

**A BILL FOR
ORDINANCE NO. 21, SERIES OF 2022**

AN ORDINANCE OF THE CITY OF CAÑON CITY AMENDING CERTAIN SECTIONS OF TITLE 17 OF THE CAÑON CITY MUNICIPAL CODE CONCERNING PERMITTED USES, PARKING, AND DEFINITIONS AND ADDING AN ADMINISTRATIVE INTERPRETATION PROCESS

WHEREAS, after the adoption of the Unified Development Code (the "UDC"), the City has identified several additions to the UDC that will allow for greater consistency and efficiency in the application of the UDC and these amendments include those additions.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF CAÑON CITY:

Section 1. Section 17.03.040(A)(6) of the Cañon City Municipal Code is hereby amended to read as follows:

~~6. — Uses not listed. If a proposed use is not listed in the tables, the Zoning Administrator, through the administrative exception process detailed in Section 17.10.020, shall determine if the use is substantially similar to a use listed in the tables. If it is, the use shall be treated in the same manner as the substantially similar use. If not, the use shall be regarded as prohibited.~~

7.6. Additional regulation. If a use has use specific standards they are referenced in this column. Use specific standards shall apply to permitted, conditional, and special review uses.

Section 2. Table 17.03.040(C) of the Cañon City Municipal Code is hereby amended by modifying the following uses as follows.

Uses	Additional Regulation	District					
		NC	GC	CB	BP	I	OPR
Medical Uses							
Medical and dental clinic	17.05.080.B	P	P	C			
Medical and dental clinic, above ground floor as a part of mixed use				P			
Office Uses							
Professional offices	17.05.090.C	P	P	C	P	P	
Professional offices, above ground floor as a part of mixed use				P			

Section 3. Section 17.05.080 of the Cañon City Municipal Code is hereby amended by the addition of a new subsection to read as follows:

B. Medical and dental clinic.

1. In the central business district, medical and dental clinics that are located above the ground floor shall be permitted by right without obtaining a conditional use permit.

Section 4. Section 17.05.090 of the Cañon City Municipal Code is hereby amended by the addition of a new subsection to read as follows:

C. Professional offices.

1. In the central business district, professional offices that are located above the ground floor shall be permitted by right without obtaining a conditional use permit.

Section 5. Section 17.06.010(B) of the Cañon City Municipal Code is hereby amended to read as follows:

1. All nonresidential uses in the Central Business (CB) District shall be exempt from the parking requirements in this section 17.06.010.
2. Locally designated historic structures shall be exempt from the requirements of this chapter except if a locally designated historic structure is expanded, parking for the structure shall be in compliance with this section 17.06.010.

Section 6. Section 17.06.010 of the Cañon City Municipal Code is hereby amended by the addition of a new subsection to read as follows:

J. Parking in-lieu fees.

1. Where it can be demonstrated that the reasonable and practical development of property in the central business district precludes the provision of required off-street parking, the Zoning Administrator may permit the applicant to satisfy parking requirements by payment of an in-lieu parking fee.
2. Fees accepted under this provision will be used by the City to provide the additional required parking at another location in lieu of the applicant providing the required off-street parking. Such parking shall be provided within a reasonable distance from the contributing project or within close proximity to public transit providing access to the use. All such fees collected shall be used by the city for the planning, design, acquisition or lease of land, and development, redevelopment and maintenance of public parking facilities.

3. Any subsequent change of use that requires more parking shall require subsequent action to satisfy the additional parking requirement. No refund of such payment shall be made when there is a change to a use requiring less parking.
4. The number of parking spaces required and used to calculate the in-lieu fee shall be determined according to the provisions of this UDC.
5. A change of ownership or the dividing or merging of properties shall not affect an obligation for parking in-lieu fees or a determination that parking requirements have been met according to fees paid for a particular use.
6. The fee to be charged for each parking space required shall be set by resolution by the City Council. In setting such fees, the City Council shall consider all costs associated with the provision of the necessary parking including planning, design, land acquisition or lease costs and construction and maintenance of improvements.
7. The per space fee for new construction, additions or changes in use shall be paid in full within 10 business days of the Zoning Administrator's approval.
8. All fees collected and all interest earned thereon shall be placed in the parking facilities fund established by the City Council and shall be used only for the purposes set forth in this section and for the benefit of the contributing project.

Section 7. Chapter 17.10 of the Cañon City Municipal Code is hereby amended to read as follows:

17.10.010 Administrative Approvals

- A. Zoning Administrator Authority. The Zoning Administrator shall have the authority to receive applications and make determinations for the following administrative procedures.
 1. Site plan review;
 2. Conditional use permit;
 3. Administrative exception;
 4. Sign permit;
 5. Comprehensive sign plan;
 6. Temporary use permit;
 7. Rebuild letter; and

8. Administrative interpretations.

* * *

J. Administrative interpretations.

1. Purpose. The administrative interpretation procedure is intended to provide a uniform mechanism for the Zoning Administrator to render formal written interpretations of this UDC.
2. Request for interpretation. A request for administrative interpretation may be filed by any person having a legal or equitable interest in property that gives rise to the need for an interpretation.
3. Review decision. The Zoning Administrator shall review the request for interpretation, shall consult with the City Attorney and affected City staff, and shall render a decision based on the following specific approval criteria:
 - A. General interpretation. The interpretation shall be consistent with:
 - i. The purposes of this UDC including section 17.01.030 and 17.13.010;
 - ii. The purposes of the zoning district (and overlay district(s), if applicable) in which the property is located;
 - iii. Common use of words in the English language; and
 - iv. Prior interpretations of the UDC on similar or related topics, to the maximum extent practicable, unless a modification or replacement of a prior interpretation would be more consistent with criteria i through iii above.
 - B. Use interpretation. The Zoning Administrator shall determine if the proposed use is included in the definition of a listed use or is so similar to a listed use that it should be treated as the same use subject to the following criteria.
 - I. When determining the level of permission or associated use-specific standards, the size, scale, operating characteristics, multi-modal traffic impacts, storm drainage impacts, utility impacts, and neighborhood impacts of the proposed use shall be considered.
 - Ii. The Zoning Administrator shall consult with the City Attorney and affected City officials before rendering the interpretation.

Section 8. Section 17.13.010 of the Cañon City Municipal Code is hereby amended by the addition of a new subsection (E) to read as follows:

- E. Terms not defined herein shall have the meanings customarily assigned to them in common, ordinary usage, except that legal or technical terms shall be interpreted in their legal or technical sense.

Section 9. Section 17.13.170 of the Cañon City Municipal Code is hereby amended by the revision of the term professional office to read as follows:

"Professional office" means an establishment in which business, professional, administrative and/or clerical activities are conducted including but not limited to studios for those involved in art, sculpture, and music, organizations operating on a membership basis for the promotion of the interests of the membership, trade associations, business associations, professional membership organizations, labor unions, or civic or fraternal organizations. Professional office shall not include medical or dental clinics.

Section 10. Section 17.13.240 of the Cañon City Municipal Code is hereby amended by the addition of a new definition to be inserted alphabetically and read as follows:

"Waste transfer facility" means a facility that is used to accumulate and temporarily store waste before it is transported to a recycling, treatment, or waste disposal facility.

Section 11. Severability. If any section, subsection, paragraph, clause, or other provision of this Ordinance for any reason is held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or other provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 12. Effective Date. Pursuant to Article XII, Section 3 and Section 5 of the Charter, this Ordinance shall be effective five (5) days after final publication if it is published after adoption or if not so published, five (5) days after its adoption.


Ashley Smith, Mayor

ATTESTATION & CERTIFICATION//


12-05-22 – Introduced, Read by title & Passed on first reading

12-08-22 – Published

12-19-22 – Passed and Adopted on second reading

12-21-22 – Published

12-26-22 – Effective


Cindy Foster Owens, CMC, City Clerk
City of Cañon City (Attest)