commission Board shall approve, approve with conditions, or deny the Preliminary Plan Application based upon compliance with standards in this Section and other applicable laws of the Town of Rico, State of Colorado, or United States of America. The Planning Commission may continue its review decision if mutually agreed upon by the Applicant and the Planning Commission.

Step 11: Applicant Addresses Rico Planning Commission Conditions. The applicant shall revise the preliminary plan based on the Planning Commission's conditions of approval and submit it to the Town of Rico staff prior to final plat process.

C. Preliminary Plan Review Criteria. The Town of Rico shall use the following criteria to evaluate the applicant's request:

1. The preliminary plan represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code and the Town of Rico Regional Master Plan.
2. The application is consistent with the approved sketch plan and incorporates the Planning Commission's recommendations and conditions of approval.
3. The land use mix within the project conforms to Rico's Zoning District Map and Land Use and Public Facilities Map and furthers the goals and policies of the Rico Regional Master Plan including: The proposed development promotes Rico's character;
 - a. Proposed residential development adds diversity to Rico's housing supply;
 - b. Proposed commercial development will benefit Rico's economic base;
 - a. Parks and open space are incorporated into the site design;
 - b. The proposed project protects Rico's environmental quality; and
 - c. The development enhances cultural, historical, educational and/or human service opportunities.
1. The utility and transportation design is adequate, given existing and planned capacities of those systems.
5. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
6. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within Rico according to the Town of Rico goals.

A. Final Plat Purpose. The purpose of the final plat is to complete the subdivision of land consistent with the technical standards.

B. Final Plat Application Process.

Step 1: Final Plat Application Submittal. The final plat application shall conform with the preliminary plat as approved at the public hearing and shall address all conditions of approval required by the Rico Board of Trustees. The final plat application for the first phase of development must be submitted not more than twelve (12) months after approval of the preliminary plat unless otherwise approved by the Rico Board of Trustees. In addition, the application must be submitted a minimum of sixty (60) days prior to the Rico Board of Trustees' meeting at which the application will be reviewed. The applicant shall submit one (1) copy of the complete final plat application package to the Rico Town Manager and shall request that the application be reviewed by the Rico Planning Commission and the Rico Board of Trustees. The final plat application shall include:

- a. Application fee and fee agreement. A non-refundable is collected to cover the cost of review by the Town of Rico Attorney, an engineer designated by the Town of Rico and any other expert whom the Town may wish to employ; notice and publication expenses; and recording fees. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. Town of Rico staff shall provide applicants with a copy of the most current fee schedule and fee agreement form.
- b. Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of final plat application submittal.
- c. Surrounding and Property Ownership Report. Provide the Rico Town Manager with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners (within two hundred [200] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
- d. Final Plat. The final plat drawing shall comply with the following standards:
 - i. The plat shall be prepared by or under the direct supervision of a registered land surveyor and meet applicable State of Colorado requirements.
 - ii. Parcels not contiguous shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.
 - iii. Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.
 - iv. The perimeter survey description of proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one (1) part in ten thousand (10,000).

- v. Bearings, distances and and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.
- vi. All signatures shall be made in black drawing ink.
- vii. The final plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and shall provide the following information:

Final Plat Checklist

<input type="checkbox"/> Title of Project	<input type="checkbox"/> Bearings, distances, chords, radii, central angles and tangent links for the perimeter, lots, blocks, rights-of-ways
<input type="checkbox"/> North arrow and scale not greater than 1"=100'	<input type="checkbox"/> Lot and block numbers, numbered in consecutive order and square footage of each lot or tract
<input type="checkbox"/> Date of preparation	<input type="checkbox"/> Excepted parcels from inclusion notes as "not included in this subdivision"
<input type="checkbox"/> Vicinity map	<input type="checkbox"/> Boundary completely dimensioned with bearing and distances and curve information if applicable
<input type="checkbox"/> Legal description of parcel	<input type="checkbox"/> Existing and proposed rights-of-way in and adjacent to subject property labeled and dimensioned
<input type="checkbox"/> Basis of bearing	<input type="checkbox"/> Street names on all existing and proposed streets on or adjacent to property
<input type="checkbox"/> Location and description of monuments	<input type="checkbox"/> Easements with bearings, distances, chords, radii, central angles
<input type="checkbox"/> Signature block for registered surveyor certifying to the accuracy of the boundary survey and the plat	<input type="checkbox"/> Floodplain boundary with a note regarding the source of information if applicable
<input type="checkbox"/> Signature block for the certification of the Rico Board of Trustees with a signature line for the Mayor and the Town Clerk	<input type="checkbox"/> Signature block for the certification of the Rico Planning Commission
<input type="checkbox"/> Certification of ownership and dedication of streets, rights-of-way, easement and public sites	<input type="checkbox"/> Signature block for the County Clerk
<input type="checkbox"/> Plat notes relevant to the development	<input type="checkbox"/> Signature block for the County Treasurer

- e. General Development Information. Provide a written description confirming that the final plat conforms with the preliminary plat. In addition, the description shall address how the proposed development conforms with the Community Design Principles and Development Standards (Section? of this Code).
- f. Complete Engineering Plans and Specifications.
 - i. Construction Plans and Profiles. The Plans and Profiles shall be prepared by a registered professional engineer licensed in the State of Colorado, shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:
 - a) The horizontal to vertical scales shall be chosen to best depict the aspects of the design. The minimum horizontal scale shall be 1"=100'. The minimum vertical scale shall be 1"=10'.
 - b) The typical road geometric and structural cross-section is to be shown on each plan sheet.
 - c) The plan must show right-of-way lines and widths, road names, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths and bearings, stationing at all beginning of curves and end of curves, intersections, structures, angles, curb lines, cross pans, traffic control devices (islands, striping, signs, etc.), drive cuts, curb returns and radii, and all other features to enable construction in accordance with approved standards and standard engineering practice. Construction plans shall also include water, sewer, sanitary sewer and any other utilities such as irrigation ditches. (Note: The developer/owner is responsible for coordinating with the appropriate dry utility companies (i.e. gas, electric, telephone, cable).
 - d) The profiles shall include ground lines, grade lines of curb and gutter or centerline of street elevation at point of intersection of vertical curves, intersections and other critical points, structures, and all other features required to enable construction in accordance with approved standards.
 - e) Signature blocks for all utility providers unless otherwise provided in agreement form.
 - ii. Structure Details. Sufficient data shall be given to construction of major structures and road appurtenances such as bridges, culverts, gutters, drives, walks, cross pans, etc; detail shall include orientation line and grade, cross-sections, dimensions, reinforcement schedules, materials, quality specification, etc.
 - iii. Sewage Collection and Water Supply Distribution Plans, Profiles and Specifications. The plans, profiles and specifications shall be prepared by a registered professional engineer and shall be conform to water regulations per Article III, Section 2.20 and CDPHE regulation 43. Wastewater treatment systems designed to accommodate in excess of 2000 gallons per day shall be reviewed by the CDPHE and shall conform to all applicable regulations and requirements.

- iv. Final Drainage Plans and Reports. Based upon the approved preliminary drainage plan, a final report is to be submitted in accordance with applicable storm drainage design criteria as determined at the initial pre-application conference. The plan and report must provide:
 - a) Cross-sections of each water carrier showing high water elevations for one hundred (100) year run-off and adjacent features that may be affected thereby.
 - b) Written approvals, as may be required, from other agencies or parties that may be affected by the drainage proposals (i.e., FEMA, Dolores County, ditch companies).
 - c) Supporting calculations for run-offs, times of concentration, flow capacity with all assumptions clearly stated with proper jurisdiction when needed or requested.
 - d) Erosion control plans, when required, to be submitted as a result of preliminary plan review.
- v. Final Grading Plan. The final grading shall be twenty-four (24) inches high by thirty-six (36) inches wide and illustrate existing and proposed contours and lot and block grading details (per FHA requirements if FHA insured).
- vi. Soils Reports. Soils reports shall detail special foundation requirements (shall be submitted after overlot grading is complete) and pavement design (may be submitted prior to building permit).
- i. Final Landscape Plan. Refer to section 2 of this Code for the final landscape plan requirements.
- j. Special Documents (as needed)
 - i. Special improvement district documents.
 - ii. Maintenance bonds.
 - iii. Special agreements (as may be required by the Town of Rico).
 - iv. Any and all permits required by federal, State of Colorado and Town of Rico.
 - v. Any other documents required by the Town of Rico.
- k. Clean Final Map for Addressing
 - i. Title of project.
 - ii. North arrow, scale not greater than 1"=100' and date of preparation.
 - iii. Vicinity map.
 - iv. Lot and block numbers, numbered in consecutive order.
 - v. Rights-of-way and street names.
 - vi. Property boundary.
- l. Public Hearing Notification Envelopes. Provide the Rico Town staff with with two (2) sets of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town of Rico's address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners (within two hundred [200] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property, and the appropriate referral agencies (as discussed in pre-application conference).

Step 2: Application Certification of Completion. Within a reasonable period to time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Rico Town Manager. The original application and all documents requiring a signature shall be signed in blue ink.

Step 3: Refer Application to Parties of Interest. Not less than forty-five (45) days before the date scheduled for the initial Rico Planning Commission public hearing, Staff shall send information about the application by certified mail to: adjacent municipalities, Dolores County and surrounding property owners within two hundred (200) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name.

Step 4: Staff Reviews Application and Prepare Comments. Staff will complete a technical review of the final plat based on the Town's final plat review criteria and referral comments received. Staff will then prepare a report identifying any issues of concern that the applicant will need to address and forward this report to the applicant.

Step 5: Applicant Addresses Staff Comments. The applicant shall address all of the Staff comments then submit the following to the Rico Town Manager:

- a. Letter explaining how all of the comments have been addressed; and
- b. Revised maps and other documents.

Step 6: Final Staff Review and Report to Planning Commission. Staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the final plat review criteria.

Step 7: Schedule Final Plat Public Hearing and Complete Public Notification Process. Staff shall schedule a public hearing with the Rico Planning Commission for the purpose of taking action on the final plat. Town of Rico Staff shall publish notice in accordance with the Rico Home Rule Charter. The hearing may be held no less than thirty (30) days from the date of advertising.

Step 8: Rico Planning Commission Public Hearing and Recommendation. The Rico Planning Commission shall hold a public hearing to review the application based on final plat review criteria. The Rico Planning Commission shall then make final comments or recommend that the Rico Board of Trustees approve.

Step 9: Applicant Responds to Conditions of Approval: The applicant shall revise the final plat based on the Planning Commissions of approval and submit to Rico Town Staff.

Step 10: Rico Board of Trustee Public Hearing and Action. The finalized final plat shall be presented to the Rico Board of Trustees for its review and action at a public hearing. The Rico Board of Trustees shall review the final plat based on the final plat review criteria. If approved, the Rico Board of Trustees shall adopt the plat by ordinance and Rico Town staff shall request two (2) original mylars of the final plat ready for the Mayor and Clerk to sign and then record. The Town of Rico will provide the finalized Memorandum of Agreement for Public Improvements (MOAPI) for the applicant to sign.

Step 11: Record Final Plat. One (1) original mylar of the final plat shall be recorded by the Rico Town Clerk in the office of the Dolores County Clerk and Recorder. The recording fee shall be paid by the developer.

Step 12: Post Approval Actions. The applicant shall submit the following documentation to the Town of Rico staff:

- a. Open Space Deed Restriction. Areas designated as open space shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and will remain as open space in perpetuity.
- b. Other Certificates, Affidavits, Enforcements or Deductions. As required by the Rico Planning Commission or the Rico Board of Trustees.

C. Final Plat Review Criteria. The Town of Rico shall use the following criteria to evaluate the applicant's request:

1. The final plat conforms with the approved preliminary plan and incorporates recommended changes, modifications and conditions attached to the approval of the preliminary plat unless otherwise approved by the Rico Board of Trustees.
2. The development will substantially comply with the Community Design Principles and Development Standards as set forth in Article 2 of this Code.
3. All applicable technical standards have been met.

A. Concurrent Sketch Plan/Preliminary Plan Purpose. The purpose of the concurrent sketch plan/preliminary plat is to provide the Town of Rico with an overall master plan for the proposed development in one step. This process may be used up approval from the Rico Town Manager.

B. Concurrent Sketch Plan/Preliminary Plat Application Process.

Step 1: Pre-Application Conference.

- a. The applicant's goals for the property.
- b. The Town of Rico's vision and expectations.
- c. Community Design Principles and Development Standards.
- d. The Town of Rico's regulations and standards.
- e. The application and review process.
- f. Submittal requirements.
- g. Schedule.

Step 2: Site Visit with Town Representative. At the pre-application conference, the applicant will have an opportunity to schedule a site visit with a Town of Rico representative. This will give the applicant and the Town of Rico staff the opportunity to visit the site together to recognize and discuss the site's opportunities and constraints as well as:

- a. How the proposed project is consistent with the Community Design Principles and Development (Article 2) and Subdivision Regulations (Article 4) sections of this Code and the Town of Rico Regional Master Plan.
- b. How the proposed development incorporates variety in the type, design and siting of buildings.
- c. How the proposed subdivision will be connected to and integrated with surrounding natural and developed areas.
- d. How the proposed project is consistent with the Community Design Principles and Development (Article 2) and Subdivision Regulations (Article 4) sections of this RLUC and the Town of Rico Regional Master Plan.
- e. How the proposed development incorporates variety in the type, design and siting of buildings.
- f. How the proposed subdivision will be connected to and integrated with surrounding natural and developed areas.
- g. How the project will impact neighboring properties (i.e. water drainage, traffic circulation, environmental impacts, view corridors).

- h. How the design is cost-effective and environmentally responsive to site features and constraints and how potential impacts to natural systems will be mitigated.
- i. How the design capitalizes on natural and cultural assets on and around the site to build a positive and distinctive identity.
- j. How the proposal promotes the efficient use of land and public streets, utilities and governmental services.

Step 3: Concurrent Sketch Plan/Preliminary Plan Application Submittal. The applicant shall submit one (1) complete copy of the sketch plan/preliminary plan application to the Town of Rico manager and shall request that the application be reviewed by the Rico Planning Commission and the Town of Rico Board of Trustees. The application must be submitted a minimum of sixty (60) days prior to the Planning Commission meeting at which the application will be reviewed. The sketch plan/preliminary plat application package shall include the following items:

- a. Concurrent Sketch Plan/Preliminary Plan Application Form
- b. Application fee and fee agreement, a non-refundable fee is collected to cover the cost of review by the Town of Rico Attorney, an engineer designated by the Town of Rico, Rico Town Manager or Planner and any other expert whom the Town of Rico may wish to employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the application fee according to the fee agreement. The Town of Rico shall provide applicants with a copy of the most current fee schedule and fee agreement form.
- c. Title Commitment. The title commitment must be current and the date must be no more than thirty (30) days from the date of sketch plan application submittal.
- d. Legal Access. Sufficient information to demonstrate that the applicant has adequate legal access to the parcel for the proposed development project.
- e. Site data tabulation including listing of:
 - i. Total number and size of free market and restricted affordable housing unit lots, if applicable;
 - ii. Total square feet of non-residential space;
 - iv. Number of bedrooms per dwelling unit; Ground coverage of the proposed structures and improvements including parking areas, streets, and sidewalks;
 - v. Acreage of agricultural land and open space to be preserved.
- f. General Development Information. Provide a written description of the existing conditions on the site and the proposed development. Include the following items in the description:

- i. Design rationale - discuss how the development is connected to/integrated with surrounding area, how it responds to site features/constraints and how it is consistent with the Community Design Principles and Development Standards (Article 2 of this RLUC). If it is not consistent with the Community Design Principles and Development Standards section, explain how the intent of the criteria in the section is met.
 - ii. Water supply information including: the number of water taps needed; the amount of raw water that will be provided to the Town of Rico and the source of the water (if part of annexation, source of raw water).
 - iii. Wastewater treatment plan or on-site wastewater treatment design.
 - v. Statement indicating whether or not any commercial mineral deposits are located on the site.
 - vi. Descriptions of any floodplain hazards on the site.
 - vii. Show how the proposed development complies with the Town of Rico Regional Master Plan.
- g. Soils Report. The report shall be based on USDA Soils Conservation Service information and discuss the existing conditions and any potential constraints/hazards. The report shall also address groundwater issues.
- g. Geologic Report. This report is required only for areas that have the potential for subsidence. It must be prepared by either a registered professional engineer or professional geologist and the professional must have experience in mine subsidence. The report shall address:
 - i. Site conditions;
 - ii. Geologic conditions;
 - iii. Engineering and geologic considerations; and
 - iv. Limitations and any necessary additional investigations.
- i. Surrounding and Interested Property Ownership Report. Provide the Rico Town Manager with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners (within two hundred [200] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
- j. Preliminary Grading and Drainage Plan and Report. This plan and report must be certified by a registered professional engineer, including storm drainage concepts such as locations for on-site retention or downstream structural improvements and soil erosion and sedimentation control plans and specifications. It must also discuss the impacts on and to any existing floodways on and adjacent to the site as well as any FEMA applications required.
- k. Master Utility Plan This plan shall be prepared by a registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.
- l. Preliminary Landscape Plan.

- r. Draft of Proposed Covenants and Architectural Design Guidelines.
 - s. Mineral Oil and Gas Rights Documentation. Evidence that the surface owner has contacted all lessees of mineral, oil and gas rights associated with the site and is working towards resolution. Included in the evidence must be the name of the current contact person, their phone number, and mailing address.
 - t. Colorado Historical Society Records Search. At At the discretion of the Staff or the Rico Board of Trustees, an applicant may be required to provide the Town with a Colorado Historical Society records listing historically or archaeologically significant findings on the property being subdivided. If a listing shows a significant finding, a site- specific historic survey is required. The survey shall provide the following information:
 - i. Site identification:
 - a) State site number;
 - b) Site address;
 - c) Site location/access;
 - d) Type and description of finding (what is historic); and
 - e) Owner's name and address.
 - ii. Eligibility assessment for historic designation.
 - iii. Statement of significance.
 - iv. Management and administrative data:
 - a) References;
 - b) Photographs of the site;
 - c) Maps of the site;
 - d) Name, address, phone number and qualifications of person completing survey; and
 - e) Date of survey completion.
- If in coordination with the applicant, the Rico Board of Trustees decides to protect an historic resource, a protection plan must be devised.
- u. Public Hearing Notification Envelopes. Provide the Rico Town Manager with one (1) set of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town of Rico address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners (within two hundred (200) feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property, and the appropriate referral agencies (as discussed in the pre-application conference).

Concurrent Sketch Plan/Preliminary Plan Maps Required

Location, Ownership, Zone Districts

- Location of the proposed subdivision
- All adjacent lands
- Zone district in which the proposed subdivision and adjacent properties are located
- Special districts, if applicable

Lot, Street and Utility Layout

- Legal access to the property from a public road
- Conceptual lot and street layout
- Approximate layout of individual lots
- All off street parking
- Water system layout
- Sanitary sewer system layout or on-site wastewater treatment system plan.
- Drainage plan

Natural Features

- Topography of site
- Streams and Lakes
- Areas of environmental concern
- Soil types based on USDA Soils Conservation Service
- Slope study map showing slopes at 0%-7%, 8%-15%, 16%-30% & greater than 30%

Existing Man-made features

- Buildings
- Irrigation ditches
- Utility lines
- Bridges and culverts
- Mines and/or mine dumps

Land Use Map

- Residential land uses
- Agricultural land uses
- Commercial and industrial land uses
- Community facilities
- Open space and parks, including public use or common areas
- Trails, or access points tot public lands

Step 5: Application Certification of Completion. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to Town of Rico Staff. The original application and all documents requiring a signature shall be signed in blue ink.

Step 5: Refer Application To Parties of Interest. Not less than thirty (30) days before the date scheduled for public hearing or Staff decision, Staff shall send information about the application by certified mail to: adjacent municipalities, Dolores County, surrounding property owners within two hundred (200) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name.

Step 6: Letters of Commitment to Serve. Within thirty (30) days from the date the application is deemed complete, the applicant shall provide the Town of Rico with letters of support and commitment to serve from all agencies identified at the pre-application conference.

Step 7: Staff Review Application and Prepares Comments. Staff will complete a review of the sketch plan/preliminary plan based on the sketch plan/preliminary plat review criteria and referral comments received. Staff will then prepare a report identifying any issues of concern for the applicant to address and forward this report to the applicant.

Step 8: Applicant Addresses Staff Comments. The applicant shall submit the following to Town of Rico staff:

7. Letter explaining how all of the comments have been addressed; and
8. Revised maps and other documents.

Step 9: Final Staff Review and Report to Planning Commission. Staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the sketch plan/preliminary plan review criteria.

Step 10: Schedule Concurrent Sketch Plan/Preliminary Plan Public Hearing and Complete Public Notification Process. The Planning Commission shall schedule a public hearing for the purpose of taking action on the sketch plan/preliminary plat. Town of Rico staff shall post notice in the Rico Town Hall, the Rico Post Office and on the Town of Rico web site at www.colorado.gov/ricocolorado . The hearing may be held no less than thirty (30) days from the date of advertising.

Step 11: Planning Commission Public Hearing and Recommendation. The Planning Commission shall hold a public hearing to review the application based on the sketch plan/preliminary plan review criteria. The Planning Commission shall then make a recommendation to the Rico Board of Trustees to approve, conditionally approve, or deny the application.

Step 12: Applicant Responds to Conditions of Approval. The applicant shall revise the sketch plan/preliminary plat based on the Planning Commission's conditions of approval and submit it to the Town of Rico.

Step 13: Rico Board of Trustees Public Hearing and Action. The sketch plan/preliminary plan shall be presented to the Town of Rico Board of Trustees for its review and action. The Town of Rico Board of Trustees may approve, conditionally approve or deny the preliminary plat based on the preliminary plat review criteria. Approval and conditional approval of a sketch plan/preliminary plat shall be effective for one (1) year unless otherwise approved by the Town of Rico Board of Trustees. If the plat is denied, the request or one that is substantially similar may not be heard by the Planning Commission for a period of one year from the date of denial unless otherwise approved by the Planning Commission. If a final plat is not submitted within said time limit or an extension has not been granted, a preliminary plat must again be submitted before action may be taken on a final plat.

Step 15: Final Plat Application Process. Refer to the final plat application process outlined in Section 4.7.

C. Concurrent Sketch Plan/Preliminary Plan Review Criteria. The Town of Rico shall use the following criteria to evaluate the applicant's concurrent sketch plan/preliminary plan application:

1. The land use mix within the project conforms to Rico's Zoning District Map and Land Use and Public Facilities Map and furthers the goals and policies of the Town of Rico Regional Master Plan including:
 - a. The proposed development promotes the Town of Rico character;
 - b. Proposed residential development adds diversity to The Town of Rico's housing supply;
 - c. Proposed commercial development will benefit the Town of Rico's economic base;
 - d. Parks and open space are incorporated into the site design;
 - e. The proposed project protects Rico's environmental quality; and
 - f. The development enhances cultural, historical, educational and/or human service opportunities.
2. The sketch plan/preliminary plan represents a functional system of land use and is consistent with the rationale and criteria set forth in this RLUC the Rico Regional Master Plan and, the Community Design Principles and Development Standards (Article 2 of this RLUC).
3. The utility and transportation design is adequate, given existing and planned capacities of those systems.
4. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
5. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within the Town of Rico according to Rico's goals.

A. Conservation Subdivision Purpose.

1. To preserve open areas in the Rico Planning Area and promote the goal of contiguous open space and agricultural preservation.
2. To provide flexible land use regulations which encourage innovative site design techniques and improve the character and quality of new development.
3. To further the goals and policies set forth in the Town of Rico Regional Master Plan.
4. To encourage development patterns, which promote more efficient use of land to protect and enhance environmentally sensitive areas and the unique features of a property.
5. To promote creative and economical residential layout and street design to provide a more efficient and aesthetic use of open space and to reduce infrastructure cost.
6. To recognize and respect both individual rights and community interests and values when development is proposed.

B. Conservation Subdivision General Policies and Guidelines.

1. Area Where Conservation Subdivisions are Permitted. Conservation subdivisions are permitted in all areas designated as RPUD or ConPUD on the Rico Zone District Map.
2. Open Space. In conservation subdivisions at least seventy-five (75) percent of the property must be preserved as open space in a designated conservation area. All land within the conservation area shall be protected by a permanent conservation easement or other legal instrument. Areas which must be included within the conservation area include land within the 100-year floodplain (as defined by the Town of Rico Board of Trustees, the Colorado Water Conservation Board or FEMA), wetlands (as determined by Rico's Wetland Map and verified by a professional trained in wetland delineation), valuable habitat areas (as determined by an ecological characterization, refer to Section 2.22) and natural geologic hazard areas (as defined by the Colorado Geological Survey).

a. Location of Open Space

- i. To the maximum extent possible, the conservation area shall include one hundred (100) foot buffers around natural areas and floodplains and all or part of the following: aquifer recharge areas, significant wildlife habitat and migration corridors, unique vegetation and critical plant communities, prime farmland, historic, archaeological or cultural features, ridgelines and scenic view corridors.
- ii. The conservation area shall be designated as a single outlot unless an existing ditch, physical feature or road separates the preserved area in such a way as to make creating a single outlot infeasible. The existence of an historic site, wildlife habitat or other resource would also allow for the platting of separate outlots.
- iii. Areas set aside for trail easements and peripheral roads may be considered part of the outlot.
- iv. To the maximum extent feasible, the conservation area shall be connected with other conservation areas or open space parcels on adjacent land.

3. Development Area. In conservation subdivisions up to twenty-five (25) percent of the property may be developed. Clustering of development is encouraged.
4. Location of Building Lots.
 - a. The building lots shall be located to minimize the impact on any environmental or open space resource area on the property. They shall be sited in areas that are compatible with the special characteristics of the parcel and the surrounding area. In the case of undermining, the recommendations made in the geotechnical report must be followed.
 - b. The lots shall be located nearest to utilities and roads to minimize the amount of construction unless this directly conflicts with other preservation goals.
 - c. Lot sizes and spacing will depend on the specific site and technical and environmental factors.
 - d. Additional factors which shall be considered in siting the building lots include:
 - i. Type of development in the surrounding area;
 - ii. Amount of land being preserved;
 - iii. Owner's desires for utilization of the land;
 - iv. Impact on infrastructure;
 - v. Internal road impacts and vehicular and pedestrian circulation, including connections to existing and planned roads and trails;
 - vi. Surface and ground water quality;
 - vii. View corridors from and into the development; and
 - viii. Proximity to existing utilities.
5. Determining Density. The maximum net density in a conservation subdivision is one (1) unit per five (5) acres.

C. Conservation Incentives and Benefits.

1. Landowner Incentives for Developing Conservation Subdivisions:
 - a. Process is easier/faster.
 - b. It is possible to increase in land value by creating open space.
 - c. Flexibility in site design.
 - d. Conservation subdivision applications receive priority.
 - e. Conservation subdivision review process is abbreviated - the sketch plan and preliminary plat applications are submitted and reviewed concurrently.

2. Community and Landowner Benefits:

- a. Preserves the Town of Rico's open space lands, rural character and view corridors.
- b. Maintains wetlands, wildlife habitat and other environmental resources.
- c. Maintains land contiguous with adjacent open space.
- d. May allow access to open space.

D. Conservation Subdivisions Open Space Ownership Standards. Common open space within a development shall be owned, administered and maintained by any of the following methods, either individually or in combination, subject to approval by the Town of Rico Board of Trustees.

1. Common Areas. Ownership and maintenance of common areas designated for the enjoyment of residents of the conservation subdivision shall be the responsibility of a homeowners' association, unless a different arrangement is determined to be adequate. Membership in the association shall be automatic for all purchasers of lots therein and their successors. The association members shall share equitably in the costs of maintaining the open space. However, the Rico Board of Trustees may agree to accept and maintain the common areas for the enjoyment of residents of Rico.
2. Dedication of Easements. The Town of Rico may, but shall not be required to, accept easements for public use of any portion or portions of undivided open space land provided the following requirements are met:
 - a. The title shall remain in ownership by the homeowners' association unless otherwise approved by the Rico Board of Trustees;
 - b. The land is accessible to the public;
 - c. There is no acquisition cost other than any costs incidental to the transfer of ownership, such as title insurance; and
 - d. A satisfactory maintenance agreement is reached between the developer, homeowners' association and the Town of Rico.
3. Management Plan. In all cases, a management plan which defines the roles and responsibilities for managing open space shall accompany and be approved as part of the final plat.
4. Failure to Properly Maintain Open Space. Failure to adequately maintain the open space in reasonable condition constitutes a violation of this ordinance. The Town of Rico is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, of any violation, directing the owner to remedy the violation within twenty (20) days. Please refer to Article 6 of this Code for further information.

E. Sketch Plan/Preliminary Plan Application for Conservation Subdivisions.

Step 1: Pre-Application Conference for Conservation Subdivisions. A pre-application conference with a representative from the Town of Rico is required before the applicant may submit a sketch plan/preliminary plat application for a conservation subdivision. The purpose of the meeting is to allow the applicant to discuss his/her ideas for developing the property and to give the Town of Rico the opportunity to communicate the Town's vision. Topics to be discussed will include:

- a. The applicant's goals for the property.
- b. The Town of Rico's vision and expectations.
- c. Community Design Principles and Development Standards.
- d. The character and quality of development the Town of Rico is seeking.
- e. The Town of Rico regulation and standards.
- f. The application and review process.
- g. Submittal requirements.
- h. Schedule.

Step 2: Site Visit with Town of Rico Representative. At the pre-application conference, the applicant will have an opportunity to schedule a site visit with a Town of Rico representative. This will give the applicant and the Town the opportunity to visit the site together to recognize and discuss the site's opportunities and constraints and to discuss the following:

- a. The developer's goals and vision for the project.
- b. How the proposed project is consistent with the Community Design Principles and Development and Subdivision Regulations, Article 2 of this RLUC, and the Town of Rico Regional Master Plan.
- c. How the proposed development incorporates variety in the type, design and siting of buildings.
- d. How the proposed subdivision will be connected to and integrated with surrounding natural and developed areas.
- e. How the project will impact neighboring properties (i.e. water drainage, traffic circulation, environmental impacts, view corridors).
- f. How the design is cost-effective and environmentally responsive to site features and constraints and how potential impacts to natural systems will be mitigated.
- g. How the design capitalizes on natural and cultural assets on and around the site to build a positive and distinctive identity.
- h. How the proposal promotes the efficient use of land and public streets, utilities and governmental services.

