

Town of Saguache
Saguache Zoning Regulations

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Article I-General Information

1.1 Background. A majority of Saguache residents who have responded to surveys or attended public meetings have favored modest growth. They want to preserve the community's unique rural, "Old West" character, but recognize the need for economic development. Most want future growth to be planned and prefer some separation between residential and commercial areas. The Town Planning Commission has drafted a Zoning Code to provide guidelines for future growth and development. It is based on principals taken from the Town's current Master Plan.

1.2 Purpose. This code is adopted for the purpose of creating a vital, cohesive and well-designed community in order to enhance the Town's character and further the citizen's goals as identified in the Master Plan.

1.3 Legal Authority and Interpretation. These land use regulations are authorized by C.R.S., Section 31-23-101 et seq., as amended, and is declared to be in accordance with all provisions of such statutes. The provisions of this code may be regarded as the minimum requirements for the promotion of public health, safety, comfort, convenience, prosperity and general welfare.

1.4 Severability. The provisions of this Zoning Code are hereby declared to be severable. If any certain section, sentence, clause or phrase of this code is adjudged by a court of complete jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of the Code.

1.5 Conflict with other provisions of law. Whenever the requirements of this code are at a variance with the requirements of any other lawfully adopted rules, regulations or ordinances of the Town of Saguache, the more restrictive, or that imposing the higher standards, shall govern.

1.6 Violations and penalties. Every person convicted of a violation of any provision adopted in this Ordinance shall be punished by a fine not exceeding three hundred dollars (\$300.00) or imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment. Each day of violation of this Ordinance shall be considered a separate offense.

Article II-Definitions

Accessory Building means a subordinate building or structure, the use of which is customarily incidental to that of the main building or to the main use of the land, which is located on the same lot or parcel with the main building or use.

Accessory Dwelling/ADU (Accessory Dwelling Unit)/Guest House means an apartment integrated within a single unit dwelling, or located in a detached accessory building, located on the same lot as the single unit dwelling. There shall not be more than one

accessory dwelling located on a lot in addition to the single unit dwelling and it must have a separate sewer and water tap.

Accessory Use means a subordinate use, clearly incidental and related to the main structure, building, or use of land, and located on the same lot or parcel as that of the main structure, building or use. Includes, but is not limited to, garage, shed, greenhouse, guesthouse.

Adult Businesses/Adult-Oriented Business/Adult-Oriented Use means a use of a property where the principal use, or a significant or substantial adjunct to another use of the property, is the sale, rental, display or other offering of live entertainment, dancing or material, which is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to “specified sexual activities” or “specified anatomical areas” as the primary attraction to the premises.

Automotive Repair means an establishment primarily engaged in the repair and maintenance of passenger and light truck oriented vehicles, trailer and similar mechanical equipment. It may include work on the engine, transmission or body of vehicles and is conducted within a completely enclosed building. Such use shall not include the sale of fuel, gasoline or petroleum products.

Bed and Breakfast means an establishment operated in a private residence or portion thereof, which provides temporary accommodations to overnight guests for a fee and is occupied by the operator of the establishment.

Board of Adjustment means a Board appointed by the Town Board of Trustees that has specific powers as provided for in this code in Section 3.4.

Building means any permanent structure built for the shelter or enclosure of persons, animals or property and is permanently affixed to the land and has one or more floors and a roof.

Building Code means a set of standards that must be followed in the construction and remodeling of buildings and structures. The building code used by the Town of Saguache includes only the Colorado State Plumbing Code and the Colorado State Electrical Code.

Camping Trailer means any self propelled or towed vehicle, motorized or otherwise, which is designed and used for travel, recreation and short-term working or living facilities. It does not include a “mobile home” or “single wide manufactured home”.

Community Facility means a publicly owned facility or office building, which is primarily intended to serve the recreational, educational, cultural, and administrative, or entertainment needs of the community as a whole.

Commercial Use, Highway Oriented means a commercial use, which is intended primarily to serve the commercial retail needs of the motorist, including, but not limited to, gasoline service stations, motels and restaurants.

Conditional Use: see Special Review Use

Consolidation of lots means a process by which several lots have the lot lines vacated and are merged into a larger tract, parcel or lot.

Dwelling/Residence/Home, One Unit (Single), Two Unit (Duplex), Multi Unit means a detached principal building designed for or occupied as a dwelling by one household (single), two households living independently of each other in separate but attached dwelling units (duplex) or more than two households living independently of each other in separate dwelling units (Multi Unit). None of these include hotels, motels or resorts, but must include at least one room plus a kitchen and bathroom.

Easement means a right to land, generally established in a real estate deed or on a recorded plat, to permit the use of land by the public, a corporation or particular persons for specified uses.

Group Home/Residential Care Facility means a group home, licensed by the State, for the exclusive use by the designated type of persons (i.e. developmentally disabled, elderly or other) and appropriate staff.

Lot/Platted Lot means a designated parcel, tract or area of land established by plat or subdivision of at least a sufficient size to meet minimum requirements for use in the zoning district in which the lot is located and has direct access onto a public or private street.

Manufactured Home/Manufactured Home Double Wide means a single unit dwelling which is partially or entirely manufactured in a factory, is at least 24 feet wide and 36 feet long, is permanently affixed to and installed on an engineered permanent foundation, and complies with HUD or UBC standards, as applicable, or meets or exceeds equivalent requirements and performance engineering standards. The manufactured home must have brick, wood or cosmetically equivalent exterior siding on all exterior walls, which has the same appearance as materials commonly used on residential dwellings. The home must have a pitched roof with a pitch of at least nominal three/twelve. The roof must be covered with shingles, shakes, metal panel roofing material or tiles and must extend at least one foot from the inner section of the roof and exterior walls. The windows must be wood, vinyl coated or anodized. The home must have color coordinated body and trim.

Mobile Home/Trailer/Manufactured Home Single Wide means a single unit dwelling, consisting of not less than 700 square feet, built on a permanent chassis, designed for long-term residential occupancy and containing complete electrical, plumbing and sanitary facilities and is capable of being drawn over public highways as a unit, or in

sections by special permit. The manufactured home must have brick, wood or cosmetically equivalent exterior siding on all exterior walls, which has the same appearance as materials commonly used on residential dwellings. The home must have a pitched roof with a pitch of at least nominal three/twelve. The roof must be covered with shingles, shakes, metal panel roofing material or tiles and must extend at least one foot from the inner section of the roof and exterior walls. The windows must be wood, vinyl coated or anodized. The home must have color coordinated body and trim.

