

**ARTICLE I. GENERAL****Sec. 26-1. General provisions.**

(a) *Title of chapter.* This Community Development Code consists of the zoning, subdivision, building and other community development regulations for the city, and may be cited as the "CDC."

(b) *Authority and intent of chapter.* This CDC is enacted under the authority of the city as a Colorado Home Rule municipality in accordance with Article XX, § 6 of the Colorado Constitution and pursuant to statutory powers recognized by article 23 of title 31, article 20 of title 29, and all other relevant provisions of the Colorado Revised Statutes. Through this CDC, it is the intention of the city to exercise all powers vested in it by the state constitution, the Steamboat Springs Home Rule Charter and, to the extent such provisions may be applicable, the provisions of the Colorado Revised Statutes. It is intended that this chapter supersede the provision of article 23, title 31 of the Colorado Revised Statutes, as it may be amended, to the fullest extent permitted by law.

(c) *Conformance with CDC required.* A parcel of land may be used, developed, redeveloped or subdivided, and a structure may be used, developed, or redeveloped by construction, reconstruction, alteration, occupancy or otherwise, only as this CDC permits. The requirements of this CDC apply to the property owner, the person undertaking development, and the user of a development, as well as to each such person's successors in interest.

(d) *Conformance with approved plans, permits, and applications.* A parcel of land may be used, developed, or subdivided, and a structure may be used, or developed by construction, reconstruction, alteration, occupancy, or otherwise only as the approved plans, permits(s) or application allows. The requirements of the approved plans apply to the property owner, the person undertaking development and the user of a development, as well as to the person's successors in interest.

(e) *Purpose.* The purpose of this CDC is to set forth a unified regulatory program for development in the city that will implement the preferred direction and policies of the Steamboat Springs Area Community Plan, Mountain Town Sub-Area Plan, West of Steamboat Springs Area Plan, Airport Layout Plan, the Multi-Mode Master Plan, and other applicable area plans. In addition, it is the purpose of the CDC to achieve the following:

- (1) Promote the health, safety, convenience, order, aesthetics and visual qualities, prosperity and general welfare of the present and future inhabitants of the city;
- (2) Avoid unnecessary and unclear regulation;
- (3) Ensure adequate infrastructure;
- (4) Lessen congestion in the streets;
- (5) Secure safety from fire, flood, water and other dangers;
- (6) Provide adequate light and airspace;

- (7) Classify land uses and distribution of land development and utilization;
- (8) Protect the tax base of the city;
- (9) Secure economy in governmental expenditures;
- (10) Promote the adequate provision of affordable housing;
- (11) Preserve existing neighborhood character;
- (12) Promote elements of a pedestrian and transit friendly community;
- (13) Maintain open spaces;
- (14) Promote high air and water quality;
- (15) Protect natural resources;
- (16) Foster the city's resort, business and other economic bases; and
- (17) Encourage the most appropriate and efficient use of land.

(f) *Basis.* The policies, regulations and districts set forth in this CDC have been adopted in accordance with the Steamboat Springs Area Community Plan and studies prepared with reasonable consideration given to the following:

- (1) The social, economic and environmental characteristics of certain areas and the community in general;
- (2) The compatibility of uses with each other, and with social, economic and environmental opportunities and constraints; and
- (3) The particular suitability of certain uses in certain areas.

(g) *Severability.* If for any reason any one or more sections, sentences, clauses, or parts of this CDC are held invalid, such invalidity shall not affect, impair or invalidate the remaining provisions of this CDC.

(h) *Administrative severability.* This CDC is administered by the department of planning services, planning commission, architectural review commission, board of adjustment, city council, and other boards and commissions created by the city council for such purpose. Failure of any administrative body to fulfill procedural requirements contained in this CDC shall not relieve any individual, applicant, land use, or development from meeting the purpose, intent and requirements of this CDC.

(i) *Repeal.* The previous CDC consisting of chapters 9, 17 (excepting article III, historic preservation, as adopted by Ordinance No. 1694 and article IV, development impact fee, as adopted by Ordinance No. 1796 and article III, mobile home conversion impact report, as adopted by Ordinance No. 1804), 18, 21 and 26 (excepting division 12, article IV, section 26-930 as adopted by Ordinance No. 1804) of this Code is hereby repealed except as otherwise provided by this chapter 26, chapter 2, division 11 of this Code is hereby repealed and sign review board disbanded.

