

**CITY OF TRINIDAD, COLORADO**

**ORDINANCE NO. 1915**

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.

**Section 14-88.3. Uses.**

(1) Commercial Uses

<b>Allowable Uses (P - Permitted by Right; C - Conditional Use; N - Not Permitted)</b>		
<b><u>Commercial</u></b>		
<b>Use</b>	<b>Street and Sub-Street Level</b>	<b>Above Street Level</b>
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	P	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

<b>Allowable Uses (P - Permitted by Right; C - Conditional Use; N - Not Permitted)</b>		
<b><u>Industrial and Manufacturing</u></b>		
<b>Use</b>	<b>Street and Sub-Street Level</b>	<b>Above Street Level</b>
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

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

(4) Public and Community Uses

<b>Allowable Uses (P - Permitted by Right; C - Conditional Use; N - Not Permitted)</b>		
<b><u>Public and Community</u></b>		
<b>Use</b>	<b>Street and Sub-Street Level</b>	<b>Above Street Level</b>
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.

#### (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.

(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:

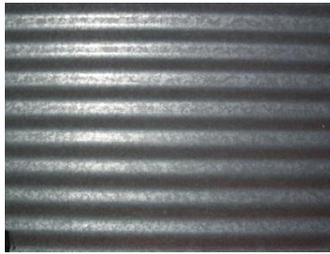
(1) Use of the following materials on building façades is prohibited:

- (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**



(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.

- (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

(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.

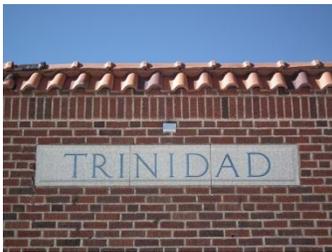
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

**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 PANDO, READ AND ORDERED PUBLISHED this 7<sup>th</sup> day of June, 2011.

FINALLY PASSED AND APPROVED this 21st day of June, 2011.

THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE the 1st day of July, 2011.

CITY OF TRINIDAD, COLORADO

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JENNIE GARDUNO, Mayor

ATTEST:

By: \_\_\_\_\_  
AUDRA GARRETT, City Clerk