Mobile Home Park means a parcel of land used for the continuous accommodation of two or more occupied mobile homes and operated for the pecuniary benefit of the owner of the parcel of land, his agents, lessees or assigns.

Motor Home means a motor vehicle designed to provide temporary living quarters for recreational, camping or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

Outdoor Storage means the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

Parcel means a tract or plot of land.

Permitted Use means a use specifically allowed in one or more of the various zone districts without the necessity of obtaining a use permit.

Recreational Vehicle/Recreational Park Trailer means a vehicle designed to be used primarily as temporary living quarters for recreational, camping, or seasonal use. A recreational park trailer is built on a single chassis mounted on wheels. A recreational vehicle includes items that have their own motor or are towed or mounted on another vehicle and may include camping trailers, fifth wheel trailers, motor homes, travel trailers and truck campers.

R.V. Park means any auto, tourist camp, park or campsite, tourist court, auto court, auto hotel or trailer coach court owned, operated, controlled or leased by any person, firm, association or corporation for the purpose of renting, leasing or otherwise providing parking sites or spaces for any motor vehicle, trailer, semi-trailer, trailer coach, camping trailer, fifth wheel trailers, motor homes, recreational park trailer, recreational vehicle, travel trailer or truck camper, irrespective of the number of parking sites or spaces provided. The term does not include mobile home parks.

Screening means decorative fencing, evergreen hedges or earth berms maintained for the purpose of concealing from view the area behind the screening. When fencing is used for screening, it shall be at least 6 feet in height.

Setback means the required unoccupied open space between the nearest projection of a structure and the property line of the lot on which the structure is located. Setbacks are

designated for front, rear and side yards and represent the distance from the building or structure to the designated property line.

Sight Distance Triangle/Vision Clearance Area means a triangular area on a lot at the intersection of two streets, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in the regulations. The third line of the triangle is a line connecting the ends of the other two sides. In this area, the plant height is regulated to ensure safe visibility of traffic on the street.

Sign means any object, device, display, structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images. Specific definitions of types of signs are listed in the Supplementary Regulations Section 5.3 of this code.

Special Review Use means a use, which, although not permitted outright in a particular district, may be permitted by the Town Board, upon a recommendation by the Planning Commission, in accordance with the standards and procedures of this code.

Variance means a minimum easing of the terms of this zoning code, where such easing will not be contrary to the public interest or to the interest and purposes of this zoning regulation, and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulation would result in unnecessary and undue hardship and the condition or situation is not of so general or recurrent a nature as to make reasonable and practical the formulation of an amendment containing a general regulation for such condition or situation. A variance is related to standards of development and not to uses in a designated zone.

Article III-Administration and Enforcement

3.1 Responsibilities

A. Planning Commission

It is the responsibility of the Planning Commission to review all applications for zone changes in this zoning regulation and to review special review uses, as prescribed by law and this title, and to recommend action to the Town Board. The Planning Commission has no authority to approve variances from the zoning regulations. Variance requests shall be forwarded to the Board of Adjustment for hearing.

B. Board of Adjustment:

The Board of Adjustment shall hear and decide all questions on appeal from decisions of the Town Clerk and all variances to the zoning regulations and any other questions as provided in this section.

C. Town Board of Trustees:

1. The Town Board is responsible for appointing the Planning Commission and the Board of Adjustment.
2. The Town Board has responsibility for making changes in the Zoning Map and making amendments to the Zoning Regulation.
3. The Town Board approves or disapproves Special Review Use Applications.
4. The Town Board shall not hear complaints of, or decide questions of, interpretation or enforcement that are reserved for the Board of Adjustment.

D. Town Clerk as Zoning Administrator

1. The Town Clerk, or designee, is designated to administer this zoning regulation and the Peace Officer shall enforce the same.
2. The Town Clerk, or designee, shall have the power to make scheduled inspections of buildings and premises in order to carry out the duties of the enforcement of this zoning regulation, subject to the special provisions where stipulated in this zoning regulation.
3. The Town Clerk, or designee, must inspect the site that is listed in an Application for a Building Permit prior to issuing a building permit.
4. The Town Clerk, or designee, is not permitted to grant an exception to the actual meaning of any clause, order or regulation contained in this zoning regulation to any person making application to construct, move, alter or use a building or structure or land.
5. The Town Clerk, or designee, is not permitted to make changes in this zoning regulation or to vary the terms of this zoning regulation in carrying out the duties of Town Clerk.

3.2 Building Permits

A. A Building Permit, issued by the Town of Saguache, is required to be obtained prior to:

1. The beginning of any excavation for construction of, or placing of, a new building
2. Adding an addition or second story on existing buildings
3. Construction of a new fence or a new deck
4. Demolition of a building
5. Changing the level of the lot to be higher than the crown of the lowest adjacent road
6. Building bridges, walkways or driveways from the street, over town property to private property

B. Every Application for a Building Permit shall be complete, with the plans shown in sufficient enough detail to enable the Town Clerk or designee to ascertain whether the proposed work is in compliance with the provisions of this zoning regulation. A fee, determined by the Board of Trustees, must be submitted with the Application for a Building Permit.

C. The materials submitted with the Application for a Building Permit shall include plans showing:

1. the actual shape, location and dimensions of the lot/building plot
2. the shape, size and location of all buildings or other structures to be erected, altered or moved
3. other buildings or structures already on the lot/building plot.

D. It is the responsibility of the owner of the property to determine the true physical boundary of the property by a licensed surveyor.

E. Plans submitted with the Application for a Building Permit shall be reviewed and approved by the Town Clerk, or designee. When the Application for a Building Permit is approved, the Town Clerk will issue a building permit.

F. If any Application for a Building Permit is not approved, the cause for such disapproval shall be stated in writing.

G. Building permits are good for one year from the date of issuance.

H. Issuance of a building permit shall in no case be construed as waiving any provision of this zoning regulation or any other Town ordinance.

3.3 Construction on Town Property

A. Permits for excavation on the Town of Saguache Right of Way:

No excavation or any cuts may be made on any Town right of way or on any Town owned property without first obtaining a Building Permit (see 3.2A) or a Town Cut Permit.

B. Structures existing on Town property:

No person shall repair, improve, replace or renovate any portion of any structure, building, fence, barrier or any other tangible object which is presently upon or which encroaches upon land owned by the Town of Saguache, if the cost exceeds 50% of its appraised value for tax purposes, exclusive of foundations. This does not include bridges, walkways or driveways from the street, over town property to private property.