(j) *No repeal of certain ordinances.* Subsection (i) above shall not apply to the following ordinances and resolutions:

- (1) Ordinances and resolutions pertaining to municipal boundaries and annexations; franchise ordinances and other ordinances or resolutions granting specific and identifiable contract rights to persons or corporations;
- (2) Ordinances granting a vested property right;
- (3) Ordinances or resolutions establishing, naming, or vacating streets, alleys, or other public places;
- (4) Ordinances or resolutions relating to the transfer or acceptance of real estate or interests in real estate to or from the city; and
- (5) Any ordinance adopted and effective after the effective date of this CDC, and any resolution of the city council not in conflict or inconsistent with the provisions of the CDC.

(k) *Savings clause.* The amendment or repeal of all or part of any ordinance by this CDC shall not release, extinguish, or modify, in whole or in part, any penalty or liability, or any right of the city, incurred or obtained under the amended or repealed provisions. The amended or repealed provisions, shall be treated and held as remaining in full force or effect for the following purposes:

- (1) For sustaining any and all proper actions, suits, proceedings, and prosecutions;
- (2) For the enforcement of any penalty, liability, or any right of the city;
- (3) For the purpose of sustaining any judgment, decree or order that may be rendered in such proceeding, action, act, decision, hearing and appeal pending before the city planning commission, city council, director, or any other decision-making body or officer, and any court.

(l) *Revocable permit.* In no event shall any activity or development encroach into or upon any public property, right-of-way or easement without issuance of a revocable permit by the city council as provided in section 12.11 of the Charter.

(m) *Qualifications of applicant and approval to run with the land.* An applicant for a development approval must either be the owner or have the right to possess the land for which the development approval is sought, or submit documents to the department which evidence that the applicant will become the owner of the land subsequent to the approval of a development or have the right to possession of the land. No development approval shall be issued to any applicant who does not possess the land or have a right to possession of the land. Except as specifically limited, a development approval, once issued, runs with the land described in such permit to successive owners and possessor of such land during the term of such approval.

(Ord. No. 1802, § 1.1, 7-23-01; Ord. No. 1815, §§ 17, 18, 24, 11-6-01; Ord. No. 2386, § 1(Exh. A), 5-17-11)

**Sec. 26-2. Interpretation of CDC provisions.**

(a) *Interpretation and application.* In the interpretation and application of provisions contained in this CDC, the following regulations shall govern:

- (1) The provisions of the CDC shall be regarded as minimum requirements for the protection of the public health, safety, comfort, convenience, prosperity, and welfare. This CDC shall be regarded as remedial legislation that provides a means or method whereby causes of action may be effectuated, wrongs redressed and relief obtained; and shall be liberally construed to further its underlying purposes. Development shall be encouraged to exceed the requirements contained in this CDC.
- (2) Whenever a provision of this CDC, and any other provision of the Steamboat Springs Municipal Code, or any provision in any other law, ordinance, resolution, rule, or regulation of any kind, imposes two (2) or more restrictions applicable to the same subject matter, whichever restriction is more restrictive or imposes a higher standard or requirement shall govern.
- (3) Whenever a provision of this CDC that is illustrated in graphic form conflicts with a provision of the text, whichever restriction is more restrictive or imposes higher standard or requirement shall govern.
- (4) Whenever a provision of this CDC references an outside source it is referring to the most recently adopted version of that document, or, if the named source no longer exists, then the most recent version of the most nearly comparable source, as determined by the city.
- (5) The director may promulgate and issue written administrative interpretations of this CDC as may be necessary to promote uniformity in the application of the CDC. All administrative interpretations issued by the director shall be available for public inspection during normal business hours. The director may also promulgate forms and other standardized documentation deemed necessary by the director to properly administer the provisions of this CDC.
- (6) The director or any member of the public may request input and suggestions from the director, planning commission, or city council at a meeting regarding interpretation of any provision of this CDC, pursuant to section 26-73.

