

ORDINANCE NO. 2009-009

**AN ORDINANCE AMENDING ORDINANCE 2006-013
(AN ORDINANCE REPEALING EXISTING ZONING ORDINANCES OF THE TOWN OF
CRESTONE AND ENACTING NEW ZONING REGULATIONS FOR THE TOWN)**

WHEREAS, the Planning Commission of the Town of Crestone has recommended certain amendments to the Sign Regulations of the Town, Off Street Parking and Loading, and has likewise recommended a new zoning district to be known as the Community Services and Recreation District to accommodate government buildings and future recreation areas of the Town; and

WHEREAS, the Town Administrator has identified several descriptive and typographical errors within the existing code;

NOW THEREFORE, be it hereby ordained by the Board of Trustees of the Town of Crestone that Ordinance 2006-013 (An Ordinance Repealing Existing Zoning Ordinances of the Town of Crestone and Enacting New Zoning Regulations for the Town) is amended as following:

1. REGULATION II. ADMINISTRATION AND ENFORCEMENT

Is amended to read as follows:

Sec. II-5. Town Clerk as Administrator

- (a) The Town Clerk, or his or her designee ~~with approval of the Board of Trustees,~~ is designated to administer this zoning regulation and the ~~Town Marshall Code Enforcement Officer~~ shall enforce the same.
- (c) line 4, delete " (end quote) after permits.

Sec. II-7. Building Permit – Application.

- (a) Every application for a building permit for construction, moving or change in the type of use or type of occupancy shall be accompanied by a written statement and plans or plots showing the following in sufficient detail to enable the Town Clerk or his or her designee, ~~with approval of the Board of Trustees,~~ to ascertain whether the proposed work or use is in compliance with the provisions of this zoning regulation.
- (b) (5) **All Building Permit Applications for the Commercial District shall be scheduled for review by the Planning Commission at their next regularly scheduled meeting, prior to issuance of a Building Permit.**

Sec. II-12. Building Permit – Plan approval.

Plans submitted with an application for a building permit shall be reviewed and approved by the Town Clerk or his or her designee, ~~with the approval of the Board of Trustees.~~

Sec. II-14. Building Permit – Temporary.

The Town Clerk or his or her designee, ~~with the approval of the Board of Trustees,~~ shall issue temporary permits for buildings to be constructed and used for storage incidental to construction of buildings on the property and for construction signs.

Sec. II-18. Use Permit – Conditional uses and variances.

The Town Clerk or his or her designee, ~~with the approval of the Board of Trustees,~~ shall issue use permits for approved conditional uses and variances.

2. REGULATION III. AMENDMENTS.

Sec. III-5. Zoning District Map – Exemption.

When the zoning district map is in any way to be changed or amended incidental to or as a part of a general revision of this zoning regulation, whether the revision is made by repeal of the existing zoning ordinance and enactment of a new zoning ordinance, or otherwise, the notice by mailing designated in section ~~4-104 III-4(c)~~ shall not be required.

3. ZONE SPECIFICATIONS SUMMARY

See Page 18.5 – Attached.

4. REGULATION IV: ZONING DISTRICT REGULATIONS

DIVISION 3. RESIDENTIAL LOW-DENSITY (RL) DISTRICT

Sec. IV-104. Lot Size.

(c) Minimum lot width, ~~420~~ **150** feet.

Sec. IV – 303. Conditional uses.

(f) Medical cannabis dispensaries.

Sec. IV-304. Lot size.

- (d) Minimum lot area per dwelling unit, ~~44,200~~ **7,100** square feet.
- (e) Remove in its entirety.

DIVISION 8. COMMUNITY SERVICES AND RECREATIONAL DISTRICT

Sec. IV-301. Purpose.

The community services/recreational district is comprised of areas to provide for the use and service of the community at large. This district covers operations of benefit to the general community.

Sec. IV-302. Permitted uses.

Permitted uses in the community services/recreational district shall be as follows:

- (a) Youth and adult public and private educational facilities.
- (b) Specialized training facilities.
- (c) Local government offices.
- (d) Conference Centers.
- (e) Libraries.
- (f) Fire departments.
- (g) Police stations.
- (h) Courthouses.
- (i) Postal Centers.
- (j) Non-Profit service organizations.
- (k) Nursery and day care centers
- (l) Recreational Centers.
- (m) Parks, playfields playgrounds.
- (n) Miniature golf courses, outdoor amusement and entertainment establishments.
- (o) Tennis clubs.

- (p) **Swimming facilities.**
- (q) **Animal shelters.**
- (r) **Greenhouses and gardens**

Sec. IV-303. Conditional uses.

Conditional uses in the community services/recreational district shall be as follows:

- (a) **Utility installations, such as electric substations, sewer lift stations, telephone exchanges, gas regulators, major transmission lines, and irrigation ditch rights-of-way (not including utility offices, repair, storage or production facilities) must be located more than 300 feet from buildings.**
- (b) **Radio, television and microwave transmitting, receiving or relay stations or towers.**
- (c) **Recycle center/community freebox.**

Sec. IV-304. Lot size and setback requirements.

The Planning Commission shall review all community services/recreational district building permit applications and make recommendations to the Town Board of Trustees that include lot sizes and setbacks.

Sec. IV-305. Building height.

The maximum height for buildings in the community services/recreational district shall be 30 feet.

Sec. IV-307 – IV-350. Reserved.

5. REGULATION X: OFF-STREET PARKING AND LOADING

Is amended to read as follows:

Sec. X-11. Parking requirements for specific uses.

- (f) (1) ~~Rental store: one and one half spaces per 300 square feet of patron serving area~~ **Retail/Rental store: one half space per 300 square feet of patron serving area.**
- (5) ~~Eating or drinking establishment: one space per two seats plus one space per employee~~ **one space per eight seats plus one space per three employees**

6. REGULATION XI: SIGNS

Is amended to read as follows:

Sec. XI-4. Permitted Signs.

The types of signs which are allowed within the Town of Crestone shall meet the following ~~limitations:~~ **conditions:**

- (d) **Sandwich Board Signs.** A sandwich board sign is a sign of A-frame design which is posted daily to reflect "specials" of the day. Sandwich board signs shall not be larger than 2' x 3'. Only one sign may be utilized per business, and must be taken inside at the close of business each day.

Sec. XI-5. Sign Categories and Size Limitations.

- (a) **Business Identification Signs.** Business identification signs are permitted in conjunction with permitted uses, except residences, provided such signs identify a business occupying the premises. **The combined size of all signs at any one business shall not exceed sixty five (65) square feet.** ~~The aggregate sign area permitted along any one street shall not exceed one (1) square foot of sign area for each three (3) feet of lot line frontage occupied by or projected from the buildings within which the principal use is conducted. Users fronting on an alley shall compute their sign area allowance by considering the alley as the lot line frontage. In no case shall the aggregate sign area for any one use on any one frontage exceed twenty (20) square feet. A total of two (2) signs is allowed per business per frontage. There may be a combination of two (2) of the following three (3) types of signs: freestanding, projecting and wall, including cut-out letter sign, subject to the following limitations-conditions:~~
- (1) **Freestanding sign:** one (1) per use, not to exceed ~~ten (10)~~ **twenty four (24)** square feet in area.
 - (2) **Projecting sign:** shall not extend more than four feet (4') from the building wall except where such a sign is an integral part of an approved canopy or awning, and not projecting sign shall exceed ~~six (6)~~ **twelve (12)** square feet in area where two (2) faces are visible or ~~ten (10)~~ **twenty four (24)** square feet where only one (1) face is visible.
 - (3) **Wall sign:** shall not exceed ~~ten (10)~~ **one-tenth (1/10th)** of building frontage or **sixty five (65)** square feet on any one (1) building wall. ~~exclusive of cut-out letters.~~

- (e) **Institutional Identification Signs.** Freestanding and wall signs may be erected on the same lot with any school, church or public building for administration; provided, that the aggregate sign area along one street shall not exceed ~~one (1) square foot of sign area for each three feet (3') of frontage occupied by the building within which the principal use is conducted. In no case shall the aggregate sign area for one (1) use exceed twenty (20) square feet on any single frontage.~~ **one-tenth (1/10th) of the building frontage or a total of sixty five (65) square feet.** In the case of institutional uses located in a residential zone district, illumination of signs shall be subject to approval of the Planning Commission.
- (f) **Recreation Identification Signs.** Freestanding or wall signs may be erected on the same lot with any recreation club or open-use recreation site, provided the aggregate sign area does not exceed ~~twenty (20) square feet on any single frontage~~ **one-tenth (1/10th) of any building frontage or sixty five (65) square feet.** In the case of such uses located in a residential district, illumination of signs shall be subject to the approval of the Planning Commission.
- (i) **Construction Signs.** A freestanding non-illuminated sign not to exceed ~~ten (10)~~ **twenty four (24)** square feet in area if single sided, and ~~six (6)~~ **twelve (12)** square feet in area if double sided, may be erected on a project site for purposes of identifying all contractors and/or describing a project. Only one construction sign may be permitted per street frontage. **Construction signs may remain in place for one year following completion of building project, with a 90 day extension permitted at the discretion of the Town Manager.**

Sec. XI-6. Sign Measurement.

- (b) **Remove in its entirety.**

Sec. XI-7. Sign Location and Appearance Standards.

- (e) **Remove in its entirety.**

TABLE A - PERMITTED SIGNS AND SIGN CHARACTERISTICS

See Page 50 - Attached

Health and Safety Clause:

IT IS HEREBY DECLARED THAT THIS ORDINANCE IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF PUBLIC PEACE, HEALTH AND SAFETY AND SHALL BECOME EFFECTIVE AND BE ENFORCED FROM AND AFTER PASSAGE OF THE SAME.

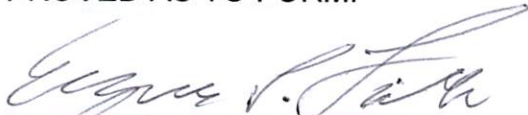
INTRODUCED, read in full, adopted, approved and signed this 14th day of December, 2009.




Ralph Abrams, Mayor


Akia Tanara, Town Clerk

APPROVED AS TO FORM:


Eugene L. Farish, #2557
Crestone Town Attorney

CERTIFICATION

I **HEREBY CERTIFY** that the within Ordinance was introduced, read in full, approved and adopted at the regular meeting of the Board of Trustees of the Town of Crestone, Colorado on the 14th day of December, 2009 and published by title in The Crestone Eagle, a legal newspaper in the Town of Crestone on January 1, 2010.


Akia Tanara, Town Clerk

