

ORDINANCE NO. 16

Series of 2019

**AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS,
COLORADO, AMENDING SECTION 050.030.010 AND TITLE 070 OF
THE GLENWOOD SPRINGS MUNICIPAL CODE.**

WHEREAS, the City of Glenwood Springs (“Glenwood Springs” or the “City”) is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Glenwood Springs Home Rule Charter; and

WHEREAS, on August 2, 2018, City Council approved a revised development code as set forth in Title 070 of the Municipal Code; and

WHEREAS, in the process of applying the revised development code, City staff discovered errors and omissions that require correction and provisions that warrant clarification as set forth in **Exhibit A** attached hereto; and

WHEREAS, the Planning and Zoning Commission recommends approval of the corrections and clarifications to the development code and Section 050.30.010 as set forth on **Exhibit A**; and

WHEREAS, the City Council finds that the amendments set forth on **Exhibit A** are necessary to correct and clarify the development code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, ORDAINS:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Title 070 of the Glenwood Springs Municipal Code is hereby amended as set forth in **Exhibit A** attached hereto.

INTRODUCED, READ ON FIRST READING, PASSED AND ORDERED
PUBLISHED BY TITLE ONLY THIS 5th DAY OF September 2019.

CITY OF GLENWOOD SPRINGS, COLORADO



Jonathan Godes, Mayor

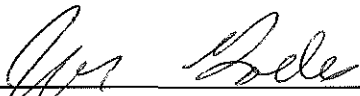
ATTEST:



Catherine Mythen Fletcher, City Clerk


INTRODUCED, READ ON SECOND READING, AND ORDERED PUBLISHED BY
TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE OF SECOND
PUBLICATION THIS 19 DAY OF September 2019.

CITY OF GLENWOOD SPRINGS, COLORADO



Jonathan Godes, Mayor

ATTEST:



Lindsey Christensen, Deputy City Clerk

Exhibit A

New language is double underlined

~~Strike through language is deleted~~

ARTICLE 050.030 - TEMPORARY SALES AND STRUCTURES

050.030.010 Permit Required

- (d) Temporary use permits may be allowed in the ~~C-1, C-2, C-3 and C-4~~ M1, M2, M3, CO, and RE zone districts only and shall be prohibited at all times on the Wing Street Pedestrian Mall, defined as the east wing street of Grand Avenue between the Seventh Street Esplanade and the curb line of Eighth Street and the Seventh Street Esplanade, except during special community events and subject to a special community event permit.

ARTICLE 070.010 GENERAL PROVISIONS

070.010.070 - Nonconformities

- (d) *Nonconforming Structures*

- (1) A nonconforming structure may ~~only be expanded pursuant to 070.010.070(b)(3), Maintenance and Minor Repair, and~~ provided that any such expansion shall be in full compliance with this Code.

ARTICLE 070.030 USE REGULATIONS

070.030.030 - Use-Specific Standards

(e) *Commercial Uses*

(9) *Short-Term Rental*

a. e. *Operation*

b. f. *Permit Procedures*

ARTICLE 070.040 DEVELOPMENT STANDARDS

070.040.060 - Off-street Parking and Loading

(h) *Parking and Loading Area Use and Design*

(3) *Parking Area Layout*

a. *Parking Stall and Aisle Design*

Parking areas shall be designed according to ~~Table 040.9: Parking Space and Drive Aisle Layout, and Figure 040-10: Parking Stall and Aisle Dimension Measurements~~ the Engineering Standards.

070.040.070 - Access and Circulation

(e) Streets, Alleys, and Vehicular Circulation

(4) Public Street Connectivity

c. Public Street Connectivity

3. Unobstructed, direct, and convenient access for vehicles to and from a public street shall be provided for all off-street parking spaces. Access from any parking area to a public street shall be designed to allow vehicles to enter and exit in forward drive according to the Engineering Standards.

070.040.110

(i) Summary of Permanent Sign Standards.