Step 3: Sketch Plan/Preliminary Plan Application Submittal for Conservation Subdivisions. The applicant shall submit one (1) hard copy and one (1) electronic copy of the complete sketch plan/preliminary plat application to the Rico Town Manager and shall request that the application be reviewed by the Rico Planning Commission and the Rico Board of Trustees. The application must be submitted a minimum of sixty (60) days prior to the Planning Commission meeting at which the application will be reviewed. The sketch plan/preliminary plat application package shall include the following items:

- a. Concurrent Sketch Plan/Preliminary Plan Application Form for Conservation Subdivisions.
- b. Application fee and fee agreement, a non-refundable fee is collected to cover the cost of review by the Town of Rico Attorney, an engineer designated by the Town of Rico, Rico Town Manager or Planner and any other expert whom the Town of Rico may wish to employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the application fee according to the fee agreement. The Town of Rico shall provide applicants with a copy of the most current fee schedule and fee agreement form.
- c. Title Commitment. The title commitment must be current and the date must be no more than thirty (30) days from the date of sketch plan application submittal.
- d. Legal Access. Sufficient information to demonstrate that the applicant has adequate legal access to the parcel for the proposed development project.
- e. Site data tabulation including listing of:
 - i. Total number and size of free market and restricted affordable housing unit lots, if applicable;
 - ii. Total square feet of non-residential space;
 - iv. Number of bedrooms per dwelling unit; Ground coverage of the proposed structures and improvements including parking areas, streets, and sidewalks;
 - v. Acreage of agricultural land or open space to be preserved.
- f. General Development Information. Provide a written description of the existing conditions on the site and the proposed development. Include the following items in the description:
 - i. Design rationale - discuss how the development is connected to/integrated with surrounding area, how it responds to site features/constraints and how it is consistent with the Community Design Principles and Development Standards (Article 2 of this RLUC). If it is not consistent with the Community Design Principles and Development Standards section, explain how the intent of the criteria in the section is met.
 - ii. Water supply information including: the number of water taps needed; the amount of raw water that will be provided to the Town of Rico and the source of the water (if part of annexation, source of raw water).
 - v. Statement indicating whether or not any commercial mineral deposits are located on the site.
 - vi. Descriptions of any floodplain hazards on the site.
 - vii. Show how the proposed development complies with the Town of Rico Regional Master Plan.

- g. Soils Report. The report shall be based on USDA Soils Conservation Service information and discuss the existing conditions and any potential constraints/hazards. The report shall also address groundwater issues.
- h. Geologic Report. This report is required only for areas that have the potential for subsidence. It must be prepared by either a registered professional engineer or professional geologist and the professional must have experience in mine subsidence. The report shall address:
 - h. Site conditions;
 - i. Geologic conditions;
 - j. Engineering and geologic considerations; and
 - k. Limitations and any necessary additional investigations.
- i. Surrounding and Interested Property Ownership Report. Provide the Rico Town Manager with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners (within two hundred [200] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
- j. Preliminary Grading and Drainage Plan and Report. This plan and report must be certified by a registered professional engineer, including storm drainage concepts such as locations for on-site retention or downstream structural improvements and soil erosion and sedimentation control plans and specifications. It must also discuss the impacts on and to any existing floodways on and adjacent to the site as well as any FEMA applications required.
- k. Master Utility Plan. This plan shall be prepared by a registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.
- l. Preliminary Landscape Plan.
- m. Draft of Proposed Covenants and Architectural Design Guidelines.
- n. Mineral Oil and Gas Rights Documentation. Evidence that the surface owner has contacted all lessees of mineral, oil and gas rights associated with the site and is working towards resolution. Included in the evidence must be the name of the current contact person, their phone number, and mailing address.
- o. Colorado Historical Society Records Search. At the discretion of the Staff or the Rico Board of Trustees, an applicant may be required to provide the Town with a Colorado Historical Society records listing historically or archaeologically significant findings on the property being subdivided. If a listing shows a significant finding, a site-specific historic survey is required. The survey shall provide the following information:

- i. Site identification:
 - a) State site number;
 - b) Site address;
 - c) Site location/access;
 - d) Type and description of finding (what is historic); and
 - e) Owner's name and address.
- ii. Eligibility assessment for historic designation.
- iii. Statement of significance.
- iv. Management and administrative data:
 - a) References;
 - b) Photographs of the site;
 - c) Maps of the site;
 - d) Name, address, phone number and qualifications of person completing survey; and
 - e) Date of survey completion.

If in coordination with the applicant, the Rico Board of Trustees decides to protect an historic resource, a protection plan must be devised.

- p. Public Hearing Notification Envelopes. Provide the Rico Town Manager with one (1) set of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town of Rico address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners (within two hundred (200) feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property, and the appropriate referral agencies (as discussed in the pre-application conference).

Concurrent Sketch Plan/Preliminary Plan Maps Required

Location, Ownership, Zone Districts

- Location of the proposed subdivision
- All adjacent lands
- Zone district in which the proposed subdivision and adjacent properties are located
- Special districts, if applicable

Lot, Street and Utility Layout

- Legal access to the property from a public road
- Conceptual lot and street layout
- Approximate layout of individual lots
- All off street parking
- Water system layout
- Sanitary sewer system layout
- Drainage plan

Natural Features

- Topography of site
- Streams and Lakes
- Areas of environmental concern
- Soil types based on USDA Soils Conservation Service
- Slope study map showing slopes at 0%-7%, 8%-15%, 16%-30% & greater than 30%

Existing Man-made features

- Buildings
- Irrigation ditches
- Utility lines
- Bridges and culverts
- Mines and/or mine dumps

Land Use Map

- Residential land uses
- Agricultural land uses
- Commercial and industrial land uses
- Community facilities
- Open space and parks, including public use or common areas
- Trails, or access points tot public lands

Step 4: Application Certification of Completion. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to Town of Rico staff. The original application and all documents requiring a signature shall be signed in blue ink.

Step 5: Refer Application To Parties of Interest. Not less than thirty (30) days before the date scheduled for public hearing or Staff decision, Staff shall send information about the application by certified mail to: adjacent municipalities, Dolores County surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name.

Step 6: Letters of Support and Commitment to Serve. Within thirty (30) days from the date the application is deemed complete, the applicant shall provide the Town of Rico staff with letters of support and commitment to serve from all agencies identified at the pre-application conference (refer to Letters of Support and Commitment to Serve Table in the Workbook).

Step 7: Staff Reviews Application and Prepares Comments. Staff will complete a review of the sketch plan/preliminary plat based on the sketch plan/preliminary plat review criteria and referral comments received. Staff will then prepare a report identifying any issues of concern for the applicant to address and forward this report to the applicant.

Step 8: Applicant Addresses Staff Comments. The applicant shall submit the following to the Town of Rico staff:

- a. Letter explaining how the comments have been addressed; and
- b. Revised maps and other documents.

Step 9: Final Staff Review and Report to Planning Commission. Staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the sketch plan/preliminary plat review criteria.

Step 10: Schedule Conservation Subdivision Public Hearing and Complete Public Notification Process. Staff shall schedule a public hearing for the purpose of taking action on the sketch plan/preliminary plan. Town staff shall publish notice on the Town web site. The hearing may be held no less than thirty (30) days from the date of notice.

Step 11: Planning Commission Public Hearing and Action. The Rico Planning Commission shall hold a public hearing to review the application based on the sketch plan/preliminary plan review criteria for conservation subdivisions. The Planning Commission shall then make a recommendation to the Rico Board of Trustees to approve, conditionally approve, or deny the application.

Step 12: Applicant Addresses Planning Commission Conditions. The applicant shall revise the sketch plan/preliminary plan based on the Planning Commission's conditions of approval and submit it to the Town of Rico.

Step 13: Town of Rico Board of Trustees Action. The sketch plan/preliminary plan shall be presented to the Town of Rico Board of Trustees for its review and action. The Town of Rico Board of Trustees may approve, conditionally approve or deny the preliminary plat based on the preliminary plat review criteria. Approval and conditional approval of a sketch plan/preliminary plat shall be effective for one (1) year unless otherwise approved by the Town of Rico Board of Trustees. If the plat is denied, the request or one that is substantially similar may not be heard by the Planning Commission for a period of one year from the date of denial unless otherwise approved by the Planning Commission. If a final plat is not submitted within said time limit or an extension has not been granted, a preliminary plat must again be submitted before action may be taken on a final plat.

Step 14: Final Plat Application Process (for Conservation Subdivisions). Refer to the final plat application process outlined in Section 4.7.

F. Sketch Plan/Preliminary Plat Review Criteria for a Conservation Subdivision. The Town of Rico shall use the following criteria to evaluate the applicant's request:

1. The land use mix within the project conforms to the Town of Rico Zoning District Map and Land Use and Public Facilities Map and furthers the goals and policies of the Town of Rico Regional Master Plan including:
 - a. The proposed development will preserve open space, environmental resources and/or agricultural land.
 - b. The proposed development promotes Rico's character.
 - c. The proposed residential development adds diversity to Rico's housing supply
 - d. That parks and open space are incorporated into the site design.
 - e. The proposed project protects Rico's environmental quality.
 - f. The development enhances cultural, historical, educational and/or human service opportunities.
2. The sketch plan/preliminary plan represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code and the Town of Rico Regional Master Plan.
3. The utility and transportation design is appropriate, given existing and planned capacities of those systems.
4. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.

Rico Land Use Code Section 4.9 - Conservation Subdivision

5. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within Rico according to the Town of Rico goals.
6. The conservation subdivision, compared with more conventional site development plans, better attains the policies of the Rico Land Use Code and the Town of Rico Regional Master Plan, such as providing more open areas, preserving existing trees and vegetation, protecting wildlife habitats and preserving sensitive environmental areas such as riparian corridors, hazard areas, wetlands and floodplains.
7. The proposed conservation subdivision will have no significant adverse impacts on adjacent properties, or the applicant has agreed to appropriate mitigation measures such as landscaping, screening, illumination controls and other design features as recommended by the Town of Rico to buffer and protect adjacent properties from the proposed development.
8. The architecture, height, building materials, building colors and other design features of the conservation subdivision are compatible with adjacent properties and existing development and blend with the natural landscape.

Rico Land Use Code Section 4.10 Minor Subdivision Plat

A. Minor Subdivision Plat Purpose.

1. The purpose of the minor subdivision plat is to complete the subdivision of land consistent with the technical standards when the following conditions exist:

Option 1:

- a. The property has been previously platted within the Town of Rico.
- b. There is no public right-of-way dedication;
- c. The entire tract to be subdivided is ten (10) acres or less in size;
- d. The resulting subdivision will produce three (3) or fewer lots; and
- e. There will be no exceptions to the Subdivision Design Standards.
- f. There will be no extension of Town water lines or other utility lines owned by the Town

Option 2:

- a. The property is to be subdivided for conveyance purposes only; and
- b. There is no public right-of-way dedication.

Rico Land Use Code Section 4.6 - Preliminary Plan

5. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
6. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within Rico according to the Town of Rico goals.

Rico Land Use Code Section 4.10 Minor Subdivision Plat

B. Minor Subdivision Plat Application Process.

Step 1: Pre-Application Conference. A pre-application conference with a representative from the Town of Rico is required before the applicant may submit a minor subdivision application. The purpose of the meeting is to allow the applicant to discuss his/her ideas for developing the property and to give the Town of Rico the opportunity to communicate Rico's vision. Topics to be discussed will include:

- a. Applicant's goals for the property.
- b. Town of Rico's vision and expectation.
- c. Community Design Principles and Development Standards.
- d. The character and quality of development the Town of Rico is seeking.
- e. Rico regulations and standards.
- f. The application review process.
- g. Submittal requirements.

Step 2: Site Visit with Town Representative. At the pre-application conference, the applicant will have an opportunity to schedule a site visit with a Town of Rico representative. This will give the applicant and the Town of Rico staff the opportunity to visit the site together to recognize and discuss the site's opportunities and constraints as well as:

- a. How the proposed project is consistent with the Community Design Principles and Development (Article 2) and Subdivision Regulations (Article 4) sections of this Code and the Town of Rico Regional Master Plan.
- b. How the proposed development incorporates variety in the type, design and siting of buildings.
- c. How the proposed subdivision will be connected to and integrated with surrounding natural and developed areas.
- d. How the proposed project is consistent with the Community Design Principles and Development (Article 2) and Subdivision Regulations (Article 4) sections of this Code and the Town of Rico Regional Master Plan.

- e. How the proposed development incorporates variety in the type, design and siting of buildings.
- f. How the proposed subdivision will be connected to and integrated with surrounding natural and developed areas.
- g. How the project will impact neighboring properties (i.e. water drainage, traffic circulation, environmental impacts, view corridors).
- h. How the design is cost-effective and environmentally responsive to site features and constraints and how potential impacts to natural systems will be mitigated.
- i. How the design capitalizes on natural and cultural assets on and around the site to build a positive and distinctive identity.
- j. How the proposal promotes the efficient use of land and public streets, utilities and governmental services.

Step 3: Minor Subdivision Plat Application Submittal. The minor subdivision plat application must be submitted a minimum of thirty (30) days prior to the Rico Board of Trustee's meeting at which the application will be reviewed unless otherwise approved by the Town Manager or Town Planner. The applicant shall submit one (1) copy of the complete final plat application package to the Rico Town Manager and shall request that the application be reviewed by the Rico Planning Commission and the Rico Board of Trustees. The final plat application shall include:

- a. Application fee and fee agreement. A non-refundable fee is collected to cover the cost of review by the Town of Rico Attorney, an engineer designated by the Town of Rico and any other expert whom the Town may wish to employ; notice and publication expenses; and recording fees. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. Town of Rico staff shall provide applicants with a copy of the most current fee schedule and fee agreement form.
- b. Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of final plat application submittal.
- c. Surrounding and Property Ownership Report. Provide the Rico Town Manager with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners (within two hundred [200] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

- d. Minor Subdivision Plat. The final plat drawing shall comply with the following standards:
- i. The plat shall be prepared by or under the direct supervision of a registered land surveyor and meet applicable State of Colorado requirements.
 - ii. Parcels not contiguous shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.
 - iii. Parcels not contiguous shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.
 - iv. Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.
 - v. The perimeter survey description of proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one (1) part in ten thousand (10,000).
 - vi. Bearings, distances and and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.
 - vii. All signatures shall be made in black drawing ink.
 - viii. The final plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and shall provide the following information:

Final Plat Checklist

<input type="checkbox"/> Title of Project	<input type="checkbox"/> Bearings, distances, chords, radii, central angles and tangent links for the perimeter, lots, blocks, rights-of-ways
<input type="checkbox"/> North arrow and scale not greater than 1"=100'	<input type="checkbox"/> Lot and block numbers, numbered in consecutive order and square footage of each lot or tract
<input type="checkbox"/> Date of preparation	<input type="checkbox"/> Excepted parcels from inclusion notes as "not included in this subdivision"
<input type="checkbox"/> Vicinity map	<input type="checkbox"/> Boundary completely dimensioned with bearing and distances and curve information if applicable
<input type="checkbox"/> Legal description of parcel	<input type="checkbox"/> Existing and proposed rights-of-way in and adjacent to subject property labeled and dimensioned
<input type="checkbox"/> Basis of bearing	<input type="checkbox"/> Street names on all existing and proposed streets on or adjacent to property
<input type="checkbox"/> Location and description of monuments	<input type="checkbox"/> Easements with bearings, distances, chords, radii, central angles
<input type="checkbox"/> Signature block for registered surveyor certifying to the accuracy of the boundary survey and the plat	<input type="checkbox"/> Floodplain boundary with a note regarding the source of information if applicable
<input type="checkbox"/> Signature block for the certification of the Rico Board of Trustees with a signature line for the Mayor and the Town Clerk	<input type="checkbox"/> Signature block for the certification of the Rico Planning Commission
<input type="checkbox"/> Certification of ownership and dedication of streets, rights-of-way, easement and public sites	<input type="checkbox"/> Signature block for the County Clerk
<input type="checkbox"/> Plat notes relevant to the development	<input type="checkbox"/> Signature block for the County Treasurer

- e. Complete Engineering Plans and Specifications if appropriate.
 - i. Construction Plans and Profiles. The Plans and Profiles shall be prepared by a registered professional engineer licensed in the State of Colorado, shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:
 - a) The horizontal to vertical scales shall be chosen to best depict the aspects of the design. The minimum horizontal scale shall be 1"=100'. The minimum vertical scale shall be 1"=10'.
 - b) The typical road geometric and structural cross-section is to be shown on each plan sheet.
 - c) The plan must show right-of-way lines and widths, road names, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths and bearings, stationing at all beginning of curves and end of curves, intersections, structures, angles, curb lines, cross pans, traffic control devices (islands, striping, signs, etc.), drive cuts, curb returns and radii, and all other features to enable construction in accordance with approved standards and standard engineering practice. Construction plans shall also include water, sewer, sanitary sewer and any other utilities such as irrigation ditches. (Note: The developer/owner is responsible for coordinating with the appropriate dry utility companies (i.e. gas, electric, telephone, cable).
 - d) The profiles shall include ground lines, grade lines of curb and gutter or centerline of street elevation at point of intersection of vertical curves, intersections and other critical points, structures, and all other features required to enable construction in accordance with approved standards.
 - e) Signature blocks for all utility providers unless otherwise provided in agreement form.
 - ii. Structure Details. Sufficient data shall be given to construction of major structures and road appurtenances such as bridges, culverts, gutters, drives, walks, cross pans, etc; detail shall include orientation line and grade, cross-sections, dimensions, reinforcement schedules, materials, quality specification, etc.
 - iii. Sewage Collection and Water Supply Distribution Plans, Profiles and Specifications. The plans, profiles and specifications shall be prepared by a registered professional engineer or on site wastewater treatment systems.
 - iv. Final Drainage Plans and Reports. Based upon the approved preliminary drainage plan, a final report is to be submitted in accordance with applicable storm drainage design criteria as determined at the initial pre-application conference. The plan and report must provide:

- a) Cross-sections of each water carrier showing high water elevations for one hundred (100) year run-off and adjacent features that may be affected thereby.
- b) Written approvals, as may be required, from other agencies or parties that may be affected by the drainage proposals (i.e., FEMA, Dolores County, ditch companies).
- c) Supporting calculations for run-offs, times of concentration, flow capacity with all assumptions clearly stated with proper jurisdiction when needed or requested.
- d) Erosion control plans, when required, to be submitted as a result of preliminary plan review.
- v. Final Grading Plan. The final grading shall be twenty-four (24) inches high by thirty-six (36) inches wide and illustrate existing and proposed contours and lot and block grading details (per FHA requirements if FHA insured).
- vi. Soils Reports. Soils reports shall detail special foundation requirements (shall be submitted after overlot grading is complete) and pavement design (may be submitted prior to building permit).
- f. Final Landscape Plan, if appropriate.
- g. Special Documents (as needed)
 - i. Special improvement district documents.
 - ii. Maintenance bonds.
 - iii. Special agreements (as may be required by the Town of Rico).
 - iv. Any and all permits required by federal, State of Colorado and Town of Rico.
 - v. Any other documents required by the Town of Rico.

Step 4: Application Certification of Completion. Within a reasonable period to time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Rico Town Manager. The original application and all documents requiring a signature shall be signed in blue ink.

Step 5: Refer Application to Parties of Interest. Not less than forty-five (45) days before the date scheduled for the initial Rico Planning Commission public hearing, Staff shall send information about the application by certified mail to: adjacent municipalities, Dolores County and surrounding property owners within two hundred (200) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name.

Step 6: Letters of Commitment to Serve. Within thirty (30) days from the date the application is deemed complete, the applicant shall provide the Town with letters of support and commitment to serve from all agencies identified at the pre-application conference.

Step 7: Staff Reviews Application and Prepare Comments. Staff will complete a technical review of the final plat based on the Town's final plat review criteria and referral comments received. Staff will then prepare a report identifying any issues of concern that the applicant will need to address and forward this report to the applicant.

Step 8: Applicant Addresses Staff Comments. The applicant shall address all of the Staff comments then submit the following to the Rico Town Manager:

- a. Letter explaining how all of the comments have been addressed; and
- b. Revised maps and other documents.

Step 9: Final Staff Review and Report to Planning Commission. Staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the final plat review criteria.

Step 10: Schedule Final Plat Public Hearing and Complete Public Notification Process. The Rico Board of Trustees shall schedule a public hearing for the purpose of taking action on the final plat. Town of Rico Staff shall publish notice in accordance with the Rico Home Rule Charter. The hearing may be held no less than thirty (30) days from the date of advertising.

Step 11: Rico Planning Commission Public Hearing and Recommendation. The Rico Planning Commission shall hold a public hearing to review the application based on final plat review criteria. The Rico Planning Commission shall then make final comments or recommend that the Rico Board of Trustees approve,

Step 12: Applicant Responds to Conditions of Approval: The applicant shall revise the final plat based on the Planning Commissions of approval and submit to Rico Town Staff.

Step 10: Rico Board of Trustee Public Hearing and Action. The finalized final plat shall be presented to the Rico Board of Trustees for its review and action at a public hearing. The Rico Board of Trustees shall review the final plat based on the final plat review criteria. If approved, the Rico Board of Trustees shall adopt the plat by ordinance and Rico Town staff shall request two (2) original mylars of the final plat ready for the Mayor and Clerk to sign and then record. The Town of Rico will provide the finalized Memorandum of Agreement for Public Improvements (MOAPI) for the applicant to sign.

Step 11: Record Final Plat. One (1) original mylar of the final plat shall be recorded by the Rico Town Clerk in the office of the Dolores County Clerk and Recorder. The recording fee shall be paid by the developer.

Rico Land Use Code Section 4.10 Minor Subdivision Plat

12. Step 12: Post Approval Actions. The applicant shall submit the following documentation to the Town of Rico staff if applicable:

- a. Open Space Deed Restriction. Areas designated as open space shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and will remain as open space in perpetuity.
- b. Other Certificates, Affidavits, Enforcements or Deductions. As required by the Rico Planning Commission or the Rico Board of Trustees.

C. Final Minor Subdivision Plat Review Criteria. The Town of Rico shall use the following criteria to evaluate the applicant's request:

1. The final plat conforms with recommended changes, modifications and conditions attached to the approval of the final plat unless otherwise approved by the Rico Board of Trustees.
2. The development will substantially comply with the Community Design Principles and Development Standards as set forth in Article 2 of this Code.
3. All applicable technical standards have been met.

Rico Land Use Code Section 4.11 Planned Unit Developments

A. Planned Unit Development Purpose.

1. Intention. The Planned Unit Development Districts (PUD) are intended to permit the use of land with flexibility in design and without rigid application of zoning requirements applied to the platted portion of Town. In addition to the purposes stated elsewhere in this RLUC, the PUD Districts also have the purposes stated in C.R.S. §24-67-102, as may be amended from time to time.
2. Multiple Zone Districts. A mixture of Zone Districts is permitted in PUD applications to permit site specific application of appropriate zoning based on the Rico Regional Master Plan, the purposes of this RLUC, the purposes of PUD and subdivisions, and site specific development opportunities and constraints. For example, a PUD site that contains a mixture of sites suitable for residential development and sites inappropriate for development due to environmental constraints can result in a PUD that utilizes a mixture of residential and open space zoning.
3. Multiple Property Owners. Applications by multiple property owners are permitted and encouraged where site development affects the current or planned development of multiple property owners. Site development which may affect multiple property owners includes, but is not limited to: road improvements, utility extensions, calculation of permitted density, and assignment of permitted density to property suitable for development. The PUD District permits the transfer of development rights and development credits among separate tracts or parcels of land and among multiple property owners.

B. Planned Unit Development Application Process.

1. Applicants shall follow the procedures and submittal requirements for Major Subdivisions in Article 4.4 Major Subdivisions. In addition to the requirements set forth in Article 4.4, applicants shall include the following information in the PUD application:
 - a. Proposed use or zone district classification for each lot.
 - b. Proposed setbacks, building heights, and other design requirements for each lot and structure which vary from the Design Regulations established for the PUD district.
 - c. For Commercial PUD applications adjacent to Highway 145, applicant shall include elevations or computer generated images of the project as seen from Highway 145 (adjacent to Highway 145, and approaching the project from the North and South, where applicable).

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

1. The application substantially complies with the Rico Regional Master Plan, including but not limited to: use, pedestrian and recreation access and connections to the Town core, U.S. Forest Service lands, and other public lands.
2. All areas which are inappropriate for development, including but not limited to: steep slopes, areas affected by geologic hazards, wetlands, and other areas of state and local interest, are included in the Open Space Zone District. All areas included in the Open Space Zone District which are not dedicated to the Town are held in common ownership by an owners' association and the owners' association is responsible and liable for the maintenance and oversight of all common open space areas.
3. The application complies with Article II of this RLUC.
4. A. Pedestrian access to the commercial districts of Town is provided by a sidewalk or trail on the Applicant's property, or by connection to an existing or future sidewalk, trail, or other suitable pedestrian access route, and sidewalk or trails meet the minimum requirements set forth in Article 2.7, Streets of this RLUC.
5. Passive recreational access is provided to the existing and planned network of passive recreation trails identified in the Rico Regional Master Plan.
6. Direct access to Highway 145 will not create traffic related hazards and direct access can be created which meets the minimum access design standards set forth by the Town of Rico and the Colorado Department of Transportation. Any necessary highway access permit from CDOT and the Town of Rico is obtained prior to commencement of any development activity.

Rico Land Use Code Section 4.11 Planned Unit Developments

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

Rico Land Use Code Section 4.12 Amendments to Recorded Plats

A. Amendments to Recorded Plat Process.

1. Minor amendments which are filed with the Dolores County Clerk and Recorder to correct minor survey or drafting errors on a recorded plat shall be prepared in the form of an affidavit or, where deemed necessary for clarity, a revised plat certified by a land surveyor licensed with the State of Colorado. All affidavits or corrected plats shall be reviewed and may be approved by the Rico Town Staff. Notice of the minor amendment shall be given to the Rico Board of Trustees.
2. Amendments to a recorded plat which do not increase the number of lots or relocate or add roads or do not create more than ten (10) total lots shall be submitted as a minor subdivision plat. Amendments to recorded plats shall be prepared and submitted in compliance with the minor subdivision plat requirements of this Article (Section 4.10).

Rico Land Use Code Section 4.13 Re-Subdivision

The re-subdivision of any lots, tracts or parcels, or the relocation or addition of streets within a subdivision, shall be considered a re-subdivision (also known as a “replat”) and shall be prepared and submitted in compliance with the requirements for minor subdivision plats as set forth in this Article 4.10. In the event that any dedicated streets are relocated as a result of a re-subdivision, it is necessary for the Town of Rico to first vacate those existing streets, with said vacation to be effective prior to the approval of the final plat. Vacation of right-of-way shall conform to the requirements of Section 4.16 of this Article. Certain sketch plan, preliminary plat and final plat requirements may be waived at the discretion of the Rico Town Manager or Rico Town Planner.

Rico Land Use Code Section 4.14 Exceptions to Design Principles and Development Standards

- A. Exception Purpose.** An applicant may apply for an exception to the minimum Community Design Principles and Development Standards specified in Article 2, except for those standards that are not open to modification (see Section 4.15.D below). The applicant shall submit an application for exception specifying the basis for the exception requested. The burden of demonstrating that an exception is justified falls solely on the applicant. An exception, as opposed to a variance, is not a request for relief from the strict application of the Zoning Code, but rather a request to modify a design principle or standard based on the specific conditions, circumstances or design context of a development proposal.
- B. Exception Application Process.** The applicant shall submit a letter to the Town of Rico Manager requesting an exception and providing justification thereof. Town of Rico staff shall review the exemption application concurrently with a preliminary or final plat or planned unit development (PUD) application. The Rico Planning Commission shall review and make a recommendation of approval, approval with conditions or denial of an exception request at a regular meeting of the Commission

and forward such recommendation to the Rico Board of Trustees as part of its review of the preliminary or final plat and/or preliminary or final PUD. Final action on the exception request shall be made by the Rico Board of Trustees.

C. Exception Review Criteria. The Rico Planning Commission and the Rico Board of Trustees shall use the following criteria to evaluate the applicant's exemption application:

1. Special circumstances or conditions exist that limit the ability of the property to meet the Community Design Principles and Development Standards set forth in Article 2 of this Code. Special circumstances or conditions include narrowness, unusual shape, exceptional topographic conditions or other extraordinary situations. Financial difficulties, loss of prospective profits and previously approved exceptions in other subdivisions shall not be considered as special circumstances or conditions; or
2. An alternative design exists that will meet the intent of the standards and requirements set forth in Article 2, Community Design Principles and Development Standards and Article 4, Subdivision Regulations, by providing for the orderly subdivision of land and providing public facilities. The exception shall:
 - a. Provide for the orderly subdivision of land. The Town of Rico may require the development to be processed as a planned unit development or as a Mixed Use or Commercial Zone District site plan, if the complexity and interrelated design of the development more appropriately meet the intent of the PUD or mixed use zoning district processes. The PUD/mixed use process shall provide flexibility to review the exception as part of a creative and imaginative development design tailored to each unique site and the surrounding area;
 - b. Provide public facilities that will benefit the public without detriment to surrounding property owners or the Town of Rico's ability to provide services and maintain public facilities; and
 - c. Provide amenity to the development through design that could not be provided through the adopted standards.
3. That if granted, the exception will not be detrimental to the public interest or other property nor be in conflict with the Town of Rico Regional Master Plan or other applicable provisions of the Rico Land Use Code unless corresponding exceptions or variances are approved.
4. The exception will not endanger public safety.

D. Standards not Open to Modification. The following Community Design Principles and Development Standards specified in Article 2 are considered absolute minimum standards and are not open to modification through an exception process:

1. Road standard (cross section) for local street with attached sidewalk;
2. Dedication of the full width of right-of-way for all platted streets; and
3. Provision of handicap parking spaces.

- E. Restrictions on Requesting Exceptions.** If an applicant an applicant requests an exception under this Section, the preliminary plat or preliminary PUD development plan shall whenever possible indicate the exceptions outlined in the application. Exception requests can be processed concurrently with planned unit development applications.

Rico Land Use Code Section 4.15 Vacation of Right-of-Way or Easement

- A. Vacation of Right-of-Way/Easement Purpose.** The vacation of right-of-way or easement application process is used to vacate unnecessary easements and rights-of-way. The vacation of right-of-way or easement shall be in accordance with C.R.S. § 43-2-301, et seq.

- B. Vacation of Right-of-Way/Easement Process.**

Step 1: Pre-Application Conference. A pre-application conference with a representative from the Town of Rico is required before the applicant may submit a vacation of right-of-way/easement application. Topics to be discussed will include:

- a. The Town of Rico regulations and standards.
- b. The application and review process.
- c. Submittal requirements.
- d. Schedule.

Step 2: Vacation of Right-of-Way/Easement Application Submittal. The applicant shall submit one (1) complete copy of the vacation of right-of- way/easement application package to Town of Rico staff and shall request that the application be reviewed by the Town of Rico Board of Trustees. The application must be submitted a minimum of twenty (20) days prior to the Town of Rico Board of Trustee's meeting at which the application will be reviewed. The vacation of right-of-way/easement application shall include:

- a. Vacation of Right-of-way Application Form.
- b. Application fee and fee agreement, a non-refundable fee is collected to cover the cost of review by the Town of Rico Attorney, an engineer designated by the Town of Rico, Rico Town Manager or Planner and any other expert whom the Town of Rico may wish to employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the application fee according to the fee agreement. The Town of Rico shall provide applicants with a copy of the most current fee schedule and agreement form.
- c. Vacation of Right-of-Way/Easement Review Criteria Statement - Provide a written description of how the vacation request addresses the four vacation of right-of-way/easement review criteria.
- d. Surrounding and Property Ownership Report. Provide the Rico Town Manager with a current list (not more than thirty [30] days old) of the names and addresses of the

Rico Land Use Code Section 4.15 Vacation of Right-of-Way or Easement

surrounding property owners (within two hundred [200] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

- c. Public Notification Envelopes - If the application is for the vacation of right-of-way, provide Town of Rico staff with one (1) set of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have Rico's address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners (within two hundred [200] feet of the property), mineral interest owners of record, oil and gas lessees for the property, and the appropriate referral agencies.
- d. Mylar map to be filed with the Dolores County Clerk and Recorder showing the following:

Road Right-of-Way Vacation Map Checklist

<input type="checkbox"/> Title of Project	<input type="checkbox"/> Bearings, distances, chords, radii, central angles and tangent links for the perimeter, lots, blocks, rights-of-ways
<input type="checkbox"/> North arrow and scale not greater than 1"=100'	<input type="checkbox"/> Lot and block numbers with the square footage of each lot adjacent to the vacated portion of the right-of-way and square footage of the vacated portion of the right-of-way
<input type="checkbox"/> Date of preparation	<input type="checkbox"/> Street names
<input type="checkbox"/> Vicinity map	<input type="checkbox"/> Easements with bearings, distances, chords, radii, central angles
<input type="checkbox"/> Legal description of parcel	<input type="checkbox"/> Signature block for the County Treasurer
<input type="checkbox"/> Basis of bearing	<input type="checkbox"/> Signature block for the County Clerk
<input type="checkbox"/> Location and description of monuments	<input type="checkbox"/> Signature block for registered surveyor certifying to the accuracy of the boundary survey and the map
<input type="checkbox"/> Signature block for the certification of the Rico Board of Trustees with a signature line for the Mayor and the Town Clerk	<input type="checkbox"/> Certification of ownership and dedication of streets, rights-of-way, easement and public sites

Rico Land Use Code Section 4.15 Vacation of Right-of-Way or Easement

Step 3: Certification of Completion. Within a reasonable period to time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to Town of Rico staff. The original application and all documents requiring a signature shall be signed in blue ink.

Step 4: Letters of Support from Utility Providers and Other Affected Agencies. Within thirty (30) days from the date the application is deemed complete, the applicant shall provide to the Town of Rico letters from all utility providers or other agencies, affected by the vacation, expressing their support of the vacation request.

Step 5: Staff Reviews Application and Prepares Comments. Staff will complete a review of the vacation of right-of-way/easement based on the vacation of right-of-way/easement review criteria. Staff will then prepare a report identifying any issues of concern that the applicant will need to address and forwards it to the applicant.

Step 6: Applicant Addresses Staff Comments. The applicant shall address Town of Rico staff's comments then submit the following to the Town of Rico:

- a. Letter explaining how all of the comments have been addressed; and
- b. Revised maps and documents.

Step 7: Final Staff Review and Report to the Rico Board of Trustees. Staff shall complete a final review of the resubmitted materials and prepare a report to the Rico Board of Trustees explaining how the application is or is not consistent with the vacation of right-of-way/easement review criteria.

Step 8: Public Notification of Vacation of Right-of-Way Public Hearing. Forty- five (45) days after the final Staff review and report, the Rico Board of Trustees shall schedule a public hearing for the purpose of taking action on an ordinance approving the vacation of right-of-way. (Note: Notice of public hearing is not required for an easement vacation. The Rico Board of Trustees shall review the vacation request at its next available meeting after completion of the staff review and report. The applicant shall send notice of the public hearing to all property owners of record within two hundred (200) feet of the property in question, all mineral interest owners of record, and to the appropriate referral agencies no less than thirty (30) days before the hearing. The Rico staff shall post notice in the Rico Town Hall, the Rico Post Office and on the Town of Rico web site at www.colorado.gov.ricocolorado.gov . The hearing may be held no less than thirty (30) days from the date of advertising.

Step 9: Rico Board of Trustee's Action. Following a public hearing, the Rico Board of Trustees may approve, conditionally approve or deny the vacation of right-of-way ordinance based on the vacation of right-of-way/easement review criteria. In the case of a vacation of easement, where no public hearing is required, the Rico Board of Trustees approve, conditionally approve or deny the vacation of easement ordinance based on the vacation of right-of-way/easement review criteria. All approved ordinances must be recorded with the Dolores County Clerk and Recorder. If the ordinance is conditionally approved, all conditions of approval must be satisfied by the applicant and certified by the Town of Rico Clerk within a time specified by the Rico Board of Trustees before the ordinance can be recorded.

C. Vacation of Right-of-Way/Easement Review Criteria.

1. The topography of the public right-of-way does not allow road building to meet the required design standards.
2. The public right-of-way does not provide any public benefit, including but not limited to to: pedestrian access, recreational access, off-street parking, and open space buffer lot between developable lots; or, the requested vacation is part of an application which would result in the Town acquiring property or rights-of-way which has a greater public benefit than the vacated public right-of-way.
3. Sufficient easements or rights-of-way for utilities are retained or provided.
4. If necessary, the right-of-way or easement will be replaced. To replace the right- of-way or easement, the vacation application shall be accompanied by a development application which proposes a new right-of-way or easement.
5. The applicant is relocating all public facilities or utilities within the right-of-way or easement.
6. The public and surrounding properties will not be negatively impacted by the vacation.

D. Minimum Requirements for Vacation of Right-of-Way.

1. The Trustees shall enact a public right-of-way vacation by ordinance.
2. The ordinance shall specifically amend the Present Road Status Map and Designated Road Use Map.
3. The vacated right-of-way shall be divided at the midpoint and title shall pass to the adjoining property owners.
4. The vacated rights-of-way shall be subject to the provisions of this RLUC and shall be included in the same Zone District as the adjoining property, unless otherwise determined by the Trustees.
5. The Town may not receive any monetary compensation in return for any vacated public right-of-way.

- A. Agreements and Improvements.** A Memorandum of Agreement for Public Improvements (MOAPI) stating the developer agrees to construct any required public improvements shown in the final plat documents together with collateral which is sufficient, in the judgment of the Rico Board of Trustees to make reasonable provision for the completion of said improvements in accordance with design and time specifications will be required. No subdivision plat shall be signed by the Town of Rico or recorded at the office of the Dolores County Clerk, and no building permit shall be issued for development until an MOAPI between the Town of Rico and the developer has been executed. Such agreement shall include a list of all agreed-upon improvements, an estimate of the cost of such improvements, the form of guarantee for the improvements, and any other provisions or conditions deemed necessary by the Rico Board of Trustees to ensure that all improvements will be completed in

a timely, quality and cost- effective manner. An MOAPI shall run with and be a burden upon the land described in the agreement.

- B. Other Agreements.** Other agreements or contracts setting forth the plan, method and parties responsible for the construction of any required public improvements shown in the final plat documents may also be required.
- C. Improvement Completions.** As improvements are completed, the developer shall apply to the Rico Board of Trustees for inspection of improvements. Upon inspection and approval, the Rico Board of Trustees shall notify the developer that there is a two (2) year guarantee period before release of funds. If the Rico Board of Trustees or respective special district determines that any of the required improvements are not constructed in compliance with specifications, it shall furnish the developer a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure such compliance. If the Rico Board of Trustees determines that the developer will not construct any or all of the improvements or remedy the deficiencies in accordance with all the specifications, the Rico Board of Trustees may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvements or remedy deficiencies in accordance with the specifications.
- D. Improvements Constructed.** The following improvements shall be constructed unless waived by the Rico Board of Trustees.
- a. Road grading and surfacing.
 - b. Sanitary sewer collection system or on-site wastewater treatment system.
 - c. Storm sewers or storm drainage system, as required.
 - d. Potable water distribution including fire hydrants.
 - e. Utility distribution system for public parks and open space.
 - f. Street signs at all street intersections.
 - g. Permanent reference monuments and monument boxes.
 - h. Underground telephone, electricity and gas lines.
 - i. Berm or fence along major arterial and collector streets.
 - j. Required landscaping.
 - k. Underdrains.
 - l. Required floodway improvements.
 - m. Required irrigation ditch improvements.
- E. Time for Completion.** The required time for the completion of all required improvements shall be two (2) years from the recording date of the final map or plat. However, the Rico Board of Trustees may extend such time for completion upon request from the developer. Upon completion of such improvements within the required time and approval thereof by the Rico Board of Trustees the Town shall cause the cash or letter of credit to be released within thirty (30) days of the Town's acceptance of such improvements and receipt of the required as-built drawings. When such improvements are not completed within the required time, the Town of Rico may cause the proceeds of the cash or letter of credit to be used to complete the required improvements.

- F. Warranty.** All workmanship and materials for all required improvements shall be warranted by the developer for a period of two (2) years from the date of the Town of Rico's acceptance of the required improvement; provided that any defects which are the result of public abuse, misuse or acts of God are not the responsibility of said developer. For perimeter fences that abut collector and arterial streets, the warranty period shall be two (2) years. The total amount of the guarantee shall be calculated as ten (10) percent of the total estimated cost including labor and materials of all public improvements to be constructed. The Town of Rico shall not release the improvement guarantee until the Town has granted final acceptance of the improvements. In the event that any other provision of this Code or specifications adopted pursuant thereto requires a warranty of workmanship or materials for a different period of time, that provision requiring the longer period shall govern. The inspection or acceptance of any required improvement by the Town of Rico shall not relieve the developer of his or her warranty of workmanship and materials.

Article IX – Historic Landmarks and Historic Districts

Section		Page
9.1	Designation of Historic Landmarks and Historic Districts	2
9.2	Procedures for Designating Structures and Districts for Preservation	2
	A. Nomination for Designation	2
9.3	Criteria for Designation	2
9.4	Revocation of Designation	5
9.5	Amendment of Designation	5
9.6	Historic Landmark Alteration Certificate Required	6
9.7	Construction on Proposed Landmark Site or in Proposed Districts	6
9.8	Historic Landmark Alteration and Review	6
9.9	Criteria for Review of an Alteration Certificate	6
9.10	Relocation of an Historic Structure	8
9.11	Exemptions from Alteration Certificate Requirements	9
9.12	Enforcement and Penalties	9
9.13	Town of Rico Designated Historic Structures	10

Rico Land Use Code Section 9.1 Designation of Historic Landmarks & Historic Districts

1. Pursuant to the procedures hereinafter set forth, the Rico Board of Trustees may by ordinance subsequently adopted make the following designations of landmarks and historic districts:
 - a. Designate as a landmark or individual structure or other feature or an integrated group of structures and features on a single lot or site having a special historical or architectural value, and designate a landmark site for each landmark; and/or
 - b. Designate as an historic district an area containing a number of structures having a special historical or architectural value.
2. Each such designating ordinance shall include a description of the characteristics of the landmark or historic district which justify its designation and a description of the particular features that should be preserved, and shall include a legal description of the location and boundaries of the landmark site or historic district. Any such designation shall be in furtherance of and in conformance with the purposes and standards of this Article.
3. The property included in any such designation shall be subject to the controls and standards set forth in this Article.

Rico Land Use Code Section 9.2 Procedures for Designating Structures & Districts for Preservation

- A. Nomination for Designation.** A nomination for designation may be made by any member of the Rico Board of Trustees or by any citizen by filing an application with the Town of Rico. The Town of Rico staff shall contact the owner or owners of such landmarks or property within a landmark district, outlining the reasons and effects of designation before the nomination is accepted for review.
1. Board Review with Owner's Consent. The Rico Board of Trustees shall hold a public hearing on any proposal not more than sixty (60) days after the filing of an application for designation. The Rico Board of Trustees shall review the application for conformance with the established criteria for designation. Within thirty (30) days after the conclusion of the public hearing, but in no event more than sixty (60) days after said hearing, the Rico Board of Trustees shall either approve, modify and approve or disapprove the proposal.
 2. Board Review without Owner's Consent. The Rico Board of Trustees shall not consider historic designations without the owner's consent.

Rico Land Use Code Section 9.3 Criteria for Designation

The Rico Board of Trustees shall consider the following criteria in reviewing nominations of properties for designation:

1. Landmarks. Landmarks must be at least fifty (50) years old and meet one (1) or more of the criteria for architectural, social or geographic/environmental significance hereinafter described. A landmark could be exempt from the age standard if it is found to be exceptionally important in other significant criteria.

- a. Historic sites shall meet one (1) or more of the following:
 - i. Architectural.
 - a) Exemplifies specific elements of an architectural style or period;
 - b) Example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally or locally;
 - c) Demonstrates superior craftsmanship or high artistic value;
 - d) Represents an innovation in construction, materials or design;
 - e) Style is particularly associated with the Town of Rico or Colorado area;
 - f) Represents a built environment of a group of people in an era of history;
 - g) Pattern or grouping of elements representing at least one (1) of the above criteria; and
 - h) Significant historic remodel.
 - ii. Social.
 - a) Site of historic event that had an effect upon society;
 - b) Exemplifies cultural, political, economic or social heritage of the community; and
 - c) An association with a notable person(s) or the work of a notable person(s).
 - iii. Geographic/environmental.
 - a) Enhances sense of identity of the community; and
 - b) An established and familiar natural setting or visual feature of the community.
- b. Prehistoric and historic archaeological sites shall meet one (1) or more of the following:
 - i. Architectural.
 - a) Exhibits distinctive characteristics of a type, period or manner of construction; and
 - b) A unique example of structure.
 - ii. Social.
 - a) Potential to make an important contribution to the knowledge of the area's history or prehistory;
 - b) An association with an important event in the area's development;
 - c) An association with a notable person(s) or work of a notable person(s).
 - d) A typical example/association with a particular ethnic group; and
 - e) A unique example of an event in the Town of Rico's / Colorado's history.

- iii. Geographic/environmental. Geographically or regionally important. Buried human remains will be handled in as culturally sensitive and appropriate manner as possible.
- c. All properties will be evaluated for their physical integrity using the following criteria (a property need not meet all of the following criteria):
 - i. Shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, state or nation.
 - ii. Retains original design features, materials and/or character.
 - iii. Original location or same historic context after having been moved.
 - iv. Has been accurately reconstructed or restored based on documentation.
- 2. Districts. For the purposes of this Section, a district is a geographically definable area including a concentration, linkage or continuity of subsurface sites, buildings, structures and/or objects. A district is related by a pattern of either physical elements or social activities. Significance is determined by applying criteria to the pattern(s) and unifying element(s). Nominations will not be considered unless the application contains written approval of sixty (60) percent of the property owners within the district boundaries. Properties that do not contribute to the significance of the historic district may be included within the boundaries, as long as the noncontributing elements do not noticeably detract from the district's sense of time, place and historical development. Noncontributing elements will be evaluated for their magnitude of impact by considering their size, scale, design, location and/or information potential. District boundaries will be defined by visual changes, historical documentation of different association or patterns of development, or evidence of changes in site type or site density as established through testing or survey. In addition to meeting at least one (1) of the criteria outlined in Subsections a through d below, the district must be at least fifty (50) years old. The district could be exempt from the age standard if the resources are found to be exceptionally important in other significant criteria. Historic districts shall meet one (1) or more of the following criteria:
 - a. Architectural.
 - i. Exemplifies specific elements of an architectural style or period.
 - ii. Example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally or locally.
 - iii. Demonstrates superior craftsmanship or high artistic value.
 - iv. Represents an innovation in construction, materials or design.
 - v. Style particularly associated with Rico Colorado area.
 - vi. Represents a built environment of a group of people in an era of history.

Rico Land Use Code Section 9.3 Criteria for Designation

- b. Social.
 - i. Site of historic event that had an effect upon society.
 - ii. Exemplifies cultural, political, economic or social heritage of the community.
 - iii. An association with a notable person(s) or the work of a notable person(s).
- c. Geographic/environmental.
 - i. Enhances sense of identity of the community.
 - ii. An established and familiar natural setting or visual feature of the community.
- d. Archaeology/subsurface.
 - i. Potential to make an important contribution to the area's history or prehistory.
 - ii. An association with an important event in the area's development.
 - iii. An association with a notable person(s) or work of a notable person(s).
 - iv. Distinctive characteristics of a type, period or manner of construction.
 - v. Geographical importance.
 - vi. A typical example/association with a particular ethnic group.
 - vii. A typical example/association with a local cultural or economic activity.
 - viii. A unique example of an event or structure.

Rico Land Use Code Section 9.4 Revocation of Designation

1. If a building or special feature on a designated landmark site was lawfully removed or demolished, the owner may apply to the Rico Board of Trustees for a revocation of the designation.
2. The Rico Board of Trustees shall revoke a landmark designation upon determination that without the demolished building or feature the site as a whole no longer meets the purposes and standards for designation.

Rico Land Use Code Section 9.5 Amendment of Designation

Designation of a landmark or historic district may be amended to add features or property to the site or

Rico Land Use Code Section 9.5 Amendment of Designation

district. Whenever a designation has been amended, the Town of Rico shall promptly notify the owners of the property included therein and shall record a copy of the amending ordinance with the Dolores County Clerk and Recorder.

Rico Land Use Code Section 9.6 Historic Landmark Alteration Certification Required

1. No person shall carry out or permit to be carried out on a designated landmark site or in a designated historic district any new construction, alteration, removal or demolition of a building or other designated feature without first obtaining a landmark alteration certificate for the proposed work under this Section as well as any other permits required by this RLUC.
2. The Town of Rico shall maintain a current record of all designated landmark sites and historic districts and pending designations. If the Building Department of the Town receives an application for a permit to carry out any new construction, alteration, removal or demolition of a building or other designated feature on a landmark site or in an historic district or in an area for which designation proceedings are pending, the Building Department shall promptly forward such application to the Rico town manager and the Rico Board of Trustees.

Rico Land Use Code Section 9.7 Construction on Proposed Landmark Sites or in Proposed Districts

No person shall receive a permit to construct, alter, remove or demolish any structure or other feature on a proposed landmark site or in a proposed historic district after the date an application has been filed to initiate the designation of such landmark site or district.

Rico Land Use Code Section 9.8 Historic Landmark Alteration & Review

1. No property owner shall carry out or permit to be carried out on a designated Historic Landmark any new construction, alteration, removal, or demolition of a building, structure, or other designated feature without first obtaining a Historic Landmark Alteration Certificate from the Rico Planning Commission as well as obtaining any other permits required by the Town of Rico.
2. Pending Historic Landmark Designations. No property owner shall receive a permit to construct, alter, remove, or demolish any structure or other feature on a proposed Historic Landmark site when a nomination for Historic Landmark designation is pending.
3. Upon receipt of an application for an alteration certificate, the Town staff shall submit that application, together with a recommendation thereon, to the Rico Planning Commission for final approval.

Rico Land Use Code Section 9.9 Criteria for Review of an Alteration Certificate

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

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

1. The alteration would not physically alter the exterior appearance of the historic architectural features, not including: repair or restoration of historical architectural features, the reconstruction of missing portions of the building or structure which historically existed, or removal of non-historic architectural features
2. The alteration would not create an addition which visually detracts from the historic building or structure; the visual impact of additions can be minimized by using similar design, exterior material, fenestration, and trim material, and by setting the addition back from the façade facing a public right-of-way or constructing the addition on the rear of a structure, or,
3. The alteration is necessary to correct unsafe or dangerous conditions of any building, structure or feature or parts thereof where such condition is declared unsafe or dangerous by the Town or the Rico Fire protection District.
4. Compliance with the Secretary of the Interior's Standards for Rehabilitation as listed below:
 - i. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - ii. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - iii. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - iv. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - v. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - vi. Deteriorated historic features shall be repaired rather than replaced. When the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
 - vii. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures if appropriate, shall be undertaken using the gentlest means possible.

Rico Land Use Code Section 9.9 Criteria for Review of an Alteration Certificate

- viii. h. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - a) New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. To protect the historic integrity of the property and its environment, the new work shall be differentiated from the old and shall be compatible with the massing, size scale and architectural features.
 - b) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Rico Land Use Code Section 9.10 Relocation of an Historic Structure

The Rico Board of Trustees shall use the following criteria in considering alteration certificate applications for relocating a landmark, a structure on an historic site, a building or structure within an historic district, a structure onto a landmark site, or a structure to property in an historic district:

1. For consideration of the original site, the Rico Board of Trustees will review for compliance with all of the following criteria:
 - a. Documentation showing the structure cannot be rehabilitated or reused on its original site to provide for any reasonable beneficial use of the property;
 - b. The contribution the structure makes to its present setting;
 - c. Whether plans are specifically defined for the site to be vacated, and have been approved by Staff;
 - d. If the structure can be moved without significant damage to its physical integrity and the applicant can show the relocation activity is the best preservation method for the character and integrity of the structure;
 - e. Whether the structure has been demonstrated to be capable of withstanding the physical impacts of the relocation and re-siting; and
 - f. Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the structure proposed for relocation.
 - g. Whether the building or structure is compatible with its proposed site and adjacent properties, and if the receiving site is compatible in nature with the structure or structures proposed to be moved;
 - h. The structure's architectural integrity and its consistency with the character of the neighborhood;

Rico Land Use Code Section 9.10 Relocation of an Historic Structure

- i. Whether the relocation of the historic structure would diminish the integrity or character of the neighborhood of the receiving site; and
- j. If a relocation plan has been submitted and approved by Staff, including posting a bond, to ensure the safe relocation, preservation and repair (if required) of the structure, site preparation and infrastructure connections as described in this RLUC.

Rico Land Use Code Section 9.11 Exemptions from Alteration Certificate Requirements

An applicant may request an exemption from the alteration certificate requirements set forth herein. The applicant must provide adequate documentation to establish qualification for one (1) of the following exemptions:

1. Economic hardship exemption. Exemptions are granted only to the specific owner and use and are not transferable.
 - a. For investment, or income producing properties: The owner's inability to obtain a reasonable rate of return in its present condition or if rehabilitated.
 - b. For non-income producing properties consisting of owner occupied single family dwellings and/or non-income producing institutional properties not solely operating for profit: The owner's inability to convert the property to institutional use in its present condition or if rehabilitated.
 - c. The consideration for economic hardship shall not include willful or negligent acts by the owner, purchase of the property for substantially more than the market value, failure to perform normal maintenance and repairs, failure to diligently solicit and retain tenants, or failure to provide normal tenant improvements.
2. Undue hardship. An applicant requesting an exemption based on undue hardship must show that the application of the criteria creates a situation substantially inadequate to meet the applicant's needs because of specific health and/or safety issues.

Rico Land Use Code Section 9.12 Enforcement & Penalties

1. No person shall violate or permit to be violated any of the requirements of this Section or the terms of a landmark certificate.
2. Violations. Violations of this Section are punishable as is otherwise provided in this Code and, in addition, are subject to the following penalties:
 - a. Alterations to a designated landmark or district without an approved landmark alteration certificate will result in a one (1) year moratorium on all building permits for the subject property; and
 - b. Moving or demolishing a designated structure without an approved landmark alteration certificate will result in a five (5)-year moratorium on all moving, demolition or building permits for the structure and for the property at the structure's original location.

Rico Land Use Code Section 9.13 Town of Rico Designated Historic Structure

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

Article V – Vesting of Property Rights

Section	Page
5.1 Purpose	2
5.2 General Provisions	2
A. Definitions	2
B. Request for Site Specific Development Plan Approval	2
C. Notice and Hearing	2
D. Approval, Conditional Approval, Effective Date, Amendments, Referendum and Review	2
E. Duration of Vested Property Right	3
F. Extension of Vested Property Right	3
G. Other Provisions Unaffected	3
H. Payment of Costs	3
I. Revocation of Vested Property Right	4
J. Pending Applications	
K. Limitations	4

Rico Land Use Code Section - 5.1 Purpose

The purpose of this Section is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended, which establishes a vested property right to undertake and complete development of real property under the terms and conditions of an approved site specific development plan. No vested rights shall be created within the Town of Rico except through a site specific development plan.

Rico Land Use Code Section – 5.2 General Provisions

A. Definitions. As used in this Section, unless the context otherwise requires:

1. Landowner shall mean any owner of a legal or equitable interest in real property, and includes the heirs, successors, and assigns of such ownership interests.
2. Property means all real property subject to land use regulation by the Town of Rico.
3. Site Specific Development Plan is defined as a planned unit development plan approved in accordance with Article IV, Section 4.11, a subdivision plat approved in accordance with Article IV, an annexation approved in accordance with Article X that is accompanied by an annexation agreement containing a subdivision plat and/or planned unit development plan, or any other land use approval designation accompanied by a development agreement that expressly states that such land use approval is a site specific development plan. A property right to undertake and complete a site specific development plan shall be vested upon the effective date of final approval of such site specific development plan by the Board of Trustees or, may at the discretion of the Board of Trustees, vest upon approval of a conceptual or preliminary planned unit development plan, upon approval of a conceptual or preliminary subdivision plat, or upon approval of any other development agreement between the Town and a landowner that specifically provides a vested right. "Approval" by the Board of Trustees means the effective date of approval after any rights of referendum or judicial review have expired or have been finally decided. The document that evidences a vesting of property rights shall be and is limited to the following: For final subdivision plats: As a plat note on the cover page of such final subdivision plat; for all other site specific development plans: As a specific provision in an ordinance approving such development plan.
4. Vested Property Rights shall mean the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan.

B. Request for Site Specific Development Plan Approval. For those developments for which the landowner wishes the creation of vested property rights pursuant to Article 68 of Title 24, C.R.S., as amended, the landowner shall request the approval in writing at least thirty (30) days prior to the date said approval is to be considered. Failure of the landowner to request such an approval renders the plan not a "site specific development plan," and no vested property rights shall be deemed to have been created.

C. Notice and Hearing. No site site specific development plan shall be approved until after a public hearing called for that purpose, preceded by notice of such hearing published as provided by law at least twenty (20) days before the hearing. Such notice may, at the Town of Rico's option, be combined with any other required notice. At such hearing, all interested persons shall have an opportunity to be heard.

D. Approval, Conditional Approval, Effective Date, Amendments, Referendum and Review

1. A site specific development plan shall be deemed approved upon the effective date of the resolution granting final approval of the plan. The vested property right shall attach to and run with the applicable property and shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site specific development plan including any amendments thereto.
2. The Rico Board of Trustees may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare. Such conditional approval will result in a vested property right, although failure to abide by such terms and conditions will result in a forfeiture of vested property rights.

E. Duration of Vested Property Right. A property right which has been vested as provided herein shall remain vested for a period of three (3) years. The Board of Trustees may approve a period of vesting greater than three (3) years provided that such approval is by resolution. The effective date of approval shall be the day after the last day to exercise any rights of referendum or judicial review, or upon the final decision of a referendum or judicial review, of the Board of Trustee's action to approve a site specific development plan. The document evidencing a vesting of property rights shall specifically identify the date of expiration and included in the development agreement.

F. Extension of Vested Property Right. The landowner may request the extension of a Vested Property Right by submitting a written request to the Town Clerk, P.O. Box 9, Rico, CO 81332, not more than ninety (90) days, and at least forty-five (45) days, prior the expiration of the Vested Property Right. The Board of Trustees shall hold a public hearing prior to authorizing the extension of the Vested Property Right. Notice shall be posted and published at least ten (10) days prior to the public hearing. Any approval to extend a vesting of property rights shall be by resolution and shall be no longer than three (3) years. The Town Board may grant multiple extensions of vested rights.

G. Other Provisions Unaffected. Approval of a site specific development plan shall not constitute an exemption or waiver of any other provisions of this Code pertaining to the development or use of property.

H. Payment of Costs. In addition to any and all other fees and charges imposed by this Code, the applicant for approval of a site specific development plan shall pay all costs occasioned to the Town of Rico pertaining to such application, including but not limited to publication of notices, public hearing and review costs, county recording fees and review costs.

I. Revocation of Vested Property Right. The Board of Trustees may revoke a vested property right for failure to abide by the terms and conditions of such vested property right. Prior to taking action to revoke a vested property right, the Board of Trustees shall conduct a hearing on the revocation and shall provide at least ten (10) days prior written notice mailed to the affected property owner to the property address of record in the County Assessor's office as well as provide notice in the same manner as the posting or publishing of ordinances and resolutions. The mailed notice to the landowner shall specifically identify the terms and conditions which are not in compliance with the site specific development plan approval. During the period of determining compliance with the terms and conditions of a site specific development plan approval, the Town may administratively withhold any building, utility, excavation, road building, or other Town permit, and may withhold acceptance of additional development applications or processing of existing development applications for the property subject to the site specific development plan.

- J. Pending Applications.** A pending site specific development plan application will be governed by the duly adopted laws and regulations in effect at the time the application is submitted with the exception that the Town reserves the right pursuant to C.R.S. §24-68- 102.5(2) to enforce new or amended laws or regulations to pending applications when such law or regulation is necessary for the immediate preservation of public health and safety, including temporary development restrictions duly adopted by ordinance for the purpose of preparing planning studies and considering land use regulations related to public health and safety or for the purpose of promoting concurrency of essential public infrastructure, equipment or services with increased demand.
- K. Limitations.** Nothing in this Section is intended to create any vested property right, but only to implement the provisions of Article 68 of Title 24, C.R.S., as amended. In the event of the repeal of said Article or a judicial determination that said Article is invalid or unconstitutional, this Section shall be deemed to be repealed, and the provisions hereof no longer effective.

Article VI – Sign Regulations

Section	Page
6.1 Purpose/Intent	4
6.2 Sign Permits and Administration	4
A. Sign Permit Required	4
B. Application for a Sign Permit	4
C. Sign Permit Review Criteria	5
D. Appeal of Sign Permit Denial or Approval with Conditions	6
E. Waivers	6
6.3 Enforcement	6
A. Illegal Signs	6
6.4 Signs Authorized without a Permit	7
A. General Provisions	7
B. Illumination Limitation	7
C. Authorized Sign Types	7
6.5 Signs for which a Permit is Required	8
A. General Provisions	8

Article VII – Sign Regulations

Section	Page
B. Permits Required	8
C. Location	9
D. Permanence	9
E. Building and Fire Codes	9
F. Obsolete Signs	9
6.6 Signs in Specific Zone Districts	9
A. General Provisions	9
B. Residential, Open Space and Public Facilities Zone Districts	9
C. Commercial, Historic Commercial and Mixed Use Zone Districts	9
D. Residential and Commercial Planned Unit Development Zone Districts	10
6.7 Prohibited Signs	12
A. Prohibited Signs	11
6.8 Measurement of Sign Area and Height.	14
A. . Sign Surface Area	14
B. Sign Support	14
C. Back-to-back (Double Faced) Signs	14
D. Three-dimensional Signs	15

Article VII – Sign Regulations

Section	Page
E. Wall Signs	15
F. Sign Height	15
6.9 Sign Design	16
A. Design Compatibility	16
B. Colors	18
C. Materials	18
D. Legibility	18
E. Sign Illumination	19
6.10 Sign Installation and Maintenance	20
A. Installation	20
B. Maintenance	21
6.11 Creative Design	21
A. Purpose	21
B. Applicability	21
C. Approval Authority	21
D. Application Requirements	22
E. Design Criteria	22

Rico Land Use Code Section 6.1 Purpose/Intent

A. Purpose/Intent. The regulations in this Article are intended to coordinate the use, placement, physical dimensions, and design of all signs within the Town of Rico. The purpose of these regulations is to:

1. Recognize that signs are a necessary means of visual communication for the convenience of the public and provide flexibility within the sign review/approval process to allow for unique circumstances and creativity.
2. Recognize and insure the right of those concerned to identify businesses, services and other activities by the use of signs, and limit signs to those which are accessory and incidental to the use on the premises where such signs are located.
3. Provide a reasonable balance between the right of an individual to identify his or her business and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs and similar devices.
4. Protect the public from damage or injury caused by signs that are poorly designed or maintained and from distractions or hazards to pedestrians or motorists caused by the indiscriminate placement or use of signs.
5. Ensure signs are well designed and contribute in a positive way to the Town of Rico visual environment, express local character, and help develop a distinctive image for the Town.
6. Encourage signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses, and the surrounding neighborhood. Ensure signs are compatible and integrated with the building's architectural design and with other signs on the property.
7. Ensure signs are appropriate for the type of street on which they are located.
8. Bring nonconforming signs into compliance with these regulations.

Rico Land Use Code Section 6.2 Sign Permits and Administration

A. Sign Permit Required. To ensure compliance with the regulations of this Article, a sign permit shall be required in order to erect, move, alter, reconstruct or repair any permanent or temporary sign, except signs that are exempt from permits in compliance with Section 6.4 (Signs Authorized without a permit). In multiple tenant buildings, a separate permit shall be required for each business entity's sign(s). Separate building and electrical permits may be required for signs and will be determined on a case-by-case basis. Changing or replacing the copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign or render the sign in violation of the Article.

B. Application for a Sign Permit. Applications for sign permits shall be made in writing on forms furnished by Staff. The application shall contain:

1. Sign Permit Application Requirement. Applications for sign permits shall be made in writing on forms furnished by Staff. The application shall contain:

Rico Land Use Code Section 6.2 Sign Permit and Administration

- a. The location by street number and the legal description of the proposed sign structure;
- b. Names and addresses of the owner;
- a. 2 paper copies and one electronic copy of a drawing of the proposed sign at a minimum scale of 1"=1' including the dimensions, materials, and colors of the proposed sign structure. A certification by a structural engineer may be required by Staff for a freestanding or projecting sign
- b. Legible site plan which include the specific location of the sign and setbacks to adjacent property lines and buildings;
- c. Letter of agency if applicant is other than the owner of the property
- d. Sign permit fee and plan check fee as established by the current fee schedule. The applicant shall pay all costs billed by the Town of Rico relative to the review of the application.
- a. A graphic drawing or photograph of the sign copy;
- b. A description of the lighting to be used, if applicable;
- c. Proof of public liability insurance covering freestanding signs and projecting wall signs;
- d. A copy of the deed for the property or a written lease or permission from the property owner of the site on which the sign will be located;
- e. A Certificate of Mailing with names, addresses, and property owned of property owners within 200 feet of subject property.

2. Sign Permit Application Certification of Completion. Within a reasonable time of the date of application submission, Staff shall either certify the application is complete and in compliance of all submittal requirements or reject it as incomplete and notify the applicant in writing of any deficiencies.

3. Sign Permit Review Criteria. When Staff has determined the application to be complete, Staff shall schedule and notice a Rico Planning Commission meeting. The Rico Planning Commission shall review the sign permit in accordance with the established review criteria and has the authority to approve, approve with conditions or deny the sign permit. Upon Rico Planning Commission's approval of the sign permit, the sign permit and any building or electrical permits required for the sign shall be issued to the applicant.

C. Sign Permit Review Criteria. The following review criteria will be used by the Rico Planning Commission to evaluate all sign permit applications:

1. Sign meets requirements of this Article:

Rico Land Use Code Section 6.2 Sign Permit and Administration

2. Sign conforms to the requirements of the building and electrical code;
3. Sign conforms to the size, height, material and location requirements of the Zoning Code for the zoning district in which it is located;
4. Sign would not interfere with pedestrian or vehicular safety;
5. Sign would not be located so as to have a negative impact on adjacent property;
6. Sign would not detract from the pedestrian quality of street or area; and
7. Sign would not add to an over-proliferation of signs on a particular property or area.
8. Sign is compatible with the overall design and architecture of the zone district and does not detract from the zone district through the use of florescent or bright lights.

- D. Appeal of Sign Permit Denial or Approval with Conditions.** Any appeal of the Rico Planning Commission's denial of a sign permit or approval with conditions shall be made to the Board of Adjustments as provided in this RLUC.
- E. Waivers.** Any request for an increase in the maximum allowable area for a sign, or for signs not expressly permitted in these regulations, must be approved through a waiver granted by the Town of Rico Board of Trustees.

Rico Land Use Code Section 6.3 Enforcement

A. Illegal Signs.

1. Penalties. Illegal signs shall be subject to the administrative remedies of the Town of Rico Land Use Code.
2. Removal of illegal signs in the public right-of-way. The Town of Rico may cause the removal of any sign within the public right-of-way or on property that is otherwise abandoned that has been placed there without first complying with the requirements of this Article.
3. Storage of removed signs. Signs removed in compliance with this Section shall be stored by the Town of Rico for thirty (30) days, during which they may be recovered by the owner only upon payment to the Town for costs of removal and storage. If not recovered within the thirty (30)-day period, the sign and supporting structure shall be declared abandoned and title shall vest with the Town. The costs of removal and storage (up to thirty [30] days) may be billed to the owner. If not paid, the applicable costs may be imposed as a tax lien against the property.

- A. General Provisions.** The following types of signs are exempt from permit requirements of this Article and may be placed in any zoning district subject to the provisions of this Article. Such signs shall otherwise be in conformance with all applicable requirements contained in this Article. All such signs (except government signs) shall be located outside a street right-of-way. Signs shall not interfere with traffic signs or the sight distance triangle at intersections. Evidence of owner's permission to install sign may be required if the Town of Rico checks for the sign's compliance with this Article. All other signs shall be allowed only with permit and upon proof of compliance with this Article.
- B. Illumination Limitation.** Signs that are authorized by this Section shall only be illuminated by indirect lighting, except as specifically allowed within this Article.
- C. Authorized Sign Types.**
1. Public Sign. A sign of a noncommercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of duty, such as, but not limited to, a safety sign, danger sign, trespassing sign, traffic sign, memorial plaque, sign of historical interest, or informational sign. Specifically:
 - a. A government or other legally required poster, notice, and sign. Such sign may be off-premise.
 - b. A sign of public utility agencies or a construction contractor serving as a directional or safety aid, street sign, roadwork sign, etc.
 - c. Flags:
 - i. The United States or State of Colorado flag shall be flown and displayed in a manner whereby it is not construed as an attraction-gaining device for the advertising of a product or use, or in a manner to otherwise draw the attention of the traveling public to an establishment or sales office. Such display shall conform to the criteria established by the Ninety-fourth Session of Congress (94-344; SJ Resolution 49).
 - ii. Flags flown conjunction with the United States or State of Colorado flags.
 - iii. Non-governmental flags limited to one flag per parcel of land.
 2. Institutional Signs. A bulletin board for a public, charitable, or religious institution. Such sign shall not be over 15 square feet in area and shall be located in such manner as not to interfere with the vision of motorists.
 3. Integral Sign. A sign indicating the name(s) of a building, dates of erection, monumental citation, commemorative tablets, and the like, and made an integral part of the structure. Such sign shall not exceed six square feet in area, and shall be carved into stone, concrete, or similar material, or made of metal, bronze, aluminum, or other permanent type construction material.
 4. Private Traffic Direction Sign. Alley or rear entrance sign associated with pedestrian walk-through buildings shall not exceed six square feet in area, and shall be wall-mounted, identify only the name of the establishment, and contain directional information.

Rico Land Use Code Section 6.4 Signs Authorized without a Permit

5. Directional Identification Sign. If a building-mounted sign is not visible adjacent to that premise by pedestrians or by motorists parking their vehicles, a business may be listed on a directional identification sign.
 - a. The area of such sign shall not be included within the calculation of aggregate area authorized for an establishment or lot.
6. Residential Nameplate. Such signs shall not exceed one square foot in area, and shall only indicate the name of the occupant.
7. House Numbers or Address Numbers. Such signs shall not exceed one square foot in area.
8. Building Interior Sign. A sign located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, which is designed and located to be viewed by patrons, may be illuminated.
9. Small Signs. Such signs shall have an area of less than two square feet.

Rico Land Use Code Section 6.5 Signs for which a Permit is Required

- A. **General Provisions.** The requirements of this Section apply to signs in all zone district unless otherwise indicated.
- B. **Permits Required.** A sign permit shall be required for the placement and construction of all new signs, except as exempted in Section 6.4, Signs Authorized without Permit.
 1. The construction of a new sign shall include:
 - a. The alteration of sign faces by painting or overlay.
 - b. The erection, placement, moving, reconstruction, alteration, or display of a sign.
 - c. The painting of wall signs.
 2. Touching up or repainting existing letters, symbols, graphics, colors, etc., shall be considered maintenance and repair and shall not require a permit.
 3. No permit shall be issued for a proposed sign that is not in conformance with this Article.
- C. **Location.** All signs shall be located on the premises to which they refer, unless they qualify as an off-premise sign under the provisions of this Article.
- D. **Permanence.** All signs shall be permanent in nature except for those signs allowed in Division 3-6-3, Temporary Signs, or for street banners for which a permit has been issued through the Parks and Recreation Department.

Rico Land Use Code Section 6.5 Signs for which a Permit is Required

- C. Building and Fire Codes.** All signs shall meet adopted building and fire codes as applicable and as amended from time to time.
- D. Obsolete Signs.** Signs, which identify businesses, goods, or services no longer provided on the premises shall be removed by the owner or operator within 90 days after the business ceases to operate.

Rico Land Use Code Section 6.6 Signs in Specific Zone Districts

- E. General Provisions.** This Section identifies the signs allowed within specific zones for the uses permitted within the zones and sets forth special standards and procedures which apply in addition to standards and procedures which otherwise apply to or restrict off-premises signs.
- F. Residential, Open Space and Public Facilities Zone Districts.**
 - 1. The principal purpose of signing in residential zones is for the identification of buildings, subdivisions, and residences. Signing shall be as unobtrusive as practical. For these reasons, only indirect illumination is permitted.
 - 2. The purpose of signing in the public zone areas is for the identification of the structures, uses, and / or to give direction to structure / uses located off the primary travel-way or at a location other than where the sign is located (off-site). Signs in public areas shall be considered when reviewing a site plan for a development within the zone. Special standards or requirements may be required in addition to those set out in this Article.
 - 3. Freestanding, projecting, and wall signs are allowed.
 - 4. Design standards in accordance with this Land Use Code, regarding sign area, height, location, design, etc., shall apply.
- G. Commercial, Historic Commercial and Mixed Use Zone Districts.**
 - 1. The purpose of signing in nonresidential and mixed-use zones is to provide identification of business establishments providing services, goods, and / or products that are available on the premise where the sign is located.
 - 2. A secondary purpose of signing in these areas is to provide directions to an establishment located off the primary travel-way and for advertising services, goods, and / or products that are available at locations other than where the sign is located (off-premise).

Rico Land Use Code Section 6.6 Signs in Specific Zone Districts

3. Off-premise signs are only permitted in Commercial, Historic Commercial and Mixed Use zone districts; however, the sign area allocations shall be included in the computation of the aggregate area for the parcel of land upon which the sign is located.
4. Freestanding, projecting, and wall signs are allowed.
5. Design standards in accordance with this Land Use Code regarding sign area, height, location, design, etc., shall apply.

D. Residential and Commercial Planned Unit Development Zone Districts.

1. The purpose of signing in planned unit development zones is as set out in the Rico Land Use Code, as applicable to the type of development within the Planned Unit Development Zone Districts.
2. Signs shall be considered when reviewing a site plan for a development within a PUD zone district. Special standards or requirements may be required in addition to those set out in this Article.

Zone District & Sign Type	Maximum Area	Maximum Height
Residential, Open Space and Public Facilities		
Wall	4 Sq. Ft.	N.A.
Hanging	4 Sq. Ft.	No higher than the eave line or parapet wall of the principle and shall be a minimum of 8 ft. above grade and shall not project more than 4 ft. from the building except where the sign is an integral part of an approved canopy or awning
Free Standing	4 Sq. Ft.	12 ft. maximum height, 8 ft. minimum above grade
Commercial, Historic Commercial and Mixed Use		
Wall	18 sq. ft.	N.A.
Hanging	12 sq. ft. plus 6 additional sq. ft. for each additional 25 sq. ft. of frontage great than 25 sq. ft. with a maximum of 24 sq. ft.	No higher than the eave line or parapet wall of the principle and shall be a minimum of 8 ft. above grade and shall not project more than 4 ft. from the building except where the sign is an integral part of an approved canopy or awning
Free Standing		12 ft. maximum height, 8 ft. minimum above grade

Rico Land Use Code Section 6.6 Signs in Specific Zone Districts

Zone District & Sign Type	Maximum Area	Maximum Height
Residential Planned Unit Development		
Wall	4 Sq. Ft.	N.A.
Hanging	4 Sq. Ft.	No higher than the eave line or parapet wall of the principle and shall be a minimum of 8 ft. above grade and shall not project more than 4 ft. from the building except where the sign is an integral part of an approved canopy or awning
Free Standing	4 Sq. Ft.	12 ft. maximum height, 8 ft. minimum above grade
Commercial Planned Unit Development		
Wall	18 sq. ft.	N.A.
Hanging	12 sq. ft. plus 6 additional sq. ft. for each additional 25 sq. ft. of frontage great than 25 sq. ft. with a maximum of 24 sq. ft.	No higher than the eave line or parapet wall of the principle and shall be a minimum of 8 ft. above grade and shall not project more than 4 ft. from the building except where the sign is an integral part of an approved canopy or awning
Free Standing		12 ft. maximum height, 8 ft. minimum above grade

Rico Land Use Code Section 6.7 Prohibited Signs

- A. Prohibited Signs.** The following signs are inconsistent with the purposes and standards in this Article and are prohibited in all zoning districts.
1. Flashing rotating, blinking or moving signs, animated signs, signs with moving, rotating or flashing lights or signs that create the illusion of movement, except for time and temperature devices.
 2. Any sign that is erected in such a location as to cause visual obstruction or interference with motor vehicle traffic, or traffic-control devices including any sign that obstructs clear vision in any direction from any street intersection or driveway.

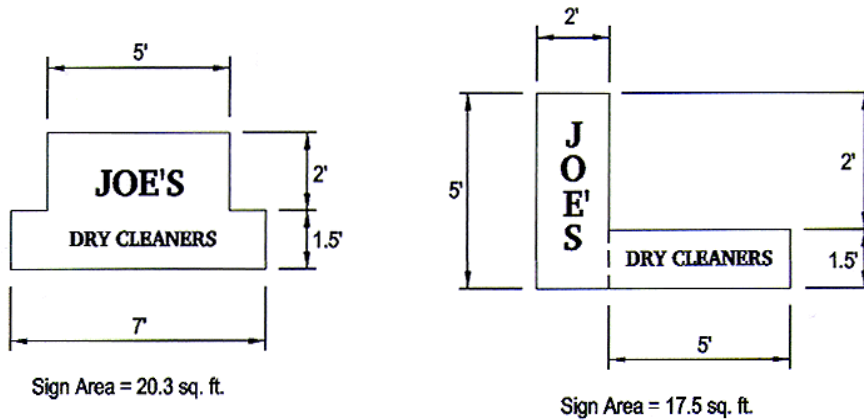
Rico Land Use Code Section 6.7 Prohibited Signs

3. Mechanical or electrical appurtenances, such as "revolving beacons", that are designed to compel attention.
4. Any sign other than traffic control signs erected, constructed, or maintained within, over or upon the right-of-way of any road or highway, except in the case of a sign for which a permit has been issued with the requirements of this Article.
5. Roof Signs.
6. Off-premise advertising signs or any other sign not pertinent and clearly incidental to the permitted use on the property where located, except for temporary subdivision directional signs and political signs, and except for signs permitted in Section 6.5.
7. Any sign which, interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder or opening intended as a means of ingress or egress or providing light or air.
8. Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign.
9. Vehicle- mounted signs, including but not limited to, signs painted on or attached to semi-trailers or cargo containers when exhibited on private property adjacent to public right-of-way for the purpose of advertising the business or services offered on the property. Vehicle-mounted signs used in connection with a special event are exempted from the requirements of this section during the duration of the special event only. Upon the conclusion of the special event, such signs must be dismantled. For the purposes of this subsection, the term special event shall mean a parade, circus, fair, carnival, festival, farmers' market or other similar event that is different in character from the customary or usual activities generally associated with the property upon which the special event is to occur.
9. Rotating signs.
10. Searchlights.
11. Inflatable freestanding signs or tethered balloons.
12. Fabric signs, flags, pennants or banners when used for commercial advertising purposes except as permitted in Section 7.4 (Exempt Signs).
13. Electronic message boards except governmental signs.
16. Any sign or sign structure which:
 - a. Is structurally unsafe;
 - b. Constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation;
 - c. Is not kept in good repair or is capable of causing electrical shocks to persons likely to come in contact with it.

17. Any sign or sign structure which:
 - a. In any other way obstructs the view of, may be confused with or purports to be an official traffic sign, signal or device or any other official sign;
 - b. Uses any words, phrases, symbols or characters implying the existence of danger or the need for stopping or maneuvering a motor vehicle;
 - c. Creates in any other way an unsafe distraction for motor vehicle operators; or
 - d. Obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare.
18. Signs on Marquees that are 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.
19. 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.

Rico Land Use Code Section 6.8 Measurement of Sign Area & Height

- A. **Sign Surface Area.** The area of a geometric shape enclosing any message, logo, symbol, name, photograph or display face shall be measured using standard mathematical formulas. Time and temperature devices shall not be included within the measurement of maximum sign area.
- B. **Sign Support.** Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.
- C. **Back-to-Back (Double Faced) Signs.** Back-to-back signs shall be regarded as a single sign only if mounted on a single structure, and the distance between each sign face does not exceed two (2) feet at any point.



SIGN AREA MEASUREMENT

Figure 6-1

- D. **Three-Dimensional Signs.** Where a sign consists of one or more three-dimensional objects (i.e. balls, cubes, clusters of objects, sculpture), the sign area shall be measured as their maximum projection upon a vertical plane. Signs with three-dimensional objects that exceed a projection of six (6) inches from the sign face may be approved in compliance with Section 7.2 (Creative Signs).
- E. **Wall Signs.** If a sign is attached to a wall, only that portion of the wall onto which the sign face or letters are placed shall be calculated in the sign area.
- F. **Sign Height.** The height of a sign shall be measured from the highest point of a sign to the ground surface beneath it. When berms are used in conjunction with signage, the height of the sign shall be measured from the mean elevation of the fronting street.

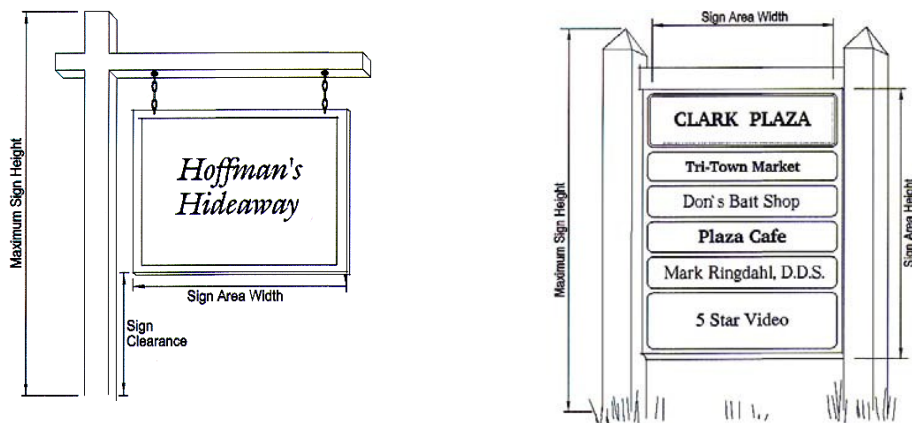


Figure 6-2

A. Design Compatibility.

1. Creative Design Encouraged. Signs shall make a positive contribution to the general appearance of the street and commercial area in which they are located. A well-designed sign can be a major asset to a building. The Town of Rico encourages imaginative and innovative sign design. The creative sign application procedure (Section ?) is specifically designed for artistic and unusual signs that might not fit the standard sign regulations and categories.
2. Proportionate Size and Scale. The scale of signs shall be appropriate for the building on which they are placed and the area in which they are located. Building signs shall be harmonious in scale and proportion with the building facade they are mounted to.
3. Sign Location and Placement.
 - a. **Visibility** - Signs shall not visually overpower nor obscure architectural features.
 - b. **Integrate signs with the building and landscaping** – Carefully coordinate the sign with the architectural design, overall color scheme and landscaping. Signs shall be designed to complement or enhance the other signs for a building.
 - c. **Unified sign band** – Whenever possible, signs located on buildings with the same blockface shall be placed at the same height, in order to create a unified sign band. Locate wall signs at the first floor level only for retail uses.

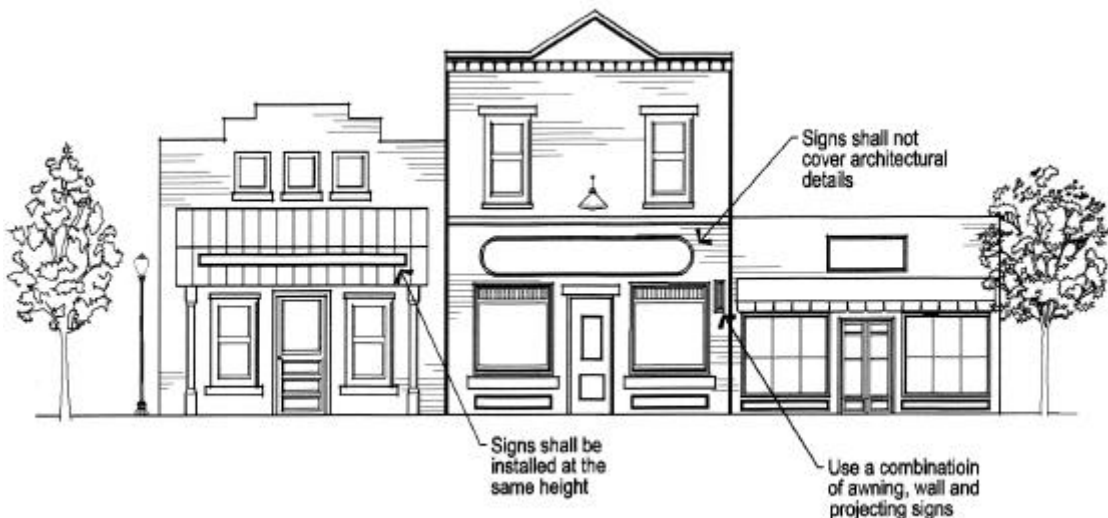


Figure 6-3

- d. **Monument Signs.** Locate monument signs in a planter setting within a landscaped area at the primary entries to residential, commercial and industrial subdivisions to provide an overall project identity. A maximum of one (1) monument sign per entry is permitted.

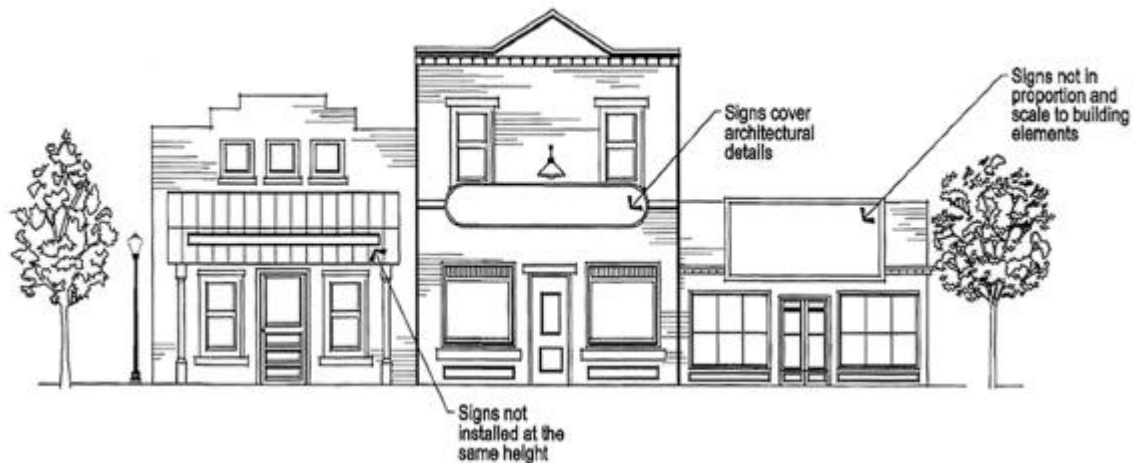


Figure 6-4

- e. **Pedestrian Oriented Signs.** Pedestrian-oriented signs are encouraged. It is desirable to include a pedestrian-oriented sign as one of the permitted signs for a business. These signs are designed for and directed toward pedestrians so they can easily and comfortably read the sign as they stand adjacent to the business.
 - f. **Road right-of-way.** No sign shall be erected within the road right-of-way or near the intersection of any road(s) or driveways in such a manner as to obstruct free and clear vision of motorists or pedestrians or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. Signs located at an intersection must be outside of the sight distance triangle.
4. **Landscaping.** Freestanding signs shall be landscaped at their base in a way harmonious with the landscape concept for the whole site. Landscaping shall form an attractive, dense cluster at the base of the sign that is equally attractive in winter and summer.



NOT THIS

Landscaping too sparse and poor visual base for sign



THIS

Berm and foundations plantings to relate to building treatment

Figure 6-4

5. Reduce Sign Impact. Because residential and commercial uses generally exist in close proximity, signs shall be designed and located so that they have little or no impact on adjacent residential neighborhoods. Small-scale signs are encouraged.



Figure 6-5

B. Colors.

1. Select Colors Carefully. Colors shall be selected to contribute to legibility and design integrity. Sign colors shall complement the colors used on the structures and the project as a whole. Colors or combinations of colors that are harsh and disrupt the visual harmony and order of the street are unacceptable.
2. Use Contrasting Colors. Provide a substantial contrast between the color and the material of the background and the letters or symbols to make the sign easier to read during both the day and night. Light letters on a dark background or dark letters on a light background are most legible.
3. Avoid Using too Many Colors. Colors or color combinations that interfere with legibility of the sign copy or that interfere with viewer identification of other signs shall be avoided.

C. Materials.

1. Signs shall be constructed of durable, high quality architectural materials. The sign package must use materials, colors and designs that are compatible with the building facade. Sign materials must be of proven durability. Treated wood, painted metal, stone, brick and stucco are the preferred materials for signs.

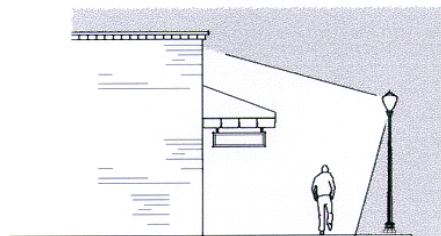
D. Legibility. Signs shall be adequately legible under the circumstances in which they are primarily seen. The legibility of signs is related to:

1. The speed at which they are viewed;
2. The context and surroundings in which they are seen; and
3. The design, colors and contrast of the sign copy and sign face.

4. The design of the sign including copy, lettering size and style, and colors shall logically relate to the average speed of the traffic which will see it. Signs shall legibly convey their messages without being distracting or unsafe to motorists reading them. Symbols and logos can be used in place of words whenever appropriate.

E. Sign Illumination.

1. Use illumination only if necessary.
2. Sign illumination shall complement, not overpower, the overall composition of the site.
3. Use a direct light source. All lighted signs shall have their lighting directed in such a manner as to illuminate only the face of the sign. When external light sources are directed at the sign surface, the light source must be concealed from pedestrians' and motorists' "lines of sight."
4. Signs must be illuminated in a way that does not cause glare onto the street and adjacent properties. Signs shall be lighted only to the minimum level for nighttime readability.
5. All lighted signs shall meet all applicable electrical codes and the electrical components used shall bear the label of an approval agency. Additionally, electrical permits shall be obtained for electric signs.
6. Flashing moving, blinking, chasing or other animation effects shall be prohibited on all signs except time and temperature signs.
7. Neon tubing is an acceptable method of sign illumination for window signs in commercial districts.
8. The use use of individually-cut, back-lit letter signs is encouraged.
9. No commercial sign within five hundred (500) linear feet of a pre-existing residential structure may be illuminated between the hours of 11:00 p.m. and 6:00 a.m. A residence shall be deemed "pre-existing" for purposes of this Section if it has a valid building permit in effect for construction of said structure or if construction of said structure was complete on or prior to the effective date of this Article.



USE OF EXISTING ILLUMINATION

Figure 6-6

Rico Land Use Code Section 6.9 Sign Design

5. All lighted signs shall meet all applicable electrical codes and the electrical components used shall bear the label of an approval agency. Additionally, electrical permits shall be obtained for electric signs.
6. Flashing moving, blinking, chasing or other animation effects shall be prohibited on all signs.
7. Neon tubing is an acceptable method of sign illumination for window signs in commercial districts.
8. The use use of individually-cut, back-lit letter signs is encouraged.
9. No commercial sign within five hundred (500) linear feet of a pre-existing residential structure may be illuminated between the hours of 11:00 p.m. and 6:00 a.m. A residence shall be deemed "pre-existing" for purposes of this Section if it has a valid building permit in effect for construction of said structure or if construction of said structure was complete on or prior to the effective date of this Article.

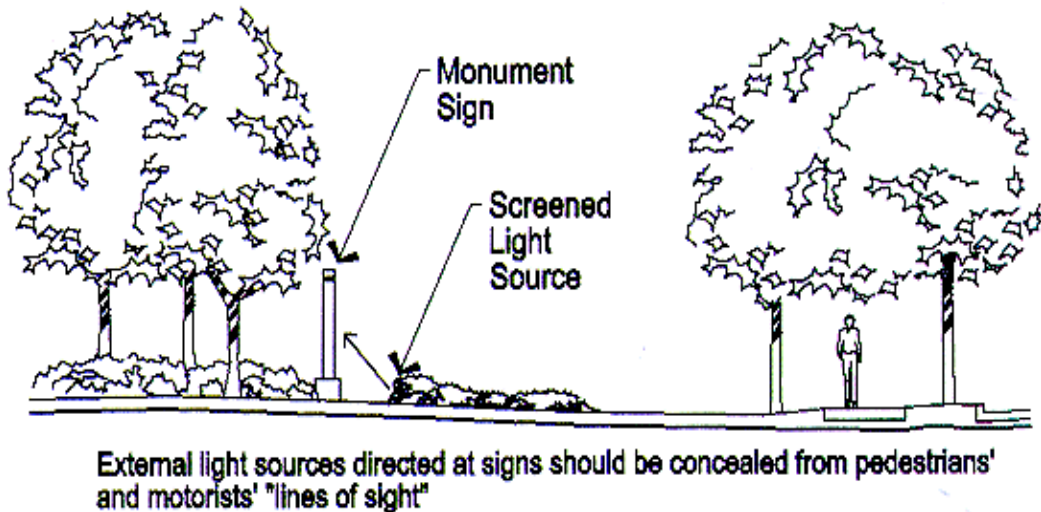


Figure 6-7

Rico Land Use Code Section 6.10 Installation & Maintenance

A. Installation.

1. All signs shall be mounted so that the method of installation is concealed.
2. Projecting signs shall be mounted so they generally align with others in the block.

Rico Land Use Code Section 6.10 Installation & Maintenance

3. All signs and all components thereof, including sign structures and sign faces, shall be kept neatly painted, in a good state of repair and in compliance with all building and electrical codes. The Town of Rico may inspect any sign governed by this Article and shall have the authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.
4. Owners of projecting signs extending over public right-of-way shall be required to maintain public liability insurance in an amount to be determined appropriate by the Town of Rico in which the Town is named as an "other insured."

B. Maintenance.

1. The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign, including any illumination sources in neat and orderly condition, and in a good working order at all times, and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign. The sign must also be in compliance with all building and electrical codes.
2. The owner of any sign regulated by this Article shall be required to keep signs and supporting hardware, including temporary signs and time/temperature signs structurally safe, clean, free of visible defects and functioning properly at all times. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.
3. The Town of Rico may inspect any sign governed by this Article and shall have the authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

Rico Land Use Code Section 6.11 Creative Design

A. Purpose. This Section establishes standards and procedures for the design, review and approval of creative signs. The purposes of this creative sign program are to:

1. Encourage signs of unique design, and that exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit; and
2. Provide a process for the application of sign regulations in ways that will allow creatively designed signs that make a positive visual contribution to the overall image of Rico, while mitigating the impacts of large or unusually designed signs.

B. Applicability. An applicant may request approval of a Sign Permit under the creative sign Program to authorize on-site signs that employ standards that differ from the other provisions of this Article but comply with the provisions of this Section.

C. Approval Authority. A Sign Permit application for a creative sign shall be subject to approval by the Planning Commission.

- D. Application Requirements.** A Sign Permit application for a creative sign shall include all information and materials required by the Town of Rico, and the filing fee.
- E. Design Criteria.** In approving an application for a creative sign, the Planning Commission shall ensure that a proposed sign meets the following design criteria:
1. Design quality. The sign shall:
 - a. Constitute a substantial aesthetic improvement to the site and shall have a positive visual impact on the surrounding area;
 - b. Be of unique design, and exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit; and
 - c. Provide strong graphic character through the imaginative use of graphics, color, texture, quality materials, scale, and proportion.
 2. Contextual criteria. The sign shall contain at least one (1) of the following elements:
 - a. Classic historic design style;
 - b. Creative image reflecting current or historic character of the Town/City.
 - c. Symbols or imagery relating to the entertainment or design industry; or
 - d. Inventive representation of the use, name or logo of the structure or business.
 - e. Architectural criteria. The sign shall:
 - f. Utilize and/or enhance the architectural elements of the building; and
 - g. Be placed in a logical location in relation to the overall composition of the building's facade and not cover any key architectural features/details of the facade.
 3. Architectural criteria. The sign shall:
 - a. Utilize and/or enhance the architectural elements of the building; and
 - b. Be placed in a logical location in relation to the overall composition of the building's facade and not cover any key architectural features/details of the facade.

Article VII – Areas of Environmental Concern

Section	Page
7.1 Statutory Authorization - General	4
7.2 Statement of Purpose - General	4
7.3 Lands to Which this Article Applies	4
7.4 Compliance	5
7.5 Abrogation and Greater Restrictions	5
7.6 Interpretation	5
7.7 Warning and Disclaimer of Liability	5
7.8 Development Permit	5
7.9 Designation of Local Official	6
7.10 Duties of Local Official - General	6
7.11 Variance Procedure	7
A. Appeal Board	7
B. Conditions for Variances	8
7.12 Definitions	9
7.13 Hazard Maps	17

Article VII – Areas of Environmental Concern

Section		Page
7.14	Floodplain Areas – Finding of Fact	17
7.15	Floodplain Areas – General Provisions	17
7.16	Floodplain Areas – Statement of Purpose	18
7.17	Floodplain Areas – Methods of Reducing Flood Losses	19
7.18	Floodplain Areas – Standards for Flood Hazard Reduction	19
	A. Anchoring	19
	B. Construction Materials and Methods	20
	C. Utilities	20
	D. Subdivision Proposals	20
7.19	Floodplain Areas – Specific Standards	21
7.20	Avalanche Areas – Specific Standards	22
7.21	Geological Hazard Areas – Specific Standards	22
7.22	Wildfire Hazard Areas – Specific Standards	22
7.23	Wetlands Hazard Areas – Specific Standards	22
	A. Intent	22
	B. Application	23
	C. Enforcement	23
	D. Wetland and Water Areas	23

Article VII – Areas of Environmental Concern

Section	Page
E. Buffer Zone	23
F. Review Procedure	24
G. Development Permit Submittal Requirements	24
H. Buffer Zone Measurement Standards	25
I. Reduction of Variable Outer Buffer Zone	26
J. Review Standards for Development Permits	26
K. Development Plan Practice Standards	27
L. Mitigation Plan	28
M. Standards for Mitigation Plan	28
7.24 Wildlife Areas – Specific Standards	29
A. Wildlife Habitat Areas	29
7.25 Mining Hazard Areas – Specific Standards	29
A. Remediation Activities	29
B. Areas at Risk of Mining Contamination	30
C. Areas of Prior Remediation	30

Rico Land Use Code Section 7.1 Statutory Authorization - General

The State Legislature has, in Section 31-23-301, C.R.S., delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

Rico Land Use Code Section 7.2 Statement of Purpose - General

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

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

1. To protect human life and health;
2. To protect valuable natural resources and minimize the potential impact and loss of natural resources that can occur by development activities; and,
3. To minimize expenditure of public money for costly environmental hazards and/or natural resource mitigation projects;
4. To minimize the need for rescue and relief efforts associated with environmental hazards generally undertaken at the expense of the general public;
5. To minimize prolonged business interruptions;
6. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of environmental hazards;
7. To help maintain a stable tax base by providing for the sound use and development of areas of special environmental hazard so as to minimize future flood blight areas;
8. To promote the awareness of property owners and potential buyers of the impacts, constraints and unique considerations of development and property ownership in areas that contain environmental hazards and natural resources; and,
9. To ensure that those who occupy the areas of natural hazard assume responsibility for their actions.

Rico Land Use Code Section 7.3 Lands to Which this Article Applies

This Article shall apply to all areas of hazards within the jurisdiction of the Town of Rico.

Rico Land Use Code Section 7.4 Compliance

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Article and other applicable regulations.

Rico Land Use Code Section 7.5 Abrogation & Greater Restriction

This article is not intended to repeal, abrogate or impair any existing easement, covenants or deed restrictions. However, where this Article and other ordinance, easement, covenant or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Rico Land Use Code Section 7.6 Interpretation

In the interpretation and application of this Article, all provisions shall be:

1. Considered as the minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

Rico Land Use Code Section 7.7 Warning & Disclaimer of Liability

The degree of environmental hazard protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods, avalanches and wildfires can and will occur on rare occasions. Flood heights and avalanche heights may be increased by man-made or natural causes. This Article does not imply that land outside the areas of hazards or uses permitted within such areas will be free from environmental damages. This Article shall not create liability on the part of the Town of Rico or any officer or employee thereof, for any damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

Rico Land Use Code Section 7.8 Development Permit

A development permit shall be obtained before construction or development begins within any area of hazard established in this RLUC. Application for a development permit shall be made on forms furnished by the Town of Rico manager, and may include but not be limited to: plans drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, and drainage facilities; and the location of the foregoing.

1. Floodplains. Specifically, the following information is required:
 - a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
 - b. Elevation in relation to mean sea level to which any structure has been flood-proofed;

Rico Land Use Code Section 7.8 Development Permit

- c. Certificate by a professional engineer licensed in the State of Colorado that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria.
 - d. If applicable, a description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- 2. Avalanche Hazard. Specifically the following information is required:
 - a. A site plan generated by a Land Surveyor or Engineer licensed in the State of Colorado showing area of possible avalanche encroachment on to the lot. Proposed construction should allow an adequate setback from the area in which the avalanche may encroach.
- 3. Wetlands Areas. Specifically the following information is required:
 - a. Site plan generated by a Land Surveyor or Engineer licensed in the State of Colorado showing areas of jurisdictional wetlands. Development activities in jurisdictional wetlands require a permit from the Army Corp. of Engineers.
- 3. Soil Hazard Areas. Specifically the following information is required:
 - a. Current testing of levels of lead. Levels must fall below 1100 ppm for residential uses and 1700 ppm for other uses. If lead level exceed those levels, remediation protocol as described in Exhibit E must be enacted.

Rico Land Use Code Section 7.9 Designation of Local Official

The Town of Rico Manager and/or the Manager's representative is hereby appointed to administer and implement this Article by reviewing and making recommendations to the Rico Planning Commission and the Rico Board of Trustees regarding development permit applications in accordance with its provisions.

Rico Land Use Code Section 7.10 Duties of the Local Official - General

- 1. Permit Review:
 - a. Review all development applications to determine that all necessary permits have been obtained from federal, state or local governmental agencies from which prior approval is required; and
 - b. Review all development permits to determine if the proposed development adversely affects the area of hazard. For purposes of this Article, adversely affects means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point, increase the risk of avalanche damage to existing development, diminish the quality of wetlands areas or increase the spread of soil contaminated with mine waste.

A. Appeal Board.

1. The Board of Adjustment shall hear and decide appeals and requests for variances from the requirements of this Article.
2. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Rico Town Manager and/or his or her agent in the enforcement or administration of this Article.
3. Those aggrieved by the decision of the Board of Adjustment may appeal such decisions to the County District Court, as provided in Section 31-23-307, C.R.S or Rule 106 of the Colorado Rules of Civil Procedure.
4. In passing upon such application, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Article, and:
 - a. The potential for injury to persons or property of others from materials including structures, equipment, vehicles or other property being carried, swept or otherwise moved from the applicants property;
 - b. The danger to life and property due to flooding, avalanche damage, wetlands destruction, increased likelihood of soil contamination or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood and avalanche damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding, avalanche, wetlands destruction, soil contamination or erosion damage;
 - g. The compatibility of the proposed use with the existing and anticipated development;
 - h. The relationship of the proposed use to the Rico Regional Master Plan and floodplain management program, avalanche mitigation, wetlands restoration and soil contamination mitigation for the area;
 - i. The safety of access to the property at times of emergencies for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - k. The costs of providing governmental services during and after flooding or avalanches, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

- l. Upon consideration of the factors and the purposes of this Article, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Article.
- m. Upon consideration of the factors and the purposes of this Article, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Article.
- n. The Town manager, through his or her department, shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency, the Army Corp of Engineers and the Colorado Department of Health and Environment.

B. Conditions for Variance.

- 1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the flood base level, provided that items a through k in Subsection A.4 above have been fully considered. As the lot size increases beyond one-half (1/2) acre, the technical justifications required for issuing the variance increase.
- 2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Section.
- 3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- 4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the hazard, to afford relief.
- 5. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, or cause fraud on or victimization of the public as identified in this article or conflict with existing local laws or ordinances.
- 6. Floodplain Hazard. Any applicant to whom a variance for floodplain hazard is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- 7. Wetlands. Any applicant to whom a variance for wetlands hazard is granted shall be given written

Rico Land Use Code Section 7.11 Variance Procedure

notice that development in areas that impact wetlands areas must have the appropriate 404 permit issued by the Army Corp of Engineers and must provide mitigation as required the Army Corp of Engineers.

6. Avalanche Hazard. Any applicant to whom a variance for avalanche hazard is granted shall be given written notice that development in areas that pose potential hazards to property and persons, the applicant and property owner must submit a written report analyzing the improvements or structure for the subject property. The report must be prepared and signed by an engineer licensed in the State of Colorado; and, the applicant shall provide certification from an engineer licensed in the State of Colorado stating that the proposed improvement or structure is designed to withstand the potential hazards, or that the recommended mitigation is feasible and adequate to protect persons and property from the potential hazards.
6. Soils Hazard. Any applicant to whom a variance for soils hazard mitigation requirements must supply a document from the Colorado Department of Health and Environment stating that the development activities for which a variance is requested will pose no additional health risk to the general public and will not increase the dissemination of contaminated soils to other areas of the Town of Rico.

Rico Land Use Code Section 7.12 Definitions

Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this Article its most reasonable application:

100-Year Flood. A flood having a recurrence interval that has a one-percent chance being equaled or exceeded during any given year (1 percent annual chance flood). The terms “one hundred year flood” and the “one percent chance flood” are synonymous with term “100 year flood.” The term does not imply that the flood will necessarily happen once every one hundred years.

100-Year Floodplain. The area of land susceptible to being inundated as a result of the occurrence of a one-hundred year flood.

500-Year Flood. A flood having having a recurrence interval that has a 0.2 percent chance being equaled or exceeded during any given year (0.2 percent annual chance flood). The terms “five hundred year flood” and the “0.2 percent chance flood” are synonymous with term “500 year flood.” The term does not imply that the flood will necessarily happen once every five hundred years.

500-Year Floodplain. The area of land susceptible to being inundated as a result of the occurrence of a five-hundred year flood.

Addition. Any activity that expands the enclosed footprint or increases the square footage of an existing structure

Alluvial Fan Flooding. A fan shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvia) deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

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Appeal. Appeal means a request for a review of the Town's interpretation of any provision of this Article or a request for a variance.

Area of Shallow Flooding. A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding characterized by ponding or sheet flow.

Area of special flood hazard. Area of special flood hazard means the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year.

Avalanche Zone – High. The high hazard avalanche zone represents an area that includes frequent avalanches (less than 30-year average return period and areas where the design-magnitude avalanche impact pressures exceed 600 pounds per square foot on a flat surface normal to the flow direction.

Avalanche Zone – Moderate. The moderate hazard avalanche zone represents an area of low frequency avalanche and moderate to low impact pressures.

Avalanche Zone – Low. The low hazard avalanche zone represents an area with average return periods of 300 years or longer and where powder avalanche impacts are expected to be non-destructive.

Base Flood Elevation (BFE). The elevation shown on a FEMA flood insurance Rate Map for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, VJ-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Base flood. Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

Basement. Basement means that portion of a building located partially or wholly underground having fifty percent (50%) or more of its floor to ceiling height below the average pre-existing grade of the adjoining ground.

Channel. The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometrics.

Channelization. The artificial creation, enlargement or realignment of a stream channel.

Code of Federal Regulations. The codification of the general and permanent Rules published in the Federal Register by the executive department and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.

Community. Any political subdivision of the State of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to cities, towns, unincorporated areas in the counties, Indian tribes, and drainage and flood control districts.

Conditional Letter of Map Revision (CLMR). FEMA'S comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Critical Facility. A structure or related infrastructure, but not the land on which it is situated such that, if flooded, may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

Critical feature. Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DFIRM Database. Database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

Digital Flood Insurance Rate Map (DFIRM). FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Elevated Building. A non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Existing Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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Federal Register. The official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents

FEMA. Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) The overflow of water from channels and reservoir spillways; 2) The unusual and rapid accumulation or runoff of surface waters from any source; or 3) Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood Insurance Rate Map (FIRM). An official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

Floodplain or Flood Prone Area. Any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain Administrator. The community official designated by title to administer and enforce the floodplain management regulations.

Flood Control Structure. A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodplain Development Permit. A permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this floodplain management ordinance.

Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood Proofing. Any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (Regulatory Floodway). The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Freeboard. The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Functionally Dependent Use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure. Any structure that is: 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

Letter of Map Revision (LOMR). FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

Letter of Map Revision Based on Fill. FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Levee. A man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

Levee System. A flood protection system which, consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured Home. A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Material Safety Data Sheet (MSDS). A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill handling procedures.

Mean Sea Level. For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations are shown on a community's Flood Insurance Rate Map.

National Flood Insurance Program. FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

New construction. New construction means structures for which the start of construction commenced on or after the effective date of this Article.

New Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

No Rise Certification. A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

Physical Map Revision (PMR). FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

Program deficiency. Program deficiency means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the NFIP standards in §§ 60.3, 60.4, 60.5 or 60.6.

Remedy a violation. Remedy a violation means to bring the structure or other development into compliance with state or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Article or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Riparian Zones. Riparian zones are the areas bordering rivers and other bodies of surface water.

Start of Construction. The date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its "before damaged condition" would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "Start of Construction" of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred "Substantial Damage" regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions, or
- b. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure"

Threshold Planning Quantity (TPQ). A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

Variance. A grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations).

Violation. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation. The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Wetlands. Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Rico Land Use Code Section 7.13 Hazard Maps

The wetlands hazard map is a digital rendition of maps that were produced by Patrick Drew and Foley Associates in a document called "Inventory of Wetlands and Riparian Areas within the Town of Rico Urban Growth Boundary" which is available for review at the Rico Town Hall. Portions of the Rico Avalanche Hazard Map were updated according to new information supplied by Chris Wilbur P.E. in May of 2018. All other Rico Hazard Maps are digital renditions of maps produced by Chris Wilbur P.E., Doug Bradley and Foley Associates the documentation of which is included below. All hazard and constraint boundaries are approximate. Lots that fall within the hazards are subject to Environmental Development Permits as defined by the Rico Land Use Code. Lots that include flood plain areas and wetland areas may be subject to federal regulations. Lots that fall within the Soils/Mining Hazard Map are subject to remediation protocol and may be subject to review by the Colorado Department of Health and Environment. Additional information regarding soil contamination has been provided by Formation Environmental.

Rico Land Use Code Section 7.14 Floodplain Areas Finding of Fact

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

Rico Land Use Code Section 7.15 Floodplain Areas General Provisions

- A. Lands to which this provision applies.** These provisions shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of The Town of Rico, Colorado.
- B. Basis for establishing the special flood hazard area.**
1. The Special Flood Hazard Areas identified by the Federal Emergency Management Agency with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM), and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.
 2. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this ordinance and may be supplemented by studies designated and approved by the Town of Rico, Colorado, in compliance with applicable State and Federal laws.
 3. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.

Rico Land Use Code Section 7.15 General Provisions

- C. Compliance.** No structure or land shall hereafter be located, altered, or have its use changed within the Special Flood Hazard Area without full compliance with the terms of this ordinance and other applicable regulations. Nothing herein shall prevent the Town of Rico, Colorado from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board (CWCB) and the National Flood Insurance Program (NFIP).
- D. Abrogation and General Restrictions.** This RLUC is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, nor deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- E. Interpretation.** In the In the interpretation and application of this ordinance, all provisions shall be
1. Considered minimum requirements
 2. Liberally construed in favor of the governing body; and
 3. Deemed neither to limit nor repeal any other powers granted under State statutes

Rico Land Use Code Section 7.16 Floodplain Areas Statement of Purpose

1. It is the purpose of this Article to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:
 - a. To protect human life and health;
 - b. To minimize expenditure of public money for costly flood control projects;
 - c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - d. To minimize prolonged business interruptions;
- d. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- e. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- f. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- g. To ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

Rico Land Use Code Section 7.17 Floodplain Areas Methods of Reducing Flood Losses

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

1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Rico Land Use Code Section 7.18 Floodplain Areas – Standards for Flood Hazard Reduction

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and to withstand hydrodynamic loads.
2. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:
 - a. Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side;
 - b. Frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;
 - c. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
 - d. Any additions to the manufactured home shall be similarly anchored.

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. For all new construction and substantial improvements, fully enclosed areas below the lowest floor automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

C. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
4. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. New Construction and Subdivision Proposals.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 8.7 or Section 8.14 A.2, the following provisions are required:

1. Residential Construction. All new construction and Substantial Improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

Rico Land Use Code Section 7.19 Floodplain Areas – Specific Standards

1. **Nonresidential Construction.** With the exception of Critical Facilities, all new construction and substantial improvements of non-residential structures, must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado Professional Engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article IV (C), are satisfied. Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures and shall:
 - a. Be flood-proofed so that, below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - c. Provide that where a nonresidential structure is intended to be made watertight below the base flood level:
 - i. A registered professional engineer shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the application provisions of Section 8.14 A.3.c.ii above; and
 - ii. A record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are flood-proofed shall be maintained with the official designated by the community under Section 8.14 A.3.c.ii above.

Rico Land Use Code Section – 7.20 Avalanche Areas – Specific Standards

1. No new or expanded dwelling units or residential structures shall be allowed in areas of High Avalanche Hazard, which are defined as an area that includes frequent avalanches (less than 30-year average return period and areas where the design-magnitude avalanche impact pressures exceed 600 pounds per square foot on a flat surface normal to the flow direction.
2. No critical facilities, such as schools, hospitals, medical clinics, emergency service facilities shall be located in avalanche areas of moderate hazard defined as an area of low frequency avalanche and moderate to low impact pressures. In these areas all proposed structures, improvements and other development activities must receive certification from an engineer licensed in the State of Colorado stating that the proposed development is designed to withstand the potential avalanche force; and,

Rico Land Use Code Section 7.20 Avalanche Areas – Specific Standards

3. Proposed critical facilities located in low hazard avalanche zone areas, which are defined as areas with average return periods of 300 years or longer and where powder avalanche impacts are expected to be non-destructive shall be designed for 300-year average return period avalanches.

Rico Land Use Code Section 7.21 Geologic Hazard Areas – Specific Standards

A. Geologic Hazards including Landslides, Rock Falls, Steep Slopes and Unstable Slope Areas.

1. All proposed structures, improvements and other development activities associated with Subdivision and PUD applications must receive certification from an engineer licensed in the State of Colorado stating that the proposed activity is designed to withstand the potential hazard and will not increase hazards to adjacent or nearby properties, structures, or improvements;
2. Protective vegetation removal should be avoided where practical and shall be accompanied by a feasible revegetation plan which includes the type and quantity of revegetation, cost estimate, and time frame for implementation;
3. Water shall not be added to the site which would decrease the site's stability;
4. Excavations shall not remove the toe of slopes without adequate mechanical support and shall not increase hazards to adjacent or nearby properties, structures, or improvements; and,
5. Excavations shall utilize debris fences where appropriate to protect lower elevation properties from rock fall.

Rico Land Use Code Section 7.22 Wildfire Hazard Areas – Specific Standards

1. In areas of Moderate and Severe Wildfire Hazard roof coverings shall be of a non-combustible material such as metal or tile.
2. In areas of Severe Wildfire Hazard a minimum 15 foot fire break shall be maintained between all combustible structures and vegetation by removing evergreens, thinning vegetation, and removing brush.
3. Areas of defensible space should be maintained around structures as recommended by “Protecting Your Home from Wildfire: Creating Wildfire-Defensible Zones” available at https://static.colostate.edu/client-files/csfs/pdfs/FIRE2012_1_DspaceQuickGuide.pdf

Rico Land Use Code Section 7.23 Wetlands Hazard Areas – Specific Standards

- A. Intent.** These Wetland Protection Regulations are enacted to protect the vital, beneficial functions and values of wetlands and water areas within Rico. These regulations do not replace or supersede any other applicable federal laws or regulation. This is to be accomplished by requiring that a permit be obtained for development

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

- B. Application.** The requirements of these Wetland Protection Regulations shall apply to all site development activity within a water area, wetland, or buffer zone, including site clearing, grading, excavation, and the placement of material, including without limitation any soil, sand, gravel, mineral, aggregate, organic material, or the storage of plowed snow. A Disturbance Permit is required for any site development in wetland areas, rivers, streams, ponds, lakes, or other water areas in the Town of Rico, or within the buffer zone associated with such wetland or water areas.
- C. Enforcement.** In addition to other fines and penalties established herein for violations of this Code, the Town may seek an injunction requiring complete restoration of any area disturbed in violation of these Wetland Protection Regulations, or payment in lieu of restoration or mitigation at the rate established in these Wetland Protection Regulations, and may issue stop work orders, withhold any further permits for site development, and cease the processing of any site development applications related to the property, project, or owner that violates the provisions of these Wetland Protection Regulations.
- D. Wetland and Water Areas.** Preservation of wetland and water areas serves to prevent water quality degradation of the Dolores River and its tributaries; to protect ecosystems, aquatic habitats, and wildlife habitats, especially habitats for state or federally designated endangered and threatened species; to preserve ground water recharge functions; and, to preserve existing natural flood plain control.
- E. Buffer Zone.** The buffer zone serves as an ecological transition zone from uplands to wetlands and water areas which is an integral portion of the wetland and water area ecosystems. Specifically, buffer zones can provide:
1. A temporary refuge for wetland fauna during high water episodes;
 2. A habitat area for activities such as breeding, spawning, nesting and wintering for migrating, endangered, commercially and recreationally important wildlife;
 3. An area to accommodate slight variations in wetland and water area boundaries over time due to hydrologic and climatologic effects;
 4. A remediation and filtration area to remove and store nutrients, sediments, petrochemicals, pesticides, debris and other pollutants as they move from the upland towards the wetlands and water areas;

5. A buffer area to keep disturbances at a distance from wetland and water areas, thus reducing the impact of noise, traffic, and other direct and indirect human impacts on wetland species;
6. A corridor area which facilitates the movement of wildlife to and from wetland and water areas and from and to uplands, streams and other waterways; and,
7. A sediment and storm water control area to reduce the adverse effects of development or disturbance upon wetland and water areas.

F. Review Procedure. A permit from the Army Corp of Engineers may be required for any any work, including construction and dredging in wetlands. For more information about the Army Corp permitting requirements and processes, please visit <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>. For activities that involve the fill of wetland areas, evidence of compliance acceptance of the Plan by the U.S. Army Corp of Engineers. Development Permits in wetland areas and buffer zone areas shall be reviewed and decided by the reviewing entity and by the process for the development application as otherwise designated in this RLUC and such review may be consolidated with other development applications and procedures as appropriate. The notice and public hearing requirements shall follow the requirements for the development application. Comments regarding compliance with the review standards in these Wetland Protection Regulations shall be considered at any public hearings required by the site development application. In the case of development applications which are reviewed and approved by the Town Manager or Planner, the Applicant for a permit under these Wetland Protection Regulations may appeal the decision of a lower reviewing official or board to the Board of Adjustments in accordance with the procedures for Variances.

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

1. Boundary Map. A map or diagram separately depicting the boundary of water areas, wetlands, and riparian areas, depicting the boundary of the restrictive inner buffer zone from water areas and wetlands, depicting any site specific triggers for a variable outer buffer zone listed in Section? and depicting the boundary of the proposed disturbance in wetland areas, water areas and buffer zone areas.
2. Proposed Disturbance. A description of the proposed activity causing disturbance, including the amount, location, and acreage of water area or wetland fill, removal, or other alteration proposed, and location and extent of proposed disturbance in the buffer zone.
3. Grading Plan. A grading and erosion control plan, utilizing soil stabilization measures and practices to minimize the impacts of the proposed disturbance described in section? including a timeframe for installation of erosion control measures.
4. Re-vegetation Plan. Plan showing quantity and type of plant material to be used for re-vegetation, time frame for re-vegetation, and proposed soil stabilization measures.

5. Mitigation Plan. A plan to mitigate the impacts of proposed fill of water areas or wetlands showing the proposed on-site restoration improvements, including information of those wetland areas to be restored and/or created, in accordance with 828.
6. Alternative Analysis. A statement and analysis of any practicable on-site development configuration alternatives to the proposed development activity causing disturbance which reduce or avoid such disturbances, including reduction in the scale of the proposed development.
7. Army Corps. For activities that involve the fill of wetland areas, evidence of compliance acceptance of the Plan by the U.S. Army Corp of Engineers.

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

1. Grandfather Clause. Ten (10) feet. The total buffer zone from wetland and water areas shall be ten feet for single family residential subdivisions that have received final subdivision approval from the Town of Rico, and have had a final subdivision plat recorded in the County Clerk and Recorder's office, on or prior to the first day of January, 2003.
2. Restrictive Inner Buffer. Twenty-Five (25) Feet: The buffer zone from water areas and wetlands for any development application that is not subject to the grandfather clause in subsection (1) above shall be twenty-five (25) feet.
3. Variable Outer Buffer Zone. Zero to Seventy-Five (0-75) Feet: The variable outer buffer zone for any site is an additional buffer zone beyond the restrictive inner buffer; however, the variable outer buffer zone shall not apply to man-made and artificial ponds. The width of the variable outer buffer zone may be undulating across a piece of property in order to provide protection to site specific features. The width of the variable outer buffer zone shall be determined by the Watershed Protection Plan; or, if not yet completed and adopted, the variable outer buffer zone shall be determined on a site specific basis with the property owner during the site development application review process subject to the following standards and process. Site specific features within one hundred (100) feet of the water area or wetland boundary, or adjacent land uses that trigger the need for an outer buffer zone are listed below. After the initial determination of the presence of site specific features that trigger the need for an outer buffer zone, the use of Best Management Practices shall be considered under 827 below to reduce the width of the variable outer buffer zone.
4. Riparian Areas. The outer buffer zone shall be coincident with the outermost extent of riparian areas.
5. Threatened and Endangered Species. The presence of occupied functional habitat for plant and animal species listed by the State of Colorado or United States as threatened or endangered shall result in an outer buffer zone of 25" to 75" from such habitat.

10. Erodable Soils. Where soils adjacent to water areas or wetlands with an erosion “k” factor of 0.25 or greater, as determined by the Natural Resources Conservation Services (“NRCS”) or other qualified expert, exists the outer buffer zone shall be coincident with the area of such soils within 100’ of such water area or wetland.
11. Unstable Streambank. Conditions. Where horizontal or vertical degradation beyond natural levels of river and stream banks exists, the outer buffer zone shall be 25’.
12. Hazardous Materials. Where the proposed use of property presents a special hazard to water quality due to storage, handling, or use of hazardous or toxic materials, chemical fertilizers or pesticides, not including residential uses, the outer buffer zone shall be 100’.
13. Stormwater Permit. Where the proposed land use involves commercial or industrial uses that require a CDPS stormwater permit (SIC-based), the outer buffer zone shall be 100’.
14. Impervious Area. Where the proposed site development would create 40% or more impervious surfaces for any one acre area within the potential buffer zone area (including restrictive inner and potential variable outer buffer zone), the outer buffer zones shall be 100’.
15. Poor Vegetative Cover. Where vegetative cover of less than 30% for any ½ acre exists within 100’ of a water area or wetland, the outer buffer zone shall be 50’.

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

1. Reduction of sediment inflows to water areas or wetlands.
2. Regulation of nutrient and organic matter input into water areas and wetlands.
3. Reduction of hazardous or toxic material inflows into water areas or wetlands.
4. Attenuation of stormwater/snowmelt flows into water areas and wetland (including changing concentrated flows into sheet flows).
5. Habitat for water area or wetland organisms or organisms that use water areas and wetland.
6. Groundwater recharge area which, helps support a water area or wetland.

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

- K. Development Plan Practice Standards.** A development permit for site development in a wetland area, water area or associated buffer zone include a plan that meets the following standards for development practices to the extent practicable.
1. Disturbed wetland soils shall be retained for on-site revegetation, on-site mitigation, or off-site mitigation, as set forth in the Development Permit;
 2. Site development in wetland, water areas, and buffer zones shall be confined to the designated boundaries of the Development Permit;
 3. Appropriate erosion and siltation controls must be utilized. Areas not meant for development shall be protected with silt fence, snow fence, or other such barriers, and all exposed soil and other fill shall be permanently stabilized at the earliest practicable date;
 4. Grading and construction shall be timed to minimize soil exposure to heavy run-off and rainy periods;
 5. Runoff from impervious surfaces such as walkways, parking areas and driveways shall be detained and infiltrated;
 6. The grade of exposed slopes shall be minimized and erosion shall be controlled by utilizing mulching, erosion control blankets, barriers, such as straw bale dikes and silt fencing, and other appropriate means;
 7. Runoff velocities shall be maintained to prevent high erosion by using flow barriers (i.e., vegetation, rip-rap, etc);
 8. Drainage ways and outlets shall be protected from increased flows;
 9. On-site sediment shall be trapped by using check dams, temporary diversions, detention basins, straw bales, silt fences, or other appropriate means;
 10. Disturbed areas shall be revegetated with native vegetation or other appropriate vegetation acceptable to Town;
 11. Existing hydrologic flow shall be maintained through the site through the use of culverts, French drains, or other devices;
 12. Cut and fill shall be minimized;
 13. Heavy equipment working within a wetland area shall use measures to minimize soil disturbance;
 14. Security in the amount of one hundred twenty five percent (125%) of the written estimated cost of the disturbance plan measures shall be provided;
 15. Any other appropriate measure as deemed necessary by the reviewing entity shall be followed;

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

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

1. The amount, location, and acreage of wetland fill, removal, or other alteration proposed on the proposed development site. In the case of encroachment in the buffer zone the extent of that encroachment must be shown.
2. Detailed plans showing the proposed wetland areas to be restored or created, the hydrology supporting the wetland areas and maintenance of such hydrology, the location of those improvements including information on the timing of the proposed mitigation.
3. Authority to conduct mitigation measures at the proposed site.
4. A grading and erosion control plan, utilizing the soil stabilization measures and practices described in Section?.
5. A revegetation plan, planting schedule, and monitoring scheduling prepared by an engineer or scientist trained in wetlands mitigation;
6. Security in the amount of one hundred twenty-five percent (125%) of the estimated cost of the mitigation.

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

1. Wetland restoration, enhancement, or creation should be considered on-site first, then in the close proximity to the impacted wetland area, or may be permitted at a wetland mitigation bank acceptable to Town. The location of wetland mitigation should be able to provide an equivalent function and purpose as the degraded wetlands.
2. The wetland mitigation plan should provide the functional equivalent of the impacted wetland area in relationship to the purposes stated in Section? above to the extent that such functions and values can be practically replicated. Restored or created wetlands in a Mitigation Plan are preferred to be in close proximity to the impacted wetlands and of similar type and function as the impacted wetlands. In the case where wetlands creation and establishment for mitigation will occur after the degrading wetlands, the required ratio of new wetlands to degraded wetlands may be two to one, or greater as determined by Town.
3. Wetland restoration, enhancement, or creation should use transplanted wetland vegetation and topsoil from the impacted wetland area, if feasible and appropriate, or must use nursery stock approved by Town.
4. The location of wetland mitigation should be contiguous to existing wetland or water areas or identified wildlife habitats or corridors where possible.

Rico Land Use Code Section 7.23 Wetland Hazard Areas – Specific Standards

5. The proposed wetland mitigation area should provide a protected buffer zone area that meets the purposes in Section? and setbacks in Section?.
6. The location and quality of wetland mitigation should be in compliance with the Rico Regional Master Plan and the Watershed Protection Plan.
7. Payment in lieu of mitigation may be acceptable for wetland mitigation banking programs which are approved by the Town. Payment in lieu of mitigation is considered more appropriate for minor degradation of wetland areas, such as driveway, street, and utility construction.

Rico Land Use Code Section 7.24 Wildlife Areas – Specific Standards

- A. Wildlife Habitat Areas.** Development in areas that have value as wildlife habitat should consider the following:
1. High impact activities, including, but not limited to, commercial, industrial, and road construction, should avoid Wildlife Habitat Areas where technically possible;
 2. Residential development shall be clustered to minimize wildlife habitat impacts;
 3. Removal of native vegetation shall be minimized;
 4. Water holes, springs, seeps, marshes, ponds, and watering areas shall be preserved and protected with a 100 foot buffer; and,
 5. Mesh and woven fences shall be prohibited and no fences shall be allowed which exceed 42 inches in height, except to protect vegetable and flower garden areas from animals, provided a natural avenue for the animals egress and access is available.

Rico Land Use Code Section 7.24 Mining Hazard – Specific Standards

- A. Remediation Activities.** Like many Colorado mining towns, Rico has experienced environmental degradation that occurred as the result of mining activities. Some clean-up has already been completed including the following:
1. Assessment of known environmental conditions, and sampling and analysis of soils to document the distribution of lead in soils in many parts of the Town of Rico.
 2. Determination of risk and development of a risk-based action levels, which have been determined by the Colorado Department of Health and Environment to be 1100ppm for residential uses and 1700ppm for commercial and other uses.
 3. Clean-up of 78 improved in-town residential and commercial properties determined by sampling to have lead in soils above the respective action levels for residential and commercial land use. These properties are shown on a map included as an appendix to this Rico Land Use Code.

4. Reclamation of the Van Winkle Mine Site, the Grand View Smelter Area, the Atlantic Cable Mine, the Pro Patria Tailings, the Santa Cruz Mine Area, the Colombia Tailings Area and the Silver Swan Mine Area.
- B. Areas At Risk of Mining Contamination.** Areas that are still at risk of mining contamination as shown on the Soil Hazard Map are subject to Development Permit requirements and soils testing. Risk shall be assessed by lead concentration tests and areas that exceed the 1100ppm for residential uses and 1700ppm remediation protocol as outlined in Appendix D.
- C. Areas of Prior Remediation.** Development that takes place on lots that have been remediated as a part of the initial voluntary clean-up agreement are subject to remediation protocol outlined in Appendix D.

Article VIII – Developed Campgrounds

Section		Page
8.1	Location of Developed Campgrounds/Recreational Vehicle Parks	5
	A. Permitted Locations	5
	B. Locations not Permitted	5
8.2	Definitions	5
8.3	Campground Development Standards	6
	A. Site Conditions	6
	B. Soil and Ground Cover	6
	C. Drainage Requirements	6
8.4	Campground Size and Density	6
	A. Campground Size	6
	B. Campground Density	6
	C. Minimum Site Size	6
	D. Site Pads	6
	E. Required Separation Between Sites	6
	F. Site Identification	6

Article IX – Developed Campgrounds

Section		Page
8.5	Roadways and Parking	7
	A. Interior Roads	7
	B. Parking Requirements	7
8.6	Entrances and Exits	7
	A. Design of Access to Campground	7
	B. Access onto State Highways	7
	C. Distance from Intersection	7
8.7	Accessory Uses	7
8.8	Open Space and Recreational Areas	8
8.9	Buffering, Setbacks, Screening and Landscaping	8
	A. Yards and Setbacks	8
	B. Landscaping	8
	C. Boundary Fencing	9
8.10	Utilities	9
	A. All Utilities Underground	9
	B. Water Supply	9
	C. Sewage Disposal	10
	D. Sewage Collection	10

Article IX – Developed Campgrounds

Section	Page
E. Electricity and Propane	12
F. Utility Plans	12
8.11 Refuse Disposal	12
8.12 Insect and Rodent Control	12
8.13 Fire Prevention and Protection	12
8.14 Sanitary Facilities	13
8.15 Service Buildings	14
8.16 Safety	16
8.17 Miscellaneous Regulations	16
8.18 Permanent Occupancy Prohibited	16
8.19 Development Application and Site Plan Requirements	16
A. Application Requirements	17
B. Master Plan	17
C. Final Approval	17
8.20 Review Process	18
8.21 Licensing and Inspection	18
A. License Required	18
B. Application for License and Fee	18

Article IX – Developed Campgrounds

Section		Page
	C. License Transfer	19
	D. License to be Posted	19
	E. Registration	19
	F. Inspection	19
8.22	Revocation of License	19
8.23	Responsibilities of Management	20
	A. Enforcement of Regulations	20
	B. Maintenance	20
	C. Office	20
	D. Management Duties	20

Rico Land Use Code Section 8.1 Location of Developed Campgrounds/RV Parks

A. Permitted Locations. Recreational vehicle parks may be located in areas whose principal characteristic or activity is:

1. Agricultural or open space;
2. Highway service or highway commercial; or
3. Commercial recreational areas.
4. Commercial PUD

B. Locations not Permitted. Recreational vehicle parks will not be permitted in any area zoned residential or in floodplain areas (100 year).

Rico Land Use Code Section 8.2 Definitions

As used in this Article, the following words and terms shall have the meaning ascribed to them in this Section:

1. Recreational vehicle (RV). Recreational vehicle means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. The following shall be considered a recreational vehicle (RV):
 - a. Camping trailer or tent trailer means a folding structure, constructed of canvas, plastic or similar water repellent material, designed to be mounted on wheels and designed for travel and recreation.
 - a. Motorized home, motor home and/or recreational bus or van. A recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation and vacation uses, and constructed as an integral part of a self-propelled vehicle.
 - b. Pick-up camper means a vehicle designed to be mounted on or loaded into a truck chassis for use as a temporary dwelling for travel and recreation.
 - c. Tent means a portable or temporary cover or shelter, with or without side panels, which is supported by poles and is made of canvas, plastic or similar materials.
 - a. Travel trailer. A towable vehicle designed as a temporary dwelling for travel and recreation.
 - b. Travel trailer, self contained. A trailer which can operate independently of connections to sewer, water and electric systems. It contains a water- flushed toilet, lavatory, shower or bath and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.
2. Recreational vehicle park. Recreational vehicle park means a parcel of land specifically developed for locating only recreational vehicles on lots on a short- term basis.

Rico Land Use Code Section 8.2 Definitions

4. Recreational vehicle site. Recreational vehicle site means a plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent or other individual camping unit on a temporary basis.
5. Sanitary facilities. Sanitary facilities means toilets, urinals, lavatories, showers, utility sinks and drinking fountains, and the service buildings containing these units.
6. Sanitary waste station. Sanitary waste station means a facility used for removing and disposing of waste from self-contained camping vehicle sewage holding tanks.
7. Service building. Service building means a structure housing toilet, lavatory, bath, laundry, service sink and other such sanitary facilities as may be required.

Rico Land Use Code Section 8.3 Campground Development Standards

- A. **Site Conditions.** Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.
- B. **Soil and Groundcover.** Exposed ground surfaces in all parts of the recreational vehicle park shall be paved, or covered with stone screening or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
- C. **Drainage Requirements.** A drainage plan shall be developed for the recreational vehicle park.

Rico Land Use Code Section 8.4 Campground Size & Density

- A. **Campground Size.** The minimum gross area for a recreational vehicle park is five (5) acres.
- B. **Campground Density.** The maximum density shall not exceed twelve (12) recreational vehicles per gross acre.
- C. **Minimum Site Size.** Each recreational vehicle site shall contain a minimum of one thousand five hundred (1,500) square feet and shall have a minimum width of twenty-five (25) feet.
- D. **Site Pads.** Each site shall contain a vehicle parking pad of either concrete or asphalt paving or compacted road base and gravel if approved by the Town. Minimum length of the parking pad shall be thirty-five (35) feet. No part of a recreational vehicle or other unit placed on the lot pad shall be closer than five (5) feet to the edge of the parcel.
- E. **Required Separation Between RV Vehicles.** Recreation vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structure such as attached awnings or comports for purposes of this separation requirement shall be considered to be part of the recreational vehicle.
- F. **Site Identification.** Each site for the parking of the recreational vehicle shall be identified by numbers, a minimum of three (3) inches in height, posted in a conspicuous place at the front of the site.

Rico Land Use Code Section 8.5 Roadways & Parking

- A. Interior Roads.** All interior two-way roads shall be twenty-four (24) feet minimum width and all interior one-way roads shall be twenty (12) feet minimum width. All roads shall be paved with asphalt or compacted road base and gravel and crowned to facilitate drainage. Roadways shall be designed for the safe and convenient movement of vehicles. Cross sections of roadways and parking areas shall meet Town roadway standards and be approved by an engineer appointed by the Town.
- B. Parking Requirements.** At least two off-road parking spaces shall be provided in the park per recreation vehicle site. At least one (1) off-road parking space shall be provided at each tent site. No on street parking will be permitted.

Rico Land Use Code Section 8.6 Entrances & Exits

- A. Design of Access to Park.**
- Entrances and exits to recreational vehicle parks shall be designed for the safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets.
 - Each recreational vehicle park shall have a separate entrance and exit roadway, each of which shall not be less than twenty-eight (28) feet wide from flow line to flow line, shall be surfaced with gravel, asphalt and shall connect to a dedicated public right-of-way not less than forty (40) feet in width.
- B. Access onto State Highways.** Access onto state-controlled highways or roads will require a permit from the State Department of Transportation. The design of the access will be according to Department of Transportation requirements.
- C. Distance from Intersection.** Entrance driveways shall be located not closer than one hundred fifty (150) feet from an intersection of public streets.

Rico Land Use Code Section 8.7 Accessory Uses

- Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities and other uses and structures customarily incidental to operation of a recreational vehicle park and campground are permitted as accessory uses to the park.
- In addition, stores, restaurants and other convenience establishments shall be permitted as accessory uses in recreational vehicle parks in districts where such uses are not allowed as principal uses, subject to the following restrictions:
 - Such establishments and the parking areas primarily related to their operations shall not occupy more than five (5) percent of the gross area of the park.
 - Such establishments shall be restricted to providing services and/or products to occupants of the park.
 - Such establishments shall present no visible evidence from any street outside the park of their commercial character which would attract customers other than occupants of the park.

Rico Land Use Code Section 8.7 Accessory Uses

3. The structure housing such facilities shall be accessible only from a street within the park.

Rico Land Use Code Section 8.8 Open Space & Recreational Areas

1. A general area or areas amounting to not less than ten (10) percent of the gross area of the recreational vehicle park, excluding any area dedicated as public right-of-way, shall be provided for recreation and open space use.
2. Such areas shall not include any area designated as a recreational vehicle space, storage area, required yard, service building or sanitary facility or waste station area.
3. Recreational facilities shall be included in the ten (10) percent requirement for open space.

Rico Land Use Code Section 8.9 Buffering, Screening & Landscaping

A. Yards and Setbacks. Perimeter areas shall be as follows, and shall be landscaped and used for no other purpose:

1. Minimum front setback – twenty-five (25) feet except when the recreational vehicle park fronts on a state highway; then the minimum shall be fifty (50) feet.
2. Minimum side setback – when abutting residential districts, the side setback shall be fifty (50) feet; when abutting a dedicated public right-of-way, the side setback shall be twenty-five (25) feet on the side street; when abutting any other zone district, the side setback shall be fifteen (15) feet along the interior lot line.
3. Minimum rear setback – if the rear yard abuts a dedicated public right-of-way, the minimum shall be twenty-five (25) feet. If the rear yard abuts any other zoning district, the setback shall be fifteen (15) feet.

Summary of Yard Setbacks

If a yard abuts a:	Residential District	Other District	Public Right-of-way	State Highway
Front Yard	100'	100'	25'	50'
Side Yard	50'	15'	25'	50'
Rear Yard	50'	15'	25'	50'

- B. Landscaping.** A landscaping plan illustrating the placement and type of trees and shrubs must be submitted as part of the park development plan. The design of the landscaping must mitigate the visual impact of the recreational vehicle park on the surrounding area.

Rico Land Use Code Section 8.9 Setbacks, Screening & Landscaping

- C. Boundary Fencing.** Except for the front boundary, a recreational vehicle park shall be enclosed by a solid fence of wood or wall of concrete block or brick not less than eight (8) feet in height.

Rico Land Use Code Section 8.10 Utilities

- A. All Utilities Underground.** All public utilities within the recreational vehicle park shall be underground.
- B. Water Supply.** The water supply for the recreational vehicle park shall be provided by a delivery system that is owned and operated by the Town of Rico or provided by an individual well if permitted by the State of Colorado Division of Water Resources. The water system shall be connected by pipes to all service buildings and all recreational vehicle spaces. The water distribution system within the park shall meet the following minimum standards:
1. The water distribution system shall be designed, constructed and maintained in compliance with State Department of Health regulations and recommendations to provide a safe, potable and adequate supply of water.
 2. The distribution system shall not be connected to any non-potable water supply nor be subject to any backflow or back siphonage.
 3. The distribution system shall be capable of delivering water at a minimum pressure of at least twenty (20) pounds per square inch and a minimum flow of at least one (1) gallon per minute at all outlets.
 4. The distribution system shall be capable of delivering a minimum volume of one hundred (100) gallons per day per recreational vehicle site.
 5. Water service lines, riser pipes and valves shall be installed and protected from damage by freezing, ground movement, vehicles or other damage sources.
 6. The riser pipe at each recreational vehicle site shall be at least one-half (½) inch in diameter and shall extend at least four (4) inches vertically above the ground elevation. It shall be equipped with a one-half (½) inch valve outlet with a threaded male spigot for attaching a standard garden hose.
 7. Tent camping sites shall be provided with common use water faucets located no more than one hundred fifty (150) feet from any campsite.
 8. Drinking fountains, if provided, shall be approved angle jet type with adequate water pressure.
 9. Spillage, overflow, drainage or wastewater from faucets and drinking fountains shall be discharged to approved drains to prevent impoundment of water, creation of mud holes or other nuisance conditions.
 10. A water station for filling camping vehicle water storage tanks shall be provided at a rate of one (1) station for every one hundred (100) campsites. These shall be located not less than fifty (50) feet from a sanitary station. The station shall be posted with signs of durable material,

not less than two (2) square feet, which state: POTABLE WATER – DO NOT USE TO FLUSH CANTING VEHICLE WASTE TANKS. Such water stations shall consist of at least a three-quarter ($\frac{3}{4}$) inch pipe and valve outlet and shall be protected against the hazards of backflow and back siphonage by an approved vacuum breaker located downstream from the shutoff valve. The fill hose shall be suspended so that no part of the hose and its appurtenances will come into contact with the ground. A sign shall be posted at the entrance of the park indicating the provision of a sanitary station and water station.

C. Sewage Disposal. Facilities shall be provided and properly maintained for the collection and disposal or treatment and disposal of sewage.

1. Where a public sewer system is available, all plumbing fixtures, building sewers and campground sewers shall be connected thereto. If a public sewer system is not available, a private sewage collection and disposal facility meeting requirements of the State Water Quality Control Commission, the State Department of Health and Environment and other applicable local government sewage disposal requirements shall be installed and all building sewers and campground sewers connected thereto.
2. Solid and liquid wastes shall not be discharged or otherwise disposed of on the surface of the ground or into any well, cave, open ditch, stream, lake or reservoir.

D. Sewage Collection. Sewage collection systems shall be subject to review by a Town of Rico appointed engineer and the Colorado Department of Health and Environment.

1. Sewage collection lines shall be laid in trenches of a minimum of six (6) feet depth to be free of breakage from traffic, ground movement, agricultural activity or other sources of damage, and shall be separated from the water supply system by a horizontal distance of ten (10) feet and a vertical elevation of two (2) feet below water lines at crossing points unless pressure sewers are used or encasement is provided.
2. The sewer lines shall be constructed of approved materials with adequate vents, watertight joints and sufficient cleanouts. All sewer lines shall have a minimum diameter of six (6) inches, except that a sewer lateral which serves no more than twenty-five (25) individual sewer connections for individual camping vehicle lots or no more than five (5) toilet connections may be four (4) inches in diameter.
3. Sewers shall be installed at a grade of at least one-eighth (c) inch per foot to ensure a velocity of two (2) feet per second when flowing full. Horizontal drainage lines connecting with other horizontal drainage lines shall enter through forty-five degree (45E) "y" branches or other combinations of equivalent sweep.
4. Cleanouts or manholes shall be provided at the upper end of each main sewer line, at intersections of two (2) or more sewer lines, changes in grade or alignment of more than forty-five degrees (45E), and at intervals of not more than four hundred (400) feet.
5. Individual sewer connections shall meet the following requirements: A four (4) inch inside diameter sewer lateral and riser pipe with the surrounding ground graded to drain from the rim of the riser pipe. The sewer lateral shall be properly trapped and vented if camping vehicles without individually trapped and vented plumbing fixtures are accommodated.

6. Dependent camping vehicles with a drain hose less than three (3) inches in diameter shall be connected with reducers and a screw or clamp -type fittings.
7. Drain outlets from independent camping vehicles shall be capped or connected with a durable, readily cleanable, nonabsorbent, corrosion-resistant, drain hose having an inside diameter of not less than three (3) inches. The sewer service connection shall be installed and maintained with a grade not less than one-quarter ($\frac{1}{4}$) inch per foot.
8. When the campsite is not occupied, the sewer riser pipe shall be adequately covered.
9. A flushing sink or other means of disposal shall be provided for disposal of liquid wastes from dependent camping vehicles, unless a sanitary waste station is provided and is conveniently located. The flushing sink shall be easily accessible and located at a distance of not more than three hundred (300) feet from any campsite. The sinks shall not be located in a room containing toilet, lavatory or bathing facilities, and toilets shall not be used for disposal of liquid wastes. Common-use faucets or hydrants and lavatories in service buildings shall not be used for cleaning fish and food, and for washing dishes, utensils, clothing or other articles of household use.
10. A sanitary waste station shall be provided for each one hundred (100) campsites or part thereof not equipped with individual sewer connections. Unless other approved means are used, the sanitary station shall be designed and constructed to include the following:
 1. Easy ingress and egress from a service road for camping vehicles and located not less than fifty (50) feet from a campsite.
 2. Connection to the sewer system by a trapped four (4) inch sewer riser pipe and vented not more than ten (10) feet downstream from the trap by a four (4) inch vent, adequately supported and extending at least eight (8) feet above the ground surface.
 3. The sewage inlet surrounded by a curbed concrete apron or trough of at least three (3) by three (3) feet, sloped to the inlet, and provided with a suitable hinged cover milled to fit tight.
 4. A means for flushing the immediate area and a camping vehicle holding tank shall be provided at each sanitary waste station. It shall consist of a properly supported water riser pipe, terminating two (2) feet above the ground with a three-fourth ($\frac{3}{4}$) inch valved outlet which shall be protected against back siphonage and backflow by an approved vacuum breaker installation located downstream from the shutoff valve.
 5. A sign, constructed of durable material and not less than two (2) feet square, posted adjacent to the water flushing outlet and inscribed with the warning: UNSAFE WATER FACILITY.
11. The plumbing shall be installed according to the most recent edition of the Uniform Plumbing Code as adopted by the Town of Rico.

Rico Land Use Code Section 8.10 Utilities

E. Electricity and Propane.

1. An electric outlet approved by an electric utility shall be provided for each recreational vehicle space. The installation shall comply with all state and local electrical codes. Such electrical outlets shall be weatherproof.
2. 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.
3. The installation of propane will comply with all applicable State and Town of Rico building code regulations.

F. Utility Plans. Plans for water, sewer, electricity and natural gas along with letters of approval from the appropriate utility provider must be submitted to the Rico Town Manager for approval. Plans will be subject to review by an engineer appointed by the Town of Rico.

Rico Land Use Code Section 8.11 Refuse Disposal

1. The storage, collection and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents, bears, dogs or other nuisance conditions.
 2. Durable, bear proof, watertight, easily cleanable refuse containers, sufficient to contain all the refuse, shall be provided at each service building and sanitary waste station, or at a central storage area readily accessible and located not more than three hundred (300) feet from any campsite. Refuse containers shall be provided at the rate of eight (8) cubic feet (60 gallons) for each five (5) campsites. Individual trash cans at each recreational vehicle site may be provided. All containers for refuse shall be covered with close-fitting, locking covers.
 3. Refuse shall be collected and removed from the premises as often as necessary, but not less than once weekly, and disposed of at a lawful disposal site.
1. No burning of refuse will be permitted at the recreational vehicle park.

Rico Land Use Code Section 8.12 Insect & Rodent Control

Insects and rodents shall be controlled by elimination of breeding and harborage sources, proper sanitary practices, extermination, vermin proofing of buildings and other approved control methods.

Rico Land Use Code Section 8.13 Fire Prevention & Protection

1. All recreational vehicle parks shall comply with the current Fire Code of the Town of Rico.

Rico Land Use Code Section 8.13 Fire Prevention & Protection

2. Hand fire extinguishers of a type approved by the Town of Rico Fire Department shall be maintained in effective working order and located in convenient places in the ratio of one (1) to eight (8) recreational vehicle spaces. The location of fire extinguishers must be approved by the Fire Chief of the Town/City Fire Department.
3. No outdoor fires will be allowed except in grills, ovens, stoves or park-provided fire boxes. Park-provided boxes must be approved by the Town of Rico Fire Department. No open fires are allowed.
4. Fire plugs shall be located so that every site within the park can be reached with three hundred (300) feet of hose.

Rico Land Use Code Section 8.14 Sanitary Facilities

1. Sanitary facilities shall be provided and installed in accordance with the latest edition of the Uniform Plumbing Code adopted by the Town of Rico.
2. Required toilet, lavatory and bathing facilities shall be provided in the following minimum numbers:

Campsites	Toilets		Urinals	Lavatories		Showers	
	M	F	M	M	F	M	F
15	1	1	1	1	1	1	1
16 - 30	1	2	1	2	2	1	1
31 - 45	2	2	1	3	3	1	1
46 - 60	2	3	2	3	3	2	2
61 - 80	3	4	2	4	4	2	2
80 - 100	3	4	2	4	4	3	3
101 - 120	4	5	3	5	5	4	4

Rico Land Use Code Section 8.14 Sanitary Facilities

4. At least one (1) toilet and shower facility shall be provided to accommodate handicapped persons.
5. No portable toilets will be allowed in recreational vehicle parks.

Rico Land Use Code Section 8.15 Restrooms

1. Restroom buildings shall be constructed of easily cleanable, nonabsorbent materials, maintained in good repair and in a clean and sanitary condition. They shall be conveniently located at a distance of not less than ten (10) or more than four hundred (400) feet from any dependent camping vehicle lot or persons served in a recreational area.
2. Separate rooms containing required plumbing fixtures shall be provided for each sex and clearly marked "men" and "women." If located in the same building, they shall be separated by a solid, sound-resistant wall extending from floor to ceiling. The entrances shall be so designed so that the plumbing fixtures are not visible from the outside. A landing shall be provided beyond each exterior door opening and shall have a width and length not less than the door opening.
3. The floors of restrooms buildings shall have a smooth, impermeable and easily cleaned surface, sloped to drain. Floor drains, properly trapped, shall be provided in all shower baths and shower rooms to remove wastewater and to facilitate cleaning. The walls and ceilings of such buildings shall be finished, and the walls shall have a smooth, nonabsorbent, easily cleanable surface extending to a height of four (4) feet in toilet rooms and six (6) feet in shower rooms.
4. Every restroom building shall have a minimum ceiling height of seven and one-half (7 ½) feet. In rooms with sloping ceilings, the required ceiling height shall be provided in at least fifty (50) percent of the rooms, and no portion of any room having a ceiling height of less than five (5) feet shall be considered as contributing to the minimum required areas.
5. Every restroom building shall have at least one (1) window with direct and unobstructed opening to the outside for natural light and ventilation, unless other approved means of light and ventilation to the outside air are provided.
6. When necessary for exclusion of flies, mosquitoes and other insects, all exterior openings of service buildings shall be protected with fly screening of not less than sixteen (16) mesh per square inch, unless other approved protective devices are provided.
7. Every restroom building shall be provided with at least one (1) ceiling-type light fixture, at least one (1) separate double convenience outlet adjacent to the lavatories, and a shielded light fixture at the outside entrance of the service building. All lights shall have wall switches; no pull cords shall be allowed.
8. Restroom buildings shall be provided with approved heating facilities which are properly installed, maintained in a safe working condition and capable of maintaining a room temperature of sixty-eight degrees Fahrenheit (68°F).

9. Toilets and showers shall be separately installed to be individually accessible and to permit simultaneous use.
10. Each toilet shall be individually partitioned with a door to ensure privacy. The compartment shall be at least thirty (30) inches in width with at least twenty-four (24) inches of clear space in front of a toilet. The dividing partitions shall be at least five (5) feet in height with not less than six (6) inches nor more than twelve (12) inches separating the partition bottom and the floor. Toilets shall be provided with open-front seats.
11. Each shower shall be individually partitioned with a curtain, screen or door to afford privacy. Shower stalls shall not be less than thirty (30) inches by thirty (30) inches in area and shall be constructed to prevent water flow into the dressing room space. Shower floors shall be skid resistant or provided with disposable or with nonslip impervious mats. Wooden racks (dust boards) over shower floors are prohibited. Where impervious mats are used, they must be cleaned, dried and kept off the shower floor when not in use.
12. Dressing room space, screened from view and equivalent to the size of the shower floor area, shall be provided adjacent to bathing facilities and shall be equipped with a bench and clothes hook.
13. Hot and cold water under pressure shall be supplied to all required plumbing fixtures, except that cold water only shall be supplied to toilets. Tempered water may be delivered to showers and sinks to conserve heated water and heating equipment. The system shall be designed to prevent discharge of water in excess of one hundred twenty degrees Fahrenheit (120°F) at shower heads.
14. Hot water heating facilities shall have the capacity to provide a minimum of three (3) gallons of hot water (one hundred degrees Fahrenheit [100°F] rise) per hour per each campsite during times of peak demands.
15. Required plumbing fixtures shall be maintained in good working order and in clean and sanitary condition. Every service room containing sanitary fixtures shall be provided with a wastebasket.
16. Toilets shall be provided with a toilet paper holder or dispenser and a supply of toilet paper and a covered receptacle, and lavatory areas shall be provided with clothes hooks, shelves and trash receptacles.
17. Restroom building construction shall conform to applicable provisions of the Uniform Building Code and existing local building codes, regarding "Specifications for making buildings and facilities accessible to and useable by physically handicapped."

Rico Land Use Code Section 8.16 Safety

1. All electrical wiring, equipment and appurtenances shall be installed and maintained in accordance with provisions of the National Electrical Code currently adopted by the Town of Rico.
2. Liquid petroleum gas, fuel oil, gasoline and other flammable liquids shall be handled and used in a safe manner and shall not be stored inside or beneath any camping vehicle or within five (5) feet of a door of a camping vehicle.
3. The grounds, buildings and related facilities shall be constructed, maintained and used in accordance with applicable local and State fire prevention regulations.
4. Play equipment, when provided for children, shall be designed for safety, maintained in good repair and located in areas free from hazards.

Rico Land Use Code Section 8.17 Miscellaneous Regulations

1. Liquid Propane tanks shall be limited to one hundred (100) pound size.
2. Storage buildings, lean-tos, bins or other outside storage facilities shall not be allowed at recreational vehicle sites.

Rico Land Use Code Section 8.18 Permanent Occupancy Prohibited

1. No recreational vehicle shall be used as a permanent place of abode, dwelling or business or for indefinite periods of time. Continuous occupancy extending beyond three (3) months in any twelve month period shall be presumed to be permanent occupancy.
2. Any action toward removal of wheels of a recreational vehicle except for temporary purposes of repair or to attach the trailer to the grounds for stabilizing purposes is hereby prohibited.

Rico Land Use Code Section 8.19 Development Application & Site Plan Requirements

A. Application Requirements. Before any permit is issued for construction and/or operation of any recreational vehicle park, a site plan and required documentation shall be submitted to and approved by the Rico Board of Trustees. The plan shall be prepared by a registered land surveyor or a registered professional engineer, shall be drawn to a scale of no less than 1" = 100', and shall include as a minimum the following:

1. Name, address and telephone number of applicant.
2. Interest of the applicant in the proposed park.
3. Location, address and legal description of the entire proposed recreational vehicle park site.

3. Location, address and legal description of the entire proposed recreational vehicle park site.
4. Existing zoning of subject property and all adjacent properties.
5. Names and addresses of adjacent property owners.
6. Complete engineering plans and specifications of the proposed recreational vehicle park showing:
 - a. The area and dimensions of the entire tract of land.
 - b. The land uses occupying the adjacent properties.
 - c. The number, size and location of the proposed vehicle sites and other parking areas.
 - d. The location, right-of-way and surfaced roadway width, and surfacing material of roadways and walkways.
 - e. The proposed interior vehicular and pedestrian circulation patterns.
 - f. The location of service buildings, sanitary stations and any other existing or proposed structure.
 - g. The location of water and sewer lines and riser pipes.
 - h. Plans and specifications of the water supply, sewage disposal and refuse facilities.
 - i. The locations and details of lighting, electric and gas systems.
 - j. Plans for drainage, flood control and landscaping.
 - k. Plans and specifications of all buildings constructed or to be constructed within the recreational vehicle park.
 - l. Letters of review from utility agencies stating whether they can provide services to the recreational vehicle park.
 - m. Preliminary plat plan shall be drawn on twenty-four (24) inch by thirty-six (36) inch sheet size in blue or black ink.
 - n. An application fee of five hundred dollars (\$500.00).

- B. Master Plan.** Where a recreational vehicle park development is proposed for construction in a series of stages, a master plan for the development of the entire tract of land shall be submitted along with the detailed plans and specifications for the initial stage, as well as any subsequent stages.
- C. Final Approval.** After final approval of the preliminary plat by the Rico Board of Trustees, two (2) mylar originals and seven (7) black on white or blue on white prints of the final plat with supporting documents shall be submitted to the Town staff. The final plat shall conform to the preliminary

Rico Land Use Code Section 8.19 Development Application & Site Plan Requirements

preliminary plat as approved at public hearings, and shall include all changes specified thereon or alterations of the preliminary plat required by the Rico Board of Trustees. One (1) original shall remain with the Town staff for the Town's records and one (1) original shall be recorded in the office of the Dolores County Clerk and Recorder. All recording fees shall be paid by the developer.

Rico Land Use Code Section 8.20 Review Process

1. All new recreational vehicle parks or development on any recreational vehicle park, new or pre-existing, must submit all plans and specifications in detail for such development to the Rico Planning Commission and obtain approval after formal public hearing from the Rico Board of Trustees. No construction or development shall be commenced until approved by the Rico Board of Trustees and a building permit issued.
2. Permits for development of recreational vehicle parks shall be granted according to the conditional review process of this RLUC.
3. The Building Inspector and an engineer appointed by the Town of Rico shall inspect each new recreational vehicle park or space/site addition or construction on existing parks to determine compliance with the provisions of this Article and all other applicable ordinances, rules, regulations or codes. No occupancy shall be permitted or certificate of occupancy issued until said officials have made such determination in writing. Occupancy of the premises prior to issuance of a certificate of occupancy based on the above determination shall subject the violator to the penalties set forth in this Article. The above-named officials shall have authority to enter upon the premises for the purpose of such inspection at any reasonable time without notice or approval of the owner or manager.

Rico Land Use Code Section 8.21 Licensing & Inspection

- A. License Required.** It shall be unlawful for any person to operate any recreational vehicle park within the limits of Rico unless he or she holds a valid recreational vehicle park license issued annually by the Rico Board of Trustees in the name of such person for the specific recreational vehicle park.
- B. Application for License and Fee.** Application for a recreational park license shall be filed each calendar year with the Town Clerk. Applications shall be in writing, signed by the applicant, and shall contain the following information:
 1. Name of applicant.
 2. Location and legal description of the recreational vehicle park.
 3. Complete plan drawn to scale showing all recreational vehicle lots, structures, roads, walkways and other service facilities. Plans shall be filed in subsequent years only if changes in the plan of the recreational vehicle park are to be made.
 4. Such further information as may be requested by Town officials to enable them to determine if the proposed recreational vehicle park will comply with the requirements of this Article or other applicable laws and ordinances.

Rico Land Use Code Section 8.21 Licensing & Inspection

5. License fee: an annual license fee of one hundred dollars (\$100.00) plus thirty dollars (\$30.00) per recreational vehicle site whether occupied or not.
- C. **License Transfer.** Every person holding a license shall give written notice to the Town Clerk within twenty-four (24) hours after having sold, transferred, given away or otherwise disposed of interest in or control of any recreational vehicle park. Such notice shall include the name and address of the person succeeding to the ownership or control of such recreational vehicle park. Upon application in writing for transfer of the license and deposit of a fee of twenty-five dollars (\$25.00), the license shall be transferred if the recreational vehicle park is in compliance with all applicable provisions of this Article and regulations issued hereunder.
- D. **License to be Posted.** The license certificate shall be conspicuously posted in the office of the recreational vehicle park at all times.
- E. **Registration.** All recreational vehicles in the park must have a current valid registration.
- F. **Inspection.** The Building Official shall inspect each recreational vehicle park at least once annually to determine compliance with the provisions of this Article and all other applicable ordinances, rules, regulations or codes. Such official shall have the authority to enter upon the premises for the purpose of such inspections at any reasonable time without notice to the owner or manager.

Rico Land Use Code Section 8.22 Revocation of License

1. When it appears to any police officer, the Fire Chief, the Building Inspector or the health officers that any person holding a license under this Article has violated or may have violated any of the provisions hereof, a written notice shall be served on such licensee and/or recreational vehicle park manager in person or by registered United States mail specifying the manner in which it is believed he or she has violated or may have violated this Article. Said notice shall require the owner and/or recreational park manager to appear before the Rico Board of Trustees at a time specified therein, not less than ten (10) days after the service of said notice, and show cause why such license should not be suspended or revoked.
2. At such time, said licensee or recreational vehicle park manager and member of the Fire, Police, Building or Health Departments of the Town may produce such evidence as may be relevant to determine whether the violation charged in the notice has been committed. If the Rico Board of Trustees finds from the evidence that such violation has not been committed, it shall so advise the licensee and/or recreational vehicle park manager and dismiss the charge. If the Rico Board of Trustees finds from the evidence that such violation has been committed, it shall so advise the licensee or recreational vehicle park manager and may forthwith put said person on probation for thirty (30) days. If the violation is not corrected within such probationary period, the Rico Board of Trustees may revoke or suspend the license held by such person or continue the probation for such period and on such conditions as it shall determine.
3. It shall be unlawful for any person whose license has been revoked or suspended to operate, continue to operate or offer to operate any recreational vehicle park after the date of such revocation or during the term of such suspension, as the case may be.

- A. Enforcement of Regulations.** The owner or operator of any recreational vehicle park shall arrange for the management and supervision of such recreational vehicle park so as to enforce or cause compliance with the provisions of this Article.
- B. Maintenance.** The owner, operator or attendant of every recreational vehicle park shall assume full responsibility for maintaining in good repair and condition all facilities of the recreational vehicle park as required herein.
- C. Office.** In every recreational vehicle park there shall be a designated office building in which shall be located the office of the person in charge of said park. A copy of all required Town and State licenses and permits shall at all times be kept in said office.
- D. Management Duties.** It shall be the duty of the attendant or person in charge, together with the owner or operator, to:
1. Keep at all times a register of all tenants (which shall be open at all times to inspections by state, county and federal officers and officers of the Town/City) showing for all tenants:
 - a. Dates of entrance and departures.
 - b. License numbers of all recreational vehicles and towing vehicles or automobiles.
 - c. States issuing such license.
 2. Maintain the park in a clean, orderly and sanitary condition at all times.
 3. See that provisions of this Article are complied with and enforced and report promptly to the proper authorities any violations of law which may come to his or her attention.
 4. Report to local health authorities all cases known to the owner to be infected with any communicable diseases.
 5. Pay promptly to the Town all license fees required by Town ordinances or other laws.
 6. Prohibit the use of any recreational vehicle by a greater number of occupants than that which it is designed to accommodate.

Town of Rico

Land Use Code

Article X – Annexation

Section		Page
10.1	Purpose	2
10.2	Statement of Policy and Review Criteria	2
10.3	Eligibility for Annexation	3
10.4	Procedure	3
10.5	Post Approval Actions	4
10.6	Public Hearing Notices	4
	A. Resolution of Intent to Annex	4
	B. Petitioner’s Responsibilities – Mailing and Posting Notices to Mineral Estate Owners and Lessees	6
10.7	Reimbursement to Rico for Annexation Expenses	7
10.8	Annexation and Petition Application Submittal Requirements	7
	A. Annexation Petition Requirements	7
	B. Annexation Application Requirements	7
10.9	Annexation Agreement	12
10.10	Annexation Map Technical Standards	12
10.11	Concept Map Technical Standards	15

Rico Land Use Code Section 10.1 Purpose

The purpose of this Article is to establish a procedure to bring land under the jurisdiction of the Town of Rico in compliance with the Colorado Municipal Annexation Act of 1965, as amended. This Article, in part, provides supplemental requirements for annexation pursuant to the Colorado Municipal Annexation of 1965, and is not to be construed as altering, modifying, eliminating or replacing any requirement set forth in that act, or any requirements set forth in other portions of the Town of Rico Land Use Code. In the event of a conflict between the act, the provisions of this Article or any requirements set forth in other portions of the Town of Rico Land Use Code, it is the expressed intent of the Rico Board of Trustees that the more stringent provision shall control.

Rico Land Use Code Section 10.2 Statement of Policy & Review Criteria

It shall be the general policy of the Town of Rico with respect to annexations and the consideration of annexation petitions that:

1. Annexation is a discretionary act. With the exception of an initiated petition for the annexation of an enclave, the Rico Board of Trustees shall exercise its sole discretion in the annexation of territory to the Town.
2. The land to be annexed and the uses proposed for the land shall conform to the goals, policies and strategies of the Town of Rico Regional Master Plan and to the land uses depicted on the Rico Land Use Code, as amended.
3. Certain public facilities and amenities are necessary and must be constructed as part of any territory annexed to the Town of Rico in order that the public needs may be served by such facilities. These facilities include, but not by way of limitation, arterial streets, bridges, public parks and recreation areas, school sites, fire and police station sites, and storm drainage facilities. The annexation of lands to the Town shall be shown not to create any additional cost or burden on the then- existing residents of the Town to provide such public facilities in any newly annexed area. The Town may also require water supplies and/or a monetary contribution for public utilities including water and wastewater treatment facilities.
4. The petitioner for annexation shall be responsible for paying the Town of Rico's full cost for processing the annexation petition, from initial discussion with Town staff before submittal of the petition, through the approval and recording of the final annexation documents.
5. Annexed areas will not divide tracts of land to prevent further annexation of adjoining parcels. (For example, leaving a "gap" or a "strip" of land between property to be annexed and the adjoining property.)
6. The Town of Rico shall have in place an "annexation master plan" for the "three mile" area surrounding the Town.

Rico Land Use Code Section 10.3 Eligibility for Annexation

Eligibility for annexation shall be determined by conformity with the requirements of C.R.S. §§ 31-12-104 and 31-12-105, as amended and as determined by the Rico Board of Trustees in their sole discretion.

Rico Land Use Code Section 10.4 Procedure

Annexation petitions shall be processed and considered as follows:

Step 1: Annexation Pre-Application Conference. The application process begins with a pre-application conference with the Mayor or designated Town of Rico Staff member to determine the feasibility of the annexation request. Following this informal meeting, the applicant submits a Letter of Intent requesting annexation, the Annexation Petition, the completed Annexation Application form, annexation maps and supporting documents.

Step 2: Annexation Petition Certification and Completion. The petition for annexation or petition for election and all other documents submitted shall be reviewed by Staff for completeness and compliance with the provisions of the Municipal Annexation Act of 1965, and the Town of Rico Land Use Code. The applicant shall be notified within a reasonable time of any deficiencies or inadequacies in the materials submitted. An incomplete submission shall not be processed, nor referred to the Rico Board of Trustees for a determination of substantial compliance.

Step 3: Annexation Petition Referral to the Rico Board of Trustees. Upon the staff's determination that the petition and supporting documentation are complete and in compliance with provisions of the Municipal Annexation Act of 1965, and the Town of Rico Land Use Code, the Town staff shall refer the petition to the Rico Board of Trustees as a communication.

Step 4: Rico Board of Trustees Determination of Substantial Compliance. The Board of Trustees, without undue delay, shall take the appropriate steps to determine if the petition is in substantial compliance with the Municipal Annexation Act of 1965.

- a. If the petition is found to be in substantial compliance with the Municipal Annexation Act of 1965, the Board may, by the adoption of a Resolution of Intent to Annex, set the annexation (and zoning if requested) for public hearing on a specified date, time, and place, not less than (30) thirty days nor more than (60) sixty days from the effective date of the Resolution, subject to compliance with C.R.S. § 31-12-108.
- b. If the petition is found to not be in compliance with the Municipal Annexation Act of 1965, no further action shall be taken, except that the determination shall be made by resolution adopted by the Rico Board of Trustees.

Step 5: Planning Commission Review and Recommendations. The Planning Commission shall consider the petition for annexation at a regular or special meeting to be held prior to the date of the public hearing before the Board of Trustees. If zoning of the property is requested at the time of annexation, the Planning Commission shall hold a public hearing on the zoning of the property at the same meeting. Notice of the public hearing on zoning shall be given in accordance with the requirements for an amendment to the zoning map. (Section 3.11)

Rico Land Use Code Section 10.4 Procedure

The Rico Planning Commission, upon the conclusion of the meeting at which they consider the petition, shall by resolution recommend approval of the petition for annexation with without modifications and/or conditions, or recommend denial. If zoning of the property is requested at the time of annexation, the Planning Commission shall by resolution recommend approval with or without modifications and/or conditions, or recommend denial of the requested zoning. They shall refer any such recommendation to the Board of Trustees.

Step 6: The Rico Board of Trustees Public Hearing and Action on the Annexation. The Rico Board of Trustees shall hold the public hearing on the petition for annexation, and zoning, if requested in conjunction with the annexation, on the date and at the time set by the Resolution of Intent to Annex. The petitioners shall present evidence in support of the petition, and zoning if applicable. Staff shall testify as to the elements required by statute to be present for annexation. Any person may appear at the hearing and present evidence on any matter related to the annexation petition as determined by the Board of Trustees. The Board of Trustees may continue the hearing to another date without additional notice if the volume of material to be received cannot be presented within the available time for any given session; except that no session of the hearing shall be so continued unless at least one hour of testimony has been heard. All proceedings at the hearing and any continuances thereof shall be recorded, but the recorder's notes need not be transcribed unless proceedings for judicial review are initiated as provided by C.R.S. § 31-12-116. At the conclusion of the public hearing, the Rico Board of Trustees shall adopt a resolution containing the findings of fact and conclusions, including:

- a. Whether or not the requirements of C.R.S. § 31-12-104 and 105 and this Article have been met;
- b. Whether or not additional terms and conditions are to be imposed; and
- c. Whether or not an election is required, either as result of a petition for election or the imposition of additional terms and conditions.

If the Rico Board of Trustees finds that the area proposed for annexation does not comply with the requirements of C.R.S. § 31-12-104 and 105, the annexation proceeding will be terminated.

If the Rico Board of Trustees finds the following:

- a. The annexation is in compliance with the requirements of C.R.S. § 31-12- 104 and 105;
- b. That an election is not required under C.R.S. § 31-12-107 (2);
- c. The petition is found to be signed by the owners of one hundred (100) percent of the area proposed the annexed, exclusive of streets and alleys; and
- d. No additional terms and conditions are to be imposed;

Rico Land Use Code Section 10.4 Procedure

The Rico Board of Trustees may annex the land by ordinance without election. The ordinance annexing such area shall include a statement that the owners of one hundred (100) percent of the area petitioned for the annexation. The zoning of the property, if requested with annexation, shall be approved by separate ordinance.

If the petition is for an annexation election, or the Rico Board of Trustees determines that less than one hundred (100) percent of the owners have signed the petition for annexation, or the Board of Trustees determines that additional terms and conditions should be imposed upon the area proposed be annexed, which are not agreed to voluntarily and in writing by the landowners, the Board shall make appropriate findings by Resolution and order an election to be conducted in accordance with C.R.S. § 31-12-112.

If the annexation is approved by the eligible electors in accordance with C.R.S. § 31-12-112, the Rico Board of Trustees may by ordinance annex the land. In the event the annexation is not approved by the eligible electors or the vote is tied, the annexation proceeding will be terminated.

If the Rico Board of Trustees, in its sole discretion, finds that the annexation is not in the best interest of the Town, it may deny the petition by resolution, stating the grounds for such denial. Only in the event of a petition for the annexation of an enclave as provided by C.R.S. § 31-12-107(5) shall the Town be required to annex property.

Rico Land Use Code Section 10.5 Post Approval Actions

1. After final passage of the annexation ordinance, the Town of Rico will file one (1) copy of the annexation map with the original of the annexation ordinance in the office of the Town Clerk. The Town will file for recording three (3) certified copies of the annexation ordinance and annexation map with the Dolores County Clerk and Recorder. The Town shall request the County Clerk to forward one (1) copy of the annexation map and ordinance to the Division of Local Government in the Colorado Department of Local Affairs and one (1) copy of the annexation map and ordinance to the Department of Revenue of the State of Colorado.
2. In the event that zoning was requested with the annexation, zoning shall be granted by ordinance and copies of the official zoning map amendment shall be recorded with the Dolores County Clerk and Recorder in the manner provided by Article 3 of the Town of Rico Land Use Code. In the event that zoning was not requested with annexation, the Town shall bring the area annexed under the zoning ordinance and map within ninety (90) days after the effective date of the annexation ordinance in the manner provided by Article 3 of the Town of Rico Land Use Code.

Rico Land Use Code Section 10.6 Public Hearing Notices

- A. **Resolution of Intent to Annex.** Notice of the public hearing for annexation set by the Resolution of Intent to Annex shall be given in accordance with C.R.S. § 31-12-108. A copy of the Resolution of Intent to Annex, or the petition(s) as filed (exclusive of signatures), together with a notice of the date

together with a notice of the date and time and place set by the Rico Board of Trustees for the public hearing, shall be published once a week for four (4) successive weeks in a newspaper general circulation in the area proposed the annexed. The first publication of such notice shall be at least (30) thirty days prior to the date of the public hearing.

A copy of the published notice, together with a copy of the adopted Resolution of Intent to Annex and the petition as filed, shall be sent by certified mail, return receipt requested, to the Dolores County Board of County Commissioners and the County Attorney and any special district or school district having territory within the area to be annexed, at least (25) twenty-five days prior to the date fixed for the public hearing.

A copy of the published notice, together with the "Letter of Intent" provided with the application, the annexation map and the "concept plan" for the development of the property shall be sent by certified mail, return receipt requested, to the owners of real property within two hundred (200) feet of the boundaries of the proposed annexation, irrigation ditch companies whose rights-of-way traverse the property to be annexed and to the mineral estate owners and their lessees of the property to be annexed. Notice provided by the Town to the owners of the minerals estate and their lessees shall not relieve the petitioner(s) from the responsibility of providing notice as required by C.R.S. § 24-65.5-101, et seq.

In the case of a "flagpole" annexation, the Town of Rico shall also provide notice to abutting property owners as specified in C.R.S. § 31-12-105 as amended.

B. Petitioner's Responsibilities - Mailing and Posting Notices, Notice to Mineral Estate Owners and Lessees.

1. The petitioner shall provide the Town of Rico with an address list containing the owners of real property within two hundred (200) feet of the property to be annexed, the mineral interest owners and lessees for the property to be annexed, the irrigation ditch companies whose rights-of-way traverse the property to be annexed and the special districts encompassing the property to be annexed. The list is to be prepared and certified by a title insurance company licensed by the State of Colorado, within the thirty (30) days prior to the date of submission of the annexation petition.
2. The petitioner shall provide a sufficient number clasp envelopes to mail notices to all special districts encompassing the property be annexed, the Dolores Board of County Commissioners and County Attorney, and referral agencies of the Town of Rico, as directed by the Town. The petitioner shall also provide a sufficient number of self adhesive window envelopes (no return address) to mail notice to the owners of real property and mineral interest owners and lessees identified in the mailing list.
3. The petitioner shall be responsible for posting the property as provided herein, and shall meet with Staff to obtain completed public notice placards and the posting layout. The petitioner shall submit a signed, notarized affidavit certifying that the property was posted on the required date and in the locations as approved by the Town of Rico. The petitioner is also responsible for ensuring that the posted notices remain in place, in legible condition until the public hearing is concluded, and for removal of said posted notices after the public hearing is concluded. Notice shall be posted along the public street rights-of-way bordering the property, at least once for every six hundred (600) feet of frontage on said rights-of-way, or as otherwise approved by the Town.

Rico Land Use Code Section 10.6 Public Hearing Notices

4. The petitioner shall be responsible for providing notice of each public hearing (Planning Commission and/or Rico Board of Trustees) to the owners of the mineral estate on the property to be annexed, and to their lessees, as required by C.R.S. § 24-65.5-101, et seq. The petitioner shall certify to the Town staff not less than fifteen (15) days prior to the date of the public hearing(s), the petitioner's conformance with this notice requirement.

Rico Land Use Code Section 10.7 Reimbursement to Rico for Annexation Expenses

The petitioner shall reimburse the Town of Rico for its expenses in reviewing and processing the annexation petition, including, but not limited to legal publications, engineering services, attorney fees, consultant fees, reproduction of material, postage, public hearing expenses and recording documents. The Town may require a reasonable administrative fee and a reimbursement agreement upon the submission of a petition for annexation.

Rico Land Use Code Section 10.8 Annexation Petition & Application Submittal Requirements

A. Annexation Petition Requirements. Annexation petitions require the following:

1. One (1) original and three (3) copies of the following forms and maps, but letters and documents are to be delivered to the Rico Town Clerk with the fees. The documents are to be submitted in separate three-ring binders of suitable size to hold the material. Any forms or letters requiring signatures shall have one original signed and dated in blue ink. The remaining copies may be photocopies of the original. The binders shall contain a table of contents and be tabbed accordingly. Pockets are to be provided in the binder for the folded maps that are submitted.
2. Following staff review and notice of acceptance for referral to the Rico Board of Trustees, the applicant shall provide thirty-six (36) copies of the annexation documents. Fourteen (14) sets shall be bound in three-ring binders as above. The remaining twenty-two (22) sets are to be three hole-punched, collated into complete application packets and bound with binder clips only.
3. The name or title of the proposed annexation on all documents and maps must be consistent. All letter size (8 ½" x 11") documents to be filed with the Dolores County Clerk and Recorder Office must have one (1) inch margins, or they will be rejected for filing.

B. Annexation Application. The annexation application shall include the following:

1. Letter of Intent. The applicant shall provide a letter of intent addressed to the Rico Board of Trustees to serve as a cover letter to the formal petition, introducing the applicant(s) to the Rico Board of Trustees, requesting annexation of the petitioner's property and describing the development plans for the property, if it is annexed.
2. Annexation Application Form. The Town of Rico's Annexation Application Form shall be completed, signed and dated.

3. Agreement for Payment of Development Review Expenses Incurred by the Town of Rico. The application shall be accompanied a signed standard form Agreement for the Payment of Development Review Expenses Incurred by the Town.
4. Petition for Annexation. The applicant shall submit a petition for annexation complying with the requirements of C.R.S. § 31-12-107. The Town of Rico's standard form petition shall be utilized. Any deviation from the standard form petition will require review and approval by the Town Attorney before the Town accepts the petition for processing. The applicant is to provide a word processing file of this document if it deviates from the Town's standard form petition.

The petition shall contain the following statements:

- a. An allegation that it is desirable and necessary that the area be annexed to the municipality.
 - b. An allegation that eligibility requirements and limitations have been met or addressed respectively.
 - c. An allegation that the petitioners comprise the land owners of more than fifty (50) percent of the territory included in the proposed annexation area (excluding streets and alleys).
 - d. A request that the annexing municipality approve the annexation.
 - e. If not already included, consent to the inclusion of the property into the (insert names of any applicable special districts) as appropriate.
 - f. A waiver of any right to election pursuant to Section 28 of Article X of the Colorado Constitution before a district can impose property tax levies and special assessments.
 - g. The dated signatures of petitioning landowners. Petition signatures must be signed within one hundred eighty (180) days of the date the petition is first submitted to the Rico Town Clerk.
 - h. The mailing address of each signer of the petition.
 - i. The full legal description of land owned by each signer of the petition (if platted, by lot and block; if unplatted, by metes and bounds).
 - j. The affidavit of each petition circulator that each petitioner's signature is valid.
5. Annexation Map. Four (4) paper copies of the annexation map are to be provided with the initial submittal. The annexation map shall be signed and sealed by the registered land surveyor or engineer preparing the map, or under whose supervision the annexation map was prepared. The annexation map(s) shall comply with the technical drawing requirements contained in Section 13.10 of this Article. In addition, provide one (1) small format paper copy (not less than 8½" x 11", nor more than 11" x 17"). Provide one (1) "Annexation Map Land Surveying Standards Checklist" completed by the Surveyor (attach to the "original" application packet).

