

ARTICLE 4. ZONING ORDINANCE.

DIVISION 1. GENERAL PROVISIONS.

Section 14-20. Title.

This Article shall be known as the "Zoning Ordinance" of the City of Trinidad, Colorado," and may be cited as such.

State law reference: As to zoning power of City, see C.R.S. 1973, Title 31, Art. 23.

Section 14-21. Purpose.

This Ordinance is designed and enacted for the purpose of promoting the health, safety, morals, and general welfare of the present and future inhabitants of the City of Trinidad, Colorado, by lessening congestion in the streets and roads; securing safety from fire and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; protection of the tax base; and securing economy in governmental expenditures.

Section 14-22. Authority.

The Zoning Ordinance and Zone District Map of Trinidad, Colorado are adopted and approved pursuant to authority conferred by Colorado State Law, Title 31, Article 23, Colorado Revised Statutes and the City Charter.

Section 14-23. Definitions.¹

As used in this Article, certain terms and words are hereby defined and shall have the following meanings unless it shall be apparent from the context that a different meaning is intended:

(1) ***Accessory uses and structures*** shall mean a use naturally and normally incidental to a use by right, and complying with all of the following conditions:

- (a) Is clearly incidental and customary to and commonly associated with the operation of the use by right;

¹ Chapter 14, Section 23(1) is amended by the addition of subsection (e).(Ord. 1721, eff., 4-25-03)

- (b) Is operated and maintained under the same ownership as the use by right;
 - (c) Includes only those structures or structural features consistent with the use by right;
 - (d) May include home occupations, as defined in this Section.
 - (e) May not exceed a maximum of 75% of the square footage of the principal structure for the combined total of all accessory structures or accessory uses. (Ord. 1721, eff., 4/25/03)
- (2) **Alley** shall mean a public, dedicated right-of-way used primarily as a service or secondary means of access and egress to the service side of abutting property.
- (3) **Apartment** shall mean a room or suite of rooms in a multiple dwelling used or designed for occupancy by a single family.
- (4) **Basement** shall mean a story having part, but not more than one half (½) of its height below grade. A basement is counted as a story for the purposes of height regulations if subdivided and used for dwelling purposes.
- (5) **Boarding house**: See Lodging house.
- (6) **Building area** shall mean that portion of the lot that can be occupied by the principal use, excluding the front, rear and side yards.
- (7) **Building, attached** shall mean a building which at least part of a wall is common with another building, or which is connected to another building by a roof which exceeds six feet (6') in width between opposite open ends.
- (8) **Building, detached** shall mean a building which is separate from another building or buildings on the same lot. Buildings connected only with a roof not more than six feet (6') wide between opposite open ends shall be deemed to be detached.
- (9) **Building height** shall mean the vertical distance as measured from the average finished grade at the building set-back to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the mean height level between eaves and ridges for gable and hip roofs. Chimneys, ventilators, pipes, spires or similar items shall be exclusive of building height.
- (10) **Building Inspector** shall mean the Building Inspector of the City of Trinidad, Colorado.
- (11) **Building set-back** shall mean an imaginary line extending across the full width or side of a lot, parallel with the street right-of-way line or property line and outside of which no building or structures shall be constructed
- (12) **City** shall mean the City of Trinidad.

- (13) **City Council** shall mean the governing body of the City of Trinidad, Colorado.
- (14) **Commission** shall mean the Planning, Zoning and Variance Commission of the City of Trinidad.
- (15) **Comprehensive Plan** shall mean the Trinidad Metropolitan Comprehensive Plan.
- (16) **Dwelling** shall mean a structure or portion of a structure which is designed for occupancy as living quarters or sleeping quarters.
- (17) **Dwelling, single family** shall mean a structure or portion of a structure, including a manufactured home, as defined in Section 31-23-301(5)(a), C.R.S., and in this Section, which is designed for occupancy as living quarters or sleeping quarters exclusively by one family.
- (18) **Dwelling, two family** shall mean a building having accommodations for and occupied exclusively by two families.
- (19) **Dwelling, multiple family** shall mean a structure or group of structures, attached or detached which is (are) designed for occupancy as living quarters or sleeping quarters by more than one family.
- (20) **Dwelling unit** shall mean one or more rooms in a dwelling designed for occupancy by only one family unit.
- (21) **Family** shall mean one or more persons related by blood, marriage or adoption, occupying a dwelling unit as members of a single housekeeping organization. A family may include not more than two persons not related by blood, marriage, or adoption.
- (22) **Frontage** shall mean all the property on one side of a street between two intersecting streets (crossing or terminating) measured along the property line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street. Corner lots shall have only one frontage. Frontage for a single use which may extend for more than one platted lot shall be the total linear distance of all lots of the use along one side of a street, and shall be considered as a single frontage.
- (23) **Garage, private** shall mean an accessory building or portion of a main building on the same lot and used for the storage only of private, passenger motor vehicles, not more than two of which are owned by others than the occupants of the main building.
- (24) **Garage, repair** shall mean a building or space for the repair or maintenance of motor vehicles, but not including factory assembly of such vehicles, auto wrecking establishments or junk yards.
- (25) **Grade level** shall mean the average of the ground levels of a lot, prior to construction thereon, measured at the center of all walls of a building.
- (26) **Gross leasable area** shall mean the total floor area designed for tenant occupancy and

