



CITY OF TRINIDAD TRINIDAD, COLORADO

The City Council will hold its regular Work Session on
Tuesday, May 24, 2011 following a Special Meeting at 1:30 p.m.
City Hall Council Chambers, Third Floor, City Hall

AGENDA

1. Consideration of proposed ordinance of the City of Trinidad, Colorado, amending select subsections of § 14-104 (“Non-Conforming Uses and Structures”) of Chapter 14 (“Planning and Zoning”), Article 4 (“Zoning Ordinance”), Division 14 (“Supplementary Regulations”), of the Code of the City of Trinidad, Colorado, for the purposes of (i) allowing, under certain circumstances, the restoration or replacement of non-conforming structures; and (ii) moderating restrictions on the discontinuance of non-conforming uses - Louis Fineberg – Planning Director
2. Consideration of proposed ordinance of the City of Trinidad, Colorado, (I) amending the City’s Official Zoning Map for the purpose of subdividing the “HP – Corazon de Trinidad Historical Preservation District” into an “HP – Corazon de Trinidad Historic Preservation Residential District” and an “HP – Corazon de Trinidad Historic Preservation Mixed-Use District and (II) amending Chapter 14 (“Planning and Zoning”), Article 4 (“Zoning Ordinance”), of the Code of the City of Trinidad, Colorado, by (i) re-naming Division 12 “Zone District Regulations for the HP – Corazon de Trinidad Historic Preservation Residential District” and (ii) adding a new Division 12.1 entitled “Zone District Regulations for the HP – Corazon de Trinidad Historic Preservation Mixed-Use District” - Louis Fineberg – Planning Director
3. Consideration of proposed ordinance of the City of Trinidad, Colorado, regarding the provision of natural gas service by the Trinidad Municipal Natural Gas Department, and increasing the gas supply charge applicable to all customer service classifications – Jim Fernandez, Utilities Superintendent
4. Discussion regarding transfer of water from City of Trinidad Account in Trinidad Reservoir to the Permanent Pool Account – Ed Gil de Rubio, City Manager
5. Discussion of other agenda items

CITY OF TRINIDAD, COLORADO

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF TRINIDAD, COLORADO, AMENDING SELECT SUBSECTIONS OF § 14-104 ("NON-CONFORMING USES AND STRUCTURES") OF CHAPTER 14 ("PLANNING AND ZONING"), ARTICLE 4 ("ZONING ORDINANCE"), DIVISION 14 ("SUPPLEMENTARY REGULATIONS"), OF THE CODE OF THE CITY OF TRINIDAD, COLORADO, FOR THE PURPOSES OF (i) ALLOWING, UNDER CERTAIN CIRCUMSTANCES, THE RESTORATION OR REPLACEMENT OF NONCONFORMING STRUCTURES; AND (ii) MODERATING RESTRICTIONS ON THE DISCONTINUANCE OF NON-CONFORMING USES

WHEREAS, Chapter II, § 2.4, of the Home Rule Charter for the City of Trinidad, Colorado, confers upon the City "all powers of local self government and Home Rule possible for a city to have under the Constitution and laws of [the State of Colorado] as fully and completely as though they were specifically enumerated in this Charter"; and

WHEREAS, § 31-23-301 *et seq.*, C.R.S., confers general zoning powers upon the City for the purpose of promoting health, safety, morals, or the general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, that:

Section 1. Amendment of Subsection 14-104(4). Subsection 14-104(4) of Chapter 14 ("Planning and Zoning"), Article 4 ("Zoning Ordinance"), Division 14 ("Supplementary Regulations"), of the Code of the City of Trinidad, Colorado, are hereby amended to read in its entirety as follows:

(4) Restoration or replacement.

(a) A nonconforming structure that is damaged to the extent that the cost of restoration to its condition before the occurrence ("original condition") is less than fifty percent (50%) of the cost of replacing the entire structure may be restored to its original condition.

(b) A nonconforming structure that is damaged to the extent that the cost of restoration to its condition before the occurrence ("original condition") exceeds fifty percent (50%) of the cost of restoring the entire structure may be restored to its original condition only if (i) it cannot reasonably be brought into conformance, in whole or in part, with the requirements of the applicable zoning district, and (ii) said restoration is completed within twenty-four (24) months of the date of damage.