C. Construction on Town Property:

No new private construction shall occur on Town Property, except for the purpose of creating access from the street to private property.

D. Violations: In addition to the standard procedure for violations, if the Municipal Court finds that the violator has, in fact, erected or improved (as stated above) any structure, building, fence, barrier or other tangible object upon Town Property, it shall order the violator to remove or undo the construction or improvements within 10 days.

E. Should the violator fail to comply with the Municipal Court's order, the Town Clerk shall direct the appropriate Town employee or agent to remove the encroaching structure and/or improvements, and the violator shall, in addition to the fine, pay to the Town the actual costs of such removal. No stay or extension of the removal order shall be granted except by the Municipal Court or by a majority vote of the Board of Trustees. Should the violator wish an extension or stay, he/she must appear in person before the Board of Trustees. A stay may only be granted in the event of undue hardship.

3.5 Board of Adjustment

A. Composition of the Board and Appointments

1. Members: The Board of Adjustment shall consist of five members, appointed by the Town Board of Trustees, and a non-voting secretary who is the Town Clerk. One member will be from the Planning Commission and one from the Town Board of Trustees. Members must either reside in, own property in, or own a business in the Town of Saguache. There may be up to three alternate members, appointed by the Board of Trustees. A quorum for the Board of Adjustment is four members.
2. Appointments to the Board of Adjustment will be for a period of (staggered) three-year terms, except when vacancies occur prior to the expiration of a regular term. The Board of Trustees will fill such a vacancy, and the individual will serve only until the expiration of the term in which the vacancy occurred. Alternates are appointed for a 1-year term.
3. In the event that any regular member is temporarily unable to act, owing to an absence from the town, illness, interest in a case before the Board of Adjustment, or any other cause, an alternate member, who shall enjoy full voting privileges, may assume his/her place.
4. The Town Board of Trustees shall have the power to remove any member of the Board of Adjustment, for cause, after an official public hearing in which the member shall have the right to counsel and to confront hostile witnesses.

B. Rules for the Board of Adjustment

1. The Board of Adjustment shall adopt rules necessary to the conduct of the Board's affairs and meetings.
2. Members of the Board of Adjustment shall elect a chairperson to serve for a term of one year. The chairperson (or acting chairperson) shall have the power to administer oaths and compel the attendance of witnesses by subpoena.
3. The Board shall keep minutes of its proceedings, showing the vote or abstention of each member for each decision, all of which shall be a public record and be filed in the office of the Town Clerk.

4. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to:
 - revoke any order, requirement, decision or determination of any administrative official charged with enforcement of this zoning regulation
 - decide in favor of the applicant any matter upon which it is required to pass under this zoning regulation
 - effect any variation in this zoning regulation.

C. Powers of the Board of Adjustment

The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirements, decision or refusal made by an administrative official based on, or made in the enforcement of this zoning regulation. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination that is being appealed.
2. To grant or deny variances from the provisions of this zoning regulation when the strict application of the regulations would result in peculiar and exceptional and undue hardship upon the owner of the property, provided the relief may be granted without substantially impairing the intent and purpose of this zoning regulation.
3. To hear and decide such other special questions not inconsistent with the regulations contained in this zoning regulations, upon which the Board of Adjustment is authorized by resolution of the Town Board of Trustees.
4. To hear and decide whether a specific use is expressly permitted in a use group.
5. To decide questions concerning the interpretation of this zoning regulation where any ambiguity or conflict exists or concerning the application of this zoning regulation to a specific property where any ambiguity might exist.
6. The Board of Adjustment shall render written decisions accompanied by findings of fact and conclusions.

In granting or denying variances, the Board shall consider the following criteria and standards:

1. whether there are unique physical circumstances or conditions, such as exceptional irregularity, narrowness or shallowness of a piece of property or whether there are exceptional topographic or other physical conditions or exceptional situations/conditions peculiar to the affected property;
2. whether the unusual circumstances or conditions exist throughout the neighborhood or district in which the property is located;
3. whether the hardship has been created by the applicant;
4. whether the grant of the variance will cause a significant hazard, annoyance or inconvenience to the owners or occupants of nearby property, significantly change the character of the neighborhood or reduce the value of nearby property, impose any significant cost burden upon the Town or create any significant obstacle to implementation of the Town's zoning plan or master plan;

5. whether the variance, if granted, will alter the essential character of the neighborhood or district in which the property is located or substantially or permanently impair the appropriate use or development of adjacent property.

D. Procedures for a Variance:

1. Any person of interest may apply to the Board of Adjustment for a variance from the literal interpretation of the provisions of this code.
2. An application for a variance shall be submitted to the Town Clerk on the completed official form and shall have attached an explanation letter, a map showing the variance request and a list of immediate surrounding property owners (within 300/500 feet of the property). The applicant shall provide the Town Clerk with one set of stamped, addressed, certified (return receipt requested) envelopes, all fees paid. The envelopes shall have the Town Hall address as the return address and the envelopes shall be addressed to the surrounding property owners as described.
3. The letter should identify the variance being requested, a citation of the portion of the Code from which relief is requested and explaining what exceptional condition, practical difficulty or unnecessary hardship exists to require the variance. The letter shall also address how the variance, if granted, will not be detrimental to the public good, create a conflict with the Saguache Master Plan or impair the intent and purpose of this Code.
4. After the Town Clerk receives the completed application, the Board of Adjustment shall hold a public hearing to consider the application. See below for Public Hearing.
5. Either the applicant or his/her representative must be present at the public hearing to present the application. Nonappearance may justify denial of the application.

E. Procedures for an Appeal:

1. Any aggrieved person of interest may appeal a denial of a building or other development permit, or any order, requirement, decision, interpretation or determination made by an administrative official charged with the enforcement of this code.
2. The appeal to the Board of Adjustment shall be made within 30 days of any administrative decision. Failure to make a timely appeal shall be considered a waiver of the appellant's rights to appeal to the Board of Adjustment.
3. The applicant shall file with the Saguache Town Clerk, a written notice of appeal on an Appeal Form.

4. After the Town Clerk receives the completed application, the Board of Adjustment shall hold a public hearing to consider the application. See below for Public Hearing.
5. Stays on proceedings:
6. Public Hearing and notifications: The Town Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than 30 days from the date of advertising. In addition, the Clerk shall prepare a public hearing notification sign to be posted on the property by the applicant no less than 30 days before the hearing. Certified letters notifying the surrounding property owners of record (within 300/500 feet of the appealing property) of the public hearing shall be sent.
7. Board of Adjustment Public Hearing and Action on the Appeal or Variance Request: The Board of Adjustment shall make the decision on appeals and variances at a regular meeting of the Board. No single decision of the Board sets a precedent. The decision of the Board shall be made on the particular facts of each case.
8. Court Review: An appeal of the decision of the Board of Adjustment may be made to the District Court, as provided by Rule 106 (a)(4), Colorado Rules of Civil Procedure. Application to the Court must be made within 30 days of the final decision of the Board of Adjustment. The applicant shall be required to pay the cost of preparing a transcript of proceedings.

The Town of Saguache or Board of Adjustment shall be entitled to appeal any decision of the District Court under Rule 106 proceedings.

Article IV-Zoning District Regulations

4.1 Zoning District Categories:

In order to implement the Zoning Code for the Town of Saguache, the Town establishes the following basic zoning districts:

A. Traditional Residential District:

The Traditional Residential District encompasses all of the parts of town that are not included in the Mixed Use Highway Commercial District or the 4th Street Mixed Use Commercial District.

B. Mixed Use Highway Commercial District:

The Mixed Use Highway Commercial District includes those properties that border Highway 285 and Highway 114 and extends for one block onto all the avenues and streets that are contiguous with it.

C. The 4th Street Mixed Use Commercial District:

The 4th Street Mixed Use Commercial District includes those properties that border 4th Street, south of Highway 285, and extends for one block onto all the avenues that are contiguous with it.

4.2 Traditional Residential District

This district is comprised of areas that provide for residential development at a relatively low density of single and two unit houses on individual lots.

A. Permitted Uses

1. Single Unit Dwelling
2. Duplex Dwelling
3. Accessory Buildings
4. Accessory Dwelling, must have own Water/Sewer hookups & Utilities
5. Home Occupations, which comply with Home Occupation Rules
6. Bed and Breakfast business in owner occupied home

B. Special Review Uses

1. Multi Unit Dwelling, limited to eight units per building
2. Residential Care Facility
3. Churches/Places of Worship
4. Parks
5. Community Facilities
6. ?Any 24 hour business, including home occupations?

C. Lot Size: The minimum lot size is a platted town lot, as shown on the Plat of the Town of Saguache. A platted lot is generally 50 feet wide by 130-150 feet long, depending upon the block.

D. Setback Requirements: Setbacks will be not less than ten feet minimum at the front, side and rear of the property. Steps or ramps to the principal entrance and necessary landings are allowed to extend no more than 6 feet into the setback.

E. Height of Buildings: The maximum building height is two stories.

4.3 Mixed Use Commercial Highway District

This district is comprised of areas that provide for highway oriented commercial uses to serve both local and transient automotive and related needs and accommodates the interspersed residences that exist.

A. Permitted Uses

1. Gas Station
2. Convenience Store
3. Grocery Store

4. Motel/Hotel,
5. Bed and Breakfast business and short-term rental home
6. Restaurant
7. Bar/Pub
8. Liquor Store
9. Traditional Mortuary
10. Professional Offices
11. Repair Shop-light, such as bike, gun repair, where all repair is completed inside of a building.
12. Auto repair, where all repair is completed inside of a building.
13. Laundromat
14. Retail stores, including landscaping business, small equipment rental
15. Clinics
16. Art Studio/Gallery
17. Construction/Building Light Industry (cabins, sheds, log buildings)
18. Other light industry or workshop and custom small industry where work is carried on entirely within a completely enclosed structure and has controlled (in accordance with State air pollution laws) all dust, fumes, odors, smoke vapor and noise.
19. Residences with Storefronts or Offices at Street entrance
20. Home Occupations in a residence that comply with the Home Occupation Rules
21. Museum
22. Utility Installation, other than telecommunication towers or other tower-like structures
23. Public or Community Facility or Special District Buildings
24. Parks
25. Church/Place of Worship
26. Residential Care Facility
27. Day Care Center

B. Permitted Temporary Uses

1. Farmer's Market
2. Sandwich Stand

C. Special Review Uses

1. Residence, single unit or duplex
2. Multi Unit Dwelling, limited to eight units per building
3. Adult Businesses
4. Outdoor Storage or Equipment Storage Lot
5. Telecommunications towers or tower-like structures

D. Lot Size: The minimum lot size is a platted town lot as shown on the Plat of the Town of Saguache. A platted lot is generally 50 feet wide by 130-150 feet long, depending upon the block.

E. Setback Requirements: Setbacks will be not less than ten feet minimum at the front, side and rear of the property. Steps or ramps to the principal entrance and necessary landings are allowed to extend no more than 6 feet into the setback.

F. Height of Buildings: The maximum building height is two stories

4.4 4th Street Mixed Use Commercial District

This district is comprised of areas that provide for a full range of retail sales and services and accommodates the interspersed residences that exist.

A. Permitted Uses

1. Restaurants and Bars
2. Hotels
3. Retail Stores and Galleries
4. Professional Offices (i.e. Real Estate, Title Company, Medical, Legal, etc.)
5. Workshop and/or Custom Small Industry where work is carried on entirely within a completely enclosed structure and has controlled all noise and (in accordance with State air pollution laws) all dust, fumes, odors and smoke vapor. Must have Storefront or office at street entrance.
6. Indoor Repair shops (i.e., Bicycle, appliance, furniture) with above requirements.
7. Studios (i.e. Art, Dance, Exercise)
8. Financial Institutions
9. Parks
10. Theaters
11. Residences with Storefronts or Offices at street entrance
12. Governmental buildings (i.e. School, Courthouse, Post Office)
13. Fraternal Organizations and membership clubs
14. Churches, chapels, temples, synagogues
15. Personal Service shops (i.e., Beauty Shop, Barbershop, shoe repair, dry-cleaning outlet)
16. Home Occupations in a residence that comply with the Home Occupation Rules
17. Residences without a storefront on the one-block extension off of 4th Street

B. Special Review Uses

1. ?Telecommunication towers or other tower like structures?

C. Lot Size: The minimum lot size is a platted town lot as shown on the plat of the Town of Saguache. A platted lot is generally 50 feet wide by 143-150 feet long, depending upon the block.

D. Setback Requirements: Front-buildings on the two blocks of 4th Street between Denver and Christy Avenues should be built on front property line. Otherwise, minimum front setback is 10 feet. Minimum side setback is zero feet and minimum back setback is ten feet.

E. Height of Buildings: The maximum building height is two stories.

F. Any infill construction must comply with Historic District Standards when they are developed and adopted by the Town.

4.5 General Provisions:

A. A parcel of two or more platted lots may not be subdivided into a lot that is less than the minimum lot size.

B. Consolidation (an action that changes the Plat of the Town of Saguache) of lots is not permitted.

C. Any lot or parcel must have access to and from a normal platted town street. It is not permitted to only have access to a lot or parcel from an alley unless that is the sole option according to the original Town plat.

D. The maximum number of housing units per lot is one house per lot. The house may be a single unit or a duplex.

E. Multi Unit Residences (up to 8 units allowed): A single story building may have up to four units on two lots. A 2-Story building may have up to 8 units on two lots. This is to accommodate required off street parking for any density greater than one duplex per lot.

F. Infill buildings in an established residential neighborhood should attempt to maintain similar setbacks, to preserve the streetscape design. However, if a vacant lot is bordered on two sides by legal nonconforming buildings, which do not meet the front setback, the required minimum setback for the vacant lot shall be calculated as the average setback of the two adjacent buildings. If the vacant lot is bordered by only one legal nonconforming building, the minimum setback shall be calculated as the average between the adjacent building and the minimum setback of 10 feet.

G. Visual clearance areas at street corners shall be triangular with 15 feet of each street from the corner being the sides of the triangle and the hypotenuse of the triangle connecting the ends of the sides furthest from the corners. The visual clearance area shall contain no opaque plantings, walls, structures, or temporary or permanent obstructions between 3 feet and 7 feet in height except for trees or signs where no foliage or sign exists between 3 and 7 feet. The height is measured from the top of the curb or existing grade. Traffic signs must meet Federal Code.

H. For buildings built along State Highways, any entrance to the property must conform to rules set by the Colorado Department of Transportation (CDOT).

I. Any grandfathered property that encroaches on a Town right-of-way and a safety hazard exists because of the encroachment, must have the encroachment remedied at the time the property changes hands.

J. Any commercial retail display on a sidewalk must permit adequate pedestrian use and must be taken in at the conclusion of business hours. The Town Board may permit temporary seasonal displays to be kept on the sidewalk 24 hours a day.

4.6 Special Review Uses:

Although each zone district is primarily intended for a permitted, predominant type of use, such as dwellings in the residential district, there are a number of uses that may or may not be appropriate in a particular district. It is the purpose of this zoning regulation to provide a mechanism to review such uses, so the community is assured that the uses are compatible with their locations and surrounding land uses.

A. Application for Special Review Use:

1. An application for approval of a special review use may be filed by a person having an interest in the property for which the special review use is requested. The application form provided by the Town must be used.
2. Included with the application is a nonrefundable application fee, the amount is set by the fee schedule determined by the Board of Trustees.
3. Full completion of the application is required and includes:
 - A complete site plan (as described in the application) that shows the details of the proposed development
 - A time schedule for development and completion
 - Zoning classification of adjoining lots, parcels or tracts and any pertinent information about abutting property
 - Any other information that the Planning Commission requires
 - Any other information the applicant believes will support the application
4. The applicant shall be responsible for reimbursing the Town for all legal, engineering, planning and other professional or consultant fees or costs related to the Town's review of the application.

B. Notice to the Public of Applications for Special Review Use:

When a Special Review Use application is filed with the Town of Saguache, written notice that the application has been filed and may be reviewed during regular office hours at the Town Hall will be sent to owners of property within (300)(500) feet of the property in question. The written notice shall also specify the date, time and place of the public meeting that will be held regarding the special review use application.

C. Planning Commission Responsibilities for Special Review Use applications:

1. Within 30 days after the Planning Commission receives a completed application, the Commission will hold a public meeting to consider the application. The

application consideration may take place at the regular monthly Planning Commission meeting.

2. The Planning Commission shall, within 30 days of the public meeting, unless a longer time is necessary for consideration of the application for reasons specifically stated by the Planning Commission:
 - Recommend approval of the application, in whole or in part, with or without modifications and conditions to the Town Board of Trustees
 - OR
 - Recommend disapproval of the application to the Town Board of Trustees
3. The recommendation of the Planning Commission shall be transmitted to the Town Board of Trustees and to the applicant.

D. Town Board of Trustees Responsibilities for Special Review Use applications:

1. The Town Board may, at its discretion, hold a public hearing on any proposed special review use after receiving the written report of recommendations from the Planning Commission. If a public hearing is held, the notice of the hearing shall be published in a newspaper of general circulation within the town at least 15 days prior to the hearing date. A written notice of the hearing will be sent by first-class mail at least 15 days prior to the hearing date, to property owners within (300)(500)? feet of the property in question, as such ownership is available in the Town Clerk's office.
2. The Town Board of Trustees shall either approve the application, in whole or in part, with or without modifications and conditions, or disapprove the application. The decision of the Town Board of Trustees shall be transmitted to the Planning Commission and to the applicant.

E. Special Review Uses Approval Criteria and Conditions:

1. No special review use application shall be approved unless the application:
 - Complies with all requirements imposed by this zoning regulation and with all applicable written rules
 - Is consistent with the objectives and purposes of the Town's Master Plan
 - Is designed to be compatible with surrounding land uses and the area of its location
2. In considering an application for special review use, the Planning Commission and the Town Board of Trustees shall consider, and may impose modifications, concerning the following:
 - Size and location of the site
 - Building bulk and location
 - Signs and lighting
 - Fencing, screening and landscaped separations, including open space

- Noise, vibration, air pollution and other environmental influences
- Internal traffic circulation and access to adjoining public streets
- Location and amount of off-street parking
- Adequacy and availability of public infrastructure and services

F. Special Review uses: Review of Decision; Right to Appeal

1. Any person applying to the District Court for a review of any decision made under the terms of this regulation shall apply for review within thirty (30) days after the date of decision and shall be required to pay the cost of preparing a transcript of proceedings. The application for review shall be in the nature of a certiorari under Rule 106(a)(4) of the Colorado Rules of Civil Procedure.
2. The Town shall be entitled to appeal any decision of the District Court under Rule 106 proceedings.

G. Special Review Uses Application: Modification, Extension, Termination

1. No approved special review use may be substantially modified, structurally enlarged, expanded in parking or ground areas unless the site plan is amended and approved in accordance with the procedures applicable to the initial approval of the special review use. Any use that existed prior to this regulation shall continue to be an approved special review use, unless modified.
2. Any approved special review use will automatically terminate unless it is completed in accordance with the approved applicant timetable. The applicant may submit an application for an extension of time, along with a fee, the amount set by a fee schedule determined by the Board of Trustees. The Planning Commission will review the application for extension of time.

Article V Supplementary Regulations and Procedures

5.1 Animal, Livestock and Poultry Regulations

A. Poultry: Chickens and ducks are permitted, with a limit of 15 mature fowl per dwelling unit. No mature roosters are permitted. All poultry must be confined to the yard of the dwelling unit. (Recommended space for chickens: 3-5 sq ft of space per bird in enclosed sleeping/nesting area and 15 sq ft per bird in the poultry run.)

B. Rabbits: No more than 12 mature rabbits confined to the yard of the dwelling unit are permitted and rabbits must be confined to pens.

C. Grazing farm animals: such as horses, cattle, buffalo, beefalo, llamas, sheep and goats. No more than two mature animals per acre allowed, with at least 1/2 acre of pasture per mature animal. Barn/corral for grazing farm animals must be 100 feet from neighboring residences.

D. Pet animals that are permitted are cats, dogs, caged birds, potbelly pigs, hamsters, caged rodents and rabbits, with the following restrictions:

1. Cats: no more than 4 mature cats per dwelling unit.
2. Dogs: no more than 4 mature dogs per dwelling unit.
3. Rabbits: no more than 2 mature pet rabbits per dwelling unit.
4. No more than one pet pig per dwelling unit.

E. Pets must be confined to the yard of the dwelling. Dogs, when outside the confines of the yard, must be on a leash.

F. Any animal kept in town must have waste removed at appropriate times and owners will be subject to all of the conditions listed in the nuisance and any other ordinances.

5.2 Lighting Regulations

A. Light sources for all zones shall be concealed or shielded to the maximum extent feasible, to minimize the potential for glare and unnecessary diffusion on adjacent property, and to be away from the vision of passing motorists.

B. All lights in all zones shall be directed downward so they will not be visible from any adjacent property and to ensure that ambient skyward light is eliminated. Flagpole lighting is allowed to be directed upward as long as the light source is shielded and not visible from any adjacent property.

C. If light fixtures are mounted on buildings or structures, they shall not exceed the height of the building.

D. Light fixtures mounted on poles shall be no higher than 16 feet above the ground in a residential area and no higher than 25 feet above the ground in a commercial/industrial area.

E. Bollard type lighting shall be between 3 and 4 feet high.

5.3 Sign Regulations

A. Signs are allowed only as permitted in this zoning regulation.

B. Signs that are permitted for businesses or for institutions include:

1. Freestanding Sign: Any sign structurally separate from the building, supported on itself or on a standard or legs. This type of sign shall not be located higher than the principal building and shall be a minimum of eight feet (8') above grade when located adjacent to a pedestrian way. A freestanding sign shall not exceed 24 square feet in area.

2. Projecting Sign: Any sign supported by a building wall and projecting from it, including a theater marquee. This type of sign shall not be higher than the eave line or parapet wall of the main building and shall be a minimum of eight feet (8') above grade when located adjacent to or projecting over a pedestrian way. The projection is limited to 4 feet from the building, unless it is on an awning or canopy. A projecting sign shall not exceed 12 sq feet where 2 faces are visible and 25 sq ft where only one face is visible.
3. Wall Sign: Any sign that is painted on, incorporated in or affixed to the building wall or any sign consisting of cutout letters or devices affixed to the building wall. This type of sign shall not be higher than the eave line or parapet wall of the principal building. A wall sign shall not exceed 10% of the area of the building frontage area, or 65 sq ft, whichever is the smaller.
4. Sandwich Board Sign: Any sign that is of A-frame design and is posted periodically to reflect "specials". These signs shall not be larger than 3 feet by 4 feet. These signs must be taken in at the conclusion of the business day. Sandwich signs must not impede pedestrian or traffic flow.
5. Special Pennants and Banners: Cloth or paper pennants or banners announcing specials, special events or Open status shall be located so that traffic, either pedestrian or vehicle, is not impaired and that vehicular traffic vision is not compromised. These signs must be taken in at the conclusion of the business day. Banners for specific civic events, such as posted over the roadway, may be erected up to 2 weeks prior to the event and removed at the conclusion.

C. Signs that are permitted for residences include:

1. Freestanding, non-illuminated, projecting or wall signs (as listed under Business/Institutions) that identify the address, resident, or the Home Occupation. The sign shall not exceed 4 square feet per residence. Illumination is allowed only for multi-family dwellings and for Mobile Home parks.
2. Political Signs: Allowed in residential areas with permission of the property owner and must be removed within 7 days after an election. A sign may not exceed 6 square feet.
3. Regulatory signs, such as No Trespassing signs, may not exceed 4 sq. feet and limited to 4 such signs per use or per building, whichever is greater.
4. Galleries in a residential area may have banners indicating Open Status, which must be removed at the conclusion of the business day.

D. Prohibited signs:

1. Signs with flashing lights or moving parts, inflatable moving characters or tethered balloons are not allowed, with the exception of "Open" signs located in a window of the business, or with permission at special events.

2. Abandoned or unused signs, including signs located off premises, that advertise an activity, business, product or service that is no longer produced or conducted upon the premises where the sign is located are not allowed unless the sign is of historic significance and is approved by the Town Board of Trustees.
3. Any sign that is structurally unsound or constitutes a hazard either through dilapidation or inadequate maintenance, or distracts or obstructs motor vehicle operators is not allowed.

E. Other Sign regulations:

1. Construction Signs: Any sign that is a freestanding, non-illuminating sign may be erected on a project site for purposes of identifying contractors and/or describing a project. This must be removed within two weeks of completion of the project. Only one sign per street front is allowed.
2. For Sale/For Rent Signs: A freestanding or wall sign, not to exceed 6 square feet when advertising sale and not to exceed 4 square feet when advertising rental may be erected on the premises.
3. Directional Signs: A freestanding sign, non-illuminated and conforming to a standardized design (6"x30") directing to tourist and cultural facilities may be erected in any district on the Town's public right of way, according to Town regulations.
4. Signs shall comply with the setback requirements of the zone district in which they are located.
5. Historic District: Permitted are Historical Markers, non-illuminated signs constructed of metal or masonry, affixed to buildings or structures for the purpose of identifying the name of the building, date of erection or other historical information.
6. If the Historic Preservation Commission develops sign regulations for a future Historic District, those regulations will take precedence over this ordinance.
7. A nonconforming (i.e. "Grandfathered") sign may be continued and maintained in reasonable repair.
8. If a nonconforming sign is destroyed by fire, flood, wind, explosion or act of God to the extent
 - o exceeding 50% of its appraised value, a future sign shall conform to the provisions of this chapter-i.e. may not be rebuilt as nonconforming.
 - o less than 50% of its appraised value for tax purposes, restoration must be completed within 12 months of the calamity.

9. Once a nonconforming use is changed to a conforming use, it may not be changed back again to a nonconforming use.

5.4 Home Occupations Regulations

- A. A Home Occupation shall be an accessory use by a bonafide resident(s) of the dwelling that is clearly secondary and incidental to the residential use of the dwelling unit and one that does not affect the unit's residential character.
- B. Each Home Occupation shall require a current town business license and appropriate State licenses.
- C. The Home Occupation shall not occupy more than 50% of the total floor area of the main building and more than 25% of the total lot area.
- D. The Home Occupation shall be operated entirely from an enclosed structure and all exterior storage of materials and equipment shall be adequately screened. The operation may not generate odor, dust, smoke, noise, vibration, light or glare. No process may be used that is hazardous to the public health, safety or welfare.
- E. Visitors, customers, vehicular traffic shall not exceed that which is normally and reasonably occurring in the neighborhood where the Home Occupation is conducted.

5.5 RV and Trailer Park Regulations

- A. The placement, creation or development of any Mobile Home Park or RV Park in the Town of Saguache is prohibited and no person shall attempt to place create or develop a Mobile Home Park or RV Park, nor shall any person be given a permit to do so by the Town of Saguache.
- B. This is not intended to prevent the temporary placement of mobile homes, camping trailers, fifth wheel trailers, motor homes recreational park trailers, recreational vehicles, travel trailers or truck campers as occupied structures for any period not exceeding 30 consecutive days at a time, provided that all applicable Town Ordinances and Colorado State Statutes and Rules and Regulations of the Colorado Department of Public Health and Environment are followed.

5.6 Manufactured Home and Mobile Home Regulations

- A. Manufactured Homes, both Single Wide and Double Wide shall be introduced or placed within the Town of Saguache, only if the construction standards meet or exceed those mentioned in the definitions.

B. Manufactured Homes, both Single Wide and Double Wide, that are introduced or placed within the Town, must be manufactured within twenty (20) years prior to their introduction into Town.

C. All Manufactured Homes must meet or exceed all equivalent performance-engineering standards to the same extent required for other single housing units.

D. The main entrance of any Manufactured Home must face or be oriented toward an adjacent street.

E. A Manufactured Home, Double Wide, must be set on an excavated, backfilled, engineered foundation, enclosed at the perimeter. Such foundation shall meet or exceed the standards established by the State of Colorado for the placement of Manufactured Home Double Wide. A Manufactured Home, Single Wide, must be anchored to a slab. The foundation for all Manufactured Homes shall be similar in appearance and durability to a masonry foundation of a site-built dwelling. The foundation shall provide an anchoring system that is totally concealed under the structure. The transportation mechanisms, including the wheels, axels and hitch must be removed from all Manufactured Homes.

F. All Manufactured Homes shall be inspected by a registered inspector for the State of Colorado prior to issuance of a certificate of occupancy by the Town of Saguache, acting through its Town Clerk and/or Building Inspector.

5.7 Nonconforming Buildings and Uses Regulations

A. A nonconforming (i.e. "Grandfathered") building or use may be continued and maintained in reasonable repair. A structure that is conforming as to use, but nonconforming as to height, setback or coverage may be altered or extended, providing the alteration or extension does not result in a violation of the Zoning Regulations.

B. Any nonconforming Manufactured Home, Single Wide or Double Wide, may not be moved from one location in the Town of Saguache to another and may not be modified, enlarged or altered except in a manner conforming to the requirements of this Ordinance.

C. If a nonconforming use involving a structure is discontinued from use for a period of one year, further use of the property shall be for a conforming use. The Town will send a letter regarding abandonment of use at the completion of six months.

D. If a nonconforming use not involving a structure is discontinued for a period of one year, further use of the property shall be for a conforming use.

E. Once a nonconforming use is changed to a conforming use, it may not be changed back again to a nonconforming use.

F. If a building permit has been issued and construction work has started prior to the adoption of the Zoning ordinance, no change is required in the plans, construction, alteration or designated use if the building and use is in operation within one year from the date of the issuance of the building permit. If the use is not in operation within the one year, it will be a discontinued use and any use must be a conforming use.

G. If a nonconforming structure, or a structure containing a nonconforming use, is destroyed by fire, flood, wind, explosion or act of God to the extent

- exceeding 50% of its appraised value for tax purposes, exclusive of its foundations, a future structure or use of the property shall conform to the provisions of this chapter-i.e. may not be rebuilt and used as nonconforming.
- less than 50% of its appraised value for tax purposes, exclusive of its foundations, restoration must be started within 12 months of the calamity and be completed within 24 months of initiating restoration.

5.8 Adult Oriented Businesses

A. Adult-Oriented Business or Adult-Oriented Use means a use of a property where the principal use, or a significant or substantial adjunct to another use of the property, is the sale, rental, display or other offering of live entertainment, dancing or material, which is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to "specified sexual activities" or "specified anatomical areas" as the primary attraction to the premises.

B. General bookstores or video stores that sell or rent adult oriented material, but derive not more than ten percent of their gross income from the sale or rental of such material shall be exempt from the provisions of this section as long as such material is kept in a location that is not visible from the non-adult oriented business portion of the premises and access is restricted and regulated so as to bar entrance by minors.

C. Adult-oriented businesses shall be located only in the Mixed Use Commercial Highway zone in the Town of Saguache, and are deemed as a Special Review Use.

D. It shall be unlawful to operate or cause to be operated an adult-oriented business within seven hundred and fifty feet (750') of a church, school, child care or day care home or facility, health services center or hospital, public park or residential property ("protected uses").

E. The distance between an adult oriented business and a buildings/park in the protected uses classification shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point of the building or structure in which the adult-oriented business is located to the nearest property line of a protected use buildings/park.

F. It shall be unlawful to operate or cause to be operated more than one adult-oriented business in the same facility or portion thereof.

G. It shall be unlawful to operate or cause to be operated an adult-oriented business within seven hundred and fifty feet (750') of another adult-oriented business. The distance shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structures in which the adult-oriented businesses are located.

H. Restricted hours of operation of an adult-oriented business are between 2:00 A.M. and 12:00 noon of any day. During this time, no patrons are allowed on the premises. These times do not apply to private rooms within an adult-oriented hotel or motel.

I. All minors, persons under eighteen (18) years of age, shall be prohibited admission to an adult-oriented business. This prohibition shall not apply to the non adult-oriented business portion of a business's premises, if the interior of the adult-oriented business portion of the premises is not visible from the non-adult-oriented business portion of the premises, and access is restricted and regulated so as to bar entrance by minors. It shall be unlawful for either a licensee or minor to violate this provision.

J. Signage: All signs must conform to the sign provisions of this zoning code. In addition, primary signs for adult-oriented businesses shall contain no photographs, silhouettes, drawings or pictorial representations in any manner, and the sign may only contain the name of the establishment.

5.9 Parking Regulations

A. The provisions and maintenance of off-street parking spaces is a continuing obligation of the property owner.

B. At the time of erection of a new structure, off-street parking spaces shall be provided as required in this zoning regulation.

C. Required parking spaces shall be available for the parking of operable passenger vehicles of residents, customers, patrons and employees only; and shall not be used for parking or storage of vehicles or materials used in conducting the business or use.

D. Parking plans shall be included in the plans for the application for a Building Permit.

E. Parking requirements for specific uses

1. Mixed Use Commercial Highway District

- Multi-unit dwelling of three or more units: 1.5 parking spaces per unit.
- Hotel/Motel: 1 space per guest room plus 1 space per 2 employees and 1 space for the owner/manager.
- Church/Meeting Room/Auditorium: 1 space per 6 seats.

- Schools: less than High School: one space per classroom and one space per employee. High School or above: one space for every 6 students and 1 space per employee.
- Retail Store or Service or Repair Shop: 1 space per 300 square feet of floor area, plus 1 space per 2 employees. The area measured shall be the floor area primary to the functioning of the use of the property.
- Eating or Drinking Establishment: 1 space per 6 seats and one space per 2 employees.
- Offices or Clinics: 1.5 spaces per 300 square feet and one space per employee.
- Nursing Home/Rest Home: 1 space per 2 patient beds and 1 space per 2 employees.

2. Storage and parking of mobile homes, camping units and commercial vehicles

- Parking of operable and licensed travel trailers and motor homes (camping trailers, fifth wheel trailers, recreational vehicles, truck campers) shall be permitted as long as such parking does not infringe upon safety regulations and other parking restrictions of the Town. These may be guest occupied for a period not exceeding 30 consecutive days at a time.
- Trucks carrying flammable liquids: No truck used for transportation of flammable gases or liquids shall be parked in the Town of Saguache in excess of 30 minutes in residential areas. The truck must be attended during the loading or unloading of flammable liquids or gases.
- Commercial Trailers, semi-trailers, tractor-trailers or commercial vehicles exceeding 22 feet in length or in excess of 2 tons weight, shall not be parked in the traditional residential district for more than 12 hours, or in a commercial district for more than 72 hours. These provision shall not apply if the vehicle is being loaded or unloaded or is engaged in construction, repair or utility work. If the commercial vehicle is owned by a resident, it may be parked off-street. If no options are available for off-street parking, the resident may request special permission to park of the Town Board of Trustees.

3. Moving the vehicle in question to another location shall be no defense to this section.

5.10 Amendments to the Land Use Plan

A. Rezoning Policy: Rezoning of land within the Town of Saguache is permitted and will be considered if the following item(s) are present:

1. The land to be rezoned was zoned in error and, as presently zoned, is inconsistent to the policies and goals of the Town's Master Plan.
2. The area for which rezoning is requested has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area.
3. The proposed rezoning is necessary in order to provide land for a community related use which was not anticipated at the time of adoption of the Master Plan and if such rezoning will be consistent with the goals of the Master Plan

4. The proposed rezoned area is of such a nature and so located that the proposed zone change will not adversely affect existing or anticipated uses or property values in the vicinity.
5. The lot, parcel or tract of land has 150 feet of frontage on a public street or has a minimum of one acre, or abuts on a lot, parcel or tract of land that has the same zoning classification as that which is proposed for the requesting property.

B. An amendment to the **text** of the zoning regulation may be initiated by the Town Board or the Planning Commission.

C. An amendment to the **zoning map** of the zoning regulation may be initiated by the Town Board, the Planning Commission or by application of an owner (or owner's agent) of a property affected within the town. The application will be considered only at regularly scheduled meetings of the Planning Commission. The application form is provided by the town and includes information on the review and processing fees that are required.

D. Procedures for submission of Application for changes in Zoning Map:

1. Planning Commission receives the application and within 30 days recommends to the Town Board, approval, approval with modification or disapproval of the application. The applicant is notified of the decision at the time of the recommendation. A longer time may be necessary for consideration of the application and reasons must be specifically stated by the Commission.
2. The Board of Trustees shall hold a Public Hearing on all proposed zoning map amendments after receiving the recommendations from the Planning Commission. A notice of the hearing shall be published in a newspaper of general circulation within the Town at least 15 days prior to the hearing date.
3. The property to be rezoned shall be posted and written notice of the hearing shall be hand delivered (evidenced by a signature) or sent by certified mail at least 15 days prior to the hearing date to property owners within (300)(500) feet of the property in question, as such ownership is available in the Town Clerk's office.
4. The proceedings of the Public Hearing shall be recorded. The proceedings may be transcribed by a certified court reporter at the expense of any participant in the hearing.
5. The Board of Trustees shall approve, approve with modification, or disapprove the application within 30 days of the Public Hearing. The decision of the Town Board of Trustees will be transmitted to the Planning Commission and to the applicant.

E. The Town Clerk shall maintain a record of amendments to the Zoning text and Zoning map in a form convenient for the use of the public.

5.11 Zoning of annexed territory:

A. The ordinance that annexes any property into the Town of Saguache may also zone the property. Zoning of land in the process of annexation may be done in accordance with the procedure and notice requirements of this zoning regulation and the Colorado Revised Statutes.

B. If the zoning process is started prior to the effective date of the annexation ordinance, the legal protest area for rezoning shall be determined solely on geographic location, irrespective of whether the land in the legal protest area is within, without, partly within or partly without, the Town limits. The proposed zoning ordinance shall not be passed before the date when the annexation ordinance is passed.

C. Any area annexed shall be brought under the provisions of this zoning regulation and the map thereunder within ninety (90) days from the effective date of the annexation ordinance, despite any legal review that may be made challenging the annexation. During the ninety-day period, or such portion thereof as is required to zone the territory, the Town shall refuse to issue any building permit for any portion or all of the newly annexed area.

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