(3) Nonresidential Uses in Residential Zone Districts. Nonresidential uses shall be allowed signage subject to the requirements of a through d below. Home occupation signs shall not be considered nonresidential uses for purposes of this subsection.

- a. Number, Maximum. One attached or one freestanding sign shall be allowed.
- b. Sign Area, Maximum. Ten square feet.
- c. Sign Height, Maximum. 42 inches.
- d. Sign Location. Detached signs shall observe a minimum five-foot setback from any property line.

Table 040.13: Summary of Permanent Sign Standards					
Sign Type	Where allowed	Number of Signs, Maximum	Sign Area, Maximum	Sign Height, Maximum	Sign Location

Freestanding Signs					
Freestanding monument	Residential applications in all sign commercial zoning districts	One freestanding sign per street frontage	40-100 square feet	Six feet	Setback five feet from property line
	Mixed-use and nonresidential applications in all sign districts	One freestanding monument sign per street frontage per property	Hwy 6 and 82 sign districts: 200 square feet Downtown districts: 64 square feet Others: 120 square feet	Eight feet	Setback a minimum of 10 feet from back of curb or back of pavement; shall be separated from other permanent detached signs by at least 25 feet

070.040.120 Affordable and Workforce Housing

(b) Voluntary Provisions.

(1) Deed-Restricted Development.

d. *Impact Fees.* The deed restriction shall provide for a waiver of the following impact and improvement fees required by this Code according to the percentage of new for-rent units restricted thereby:

1. Any water or sewer tap fee required under 080.040.010(c) or 080.030.010(c), respectively.
2. Any water or sewer system improvement fee required under Article 080.060.
3. Any school land dedication required under Subsection 070.040.030(g)4, School Land Dedication.

4. Any fire and emergency service impact fees required under Subsection 070.040.030(g)5, Fire and Emergency Services Impact Fee.
5. Any parkland dedication fees required under 070.040.030(g)(2), Parkland Dedication.

ARTICLE 070.060 – ADMINISTRATION AND PROCEDURES

070.060.020 – Summary Table of Development Review Procedures.

Table 060.1: Summary of Development Review Procedures										
Key: R= Review and Recommendation D= Review and Decision A= Appeal ✓= required										
Procedure	Code Reference	Notice			Pre-App Neigh. Meeting	Pre-Application Conference	Review and Decision-Making Bodies			
		Published	Written Mailed	Posted			Staff	DRC	Planning Comm.	City Council

Development Permits										

Construction Plans	***	***	***	***	***	✓	***	***	***	***
***	***	***	***	***	***	***	***	***	***	***
ROW Encroachment License		✓	✓							

70.60.50 – Development Permits.

(a) Site/Architectural Plan Review

(2) Applicability

c. Referral and Call-up Procedures.

1. Administrative Site/Architectural Plans.

ii. Planning Commission Call-Up

~~c. For plans that are called up by the Commission, the The Director shall provide public notice for those proposing five or more new residential units in accordance with 070.060.030(f).~~

(b). Master Plan.

(3). Master Plan Procedure.

g. Post-Decision Actions and Limitations.

1. Effect of Approval. Master plan approval authorizes the subsequent submittal of site/architectural plan applications for all development consistent with the approved master plan through the administrative site/architectural plan procedures according to 070.060.050(a)(3). Master plan approval does not itself authorize specific development activity. If the Director determines, in the consideration of a site/architectural plan application pursuant to this section, that such development is not consistent with the approved master plan, the Director shall process the application as a minor or major site/architectural plan, as applicable, based on the type of development proposed.

(f) Right of Way Encroachment License.

(3). *Right of Way Encroachment License Procedure.*

d. *Scheduling and Notice of Public Hearings.* If required, the right-of-way encroachment license application shall be scheduled for a public hearing before the City Council and noticed in accordance with Subsection 070.060.030(f)(3)a2.

070.060.070 – Flexibility and Relief Procedures.

(c) ~~Appeal of Administrative Decision Appeals~~

- (1) *Purpose.* The appeal procedure establishes an administrative a mechanism for ~~persons claiming to have been aggrieved by a decision of the Director or other administrative official in appealing decisions made in the administration or enforcement of~~ by the Director, administration officials or the Planning Commission while administering this Code to appeal that decision.
- (2) *Applicability.* Any interested party person may appeal a decision of an administrative office or agency made in the administration or enforcement of this Code. ~~Appeals shall be made to the appropriate appellate body as indicated in Table 060:1: Summary of Development Review Procedures, except that appeals of decisions by the City Council shall be made to the District Court in accordance with state law.~~
- (3) *Appeal Procedure.* Figure 060-18 identifies the applicable steps from the common review procedures in Section 070.060.030 that apply to the review of appeals. Additions or modifications to the common review procedures are noted below.

1	2	3	4	5	6
Pre-Application Conference	Application Submittal and Handling	Staff Review and Action	Scheduling and Notice of Public Hearings	Review and Decision (Planning Commission and/or City Council)	Post-Decision Actions and Limitations
Optional at applicant's discretion	Submit to Director within seven days of decision being appealed	Staff determines <u>appropriate appellate body</u> appeal decision authority and documents facts	Hearing required with <u>appellate body</u> appeal decision authority depending on application-type <u>of appeal</u>	Review and decision depends on application type <u>of appeal</u>	Further appeals to the courts

b. *Application Submittal and Handling.* The appeal application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 070.060.030(d), with the following modifications:

1. *Burden of Proof on Appellant.* The party making the appeal (the appellant) shall have the burden of proving the necessary facts to warrant reversal or amendment of the decision being appealed approval of an appeal by the appropriate decision-making body. Such proof shall include applicable specific section references within this Code and shall be provided with at the time of the application.

2. *Stay of Proceedings.* An appeal automatically stays all proceedings from further action on the subject decision unless the ~~Planning Commission determines that decision-making authority from whom the appeal is taken certifies to the appellate body, after the appeal application has been filed, that by reason of facts stated in the certificate,~~ a stay would create adverse impacts to the health, safety, or welfare of the City or would cause imminent peril to life and property; in which case proceedings shall not be stayed absent a restraining order which may be granted by the appellate body. Such determination shall be made only after written request to the Director and a public hearing by the Planning Commission. ~~The public hearing shall be held within two (2) business days of receipt of the request. Notice for such a hearing shall be provided on the City's website and shall be posted at City Hall.~~

- d. *Scheduling and Notice of Public Hearings.* The appeal shall be scheduled for a public hearing before the ~~Planning Commission or City Council~~ appropriate appellate body and noticed in accordance with Subsection 070.060.030(f).
- e. *Review and Decision* ~~(Planning Commission, and/or City Council).~~
1. The appropriate ~~decision-making authority~~ appellate body shall consider the following in determining whether to affirm, reverse or amend a decision or interpretation made by the decision-making body:
 - i. The facts stated in the application, as presented by the appellant ~~and/or the Director~~;
 - ii. The requirements and intent of the applicable standards from this Code compared to the ~~written~~ decision that is being appealed;
 - iii. Evidence related to how the applicable standards from this Code have been administered or interpreted in the past; and
 - iv. Consistency with the Comprehensive Plan.
 2. The ~~appeal decision-making authority~~ appellate body may reverse a previous decision in whole or in part, or may modify the order, requirement, decision, or determination appealed from.
 3. The ~~appeal decision-making authority~~ appellate body may attach conditions of approval on any appeal to ensure the health, safety, and welfare of the City.
- f. *Post-Decision Actions and Limitations.* Post-decision actions and limitations in Subsection 070.060.030(i) shall apply. Any further appeals from ~~the appropriate appeal decision-making body~~ City Council shall be made to the courts in accordance with state law.

ARTICLE 070.070 – RULES OF CONSTRUCTION AND DEFINITIONS

070.070.030 – All Other Terms Defined.

Building Form.

Building Frontage. The horizontal linear dimension of that side of a building that abuts a street, parking area, mall or other circulation area open to the general public and that has either a main window display of the business or a public entrance to the building.