(c) A nonconforming structure may be replaced only if (i) the structure cannot reasonably be brought into conformance, in whole or in part, with the requirements of the applicable zoning district, and (ii) said replacement is substantially completed within twenty-four (24) months of the date on which the building permit was issued.

(d) The cost of land or any factors other than the cost of the nonconforming structure are excluded in the determination of the cost of restoration for any nonconforming structure.

Section 2. Amendment of § 14-104(5). Section 14-104(5) of Chapter 14 ("Planning and Zoning"), Article 4 ("Zoning Ordinance"), Division 14 ("Supplementary Regulations"), of the Code of the City of Trinidad, Colorado, is hereby amended to read in its entirety as follows:

(5) Discontinuance. Whenever a nonconforming use has been discontinued for a period of one (1) year, it shall not thereafter be re-established and any future use shall be in conformance with the provisions of this Article.

Section 3. Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance, or of any of the primary or secondary codes adopted by reference herein, be judicially determined unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance or codes adopted by reference. The City Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

Section 4. Effective Date. This ordinance shall be published and become effective ten (10) days after final passage, as provided in § 5.5 of the Home Rule Charter for the City of Trinidad, Colorado.

INTRODUCED BY COUNCILMEMBER _____; READ AND ORDERED PUBLISHED this ____ day of _____, 20____; PASSED AND APPROVED this ____ day of _____, 20____.

THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE the ____ day of _____, 20____.

CITY OF TRINIDAD, COLORADO

JENNIE GARDUNO, Mayor

ATTEST:

By: _____
AUDRA GARRETT, City Clerk



MEETING DATE: Workshop: Tuesday, May 24th, 2011
First Reading: Tuesday, June 7th, 2011
Second Reading: Tuesday, June 21st, 2011

TO: City Council

FROM: City Staff

SUBJECT: Planning, Zoning and Variance Commission (PC) recommendation to (i) divide the existing HP – Corazon de Trinidad Historical Preservation District into the HP – Corazon de Trinidad Historic Preservation Residential District (RD) and the HP – Corazon de Trinidad Historic Preservation Mixed-Use District (MUD) and (ii) to adopt new zone district regulations for the RD and the MUD.

GENERAL INFORMATION:

Purpose: To provide basic protections to historic structures in the Corazon de Trinidad and to ensure that new development is compatible with existing development within the District in accordance with the policy statements outlined in the City of Trinidad 2008 Comprehensive Plan.

Location: The existing HP – Corazon de Trinidad Historical Preservation District.

Size: The existing HP – Corazon de Trinidad Historical Preservation District is approximately 119 acres.

Existing Land Use: The existing HP – Corazon de Trinidad Historical Preservation District is comprised of two sub-districts, the RD and the MUD. The RD is predominantly residential in character while the MUD is characterized by the historic mixed-use buildings that define Trinidad's commercial core.

Surrounding Land Uses: The existing HP – Corazon de Trinidad Historical Preservation District is surrounded by residential uses to the east and south and commercial and industrial uses to the north and west.

Existing / New Zoning: E-HP / E-HPRD & E-HPMUD

2

BACKGROUND INFORMATION

The Planning, Zoning and Variance Commission (PC) is recommending approval of new zone district regulations for the El Corazon de Trinidad National Historic District. The new regulations are designed to offer basic protections to historic structures and guide new development in a manner that is compatible with and characteristic of the District and in accordance with the policies of the City of Trinidad 2008 Comprehensive Plan. The PC recommendation includes dividing the existing HP – Corazon de Trinidad Historical Preservation District into two new districts, the HP – Corazon de Trinidad Historic Preservation Residential District (RD) and the HP – Corazon de Trinidad Historic Preservation Mixed-Used District (MUD). These two sub-districts of the existing HP district differ substantially in form, scale, intensity and use, the former being comprised primarily of setback single-family residential uses and the latter comprised primarily of commercial and mixed-use buildings with no setbacks. The PC is recommending that the existing regulations for the HP – Corazon de Trinidad Historical Preservation District remain as the regulations for the new RD and that the new regulations should apply to the new MUD.

POLICY & STANDARDS FOR REZONING

- (1) Section 14-112 of the City of Trinidad Code of Ordinances requires that a rezoning will be allowed only if the applicant demonstrates by clear and convincing evidence that the rezoning is necessary because of one or more of the following reasons:
 - (a) The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the City Comprehensive Plan; or

The existing HP – Corazon de Trinidad Historical Preservation District regulations are not consistent with the policy objectives outlined in the 2008 Comprehensive Plan.

Policy CCLU-01 of the City of Trinidad 2008 Comprehensive Plan states that “the character of existing neighborhoods shall be protected through appropriate land use and building guidelines.” Under the actions section for this policy statement, the first bullet point reads “update the Planning and Zoning Code to revise standards for land use, block patterns, lot size and building coverage, setbacks, mass, and height that are based on existing development patterns.” Current regulations for the existing HP – Corazon de Trinidad Historical Preservation District do not adequately protect the character of the Historic District. The PC is therefore recommending that the proposed zone district amendment be adopted to ensure that the character of the District is protected as intended by the Comprehensive Plan.

Policy CCLU-04 of the City of Trinidad 2008 Comprehensive Plan states that “new development in the downtown shall be compatible with the existing historic structures and shall protect and enhance the integrity of the Corazon de Trinidad Historic District”. The first action item under this policy statement reads “create development guidelines for new nonresidential or mixed use buildings in the HP district that include “build-

to” lines that maintain the continuous street wall of the historic structures” and the second action item reads “Update the Planning and Zoning Code to prohibit metal buildings, except small backyard storage sheds.” The proposed amendments address both of these action recommendations.

- (b) 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 or a new approach to development; or

Not applicable.

- (c) The proposed rezoning is necessary in order to provide land for a community related use which was not contemplated at the time of development of the comprehensive plan.

Not applicable.

- (2) In addition, no rezoning will be allowed unless the following conditions have been met:

- (a) That a change in zoning will advance a more effective use of land in harmony with the City's Comprehensive Plan; and,

For the reasons outlined in item (1) (a) above, the requested change in zoning will advance a more effective use of land in harmony with the City's Comprehensive Plan.

- (b) The public interest has been met.

Adoption of the recommended ordinance revisions will serve the public interest as the regulations are designed to:

- (1) Preserve the historic character, pedestrian scale and architectural distinctiveness of the District;**
- (2) Produce infill development that is architecturally compatible with the historic structures of the District;**
- (3) Encourage the development of traditional mixed-use buildings within the District;**
- (4) Develop an urban form that is conducive to physical activity, alternative modes of transportation and increased opportunities for social interaction and community engagement; and**
- (5) Implement predictable, high-quality development in the District.**

2-3

LEGAL ISSUES

Because this is a quasi-judicial matter, the decision-makers shall not have direct contact with the parties involved in this matter prior to a decision to avoid ex parte communication. Any possible or potential conflict of interest matters should be disclosed and/or discussed with the City Attorney prior to any public hearing on the matter. If you have any questions, please contact the City Attorney.

RECOMMENDATION:

The PC recommends that the City Council adopt the above as its findings and conditions, amending it as it is determined necessary, and in furtherance of adoption of the proposed zone district ordinance revisions.

2-4

CITY OF TRINIDAD, COLORADO

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF TRINIDAD, COLORADO, (I) AMENDING THE CITY'S OFFICIAL ZONING MAP FOR THE PURPOSE OF SUBDIVIDING THE "HP - CORAZON DE TRINIDAD HISTORICAL PRESERVATION DISTRICT" INTO AN "HP - CORAZON DE TRINIDAD HISTORIC PRESERVATION RESIDENTIAL DISTRICT" AND AN "HP - CORAZON DE TRINIDAD HISTORIC PRESERVATION MIXED-USE DISTRICT AND (II) AMENDING CHAPTER 14 ("PLANNING AND ZONING"), ARTICLE 4 ("ZONING ORDINANCE"), OF THE CODE OF THE CITY OF TRINIDAD, COLORADO, BY (i) RE-NAMING DIVISION 12 "ZONE DISTRICT REGULATIONS FOR THE HP - CORAZON DE TRINIDAD HISTORIC PRESERVATION RESIDENTIAL DISTRICT" AND (ii) ADDING A NEW DIVISION 12.1 ENTITLED "ZONE DISTRICT REGULATIONS FOR THE HP - CORAZON DE TRINIDAD HISTORIC PRESERVATION MIXED-USE DISTRICT"

WHEREAS, Chapter II, § 2.4, of the Home Rule Charter for the City of Trinidad, Colorado, confers upon the City "all powers of local self government and Home Rule possible for a city to have under the Constitution and laws of [the State of Colorado] as fully and completely as though they were specifically enumerated in this Charter"; and

WHEREAS, § 31-23-301 *et seq.*, C.R.S., confers general zoning powers upon the City for the purpose of promoting health, safety, morals, or the general welfare.

WHEREAS, Section 14-112 of the City of Trinidad Code of Ordinances sets forth policy and standards for rezoning, and discourages rezoning unless to correct a manifest error or because of changed or changing conditions in a particular area of the City in general; and

WHEREAS, the City Council of the City of Trinidad recognizes the economic, architectural, cultural and historic significance of the existing HP - Corazon de Trinidad Historical Preservation District, and further recognizes the importance of protecting and preserving this valuable and irreplaceable resource; and

WHEREAS, upon review of the City's Official Zoning Map, the City of Trinidad has observed that the existing HP - Corazon de Trinidad Historical Preservation District encompasses two sub-districts that are substantially different in form, scale, intensity and use; and

WHEREAS, the City of Trinidad, in the interest of working toward a comprehensive revision of the City's zoning map, has made application to the City Planning, Zoning and Variance Commission and the City Council of the City of Trinidad, Colorado for a change in zoning classification of the described properties identified in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, the City Council of the City of Trinidad, Colorado, finds that the proposed changes in zoning classifications of the properties described in Exhibit "A", do not materially alter the City Zoning Ordinance (Articles 4, 5 and 6 of Chapter 14, Planning & Zoning) and are in keeping with the Comprehensive Plan for the regulation of land uses within the City of Trinidad, Colorado.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, that:

Section 1. Amendment of Official Zoning Map. The Official Zoning Map of the City of Trinidad, Colorado, is hereby amended by subdividing the "HP - Corazon de Trinidad Historical Preservation District" into an "HP - Corazon de Trinidad Historic Preservation Residential District" and an "HP - Corazon de Trinidad Historic Preservation Mixed-Use District," as described in Exhibit "A" attached hereto and incorporated herein by this reference.

Section 2. Chapter 14, Article 4, Division 12 Re-named. Chapter 14 ("Planning and Zoning"), Article 4 ("Zoning Ordinance"), Division 12 ("Zone District Regulations for the HP – Corazon de Trinidad Historical Preservation District"), of the Code of the City of Trinidad, Colorado, is hereby re-named as follows:

DIVISION 12. ZONE DISTRICT REGULATIONS FOR THE HP – CORAZON DE TRINIDAD HISTORIC PRESERVATION RESIDENTIAL DISTRICT.

Section 3. Chapter 14, Article 4, Division 12.1 Added. Chapter 14 ("Planning and Zoning"), Article 4 ("Zoning Ordinance"), of the Code of the City of Trinidad, Colorado, is hereby amended by the addition of a new Division 12.1, which shall read in its entirety as follows:

DIVISION 12.1. ZONE DISTRICT REGULATIONS FOR THE HP – CORAZON DE TRINIDAD HISTORIC PRESERVATION MIXED-USE DISTRICT.

Section 14-88.1. Purpose.

To establish minimum regulatory standards for development in the HP – CORAZON DE TRINIDAD HISTORIC PRESERVATION MIXED-USE DISTRICT (herein referred to as the "District") in furtherance of:

- (1) Preserving the historic character, pedestrian scale and architectural distinctiveness of the District;
- (2) Producing infill development that is architecturally compatible with the historic structures of the District;
- (3) Encouraging the development of traditional mixed-use buildings within the District;
- (4) Developing an urban form that is conducive to physical activity, alternative modes of transportation and increased opportunities for social interaction and community engagement; and
- (5) Implementing predictable, high-quality development in the District.

Section 14-88.2. Definitions

As used in this ordinance, the following words and terms shall have the meanings specified herein:

- (1) **"Floor Area Ratio"** means the ratio of a building's gross floor area to the area of the lot on which the building is located.
- (2) **"Gross Floor Area"** is the sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include accessory parking, basements when at least one-half the floor-to-ceiling height is below grade, attic space having a

floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps and/or inner courts.

- (3) **“Mixed-Use Building”** means a building that contains at least one floor devoted to allowed nonresidential uses in accordance with Section 14-87 of this Division and at least one devoted to allowed residential uses in accordance with Section 14-87 of this Division.
- (4) **“Historic Structure”** means any structure that was substantially completed prior to 1950.

2-7

Section 14-88.3. Uses.

(1) Commercial Uses

Allowable Uses (P - Permitted by Right; C - Conditional Use; N - Not Permitted)		
<u>Commercial</u>		
Use	Street and Sub-Street Level	Above Street Level
Retail Sales	P	C
Wholesale Establishments:		
<i>Less Than or Equal to 1,500 Square Feet of Floor Area</i>	P	C
<i>Greater Than 1,500 Square Feet of Floor Area</i>	C	C
Business, Professional and Semi-Professional Services	P	P
Personal Services Including Health Clubs and Gyms	P	C
Eating and Drinking Establishments:		
<i>Restaurant</i>	P	C
<i>Tavern</i>	C	C
Art Galleries	P	C
Art Studios	C	P
Theater or Performance Art Center*:		
<i>Small (1-149 Seats)</i>	P	C
<i>Large (150+ Seats)</i>	C	C
Medical Services	C	C
Hotels and Other Lodging Establishments*:		
<i>Small (1-16 Rooms)</i>	P	P
<i>Large (17+ Rooms)</i>	C	C
Mortuary or Funeral Home	C	C
Vehicle Sales	C	N
Vehicle Repairs	C	N
Drive Through Facilities	N	N

*Theaters, performing art centers, museums, libraries, hotels and lodging establishments must feature first floor lobbies, restaurants and/or retail space along the property frontage.

(2) Industrial and Manufacturing Uses

Allowable Uses (P - Permitted by Right; C - Conditional Use; N - Not Permitted)		
<u>Industrial and Manufacturing</u>		
Use	Street and Sub-Street Level	Above Street Level
Fabrication or Assembling Incidental to Retail		
<i>Less Than or Equal to 25% of Total Floor Area</i>	P	C
<i>Greater Than 25% of Total Floor Area</i>	C	C
Brewery	C	C

(3) Residential Uses

Allowable Uses (P - Permitted by Right; C - Conditional Use; N - Not Permitted)		
<u>Residential</u>		
Use	Street and Sub-Street Level	Above Street Level
Apartments	C	P
Assisted Living	C	C
Nursing Home	C	C

2-9

(4) Public and Community Uses

Allowable Uses (P - Permitted by Right; C - Conditional Use; N - Not Permitted)		
<u>Public and Community</u>		
Use	Street and Sub-Street Level	Above Street Level
Government Offices and Services	C	C
Colleges, Universities and Public Schools	C	C
Libraries*	C	C
Museums*	P	C
Cultural Exhibits	C	C
Child Day Care	C	C
Religious Assembly	C	C
Parking Facilities (Not Ancillary to a Given Structure):	C	C
<i>Surface</i>	C	N
<i>Deck</i>	C	C
Parks and Recreational Facilities	C	C
Public Utilities:		
<i>Electric Substations</i>	C	C
<i>Gas Regulator Stations</i>	C	C
<i>Fire Stations</i>	C	C
<i>Police Stations</i>	C	C
<i>Telephone Exchanges</i>	C	C
<i>Water Storage Facilities</i>	C	C
<i>Water Pumping Stations</i>	C	C
<i>Sewer Lift Stations</i>	C	C

*Theaters, performing art centers, museums, libraries, hotels and lodging establishments must feature first floor lobbies, restaurants and/or retail space along the property frontage.

2-10

(5) Individual Levels in Mixed-Use Buildings

Individual levels in mixed-use buildings may not have a combination of residential uses and non-residential uses unless the non-residential uses are disconnected from the residential uses with separate points of ingress and egress.

Section 14-88.4. Conditional uses.

- (1) A non-conforming use associated with an historic structure in the District may be reestablished as a conditional use if the design of the historic structure reasonably implies the use of the structure and/or precludes the establishment of a conforming use within the District as defined in Section 14-88.3 of this Division.
- (2) For each proposed conditional use, the applicant shall provide the Commission with site development plans showing the proposed development or use and its relationship to adjacent properties. Said site development plans shall show existing contours of the site at two foot (2') intervals, the location of all structures and appurtenances, the location of improvements on the site, the height and bulk of proposed structures, description and placement of screening, availability of utilities if applicable and a statement of the time-sequence of development and environmental impact on properties in the immediate vicinity. The City may, within reason, prescribe any additional conditions regarding intensity, limitation of use, appearance, hours of operation, required open space or any other such condition which may be deemed necessary and in the public interest.

Section 14-88.5. Building and Area Regulations.

(1) *Building Height*

No building or accessory to said building shall exceed five (5) stories or fifty (50) feet in height.

(2) *Floor Area*

The maximum floor area ratio shall be [5.0] for all mixed-use buildings and [3.0] for all single-use buildings.

(3) *Floor-to-Floor Height for Street Level Space*

All street level space must have a minimum floor-to-ceiling height of ten (10) feet.

2-11

(4) *Minimum Residential Floor Area*

- (a) Studio, efficiency or one (1) bedroom units – 650 square feet.
- (b) Two (2) bedroom units – 800 square feet.
- (c) Three (3) bedroom units – 900 square feet.
- (d) Four (4) bedroom units – 1000 square feet

(5) *Residential Density*

Residential density shall not exceed twenty-five (25) dwelling units per acre.

(6) *Minimum Lot Area*

The minimum lot area shall be two-thousand five-hundred (2,500) square feet.

(7) *Minimum Lot Frontage*

The minimum lot frontage shall be twenty-five (25) feet.

(8) *Setbacks*

(a) Front

The front yard setback for structures in the District shall be zero (0) feet. The entire building façade must abut street side property lines.

(b) Side and Rear

No interior side yard setback or rear yard setback is required for structures in the District unless the property on which the structure is to be located abuts an alley or a fenestrated building face on one or more sides. The minimum setback shall be five (5) feet from all property lines that abut an alley or fenestrated building face.

Section 14-88.6. Parking

- (1) No off-street parking is required for non-residential uses in the District.
- (2) Off-street parking must be provided for all residential uses in accordance with the requirements of Section 14-100 of the City of Trinidad Code of Ordinances.
- (3) All off-street parking shall be located to the rear of the principal building and shall be screened with landscaping or a masonry wall so as to not be visible from any public right-of-way or residential zoning districts. A screening plan showing all proposed screening must be submitted with the land development and building permit applications.

Section 14-88.7. Architectural and Design Standards

A detailed set of architectural drawings must be included with all land development and building permit applications. In addition to building massing, location and design, said architectural drawings must indicate all proposed building materials, architectural detailing, color schemes, street furniture, landscaping and all other significant design features in accordance with the following architectural and design standards:

- (1) Use of the following materials on building façades is prohibited:
 - (a) smooth-faced concrete;
 - (b) concrete block;
 - (c) metal or vinyl siding; and
 - (d) materials of similar nature to those listed above.

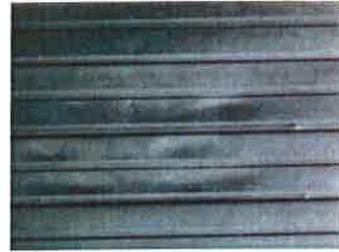
Examples of façade materials that are prohibited in the Corazon de Trinidad Historic District



Smooth-Faced Concrete



Corrugated Metal



Pre-Fabricated Metal Panels

- (2) The principal materials used on building façades shall be indigenous to the Corazon de Trinidad National Historic District, particularly high quality brick, stone and/or wood.

Examples of façade materials that are indigenous to the Corazon de Trinidad Historic District



Brick



Stone

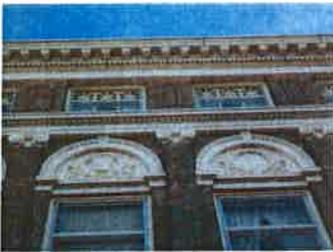


Wood

- (3) Long blank walls are prohibited.

(4) Building façades shall be articulated by the use of architectural treatments characteristic of the Corazon de Trinidad National Historic District.

Examples of architectural treatments that are characteristic of the Corazon de Trinidad Historic District



2-14

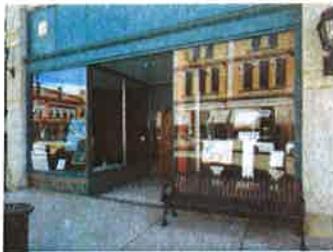
(5) Building design must be characteristic of the Corazon de Trinidad National Historic District.

Examples of building designs that are characteristic of the Corazon de Trinidad Historic District



- (6) Ground floor façades abutting public roads and/or parking lots shall feature display windows and entry areas on no less than sixty (60) percent of the horizontal façade length.
- (7) Ground floor display windows must be internally lighted, must have a minimum height of four (4) feet and may not be more than three and one-half (3.5) feet above the adjacent sidewalk measured from the bottom of the window.
- (8) Building façades shall have clearly defined customer entry areas that utilize distinguishing architectural features such as overhangs, recesses, arches, display windows and/or planters. Said entry areas must be located along a public sidewalk if possible.

Examples of storefronts and entry areas in the Corazon de Trinidad Historic District



- (9) Mechanical equipment such as HVAC units, solar panels or similar equipment must be located out of public view. Architecturally appropriate parapets must be used to conceal all rooftop equipment. The height of said parapets shall not exceed fifteen (15) percent of the supporting wall.

- (10) Overhanging eaves shall extend no more than three (3) feet past the supporting wall.

2-16

- (11) Sloping roofs must not exceed the average height of the supporting walls. All sloping roofs must feature a gutter system that prevents snow, water and debris from falling onto any adjacent sidewalk or public space.
- (12) No more than one curb cut will be allowed per building and curb cuts are not allowed for lots that abut alleys.
- (13) The façade design and material composition of all accessory structures must be compatible with the façade design and material composition of the main building.
- (14) All proposed street furniture and landscaping must be compatible with existing street furniture and landscaping in the District.

Examples of street furniture in the Corazon de Trinidad Historic District



14-88.8. Historic structure preservation, restoration and rehabilitation.

- (1) No historic structure located in the District may be demolished or otherwise removed unless said historic structure has been certified as both structurally compromised and irreparable by a structural engineer licensed in the State of Colorado.
- (2) Removal or alteration of any original architectural feature on an historic structure in the District is prohibited unless said architectural feature has been certified as both structurally compromised and irreparable by a structural engineer licensed in the State of Colorado. Significant architectural details include, but are not limited to:

- Roofs
- Exterior Walls
- Pediments
- Cornices
- Windows and Window Frames
- Belt Courses
- Transoms
- Piers
- Columns
- Doors
- Kickplates

2-17

(3) Repairs made to historic structures in the District must be made in accordance with the Secretary of the Interior's Standards for Rehabilitation:

The Secretary of the Interior's Standards for Rehabilitation

The Standards (Department of Interior regulations, 36 CFR 67) pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated

from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

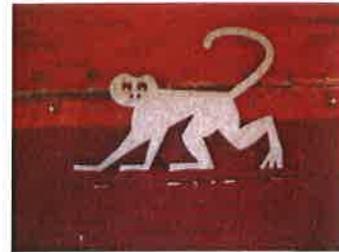
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

14-88.9. Signage.

The requirements of Article 4, Division 13 of the City of Trinidad Code of Ordinances shall apply to all land development projects in the District. In addition:

- (1) A sign plan shall be included as part of all development proposals within the District;
- (2) Signs for all uses within a given development project must be uniform in style, materials and illumination and be compatible with and respectful of the historic nature of the District;
- (3) Sign location shall be limited to building surfaces, canopies, overhangs and behind storefront doors or display window glass. No freestanding and/or rooftop signs will be allowed in the District;
- (4) Replication of Trinidad's historic painted signs is strongly encouraged on all new development projects.
- (5) Removal or destruction of painted 'ghost' signage on existing structures is prohibited.

Examples of signage that are characteristic of the Corazon de Trinidad Historic District



Section 3. Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance, or of any of the primary or secondary codes adopted by reference herein, be judicially determined unconstitutional or invalid for any reason, such decision shall not affect the validity or

constitutionality of the remaining portions of this Ordinance or codes adopted by reference. The City Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

Section 4. Effective Date. This ordinance shall be published and become effective ten (10) days after final passage, as provided in § 5.5 of the Home Rule Charter for the City of Trinidad, Colorado.

INTRODUCED BY COUNCILMEMBER _____; READ AND ORDERED PUBLISHED this ____ day of _____, 20____; PASSED AND APPROVED this ____ day of _____, 20____.

THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE the ____ day of _____, 20____.

CITY OF TRINIDAD, COLORADO

JENNIE GARDUNO, Mayor

ATTEST:

By: _____
AUDRA GARRETT, City Clerk

2-20

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF TRINIDAD, COLORADO,
REGARDING THE PROVISION OF NATURAL GAS SERVICE BY
THE TRINIDAD MUNICIPAL NATURAL GAS DEPARTMENT,
AND INCREASING THE GAS SUPPLY CHARGE APPLICABLE TO
ALL CUSTOMER SERVICE CLASSIFICATIONS

WHEREAS, Chapter XI, Section 11.1, of the Charter of the City of Trinidad, Colorado, confers upon the City Council "all municipal powers relating to all utilities and franchises including, but without limitation to, all powers and authority now existing and which may be hereafter provided by the Constitution or Statutes of the State of Colorado, or by ordinance or by this Charter."; and

WHEREAS, by City Ordinance No. 1866, the City Council of the City of Trinidad, Colorado, previously adopted "Gas Tariff No. 1" to govern the provision of natural gas service by the Trinidad Municipal Natural Gas Department; and

WHEREAS, Gas Tariff No. 1 mandates the calculation of a Gas Supply Charge on a periodic basis to recover the costs of purchasing natural gas for the City's customers, which costs include the costs of upstream pipeline transportation, storage, and other costs incurred to deliver natural gas supplies to the City's distribution system at the City's receipt point; and

WHEREAS, based upon the Trinidad Municipal Natural Gas Department's most recent Gas Supply Charge calculation, the City Council seeks to increase the Gas Supply Charge applicable to all customer service classifications from \$0.3791 per one hundred cubic feet ("CCF") to \$0.5231 per CCF.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, that:

1. **Gas Supply Charge.** The Gas Supply Charge applicable to all natural gas service classifications—Residential Sales ("RS"), Commercial Sales ("CS"), and Special Contract ("SC")—of the Trinidad Municipal Natural Gas Department pursuant to Gas Tariff No. 1, as adopted by City Ordinance No. 1866, is hereby increased from \$0.3791 per CCF to \$0.5231 per CCF. This Gas Supply Charge increase shall become effective upon the effective date of this Ordinance, and shall be reflected on utility bills issued on and after August 1, 2011.

INTRODUCED BY COUNCILMEMBER _____, READ AND ORDERED PUBLISHED this ____ day of _____, 20__; FINALLY PASSED AND APPROVED this ____ day of _____, 20__. THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE the ____ day of _____, 20__.

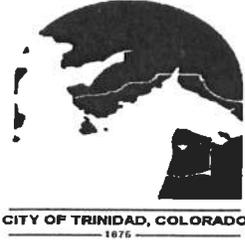
JENNIE GARDUNO, MAYOR

ATTEST:

AUDRA GARRETT, CITY CLERK

Publish: _____ (10-point type)
FURNISH PROOF OF PUBLICATION

3



City of Trinidad
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May 20, 2011

Bill Tyner, P.E.
Assistant Division Engineer
Division of Water Resources
310 E. Abriendo Ave, Suite B
Pueblo, CO 81004

VIA E-MAIL: Bill.Tyner@state.co.us

Jeris A. Danielson, PH.D, P.E.
Danielson & Associates
517 Bellview Avenue
LaJunta, CO 81050

VIA E-MAIL: Jeris_Danielson@hotmail.com

Re: Transfer of Water from City of Trinidad Account in Trinidad Reservoir to the Permanent Pool Account

I am responding on behalf of the City of Trinidad to a letter dated May 4, 2011 from the Purgatoire River Water Conservancy District. In that letter, the District requests the transfer of 490 acre feet of water from the City of Trinidad Account, Trinidad Reservoir, to the permanent pool account to bring the permanent pool account to 4,500 acre feet. The City hereby authorizes the transfer.

The City does want to make it clear that the transfer cannot be made without City authorization. A copy of the agreement dated August 25, 1978 between the City of Trinidad and the State of Colorado, Division of Parks, is attached. Paragraph 1 on page 1 of the Agreement provides that "in certain periods of extreme drought or other circumstances," there may be cause for the City not to transfer water to bring the permanent pool up to the 4,500 acre foot level subject to other conditions stated in that paragraph. As a result, the City needs to review the circumstances prior to authorizing a transfer of the water.

As stated above, this year, after reviewing the circumstances, the City is authorizing the full transfer.

Let me know if you have any questions or comments.

Sincerely,

Ed Gil de Rubio, City Manager

Enclosure

cc: Jim Fernandez, Utilities Superintendent
Jerod Beatty, City Attorney
Gary Thompson, Consulting Water Engineer
Jeffrey J. Kahn, Special Water Counsel

4