(b) *Mandatory and voluntary language.* For the purposes of interpretation of this CDC, the following rules of interpretation shall apply, unless a different meaning is evident from the context:

- (1) The use of "may" or "should" means permissive, recommended, or advised but is not mandatory;
- (2) The use of "shall," "must," or "will" means compliance is mandatory and not voluntary or permissive;
- (3) The use of "and" is inclusive and means that all connected words or provisions apply; and

- (4) The use of "or" means that the connected words or provisions apply singly but not necessarily in combination.
  - (5) Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and shall not be construed to be exhaustive lists of all included items.
  - (6) Periods of time defined by a number of days shall mean a number of consecutive calendar days, including all weekend days, holidays, and other nonbusiness/working days; however, if the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded.
  - (7) Whenever a provision appears requiring the head of a department or division, or another officer or employee of the city to perform an act or duty, that provision shall be construed as authorizing the department/division head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.
  - (8) Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.
  - (9) Words importing gender include masculine, feminine and neuter.
- (c) *Appeals of administrative interpretations and decisions.* During the course of normal business, it is necessary for administrative officials to interpret provisions and make decisions related to the enforcement of this CDC. Any party aggrieved by an administrative decision may appeal that decision through the procedures set forth in section 26-50, Appeal of administrative decision.
- (Ord. No. 1802, § 1.2, 7-23-01)

**Sec. 26-3. Violations, penalties and enforcement.**

(a) *Violations of CDC.* Failure to comply with the requirements of this CDC shall constitute a violation of the Steamboat Springs Municipal Code and such violation may be enforced as provided by this article and shall be subject to the penalty provided by chapter 1, section 1-15 of the Municipal Code. Each day during which a violation continues shall be deemed a separate offense and violation. Enforcement action may be taken against a specific property, the owner, tenant, user of the property where the violation is alleged to occur, or against any other persons as permitted by state or federal law. Violations of the CDC may include, but are not limited to:

- (1) Using any land, or erecting, constructing, enlarging, altering, moving, using, or maintaining any structure (including any sign) in a manner inconsistent with this CDC, except as provided in section 26-112, Legal nonconforming uses and section 26-113, Legal nonconforming structures.
- (2) Failure to obtain any required approval or permit;

- (3) Failure to abide by conditions attached to approvals or permits;
- (4) Obtaining approvals or permits through fraud or misrepresentation;
- (5) Proceeding with a development without proper approvals or permits;
- (6) Continuing construction or development activity after approvals have lapsed;
- (7) Failure to remove any sign installed, created, erected or maintained in violation of this CDC, or for which the sign permit has lapsed;
- (8) Increase the intensity of use of any land or structure, except in accordance with the procedural and substantive standards of this CDC;
- (9) Reduce or diminish the lot area, setbacks, or open space below the minimum required by this CDC; and
- (10) Excavate, grade, cut, clear, or undertake any other land disturbance activity contrary to the provisions of this CDC or without first obtaining all requisite land use approvals required by this CDC or other applicable regulations.

(b) *Enforcement methods.* In addition to any other action or remedy available by law, the provisions of the CDC may be enforced by the council, the city manager, the city attorney and the director by use of any of the following methods, either individually or in combination, and in any order. The city's choice of any particular method of enforcement shall not preclude later choice of additional methods of enforcement:

- (1) Requiring a land use, subdivision, or site development application pursuant to article III;
- (2) Requiring a building permit, grading permit, demolition permit;
- (3) Requiring a certificate of occupancy;
- (4) Revoking any approval, or permit issued to any property or applicant following a public hearing conducted in general conformance with the notice requirements and procedures required for the initial approval, permit, or variance;
- (5) Inspecting property, structures, or signs, in accordance with section 5-76 of the Steamboat Springs Municipal Code and ordering removal of violations (removal of violations by the city shall only be ordered after direct consultation between the director and the city attorney);
- (6) Issuing a stop work order;
- (7) Proceedings in municipal court and imposition of fine and penalty as provided by chapter 1 of the Steamboat Springs Revised Municipal Code;
- (8) Injunctive proceedings in any court of competent jurisdiction;
- (9) Where permitted by law, assessment of costs and expenses incurred by the city and imposition of a lien as permitted by law for nonpayment of any assessment;

- (10) Enforcement in a court of competent jurisdiction of any contractual agreement executed by the owner or the owner's successor-in-interest and the city;
- (11) Demand for payment, and receipt and use of collateral held by any person or financial institution which was deposited, to secure in whole or in part the performance of the obligation the city seeks to enforce; and
- (12) The director may ensure that improvements required to be constructed as a condition of any approval, permit, or related agreement are completed through the following measures:
  - a. