

# CITY OF IDAHO SPRINGS PLANNING COMMISSION COMMUNICATION

<b>Meeting Date:</b> March 7, 2018	<b>Page 1 of 2</b> w/attachment	<b>Overhaul of Municipal Code: Outline, Formatting and Content</b>
<b>Presented by:</b> Alan Tiefenbach Community Development Planner		

**BACKGROUND**

Staff presented a proposed timeline and general overview of the Municipal Code update to the Planning Commission on February 7, 2018. At that time, the Planning Commission directed staff to go forward with the overhaul and timeline as described.

Staff is presenting three components of the overhaul to the Planning Commission:

1. Exhibit A: Proposed outline. This is the outline staff is using as a framework for the update. It represents a complete reorganization of the Code into a more logical outline.
2. Exhibit B: Example of how consolidation will occur. This is an excerpt to demonstrate to the Planning Commission one of the methods staff is using to consolidate and reformat the code. Although the look is different, much of the text exists in some form in the existing Code and there is no significant changes to content.
3. Exhibit C: Regulatory changes. These are actual changes or additions to the regulations. Staff requests the Planning Commission review these changes and offer input, comment or approval. The material provided has descriptions of the changes. Below is a highlight of the changes:
  - a. Manufactured Housing.

The present definition of “single family dwelling” includes Type II Manufactured Housing (double-wides). This allows double-wides in any residential district in Idaho Springs. Staff is proposing a change to the definition and is proposing to allow this type of housing stock only in the Residential-Two (R-2) zone district where the majority of them already exist.

    - i. Staff also seeks direction in regard to whether single-wide trailers should be allowed as housing stock anywhere in the City or whether they should become legal nonconforming structures that should eventually be removed. Staff is also seeking direction from the City Attorney as to whether any housing laws require this type of housing stock to be allowed.
  - b. Development regulations by zone district.
    - i. The “Minimum Gross Floor Area” table provided presently exists in the regulations. Staff proposes eliminating minimum gross floor area requirements for multifamily units. If this change occurs, minimum floor requirements would be left to building code.

- ii. Staff recommends adding a “maximum gross floor area” for structures in the R-1 Zone District based upon an average of surrounding residences. This is to prevent removing existing residences and constructing new residences that are significantly out of scale with the surrounding properties.
- c. Development standards table.
- i. Staff proposes reducing required setbacks within the residential districts as indicated. Many of the structures in these zone districts, especially Residential-One (R-1) exist at lesser setbacks.
  - ii. Staff proposes eliminating requirements pertaining to bulk plane and floor area ratio. Staff researched numerous small Colorado mountain towns and has found few towns with these requirements. It is staff’s opinion that setbacks and open space requirements already adequately control the amount of buildable area per lot. Also, the bulk plane requirements are confusing, and after sketching out diagrams staff has determined the bulk plane requirements provide little utility.

**COMMISSION ROLE**

- Review the outline and consolidation example.
- Discuss and provide direction in regard to the regulatory changes regarding the overhaul of Section 20 and 21 of the Municipal Regulations.

**ATTACHMENTS**

- Proposed outline, formatting example and proposed regulatory changes.

# **EXHIBIT A PROPOSED OUTLINE**

## **CHAPTER 20 LAND DEVELOPMENT REGULATIONS**

### **ARTICLE I. GENERAL PROVISIONS**

Sec. 20-1. Purpose

Sec 20-2. Conformance with Comprehensive Plan

Sec.20-3. Interpretation

Sec. 20-4. General application.

Sec. 20-5. Effect of other ordinances

Sec 20-6. Building Permits Required

Sec. 20-7. Violations.

Sec. 20-8. Termination of authorizations.

Sec. 20-9. Revocation or suspension of permits

Sec 20-10. Injunctive relief.

Sec. 20-11. Civil damages.

Sec. 20-12. Nonconforming uses; buildings.

### **ARTICLE II. DEFINITIONS**

### **ARTICLE III. ZONING.**

Sec. 20-20. General

Sec. 20-21. Zoning map.

Sec 20-22. Zoning, General

Sec. 20-23. Zoning following Annexation.

Sec 20-24. Application.

Sec 20-25. Volume of sound generated.

Sec 20-26. Vibration generated.

Sec 20-27. Enclosure of uses.

Sec 20-28. Emissions.

Sec 20-29. Outdoor storage; waste disposal.

Sec 20-30. Use limitations; corner lots.

Sec 20-31. Obstruction on public lands.

Sec 20-32. Home occupations.

Sec 20-33 – 20-39 Reserved – Short Term Rentals

Sec 20-34 – Marijuana

#### **SEC 20-40. ZONE DISTRICTS**

Sec 20-41. Uses permitted by right.

Sec 20-42. Conditional Uses.

Sec 20-43. Allowed uses by zone district.

Sec 20-44. R-E, Residential Estate District.

Sec 20-45. R-1, Residential One District.

Sec 20-46. R-3, Residential Three District.

Sec 20-47. R-M, Rural Multiple-Family Residential District.

Sec 20-48. HD, Historic Downtown District.

Sec 20-49. C-1, Commercial One District.

Sec 20-50. C-2, Commercial Two District.

Sec 20-51. C-3, Commercial Interchange District.

Sec 20-52. L-I, Light Industrial.

Sec 20-53. I-1, Industrial One District.

Sec 20-54. P, Park and Recreation District.

Sec 20-55. CONS, Conservation District.

Sec 20-56. PUD, Planned Unit Development.

Sec 20-57. East End Overlay District

Sec 20-58—20-60 Reserved

#### **ARTICLE IV. DEVELOPMENT REGULATIONS BY ZONE DISTRICT**

Sec 20-61. Buildings per lot.

Sec 20-62. Minimum gross floor area.

Sec 20-63. Maximum gross floor area.

Sec 20-64. Development Standards

Sec 20-65—20-70 Reserved

#### **ARTICLE V. DEVELOPMENT PROCESSES AND PROCEDURES**

Sec 20-71 General and Intent

Sec 20-72. Applicability.

Sec 20-73. Administrative review of City projects.

Sec 20-74. Building Permits Required.

Sec 20-75. Deposit for costs.

Sec 20-76 Development Impact Fees

Sec 20-77 Public improvements.

Sec 20-78 Inclusionary Housing (maybe part of the impact fees section)

Sec 20-79-20-80 Reserved

Sec 20-81. Review Process, and Decision Making Authority.

- A) Administrative.
- B) Public Hearing.
  - a) Appeal.

Sec 20-82. Required Decision Making Process for Development Applications.

Table 20-82-1 indicates the following required review steps for each development process.

Sec 20-83. Required Public Notification by Development Process

Table 20-83-1 indicates the required public notification for each development process.

Sec 20-84. Notification process descriptions.

- A) Community Meeting.
- B) Notification mailings.
- C) Sign posting.
- D) Newspaper publication

Sec 20-85. Submittal requirements by development process.

- 1) Table 20-85-1 indicates the required submittal requirements for each development process.

Sec 20-86. Description of required submittal materials.

- A) Annexation Map.
- B) Application
- C) Architectural elevations
- D) Concept plan
- E) Cover letter
- F) Grading and drainage plan.
- G) Impact assessment.
- H) Legal Description.

- I) Proof of Ownership.
- J) Deposit for costs. (See Sec 20-62. *Deposit for costs.*)
- K) Site Plan

Sec 20-87—20-90. Reserved

## **Sec 20-91. TYPES OF DEVELOPMENT APPLICATIONS**

Sec 20-92. Purpose.

Sec 20-93. Preapplication conference

Sec 20-94. (Annexations)

- A) General
- B) Applicability
- C) Submittal Requirements
- D) Notification Requirements
- E) Public Hearing Requirements
- F) Review Criteria
- G) Post Approval

Sec 20-95. Certificate of Appropriateness (COA)

1. General
2. Applicability
3. Submittal Requirements
4. Notification Requirements
5. Public Hearing Requirements
6. Review Criteria
7. Post Approval

Sec 20-96. Conditional Uses

- A) General
- B) Applicability
- C) Submittal Requirements
- D) Notification Requirements
- E) Public Hearing Requirements
- F) Review Criteria
- G) Post Approval

Sec 20-97. Planned Unit Developments (PUD)

- A) General
- B) Applicability
- C) Submittal Requirements
- D) Notification Requirements
- E) Public Hearing Requirements
- F) Review Criteria
- G) Post Approval

Sec 20-98 Rezoning

- A) General
- B) Applicability
- C) Submittal Requirements
- D) Notification Requirements
- E) Public Hearing Requirements
- F) Review Criteria
- G) Post Approval

Sec 20-99 Site Development Plan (SDP)

- A) General
- B) Applicability
- C) Submittal Requirements
- D) Notification Requirements
- E) Public Hearing Requirements
- F) Review Criteria
- G) Post Approval

Sec 20-100. Vacation of Right-of-Way or Easement

- A) General
- B) Applicability
- C) Submittal Requirements
- D) Notification Requirements
- E) Public Hearing Requirements
- F) Review Criteria
- G) Post Approval

Sec 20-101. Variances

- H) General
- I) Applicability
- J) Submittal Requirements
- K) Notification Requirements
- L) Public Hearing Requirements
- M) Review Criteria



N) Post Approval

Sec 20-102—Sec 20-120 Reserved

## **ARTICLE VI – DESIGN STANDARDS**

Division I. – SIGNS

DIVISION II. – Parking and Loading

Division III. Building and Site Design Standards

Sec 20-XX. Applicability.

Sec 20-XX. Application of building and site design standards.

Sec. 20-XX. Design policies, general.

Sec. 27--XX. Design setting.

Sec. 27--XX. Fences; walls; retaining walls.

Sec. 27—XX. Architecture

A) Multi-Family Residential Architecture

B) Commercial and Industrial Architecture

SEC. 28—XX. Landscaping

## **ARTICLE VII – WIRELESS FACILITIES**

### **PHASE TWO - 2019**

Sec 22 – Historic Preservation (minus review procedures and criteria)

Sec 23 – Flooding

Sec 24 – Subdivisions

Sec 25 – Activities of State Interest

Standards and Specifications for Design and Construction

TECHNICAL CRITERIA

**EXHIBIT B**  
**EXAMPLE OF HOW CONSOLIDATION WILL OCCUR.**

**Sec 20-81. Review Process, and Decision Making Authority.**

The review and decision processes for development applications are either Administrative or through a Public Hearing. Sec 20-82 outlines which review process is required for each development application.

**Commented [PO1]:** STAFF ELIMINATED ALL THE DUPLICATIVE DESCRIPTIONS OF THE REVIEW PROCESSES THROUGHOUT THE CODE AND CONSOLIDATED IT HERE. STAFF IS GROUPING IT AS ADMINISTRATIVE REVIEW AND PUBLIC HEARING.

- A) **Administrative.** The City Administrator or their designee shall review the application for completeness as indicated by the required documents for each process in Sec 20-91. If the application is found to be incomplete, it shall be returned to the applicant along with a list of items required for completion. Upon determining that the application is complete, the City Administrator or their designee may distribute and refer a copy of the application to public agencies, City departments and County departments for their review and comment. Each public agency, City department and County department receiving a copy of the application materials may, within (14) days after receipt, forward written reports of its findings and recommendations to the City. Failure of any reviewing agency or department to respond within the allotted time may be deemed as a response that the agency or department has no comment on the application and submission documents. Failure to submit a written report to the City shall not be deemed as approval or acceptance of the proposed application by such agency. Reports received by the City after the allotted referral time may but need not be accepted by the City.
- 1) Within seven (7) days of the completion of the 14 day referral process, if the ~~City Planner -City Administrator or their designee~~ determines that the application complies with all City requirements, and that any adequate provision for the construction of any necessary public improvements has been made, they shall approve the application. ~~If there are still outstanding issues after the completion of the administrative review and referral process, staff may recommend another review and referral process.~~
- B) **Public Hearing.** ~~The administrative review and referral process listed in Sec 20-81 (A) shall be followed. If there are still outstanding issues after the completion of the administrative review and referral process, staff may recommend another review and referral process. The applicant has the option to request in writing a public hearing regardless of whether all issues have been addressed.~~
- 1) ~~Within seven (7) days of the completion of the 14 day referral process or at the written request of the applicant, the City Administrator or their designee shall schedule the application for presentation at a public hearing. Notice of said hearing shall be provided as indicated in Section 20-83. Staff shall prepare a written report of the City staff's findings and recommendations to submit to the decision making body, a copy of which shall be promptly provided to the applicant. At the public hearing, the decision making body will review the application for conformance with the review criteria as listed in each development process, and hear recommendations of City staff as well as any public testimony. All evidence and testimony shall be presented publicly. The decision making body may postpone or continue any hearing for the purpose of obtaining additional information necessary to render a~~

final decision on the application. The decision making body shall approve, disapprove or conditionally approve the application.

- a) If the decision making body is not the final decision making body as indicated in Sec. 20-82, it shall forward its recommendations, along with the recommendations of staff, to City Council. When a hearing in front of the City Council is required, the City Council is always the final decision making body.
- b) ~~Sec. 21-116. Further,~~ The City Council may remand ~~the conditional use permit~~ application to the Planning Commission for additional findings or to obtain further evidence.

**Sec 20-82. Required Decision Making Process for Development Applications.**

**Commented [PO2]:** THE PUBLIC HEARING PROCESSES IS SCATTERED AND IS SOMETIMES DESCRIBED SLIGHTLY DIFFERENTLY FOR EACH DEVELOPMENT PROCESSES. SOME PROCESSES, SUCH AS VACATION OF ROW, IS NOT EVEN LISTED.

Table 20-82-1 indicates the following required review steps for each development process. See Sec 20-91. for a description of each development process.

*Begin Process* *End Process*

**TABLE 20-82-1: REQUIRED DECISION MAKING PROCESS FOR DEVELOPMENT APPLICATIONS.**

PROCESS	Preapplication Meeting	Administrative approval or recommendation	HPRC <sup>1</sup>	Variance Board	Planning Commission	City Council <sup>2</sup>
Annexation	X	X			X	X
Certificate of Appropriateness with no change in basic character.	X	X	X <sup>3</sup>			Appeal
Certificate of Appropriateness with possible change in basic character	X	X	X			X 1041 process
Conditional Use	X	X			X	X
Planned Unit Developments	X	X			X	X
Rezoning	X	X			X	X
Site Development Plans < = ¼ 1 acre	X	X				
Site Development Plans > ¼ 1 acre, < = 2-5 acres	X	X			X	
Site Development Plans = > 2 5 acres	X	X			X	X
Variances	X	X		X		
Vacation of right-of-way	X	X			X	X

**Sec 20-7283. Required Public Notification by Development Process**

Table 20-83-1 indicates the required public notification for each development process. (See Sec 20-84 below for a description of each notification process.)

<sup>1</sup> HPRC = Historic Preservation Review Commission

<sup>2</sup> All ordinances, other than emergency ordinances, require a first and second reading by Council.

<sup>3</sup> For Certificates of Appropriateness, City Staff does not make a recommendation to the HPRC.

TABLE 20-83-1: REQUIRED PUBLIC NOTIFICATION BY DEVELOPMENT PROCESS				
Development Process	Community Meeting	Notification Mailing	Sign Posting	Publication
Annexation		X	X	X <sup>4</sup>
Certificate of Appropriateness		X	X	
Conditional Use		X	X	X
Planned Unit Developments		X	X	X
Rezoning				
Site Development Plans <= 1 acre	X			
Site Development Plans > 1 acre, <= 5 acres	X		X	
Site Development Plans > 5 acres	X		X	
Variances		X	X	
Vacation of right-of-way		X	X	

**Commented [PO3]:** REQUIRED NOTIFICATION IS CURRENTLY NOT LISTED FOR EVERY PROCESS, SOME IS SCATTERED THROUGHOUT THE CODE. THIS IS STANDARDIZING IT FOR ALL PROCESSES.

Sec 20-84. Notification process descriptions.

Development process notification requirements include: 1) community meetings: 2) notification mailings: 3) sign postings: and 4) newspaper publications.

A) Community Meeting.

- 1) ~~Development proposals subject to the provisions of this Chapter shall conduct a nCommunity neighborhood meetings are required~~ at the beginning stage of the design process. The applicant is required to present the project proposal to the neighborhood prior to the submission of a formal application. Written notice of this meeting will be sent by the City to property owners located within one hundred fifty (150) feet of the outer boundary of the project. While the City will conduct the mailing, the applicant will be responsible for all expenses ~~and for providing appropriate materials, mailing lists and other items as necessary.~~
- 2) This meeting is intended to solicit and document input on the proposed project prior to commencing formal design. The meeting results may be used to modify the project's conceptual design and, if no changes are made to the proposal based upon input heard or submitted at the meeting, the applicant ~~will shall~~ explain why neighborhood and community input did not generate any design modifications. ~~{Ord. 3 51, 2009}~~

B) Notification mailings.

The ~~applicant~~ City shall ~~submit~~ obtain the names, street and mailing addresses of ~~and stamped and addressed envelopes for~~, all property owners within one hundred fifty (150) feet of the ~~subject property area to be subdivided~~, as their names and addresses appear in the records of

<sup>4</sup> Annexation publication must occur four consecutive weeks in a row, with the last publication being no less than 7 days prior to the City Council hearing.

the County Clerk and Recorder and as their most recent addresses appear on the tax records of the County. Such mailing shall occur at least 14 days prior to the community meeting or public meeting. Letter shall contain the name of the applicant, the address of the property, a description of the proposal, a vicinity map, and date(s) of any public hearings. While the City will conduct the mailing, the applicant will be responsible for all expenses.

C) Sign posting.

- 1) Signs, provided by the City, will be posted on each boundary of the property having frontage on either a public or private street/road. The provision for posting along public streets/roads shall not apply to freeways, unless the freeway has a frontage road on which the requirements will apply. If the property does not have any street/road frontage at the time of posting, then a minimum of one (1) sign must be posted on the property at the location most visible to the general public. If the Case Manager determines that the signs required to be posted on the property would not be readily seen by the general public, then he/she may require the posting of off-site signs, in the number and location deemed appropriate. Signs shall be posted at least 14 days in advance of the public hearing and shall remain posted until the final public meeting has occurred.
  - a) Signs shall contain the address of the property, a description of the proposal, the time, date and location of the public meeting, and contact information for the City representative.

D) Newspaper publication

- 1) The City shall set and publish notice of a date, time and place for a hearing before the City Council on said application. Such notice shall be published once in a newspaper of general circulation in the City, not less than thirty (30) nor more than sixty (60) days before the date set for hearing with the final decision-making authority.

## EXHIBIT C REGULATORY CHANGES FOR PC DISCUSSION

*Dwelling, single-family.* A building, ~~including a Type I manufactured home,~~ at least partially constructed on site and designed exclusively for occupancy by one (1) family. "Single family dwellings" include modular homes.

*Manufactured home.* A structure which is designed primarily for long-term occupancy as a residence, is partially or wholly manufactured in a factory or at a location other than the site of the completed home, contains sleeping areas, a flush toilet, a tub or shower bath and kitchen facilities, has plumbing and electrical connections provided for attachment to outside systems, is transportable in one (1) or more sections, can be installed on a permanent foundation, and meets all established snow loads. Manufactured home does not include park trailers, camper trailers, travel trailers or other similar vehicles.

- 1) Type I is a manufactured home which is transportable in two (2) or more sections, has brick, wood or cosmetically equivalent exterior siding and a pitched roof, ~~but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles. is not less than twenty-four (24) feet wide at its narrowest dimension and not less than thirty-six (36) feet long, has a minimum floor area of one thousand (1,000) square feet,~~ A Type I manufactured home ~~and is~~ must be certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401 et seq., as amended, and all regulations enacted pursuant thereto, or is certified by the State as being in compliance with the requirements of the International Building Code as adopted by the State and enforced and administered by the Colorado Division of Housing.
- 2) Type II is a single-section manufactured home which is designed to be transported on its own or detachable wheels or on a trailer, ~~is constructed with a permanent hitch or other device allowing transport of the unit is eight (8) feet or more in width at its narrowest dimension and thirty-two (32) feet or more in length,~~ and bears a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Except where the context requires a different interpretation, Type II manufactured home shall be deemed synonymous with mobile home.

**Commented [PO1]:** Staff proposes allowing Type I manufactured homes in R-2.

**Commented [PO2]:** Single wide trailer homes. Talking to the Attorney about whether we HAVE to allow these.

**ARTICLE IV. DEVELOPMENT REGULATIONS BY ZONE DISTRICT**

Sec 20-61. Buildings per lot. Only one primary structure is allowed per lot in R-E, R-1, or R-2 Zone Districts.

**Commented [PO3]:** NEW. THIS PRESENTLY IS NOT EXPLAINED.

Sec 20-62. (Sec. 21-92) Minimum gross floor area.

No dwelling unit shall have a gross floor area of less square footage than listed as follows

<i>District</i>	<i>Dwelling Type</i>	<i>Minimum Gross Square</i>
R-E	Single-family	1,200
R-1	Single-family	850 (a)
R-2, R-3 & R-M	Single-family, two family dwelling	850 (a)
R-2, R-3 & R-M	Multiple family 1 bedroom	550 (a)
R-2, R-3 & R-M	Multiple family 2 bedroom	720 (a)
R-2, R-3 & R-M	Multiple family 3 bedroom	900 (a)
R-2, R-3 & R-M	Multiple family over 3 bedroom apartment	Add 200 sq. ft. for each bedroom to the 3rd bedroom

**Commented [PO4]:** REGULATING SFR SIZES TO BE CONSISTENT WITH SURROUNDING HOMES MAKES SENSE, BUT GIVEN THE HOUSING SITUATION, DO WE REALLY WANT TO REGULATE THE SIZE OF APARTMENT UNITS AS LONG AS THEY MEET BUILDING CODE?

(a) F.H.A. or H.U.D. minimum requirement shall govern for dwelling units constructed under their programs. (Ord. 8 §1, 2006)

Sec 20-63. Maximum gross floor area.

Within the R-1 Residential-One Zone District, no new structure shall have a footprint that is greater than 50% of the average footprint of all primary structures within 150 feet of the subject property.

**Commented [PO5]:** INTENDED TO PREVENT TEAR DOWNS AND REPLACEMENT WITH STRUCTURES THAT ARE FAR OUT OF SCALE.

Sec 20-64. (Sec. 21-94) Development Standards

District	Minimum Lot Area in Square Feet	Minimum Lot Width in Feet at Front of Setback Line (a)	Minimum Proportion of Lot in Unobstructed	Setbacks in Feet See notes (c)(d) (e)				Max Height			Maximum Floor-Area Ratio
				Front (C)(d)(e)	Rear (d)	Side (d)	Bulk of Structures	Maximum Combustible Construction	Maximum Incombustible	e	
R-E	14,520 (1/8)	100'	50%	30'	20'	15'	10' (g)	35'	U.L.	U.L.	1/2:1
R-1	6,000 (b)	50' (b)	50%	20' 15'	20'	5'	10' (g)	35'	U.L.	U.L.	3/4:1
R-2	5,000 (b)(c)	50' (b)	50%	20' 15'	20'	5'		35'	U.L.	U.L.	1:1
R-3	5,000 (b)(h)	50' (b)	50%	15' 20'	20'	5'		35'	U.L.	U.L.	1:1
R-M	14,520 (1/8)	100'	50%	30'	20'	15'	10' (g)	45'	U.L.	U.L.	3:1
HD	(-)	(-)	(-)	(-)	(-)	(-)		35'			
C-1	(-)(h)	(-)(h)	10%	10' (k)	10' (k)	5' (k)		35'	U.L.	U.L.	3:1
C-2	(-)(h)	(-)(h)	15%	10' (k)	10' (k)	5' (k)		35'	U.L.	U.L.	3:1
C-3	(-)(h)	(-)(h)	20%	10' (k)	10' (k)	5' (k)		35'	U.L.	U.L.	3:1
I-1	(-)(h)	(-)(h)	20%	10' (k)	10' (k)	5' (k)		35'	U.L.	U.L.	3:1
L-1	(-)(h)	(-)(h)	20%	10' (k)	10' (k)	5' (k)		35'	U.L.	U.L.	3:1
PUD	*	*	*30%	*	*	*	10' (g)	*35'	*U.L.	*U.L.	*
Park	(-)	(-)	(-)50%	(-)20'	(-)20'	(-)20'	10' (g)	35'	U.L.	U.L.	1:1
CONS	(-)	(-)	100%	(-)	(-)	(-)	(-)	(-)	(-)	(-)	(-)

Commented [P07]: THIS IS A BUILDING CODE ISSUE.

Commented [P06]: RECOMMEND THIS BE REMOVED. I HAVE NOT FOUND ONE COLORADO MOUNTAIN TOWN THAT USES THIS, IT IS CONFUSING, AND MOST HOUSES PROBABLY DON'T MEET THIS.

Notes:

\* See Article XI, PUD.

(-) This symbol means that no limitations are specified.

U.L. - Unlimited

- (a) The widths given are for lots of rectangular shape; for lots not rectangular, the width shall be 1/2 the width given but not less than 30 feet. The values given in the table shall then be the average lot width.
- (b) The area and width may be reduced for a structure used as a single-family dwelling if:
  1. The lot is located in a subdivision existing prior to adoption of this Code.
  2. The lot is adjoined on both sides by lots with structures thereon, or by a street on 1 side and a lot with a structure thereon on the other side.
 Reductions shall be:
  1. R-1: 4,400 sq. ft. of area and 37 ft. in width.
  2. R-2: 3,900 sq. ft. of area and 35 ft. in width.
  3. R-3: 3,900 sq. ft. of area and 35 ft. in width.

(e) A minimum of 1,800 square feet per dwelling unit for two-family and multiple family dwellings.

(c) Front setbacks for all accessory uses and detached private garages structures shall be 1 1/2 times the distance listed in the table.

(d) Side and rear setbacks for accessory structures shall be 5 feet.

Commented [P08]: WHY DO WE NEED FLOOR AREA RATIOS WHEN WE ALREADY HAVE A MINIMUM OPEN SPACE REQUIREMENT, SETBACKS AND BULK PLANE?

Commented [P09]: MOVED THIS INTO THE MINIMUM SQUARE GFA TABLE ABOVE



~~(e) Where more than 25% of the lots by frontage along 1 block front are occupied by structures containing a permitted use by right, no structure hereafter designed, erected or altered shall project beyond the predominant front setback established by such existing structures; however, this regulation shall not require a front setback of more than 30 feet.~~

**Commented [PO10]:** THIS DOESN'T MAKE SENSE. LET'S JUST REQUIRE A SETBACK.

~~(f)(e) Permitted encroachments on setback space:~~

1. Any structure or part thereof which is below the grade of any setback may project any distance into such setback space.
2. The following may project 18 inches into all setbacks: belt courses, sills, lintels, pilasters, chimneys not over 6 feet in width, gas and electric meters and transformers.
3. The following may project 5 feet into all setbacks: building accessories designed and intended to control light entering a building, unwallied porches, terraces and balconies and outside stairways.
4. Cornices, eaves, roof overhangs and gutters may project 5 feet into the front and rear setbacks and 5 feet or ½ the side setback space, whichever is less, into the side setback.

~~(g) Bulk of structures: No part of a structure, except permitted encroachments (f), shall project up through the bulk limits which are defined by planes extending up over the lot at an angle of 45 degrees with respect to the horizontal (a pitch of 1 foot additional rise for each additional foot setback) and which planes are co-directional and begin at points above the natural grades of the centerline of the street for the front lot line, the rear and side lot lines are as follows:~~

1. R-E, R-1, R-M, PUD and Park = 10 feet vertical, then 45 degrees.
2. R-2 = 15 feet vertical, then 45 degrees.
3. R-3 = 20 feet vertical, then 45 degrees.
4. C-1, C-2, C-3, I-1, and L-1 = 25 feet vertical, then 45 degrees.

~~(h) Private garages and accessory buildings shall be set back a distance of 4 feet.~~

**Commented [PO11]:** SEE EXPLANATION IN TABLE

~~(i) A minimum of 1,500 square feet per dwelling unit for multifamily dwellings.~~

**Commented [PO12]:** WE ALREADY HAVE MINIMUM GFA PER UNITS. DO WE REALLY NEED THIS AS WELL?

~~(j) Same requirements as R-3 for residential construction.~~

**Commented [PO13]:** THIS COULD BE VERY PROBLEMATIC, ESPECIALLY IF RESIDENTIAL UNITS ARE BEING LOCATED ABOVE OR WITHIN EXISTING COMMERCIAL STRUCTURES

~~(k) The setback of front, side and rear can be deleted, and the structure built on the lot line if the wall is a 4 hour rated wall as defined in the building code.~~

(Ord. 8 §1, 2006; Ord. 2 §8, 2009)

**Commented [PO14]:** THIS MAKES NO SENSE, ESPECIALLY FOR THE FRONT AND REAR LINES FRONTING THE STREET. THIS SHOULD BE DICTATED BY BUILDING CODE. MUCH OF THE C-1 IS NOW REGULATED BY THE EAST END OVERLAY ANYWAY. FOR THE C-1 PROPERTIES ALONG THE WEST END, A 10' SETBACK IS APPROPRIATE GIVEN THEY FRONT ON A PREDOMINATELY RESIDENTIAL PART OF COLORADO BLVD.