exclusive use, including basements, mezzanines, and upper floors, if any; expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

(27) **Guest room** shall mean a room occupied by one or more guests for compensation and in which no provision is made for cooking, but including rooms in a dormitory for sleeping purposes primarily.

(28) **Home occupation** shall mean any non-residential use conducted entirely within a dwelling unit and carried on solely by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and does not occupy more than 20 percent (20%) of the total floor space of the dwelling unit or accessory structure and which use does not require more than two customers per twenty-four hour day.

(29) **Hotel or motel** shall mean a building or group of attached or detached buildings designed for occupancy by short-term or part-time residents who are lodged with or without meals and in which no facilities are provided for cooking in individual rooms.

(30) **Junk yard** shall mean an area two hundred (200) square feet or more, or any area not more than fifty feet (50') from any street, used for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials or goods, or used for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery, or parts thereof.

(31) **Lot or parcel** shall mean a piece, plot or area of land, of contiguous assemblage as established by survey, plat or deed, occupied or to be occupied by a building, or a unit group of buildings, and/or accessory buildings thereto or for other use, together with such open spaces as may be required under these regulations and having its frontage on a street or officially approved place.

(32) **Manufactured home** shall mean a single family dwelling which is partially or entirely manufactured in a factory; is not less than twenty-four feet (24') in width and thirty-six feet (36') in length; is installed on an engineered, permanent foundation; has brick, wood, or cosmetically equivalent exterior siding and a pitch roof; and is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. 5401 et seq., as amended.

(33) **Mobile home** shall mean a portable structure which has no foundation other than a chassis supported by wheels or jacks and which is designed and constructed to provide for occupancy as a dwelling unit.

(34) **Mobile home park** shall mean any lot or parcel of land on which a mobile home is parked.

(35) **Mobile home space** shall mean a parcel of land within a mobile home park designed for the accommodation of one mobile home.

(36) **Mobile home subdivision** shall mean a subdivision of land by recorded plat to be used exclusively for the accommodation of mobile homes.

(37) **Modular or pre-fabricated home** shall mean a structure manufactured, assembled or

constructed in whole or in part at a site other than on its foundation, and which is designed and constructed to provide for occupancy as a dwelling unit.

(38) **Nonconforming uses** shall mean any building or land lawfully occupied and used at the time of passage of these regulations or amendments thereto, which use does not conform after the passage of these regulations or amendment thereto with the use regulations of the district in which it is situated.

(39) **Off-street loading space** shall mean a space, not a part of a public thoroughfare, designed for the loading and unloading of vehicles servicing buildings adjacent thereto. Such berths shall not be less than twelve feet (12') in width and twenty-five feet (25') in length, exclusive of access isles and maneuvering space.

(40) **Off-street parking space** shall mean an off-street, hard-surfaced, dust-free space designed and intended to be occupied by a parked automobile, which is a minimum of two hundred (200) square feet in area exclusive of maneuvering and roadway space.

(41) **Permit** shall mean a document issued by the City of Trinidad granting permission to perform an act or service which is regulated by the City.

(42) **Planned Unit Development (PUD)** shall mean a development of land in a manner which allows, in conformance with the provisions of this Article, the following: A variety of uses and/or densities in addition to those ordinarily allowed by right or by condition in the designated zone district, for which land may be developed in order to allow for uniqueness and overall flexibility of development in special instances as may be approved by the City.

(43) **Public hearing** shall mean a legally advertised meeting held by the Planning, Zoning and Variance Commission or City Council at which time citizens' opinions may be voiced concerning the subject of the hearing.

(44) **Qualified planner** shall mean an individual meeting the requirements of planner in charge as defined by the Colorado State Division of Planning or an individual holding full membership in the American Institute of Planners.

(45) **Residential area** shall mean the land area devoted to residential uses, the build able area, not including streets, parking areas, or required usable open space areas.

(46) **Right-of-way** shall mean the entire dedicated tract or strip of land that is to be used by the public for circulation and service.

(47) **Road:** See Street.

(48) **Set-back** shall mean the required distance, and the land resulting therefrom, between the edge of the right-of-way of a public roadway, or some other designated line, and the closest possible line of a conforming structure.

(49) ***Sexually Oriented Businesses²***: means one or more of the businesses defined as such in Section 14-172.

(50) ***Street*** shall mean the entire dedicated public right-of-way, providing for the pedestrian and vehicular movement of people and goods.

(51) ***Structure*** shall mean anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts and arbors or breeze-ways, but excepting utility poles, fences, retaining walls and ornamental light fixtures.

(52) ***Structural alterations***: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girder, or any complete rebuilding of the roof or exterior walls.

(53) ***Trailer park***: See Mobile home park.

(54) ***Travel trailer*** shall mean any trailer designed for occupancy which is thirty-three feet (33') or less in length and eight feet (8') or less in width and not used as a dwelling or dwelling unit.

(55) ***Usable open space (public or quasi-public)*** shall mean open area designed and developed for uses including, but not limited to, recreation, courts, gardens, parks, and walkways. The term shall not include space devoted to street parking and loading areas.

(56) ***Variance*** shall mean the relaxation of the terms of the Zoning Regulations in relation to height, area, size and open spaces where specific physical conditions, unique to the site, would create an unreasonable hardship in the development of the site for permitted uses.

(57) ***Yard*** shall mean an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

(58) ***Yard, front*** shall mean a yard extending across the front of a lot between the side lot lines and extending from the front lot line to the front of the main building or any projections thereof. The front yard shall be on the side of the lot which has been established as frontage by the house numbering system.

(59) ***Yard, rear*** shall mean a yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building including any projections. On interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

²Chapter 14, Section 23, Subsection 49 is amended, Subsections (49) to (60) are changed to (50) to (61). Ord. 1738, eff. 10-31-03.

(60) *Yard, side* shall mean a yard extending from the front yard to the rear yard and being the space between the side lot line and the side of the main building including any projections.

(61) *Zone district* shall mean a zoned area in which the same zoning regulations apply throughout.

Section 14-24. Establishment of zone districts.

(1) In order to carry out the purpose of this Article, the City of Trinidad, is hereby divided into four (4) basic zoning districts and eleven (11) secondary-level districts. The basic districts are defined as follows:

(a) E - Established District - Established areas of the community where the character of land use is stable and few changes are anticipated in the immediately foreseeable future. The district should also include rehabilitation or restoration, particularly of a historic nature, in order to maintain the area's established character. The quality of structures is not expected to deteriorate into a sub-standard classification in the immediately foreseeable future. The district may also include certain vacant lands immediately contiguous to or part of a single neighborhood contained within this district.

(b) G - Growth District - Areas where the use of land is in the process of major change, primarily from a vacant or rural character to a more intensive use of a variety of classifications. Most new development as well as areas of annexation are expected to occur in this district. The growth district should allow for such site design techniques as density development, planned unit development, shopping centers, industrial parks or other such uses.

(c) T - Transitional District - Areas of the community which are undergoing or are expected to undergo land use changes throughout the immediately foreseeable future which are a direct manifestation of plan implementation.

(d) R - Redevelopment District - Areas which will be subject to substantial changes of land use character. The redevelopment aspects could include such techniques as the clearing and rebuilding of areas, the use or reuse of lands for new or different purposes, all as rehabilitation of buildings in an area for different uses; all as opposed to the maintenance of an area's character as intended by the Established District.

(2) For more definitive use separation and for distinction by control of density, any one or all of the basic zoning districts may be sub-classified into as many or as few of the following districts, hereinafter known as second-level zoning districts, as may be in harmony with the character and application of the basic district. The second-level districts are defined as follows:

(a) O - Open - Areas which are used for open space, parks, major public areas or vacant land.

- (b) RE - Residential Estate - Land used for large lot residential development of a single family conformity and containing a minimum lot area of 15,000 square feet.
- (c) LDR - Low Density Residential - Land used for single family residential, purposes and containing a minimum lot area of 6,250 square feet.
- (d) MDR - Medium Density Residential - Land uses for residential purposes accommodating a variety of housing types such as those of a single-family, duplex, triplex or townhouse conformity. Maximum density is ten (10) dwelling units per acre and minimum lot area is 6,000 square feet.
- (e) HDR - High Density Residential - Land used for multiple-family residential purposes. Maximum density is twenty-five (25) dwelling units per acre and minimum lot area is 6,000 square feet.
- (f) MHR - Mobile Home Residential - Land used exclusively for mobile homes. Minimum land area for this district is five (5) acres and the land area for individual mobile homes is 5,000 square feet.
- (g) NS - Neighborhood Service - Areas which are served by convenience types of retail establishments primarily on a neighborhood basis.
- (h) CC - Community Commercial - The areas of most intensive commercial use in the community.
- (i) I - Industrial - All areas of industrial use in which are accommodated the processing, manufacturing and fabricating enterprises. This district may also accommodate certain commercial uses.
- (j) PUD - Planned Unit Development - Development of an area by means of a design technique which allows flexibility and imagination in the types of uses and arrangements of facilities in an optimum manner in harmony with adjacent properties.
- (k) HP - Historic Preservation - The area of Trinidad which has been identified for historic preservation. The area is subject to special design requirements and use restrictions in order to preserve its historic character.

Section 14-25. Zoning Map and boundaries.

(1) The location of the zone districts hereby established are shown on the map entitled "Zone District Map of Trinidad Colorado," dated September 17, 1973, and as may be amended thereafter under the provisions of this Article. Such map along with explanatory matter thereof, is hereby made a part of this Article as if the same were set forth in full herein. In determining the boundaries of zone districts shown on the Zone District Map, the following rules shall apply:

- (a) Unless otherwise indicated, the zone boundaries are the center lines of rights-of-way for

streets, roads, highways, alleys, ditches and railroads or such lines extended.

(b) Where the property is unsubdivided property, zone district boundaries shall be determined by use of the scale on the Zone District Map. A legal description acceptable to the Planning, Zoning and Variance Commission shall be made available if a controversy arises concerning zone district boundaries.

(c) Where a district boundary is shown by a specific dimension as being located at any given distance from any right-of-way line, such specific dimension shall govern.

(d) The Planning, Zoning and Variance Commission, upon application or upon its own motion, determines the location in cases where uncertainty exists, after application of the rules of this Article.

(2) Annexation. Whenever a proposal is made to add territory to the city limits of the City of Trinidad, said proposal shall include the specified land use and zone district designation. The proposal shall be presented to the Planning, Zoning and Variance Commission for review and the Commission shall prepare and submit recommendations to the City Council. The City Council shall by ordinance designate the zone district or districts into which the territory will be included and shall be governed by the provisions of this Section. In the absence of the adoption of such ordinance, territory annexed shall automatically become a part of the G - Growth Basic District.

(3) Vacations. Whenever any street, alley or other public way is vacated by official action of the City Council, the zone district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district.

Section 14-26. General district regulations.³

(1) No structure or land shall hereafter be used or occupied and no structure or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the zone district (basic district or second level district) in which it is located and the provisions of this Article shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, convenience, prosperity and general welfare.

(2) No building permit shall be approved and no structure or land shall hereafter be used or occupied and no structure or part thereof shall be erected, moved or altered on any subdivided land unless the subject lot, area or tract is officially included within a second level zone district as set forth in this Article.

(3) No part of a lot, open area, or off-street parking area designated for any use or uses or structure or structures for the purpose of complying with the provisions of these regulations shall be designated as a part of a lot similarly required for another use or uses or structure.

(4) No building shall be erected, converted, enlarged, placed, reconstructed or structurally altered to

³Chapter 14, Section 26 is amended by the addition of sub-section 10 (a), (b), (c) and (d). (Ord. 1665, eff., 6-5-01)

exceed the height limits herein established.

(5) No building shall be erected, converted, enlarged, placed, reconstructed or structurally altered except in conformity with the area and special regulations of the district in which the building is located.

(6) The minimum yards and open spaces, including lot area per dwelling unit, are established by these regulations and no lot area shall be reduced below the district requirements contained in these regulations.

(7) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one building on one lot except as otherwise provided herein.

(8) The listing of any use as being permitted in any particular district shall be deemed to be an exclusion of such use from any other district, unless such use is specifically permitted in another district under the language set forth in the use regulations.

(9) Regulations for the districts are set forth in Division 2 through Division 12 of this Article, provided, however, that exceptions to any such regulations or such additional regulations as are set forth in other Sections hereof shall apply; provided, further that the Planning, Zoning and Variance Commission may, under certain conditions, vary these regulations and approve the issuance of building permits for the establishment of certain uses, all as set forth in Division 18 of this Article. Certain regulations applicable to pre-established uses that do not conform to the provisions contained herein are set forth in Division 15 of this Article.

(10) Regulating Structures within the E-Established & G-Growth, Basic Zoning Districts. (Ord. 1665, eff., 6-5-01)

(a) All structures, requiring a building permit, constructed within the E & G-Basic Zone Districts must have a roof pitch of equal to or greater than 6/12. (Ord. 1665, eff., 6-5-01)

(b) All single-family dwelling units constructed within the E & G - Basic Zone Districts shall have a door facing the front yard (front door). (Ord. 1665, eff., 6-5-01)

(c) All single family dwelling units within the E & G - Basic Zone Districts shall have a front porch facing the front yard, equal to or greater than 16 sq. ft. (Ord. 1665, eff., 6-5-01)

(d) The City Manager shall have the authority to grant administrative variance relief from Section 14-26(10) if it is determined appropriate. All requests for relief have the right to the variance process through the Planning, Variance and Zoning Commission. (Ord. 1665, eff., 6-5-01)

Section 14-27. Uses by right, conditional uses and special uses.

(1) Each zone district provides for use characteristics peculiar to it; thus all allowable uses require controls complimentary thereto. Two (2) groups of uses are provided for each district as follows:

(a) Uses allowed by right - Uses by right as set forth in a Zone district. Such uses are allowed without further application or administrative review.

(b) Conditional uses - Uses specifically allowed within a zone district provided certain conditions are met as set forth in writing by the Planning, Zoning and Variance Commission. The conditions shall be agreed to and carried out by the owner and no building permit shall be issued, or if issued, may be revoked by the Building Inspector if the subject conditional use is not developed in exact accordance with the conditions as agreed to. Under no circumstance shall a Certificate of Occupancy be issued by the Building Inspector until all conditions as agreed to are met.

(2) In those zone districts specified in this Article, uses by special permit may be allowed. Uses by special permit are those uses specifically set forth within a zone district and allowed only by a special permit issued by the Planning, Zoning and Variance Commission and approved by the City Council. Said special permit shall be issued only after review and recommendation by the Planning, Zoning and Variance Commission, public hearing and approval by City Council.

Section 14-28. Zone district classifications.

(1) The E - Established District shall be sub-classified into the following second level zone districts:

- (a) Open - O
- (b) Low Density Residential - LDR
- (c) Medium Density Residential - MDR
- (d) High Density Residential - HDR
- (e) Neighborhood Service - NS
- (f) Community Commercial - CC
- (g) Industrial - I
- (h) Historic Preservation - HP

(2) The Growth District shall be sub-classified into the following second level zone districts:

- (a) Open - O
- (b) Residential Estate - RE
- (c) Low Density Residential - LDR
- (d) Medium Density Residential - MDR
- (e) High Density Residential - HDR
- (f) Mobile Home Residential - MHR
- (g) Neighborhood Service - NS
- (h) Community Commercial - CC
- (i) Industrial - I
- (j) Planned Unit Development - PUD

(3) The Transitional District shall be sub-classified into the following second level zone districts:

- (a) Open - O

- (b) Low Density Residential - LDR
- (c) Medium Density Residential - MDR
- (d) High Density Residential - HDR
- (e) Mobile Home Residential- MHR
- (f) Neighborhood Service - NS
- (g) Industrial - I
- (h) Planned Unit Development - PUD

(4) The Redevelopment District shall be sub-classified into the following second level zone districts:

- (a) Open - O
- (b) Low Density Residential - LDR
- (c) Medium Density Residential- MDR
- (d) High Density Residential - HDR
- (e) Neighborhood Service - NS
- (f) Community Commercial - CC
- (g) Industrial - I
- (h) Planned Unit Development - PUD

Section 14-29. Uses not itemized.

(1) Upon application or on its own initiative, the City Council may, by ordinance, add to the uses listed for a zone district any other similar use which conforms to the conditions set forth in the following special findings:

- (a) Such use is appropriate to the general physical and environmental character of the district to which it is added.
- (b) Such use does not create any more hazard to or alteration of the natural environment than the minimum amount normally resulting from the other uses permitted in the district to which it is added.
- (c) Such use does not create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectional influences or more traffic hazards than the minimum amount normally resulting from the other uses permitted in the district to which it is added.
- (d) Such use is compatible with the uses existing and permitted in the district to which it is added and will not adversely affect the Historic Preservation District.

(1) When any use has been added to the list of permitted uses in any district in accordance with this Section, such use shall be deemed to be listed in the appropriate section of this Article and shall be added thereto at the time of adoption.