6. Concept Plan Map. Four (4) paper copies of the concept plan map are to be provided with the initial submittal. The concept plan map(s) shall comply with the technical drawing requirements contained in Section 13.11 of this Article. In addition, provide one (1) small format paper copy (not less than 8½" x 11", nor more than 11" x 17").
7. Title Commitment. The applicant shall submit proof of ownership in the form of a current title commitment, issued by a title insurance company licensed by the State of Colorado, whose effective date shall be less than (30) thirty days prior to the date of submittal of the annexation petition. Ownership must match the ownership listed in the petition. If the legal description of the area to be annexed as shown on the annexation map does not match the legal description of the property owned, because of road rights-of-way or other reasons, then the title policy must certify that the property owned is wholly contained within the described area on the annexation map. If the applicant is not the owner, there shall be provided in addition to the title commitment naming the owner as the insured, a notarized affidavit by the owner stating the applicant is authorized by the owner to make application for annexation. The applicant is to provide a word processing file of the legal description contained in the title commitment.
8. Property Tax Statement. A copy of the prior year's property tax statement for all property to be annexed.
9. Mailing List and Envelopes for County, Special Districts, Irrigation Ditch Companies, Mineral Interest Owners and Adjacent Property Owners. The Applicant is to provide a mailing address list and envelopes as required by Section 13.6.D.
10. Annexation Impact Report. A draft annexation impact report conforming to C.R.S § 31-12-108.5 is required for areas of ten (10) or more acres. Any deviation from the Town of Rico's standard form will require review and approval by the Town Attorney before the annexation impact report is accepted for processing by the Town. The applicant is to provide a word processing file of this document. The applicant is to provide an AutoCAD™ drawing file (release 12 or higher) of the required "existing conditions" map. An inaccurate, incomplete or poorly drawn "existing conditions" map shall be rejected. The impact report shall contain the following information:
 - a. A map or maps of the municipality and adjacent territory showing the present and proposed boundaries of the municipality in the vicinity of the proposed annexation; the present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and irrigation and drainage ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation; and the existing and proposed land use pattern in the areas to be annexed;
 - b. A copy of any draft or final pre-annexation agreement, if available;
 - c. A statement setting forth the plans of the municipality for extending to or otherwise providing for, within the area to be annexed, municipal services performed by or for the municipality at the time of annexation;
 - d. A statement setting forth the method under which the municipality plans to finance the extension of the municipal services into the area to be annexed (those municipal services supplied by the Town of Rico);

- e. A statement setting forth the method under which the municipality plans to finance the extension of the municipal services into the area to be annexed (those municipal services supplied by the Town);
 - f. A statement identifying existing special districts within the area to be annexed; and
 - g. A statement on the effect of annexation upon local public school district systems including the estimated number of students generated and the capital construction required to educate such students.
11. Town of Rico Regional Master Plan Project Summary Narrative. The applicant is required to provide a narrative response to the series of questions related to the conformance of the project to the goals, policies and strategies identified in the Rico Regional Master Plan.
12. Water Rights. The applicant shall provide a “Water Rights Report” for the property prepared by a qualified water engineer or water attorney detailing the water rights appurtenant to and severed from the property to be annexed and their historical use. The applicant shall provide a signed warranty deed(s) for sufficient water rights to provide the domestic needs of property to be developed as a result of the annexation as provided in Section of the Town of Rico Land Use Code. In addition the applicant shall provide a signed standard form warranty deed for the transfer of all water rights to the Town.
13. Zoning of Property to Be Annexed. If zoning is requested simultaneously with annexation, the petitioner must submit a completed Zoning Application form, provide a Zoning Map for the property, a zoning amendment map amending the official zoning map and pay the application and recording fees. If zoning is not requested simultaneously with annexation, the property is required by statute to be brought under the Town of Rico’s Zoning Code and Zoning Map within ninety (90) days of the completion of the annexation process.
14. Annexation Assessment Report. The application is to be accompanied by a narrative report assessing the effect of the proposed annexation upon the community and existing services and facilities. It shall detail the need for any expansion of those services and facilities to accommodate the development proposed for the property being annexed. The narratives shall be one or more paragraphs in length, and adequate to fully explain the needs, concepts and proposed solutions for each of the following:
- a. An assessment of the community needs for the proposed annexation and land use;
 - b. The economic impact to the municipality of the proposed annexation. This is to include an analysis of short-term and long-term municipal revenues to be generated by the development, short-term and long-term municipal expenses likely to be incurred as a result of the annexation and development, and proposals to mitigate any negative impacts;
 - c. The school impact including an estimated of the number of students to be generated by development of the property, capital construction required to educate the students, and proposals to mitigate any negative school impacts;

- d. The impact on the existing transportation system and proposals to mitigate any negative transportation impacts upon the community (arterial and collector street improvements, intersection improvements, intersection signalization, alternative modes of transportation, etc.);
- e. The impact of the proposed development on the existing storm drainage system and proposals to mitigate any negative drainage impacts upon the community (historic rainfall drainage patterns, detention and retention areas, storm sewer requirements, discharged irrigation ditches, floodways and floodplains, etc.);
- f. The impact of the proposed development on the Town Marshall's Department and proposals to mitigate any impact upon the existing police services (special security needs, additional officers required, additional equipment requirements, etc.);
- g. The impact of the proposed development on the Rico Fire Protection District and proposals to mitigate any impact upon the existing fire protection services (special fire hazards, fire prevention, fire detection, emergency access, additional equipment requirements, additional manpower requirements, additional fire stations, etc.);
- h. The impact of the proposed development on the Town of Rico park facilities and recreation programs and proposals to mitigate any impact upon the existing facilities and programs (additional facilities, additional recreation programs, additional personnel required, etc.);
- i. The impact of the proposed development on the environment of the Town and proposals to mitigate any negative impact (identify environmentally sensitive areas, endangered species, significant habitats, etc.);
- j. The short-term and long-term economic development potential for the property (numbers of jobs to be created, sales and use tax generation, property tax generation, utility revenue generation, incentives to be offered, etc.);
- k. The compatibility of the proposed development with the street plan and proposals for mitigating any negative impact;
- l. The compatibility of the proposed development with the Town of Rico Regional Master Plan and any plan amendments that may be necessary for the proposed development;
- m. The compatibility of the proposed development with the Rico Land Use Code and any deviations in setbacks, space requirements, and permitted uses that may be required for the proposed development; and
- n. A review of existing and adjacent land uses, areas of compatibility or conflict, and possible mitigation measures that may be required for the proposed development.

Rico Land Use Code Section 10.8 Annexation Petition & Application Submittal Requirements

15. Letters of Support. The application is to be accompanied by letters of support or comments from the following special districts servicing the area to be annexed.
 - a. Rico Fire Protection District
 - b. Dolores County School District

Rico Land Use Code Section 10.9 Annexation Agreement

A draft Annexation Agreement shall be provided to the applicant by the Town of Rico not less than three (3) weeks prior to the annexation public hearing before the Rico Board of Trustees. This document outlines the responsibilities of the applicant and the Town regarding the provision and extension of streets and utilities, the dedication of water rights and the applicability of Town regulations. Any changes or additions to the standard form Annexation Agreement proposed by the applicant or the Town shall be addressed in the "supplemental provisions" section of the document. If a property to be annexed has multiple ownership, all of the owners must sign the Annexation Agreement. If multiple properties are combined for annexation purposes, but each will be developed separately, separate Annexation Agreements are to be signed by each owner. The final document is to be signed by the applicant and made available to the Town Clerk not less than two (2) weeks before the date of the public hearing on the annexation.

Rico Land Use Code Section 10.10 Annexation Map Technical Standards

The annexation map shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State of Colorado. The annexation map shall conform to the following drafting standards and contain the following information. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn maps shall be rejected.

1. The annexation map shall be an original drawing on 24" x 36" flat, spliceless, tapeless and creaseless sheet(s) of double matte mylar film with a uniform thickness of not less than .003 of an inch, using only permanent black ink that will adhere to drafting films, or an acceptable "fix-line" photographic reproduction (emulsion down), or a computer generated reproduction (emulsion down), or a computer generated reproduction of the original drawing. A margin line shall be drawn completely around each sheet leaving a margin at least one-half (1/2) inch on three sides and a margin at least two (2) inches on the left (short) side, entirely blank. Unless otherwise specified, text and numbers are to be large enough to be clearly legible at the scale drawn.
2. Paper copies of the annexation map(s) shall be blue-line or black line copies of the original, folded to 12" x 9" size. The applicant shall also provide paper 11" x 17" and 8½" x 11" reductions of the annexation map(s).
3. The annexation map shall be drafted at a scale that best conveys the detailed survey, and confines the drafting error to less than one (1) percent. Acceptable scales are 1"=50' or 1"=100' and for annexations exceeding one hundred (100) acres, 1"=200'. In special instances another scale may be approved by the Town. When an annexation requires multiple sheets, an index shall be provided that delineates the boundaries and identify each

(sheet number. The scale of a composite map may be different from the individual sheets, as approved by the Town. A "title sheet" containing the certifications and signature blocks shall be provided in the event that the annexation map sheet is too crowded.

2. The title shall be centered at the top of the sheet along the long dimension of each sheet shall include the name of the proposed annexation. A general legal description stating the section, township, range, __ P.M., Town, County, Colorado, shall be included under the name. On the title sheet (Sheet #1), under the general legal description, include the total acreage. Annexation names may not duplicate existing annexation names. Example:

PINE VIEW ANNEXATION
TO RICO, COLORADO

A Part of the E/2 of Section 23, Township __ North, Range West, th P.M., Town/City, Colorado
78.05 Acres

5. There shall be a title block in the lower right-hand corner, or along the right-hand margin that contains the name, address and telephone number of the land owner, the developer, and the engineer or surveyor preparing the drawing, an appropriate title for the drawing, the preparation date, sheet number, the preparer's project identification numbers, revision dates, draftsman's initials, and the electronic drawing file name provided to the Town.
6. Adjacent to the title block, in the lower right-hand corner, there shall be a legend block which shall include a description of lines, points and symbols, a double-headed north arrow designated as true north and a written and graphic scale.
7. Adjacent to the right margin, or in a column to the right of the center of the title page if the page is crowded, there shall be the Town's standard statement of ownership containing a written metes and bounds legal description of the land to be annexed (including the full width of abutting roadways not already within the Town) followed by the owner's signature block(s) and notary block(s), one for each owner or mortgagee.
8. Immediately following the ownership certificate, there shall be the Town's standard Surveyor's certificate, signed, dated and sealed by a licensed surveyor or engineer.
9. Immediately following the Surveyor's certificate, there shall be the Town's standard certificate blocks for the Rico Planning Commission and the Town of Rico Board of Trustees.
10. Immediately following the Board of Trustee's approval certificate, there shall be the Town's standard recording certificate block for the Dolores County Clerk and Recorder.
11. A vicinity map that depicts the area to be annexed and the area which surrounds the proposed annexation within a two-(2) mile radius superimposed on a current USGS Topographical Map, maintaining the same scale shall be placed on the left side of annexation map, outside the boundary of the area being annexed, or on the left side of the title sheet.
9. The annexation map drawing shall contain the following:
 - a. Show the outline of area to be annexed with boldest line.
 - b. For all references, show book, page, map number, etc., and place where publicly recorded.

- c. Show all recorded and apparent rights-of-way lines of roads both within and without the periphery of land to be annexed; these roads are those which are adjacent, adjoining, contiguous, and/or coincident with boundary. Provide all road names, right-of-way widths at each leg of an intersection, at the point of curve and point of tangent, at dead ends and at angle points; and right-of-way lines with accurate bearings and dimensions including chord lengths and bearings, central angles and radii of all curves. Whenever the centerline of a road has been established or recorded, the date and recording information shall be shown on the Annexation Map.
- d. Show on the annexation map, next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town and the contiguous boundary of any other municipality abutting the area proposed to be annexed. A hatched boundary line shall be used to depict the boundary contiguous to the Town (example: //////////////).
- e. Show section, quarter section, and other monument corners. Display ties to section corners and to the State grid, if available, which show dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings, and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc. shall be used. All dimensions are to be shown to the nearest 0.01' or in the case of degrees, to the nearest second. An accuracy of 1:50,000 (second order) minimum for linear and angular (bearing) closure shall be required for the boundary. All internal lots, tracts, or parcels shall have a closure accuracy of 0.01'.
- f. Provided a description of all monuments, both found and set, which mark the boundaries of the property and of all control monuments used in conducting the survey.
- g. Show the location of each ownership tract in un-platted land, and if part or all of the area is platted, the boundaries and plat numbers of plots or of lots and blocks.
- h. Show the names and locations of all abutting subdivisions. The locations of all abutting un-platted parcels and public lands shall be depicted and designated as such.
- i. The ownership identity of all mineral rights shall be designated on the map.
- j. Show the purpose, widths, location (with fine dashed lines) and ownership of all easements and all abutting easements, including but not limited to utility, oil and gas gathering and transmission lines and irrigation ditches (fee or prescriptive). If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof and its recorded reference must appear on the title sheet. The widths of all easements and sufficient data to definitively locate the same with respect to the parcel to be annexed must be shown. All easements must be clearly labeled and identified. If an easement shown on the annexation map is of record, its recorded reference must be given.

Rico Land Use Code 10.10 Concept Plan Map Technical Standards

- k. All lines, names and descriptions on the annexation map which do not constitute a part of the annexation shall be depicted in dashed or screened lines. Any area enclosed by the annexation, but not a part thereof, shall be labeled "Not a Part of This Annexation."
 - l. Accurately locate 100-year floodplains, all existing and proposed watercourses, retention and detention areas, wetlands, aquifer recharge areas, streams, lakes, or inlets on the affected property.
 - m. Show clearly the length and bearing of all lines described in the written description.
 - n. Show section numbers, quarter section quadrants, township and range lines, and label each.
 - o. Show all lines, calls, arcs, etc., described in written description.
 - p. Circle or place an ellipse around each location where a detail drawing will be provided, and provide designation for each detail such as " See Detail A."
 - q. Show "Point of Beginning" in bold letters with an arrow.
 - r. Show "True Point of Beginning" with bold letters and arrow, when appropriate.
 - s. A map note shall indicate the total perimeter of the annexation boundary, the contiguous length to the existing Town boundary and the length representing one-sixth (1/6) of the total annexation boundary perimeter.
14. An "Annexation Map Land Surveying Standards Checklist" completed by the surveyor shall be provided.
15. An electronic version of the concept plan map(s) and title sheets, shall be provided by email, flash drive, or by other acceptable electronic transfer. Large files are to be compressed. If multiple maps are used, one drawing file must combine all the parts into one map showing the entire annexation. Electronic files of each revision to the concept plan map shall be provided at the time the revision is submitted to the Town of Rico.

Rico Land Use Code 10.10 Annexation Map Technical Standards

The concept plan map shall be prepared by or under the supervision of a qualified land planner or architect. The concept plan map shall conform to the drafting standards of the annexation map. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn maps shall be rejected.

- 1. Paper copies of the concept plan map(s) shall be blue-line or black line copies of the original, folded to 12" x 9" size. The applicant shall also provide paper 11" x 17" and 8½" x 11" reductions of the concept plan map(s).
- 2. The concept plan map drawing shall contain the following:

- a. Show the boundary of the area to be developed;
 - b. Provide a written legal description of the area to be developed;
 - c. Within the concept plan, show the general location of each proposed land use on the property and the percentage of the whole for each use. General location of land uses may be shown as irregular graphic shapes depicting the approximate size and relationship to adjacent land uses. A table shall be used to list densities and land use by type, including the area of each, the density of residential development and the maximum and minimum lot sizes, and the maximum square footage of commercial and industrial buildings and the maximum and minimum lot sizes;
 - d. Within the concept plan, show existing and proposed arterial and collector streets and their relationship to the principal land uses on the site;
 - e. Within the concept plan, show existing and proposed major utility lines or facilities and their relationship to the principal land uses on the site;
 - f. Within the concept plan, show contour lines at ten (10) foot intervals, except when there are significant geographical features on the land and a different interval is determined to be more appropriate; and
 - g. Within the concept plan, show significant natural or manmade features on the site and contiguous to the property, including but not limited to, bluffs, tree galleries, lakes and ponds, irrigation ditches watercourses and wetlands.
3. An electronic version of the concept plan map(s) and title sheets, shall be provided by email, flash drive, or by other acceptable electronic transfer. Large files are to be compressed. If multiple maps are used, one drawing file must combine all the parts into one map showing the entire annexation. Electronic files of each revision to the concept plan map shall be provided at the time the revision is submitted to the Town of Rico.

Article XI – Building Permits

Section	Page
11.1 Issuance of Building Permits	3
A. Building Permits Required	3
B. Work Exempt from Permit	3
C. Emergency Repairs	4
D. Electrical	4
E. Gas/Propane	4
F. Mechanical	4
11.2 Demolition Permits Required	5
11.3 Design Criteria	6
A. Codes	6
B. Climate and Geographic Design Criteria	6
C. Residential Building Thermal Envelope Requirements	7
D. Commercial Building Thermal Envelope Requirements	8
E. Additional Mandatory Requirements for Energy Efficiency	8
11.4 Plan Submittal Requirements	8

Article XI – Building Permits

Section		Page
	A. Purpose and Intent	8
	B. General Requirements - Residential	9
	C. General Requirements - Commercial	10
11.5	Design Guidelines	12
	A. Residential Architecture (Single-Family and Multi-Family Dwellings)	12
	B. Historic Commercial and Commercial Architecture	12

A. Building Permits Required. As per Ordinance 2016-1, the Town of Rico adopted the 2006 Editions of the International Building Code, the International Residential Code, the International Existing Building Code, the International Mechanical Code and the International Fire Code. It shall be unlawful to commence the excavation for, or the construction of, any building or any structure, including accessory structures, until the Building Official of the Town of Rico has issued a building permit for such work. Building permits are required for:

1. New Structures:

- a. Buildings greater than 120 square feet.
- b. Decks and patios over thirty (30) inches in height.
- c. Walls greater than four (4) feet in height.

2. Existing Structures:

- a. Structural alterations to existing buildings.
- b. Enlargements of existing buildings that add greater than 20% to the total square footage of the existing building.
- c. Alterations in existing uses such as turning a garage or storage shed into a dwelling unit.

B. Work Exempt from Permit. Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

- 1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet.
- 2. Fences not over 6 feet high.
- 3. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
- 4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
- 5. Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and are not part of an accessible route. (one and two family dwellings are restricted to the height limit)
- 6. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
- 7. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.

8. Swings and other playground equipment accessory to detached one- and two- family dwellings.
9. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support of Group R-3 and U occupancies.
10. Decks, platforms, walkways, etc., that measure less than 30" from the standing surface to the adjacent grade within 36" of edge of standing surface.
11. Re-siding without alteration to the wall structure.
12. Re-roofing without alteration to the roof structure.
13. Temporary motion picture, television and theater stage sets and scenery.
14. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
15. Non fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

C. Emergency Repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

D. Electrical.

1. Repairs and Maintenance. A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. Radio and Television Transmitting Stations. The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
3. Temporary Testing Stations. A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

E. Gas.

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

F. Mechanical.

Rico Land Use Code Section 11.1 Issuance of Building Permits

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
9. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
10. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Rico Land Use Code Section 11.2 Demolition Permits Required

Colorado State Regulations require that the demolition of all structures built prior to October 12th, 1988 be inspected by an asbestos building inspector certified in the State of Colorado if the demolition project exceeds the following trigger points. Structures built after October 12th 1988 may be exempt if the architect or engineer who built the structure signs and submits documentation that no asbestos containing materials were used or specified. For more information on these regulations go to <https://www.colorado.gov/pacific/cdphe/categories/services-and-information/environment/asbestos>.

1. Single Family Residential Dwelling. Trigger levels are: 32 square feet of any building material or the volume equivalent of a 55 gallon drum. If pipes are to be removed, any removal exceeding 50 liner feet must be inspected.
2. Public and Commercial Buildings. Trigger levels are 160 square feet of any building material or the volume equivalent of a 55 gallon drum. If pipes are to be removed, any removal exceeding 260 liner feet must be inspected.

Rico Land Use Code Section 11.3 Design Criteria

A. Codes. The following codes regulate building construction in the Town of Rico.

1. 2006 International Building Code. Governs the conditions and maintenance of all property, buildings and structures - Multi-family and commercial.
2. 2006 International Residential Code. Governs detached one and two family dwellings and townhouses.
3. 2006 International Mechanical Code Governs the installation of heating, ventilating and air-conditioning.
4. 2006 International Fire Code. Governs the safeguarding of life and property from fire and explosion hazards
5. 2006 International Existing Building Code Governs the repair, alteration, change of occupancy and relocation of existing buildings
6. 2006 International Energy Conservation Code Governs the energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems
7. Electrical, Plumbing and Fuel Gas Codes Electrical, plumbing and fuel gas installation is governed by the State of Colorado regulations.

B. Climate and Geographic Design Criteria.

Climate and Design Criteria	
Ground Snow Load	77 lbs / Sq. Ft. (8,820 ft. A.S.L.)
Wind Speed	90 mph / 3 sec gust
Seismic Design Category	C
Weathering	Severe
Frost Depth	48 inches from grade to bottom of footer
Termite	Slight to Moderate
Winter Design Temperature	-10 Fahrenheit
Ice Barrier Underlayment	Required inside 24 inches of the exterior wall line

Climate and Design Criteria	
Flood Hazard	See FIRM dated August 5 th , 1986 along with 1995 flood hazard maps included in this RLUC
Air Freezing Index	40° Fahrenheit
Climate Zone	6

C. Residential Building Thermal Envelope Requirements.

Component	Value
Climate Zone	6
Fenestration U-Factor	0.35
Skylight U-Factor	0.60
Glazed Fenestration SHG C	N.R.
Ceilings R-Value	49
Wood Frame R-Value	19 or 13+5 ^g
Mass Wall R-Value	15
Floor R-Value	30 ^f
Basement Wall R-Value	15/19
Slab R-Value & Depth	10, 4ft
Crawl Space Wall R-Value	15/19

Rico Land Use Code Section 11.3 Design Criteria

1. R-values are minimums. U-factors and SHGC are maximums. R-19 insulation shall be permitted to be compressed into a 2×6 cavity.
2. The fenestration U-factor column excludes skylights. The solar heat gain coefficient (SHGC) column applies to all glazed fenestration.
3. 15/19 means R-15 continuous insulation on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. 15/19 shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulation on the interior or exterior of the home.
4. R-10 shall be added to the required slab edge R-values for heated slab. Insulation depth shall be 2 feet below grade.
5. There are no solar heat gain coefficient (SHGC) requirements in the Marine Zone.
6. Or insulation sufficient to fill the framing cavity, R-19 minimum.
7. "13+5" means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing covers 25% or less of the exterior, R-5 sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25% of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.

D. Commercial Building Thermal Envelope Requirements. Commercial building thermal envelope requirements can be taken from Table 502.2(1) of the International Energy Conservation Code and Ordinance 2016 - for amendments and modifications to adopted building codes. Additional mandatory requirements are in (IECC Chapter 5).

E. Additional Mandatory Requirements for Energy Efficiency.

1. Ducts outside the thermal envelope must be insulated to a minimum R-8. Ducts in floor trusses require R-6 insulation, minimum. Joints must be substantially sealed with mastic or (UL-181) approved tape.
2. Pipe for fluids over 105°F or below 55°F require R-2 insulation. Circulating hot water systems require a switch for the pump and R-2 insulation on piping in the circulation loop.
3. Mechanical ventilation systems require dampers at outdoor air intakes and exhausts. Heating and cooling equipment must be sized according to ACCA Manual J.
4. Recessed luminaries installed in the building thermal envelope shall be sealed to limit air leakage between conditioned and unconditioned spaces by being airtight and rated Type IC, or boxed on site.

Rico Land Use Code Section 11.4 Plan Submittal Requirements

A. Purpose and Intent. Plans and specifications submitted to the Town of Rico must be of sufficient nature to clearly show the project in its entirety with emphasis on the following:

1. Structural integrity
2. Life safety assurance
3. Architectural barriers
4. Building Code compliance as per Resolution No. 2016-1 and 2016-4

B. General Requirements - Residential.

1. Permit Application. A permit application, which is available at Rico Town Hall or online, must be filled out completely. Plans and accompanying documents must be presented in a clear, legible manner to allow for plan review. Structural plans and specifications required to be prepared by a State of Colorado registered and licensed Engineer or Architect; stamped, signed, and dated.
2. Plans. Provide (2) complete sets of plans. Minimum size 12"x18", 24"x 36" is preferred. Minimum drawings scale is 1/4" per foot, 1"=20' for site plan. Provide one electronic, pdf format set of plans. Plans shall contain no added "changes" in ink or pencil. Plan submittal shall include, but not necessarily be limited to:
3. Site Plan. Survey of lot prepared by a Colorado registered land surveyor (RLS) showing all property corners and lines, easements and setbacks, natural water courses on or adjacent to property. Show proposed new structure(s) location and size with distances to property lines, proposed driveway, adjoining roads and any existing buildings and fences. Show any retaining walls (Engineer stamped detail required if retaining wall is over four feet). Show all water, septic, gas and electrical points of connection including proposed service routes, propane tank locations, septic tank/leach field location and any existing utilities on the site. The dimensions of all yards and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of the RLUC are being observed regarding yards, areas, site-coverage and other such requirements or standards. See Rico Land Use Code for design regulations. See (IRC R106.1.3) for addition information to include on site plan for construction in flood hazard area.
4. Foundation Plan. Show all foundations, slabs, piers and footings. Indicate size, location, thickness, material and reinforcing. Show all embedded anchoring such as anchor bolts, hold-downs and post bases. Provide concrete strength at 28 days, rebar grade and lap length, etc. Structural plans to be stamped by a State of Colorado registered and licensed Engineer or Architect.
5. Floor and Roof Framing Plans. Show all structural members for floors and roofs including but not limited to blocking, headers, columns, joists, bearing walls, rafters, roof trusses and note their sizes, spacing, bearing points, method of attachment along with roof/wall/floor sheathing type and thicknesses. If manufactured trusses are to be used, calculation/truss drawing sheets must be submitted with plans. Provide grade/specs of all lumber products. Structural plans to be stamped by a State of Colorado registered and licensed Engineer or Architect.
6. Floor Plans. Show floor plan for all levels including basements. Show/label all rooms, dimensioned with their use. Provide square footage for each level and total overall. Show all

doors and windows. Provide door and window schedules or sizes with required egress windows and safety glass (where applicable) labeled along with U-factor per Town of Rico Design Criteria. If stairs are required show riser height/tread depth and handrail/guardrail heights. Show location of plumbing fixtures, kitchen appliances, fireplace/stove (wood or gas) and mechanical equipment. Show attic and crawl space access locations. Identify all fire rated assemblies.

7. Elevations. Show all views. Show all vertical dimensions and building height as required by (RLUC 204.6).. Indicate all openings and identify all siding and roofing materials. Show roof pitch and roof overhangs.
8. Building Sections and Wall Sections. Show as many sections to the structure as may be necessary to properly identify the structure, including one through stairs. Some structures require more than one section.
9. Walls and Floors. Show floor covering, wall construction, siding and type of gypsum wall board on ceilings and walls. Show interior walls, either bearing or nonbearing. Show framing, top and bottom plates, blocking, draft stopping, rim joist, ceiling joist, roof rafters or trusses. Show the wall, floor and roof insulation values per Town of Rico Design Criteria. Indicate the floor and roof sheathing/underlayment and roof pitch and overhangs. Show attached decks, posts, piers and anchoring methods. Show all cross sectional changes in elevation on section and all dimensions. Label all. Identify all fire rated assemblies.
10. Electrical/Mechanical Plans. Provide locations of all light fixtures, switches, receptacles, panel location, smoke and carbon monoxide detectors. Exterior light fixtures to be shielded to comply with (RLUC 204.2). If achieving energy efficiency compliance through the Simulated Performance Alternative, submit documentation/performance-based compliance report per (IECC 404.4).
11. Manufactures product listing data for specialty materials and equipment. Where materials or equipment of a specialty nature will be used, valid research reports from a recognized listing agency (ICC,UL,AGA, etc.) should be provided addressing their code equivalency. Alternative materials, designs or methods of construction not specifically prescribed by the applicable code may require pre- approval from the building official. (IRC R104.11)

C. General Requirements – Commercial

1. Permit Application. A permit application, which is available at Rico Town Hall or online at www.colorado.gov/ricocolorado , must be filled out completely. Plans and accompanying documents must be presented in a clear, legible manner to allow for plan review. All plans, calculations and specifications required to be prepared by a State of Colorado registered and licensed Engineer or Architect; stamped, signed, and dated.
2. Plans. Provide (2) complete sets of plans. Minimum size 12"x18", 24"x 36" is preferred. Minimum drawings scale is 1/4" per foot, 1"=20' for site plan. Provide one electronic, pdf format set of plans. Plans shall contain no added "changes" in ink or pencil. Plan submittal shall include, but not necessarily be limited to:

3. Building Code Analysis. The Town of Rico requires the architect provide a code analysis on all commercial and multifamily projects based on the adopted design codes including Use and Occupancy Classification, Types of Construction, General Building Limitations (actual area per floor/overall, allowable area per floor/overall, Fire-resistant Rated Construction, Fire Suppression Requirements, Means of Egress (occupant load per floor, exists per floor), Accessibility.
4. Site Plan. Survey of lot prepared by a Colorado registered land surveyor (RLS) showing all property corners and lines, easements and setbacks, natural water courses on or adjacent to property. Show proposed new structure(s) location and size with distances to property lines, proposed driveway, adjoining roads and any existing buildings and fences. Show any retaining walls (Engineer stamped detail required if retaining wall is over four feet). Show all water, septic, gas and electrical points of connection including proposed service routes, propane tank locations, septic tank/leach field location and any existing utilities on the site. The dimensions of all yards and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of the RLUC are being observed regarding yards, areas, site-coverage and other such requirements or standards. Identify all required parking spaces. See Rico Land Use Code for design regulations. See (IBC 106.2) for addition information to include on site plan for construction in flood hazard area.
5. Foundation Plan. Show all foundations, slabs, piers and footings. Indicate size, location, thickness, material and reinforcing. Show all embedded anchoring such as anchor bolts, hold-downs and post bases. Provide concrete strength at 28 days, rebar grade and lap length, etc. Specify on plans all required Special Inspections per (IBC Chapter 17). Structural plans and calculations to be stamped by a State of Colorado registered and licensed Engineer or Architect.
6. Floor and Roof Framing Plans. Show all structural members for floors and roofs including but not limited to blocking, headers, columns, joists, bearing walls, rafters, roof trusses and note their sizes, spacing, bearing points, method of attachment along with roof/wall/floor sheathing type and thicknesses. If manufactured trusses are to be used, calculation/truss drawing sheets must be submitted with plans. Provide grade/specs of all lumber products. Specify on plans all required Special Inspections per (IBC Chapter 17). Structural plans and calculations to be stamped by a State of Colorado registered and licensed Engineer or Architect.
7. Floor Plans. Show floor plan for all levels including basements. Show/label all rooms, dimensioned with their use. Provide square footage for each level and total overall. Show all doors and windows. Provide door and window schedules or sizes with required egress windows and safety glass (where applicable) labeled. If stairs are required show riser height/tread depth and handrail/guardrail heights. Show location of plumbing fixtures, kitchen appliances, fireplace/stove (wood or gas) and mechanical equipment. Show attic and crawl space access locations. Identify all fire rated assemblies.
8. Elevations. Show all views. Show all vertical dimensions and building height as required by (RLUC 204.6).. Indicate all openings and identify all siding and roofing materials. Show roof pitch and roof overhangs.
9. Building Sections and Wall Sections. Show as many sections to the structure as may be necessary to properly identify the structure, including one through stairs. Some structures require more than one section.

Rico Land Use Code Section 11.4 Plan Submittal Requirements

10. Floors and Walls. Show floor covering, wall construction, siding and type of gypsum wall board on ceilings and walls. Show interior walls, either bearing or nonbearing. Show framing, top and bottom plates, blocking, draft stopping, rim joist, ceiling joist, roof rafters or trusses. Show the wall, floor and roof insulation. Indicate the floor and roof sheathing/underlayment and roof pitch and overhangs. Show attached decks, posts, piers and anchoring methods. Show all cross sectional changes in elevation on section and all dimensions. Label all. Identify all fire rated assemblies.
11. Electrical Plans. Provide locations of all light fixtures, switches, receptacles, panel locations, smoke and carbon monoxide detectors. Exterior light fixtures to be shielded to comply with (RLUC 204.2).
12. Mechanical Plans. Show the entire mechanical system. Include all units, their sizes, mounting details, all duct work and duct sizes. Indicate all fire dampers where required. Provide equipment schedules. Submit energy conservation calculations per the International Energy Conservation Code. Provide size of equipment based on
13. BTU's and horsepower. Provide structural calculations and details for all mechanical equipment over 100 lbs. operating weight
14. Manufactures product listing data for specialty materials and equipment. Where materials or equipment of a specialty nature will be used, valid research reports from a recognized listing agency (ICC,UL,AGA, etc.) should be provided addressing their code equivalency. Alternative materials, designs or methods of construction not specifically prescribed by the applicable code may require pre- approval from the building official. (IBC 104.11)

Rico Land Use Code Section 11.5 Design Guidelines

- A. **Residential Architecture (Single-Family and Multi-Family Dwellings).** **Residential** Design guidelines including but not limited to massing, building height restrictions, roof pitch and exterior materials can be found in Article II, Section 2.16.
- B. **Historic Commercial and Commercial Architecture.** Commercial and Historic Design guidelines including but not limited to massing, building height restrictions, roof pitch, exterior materials can be found in Article II, Section 2.17.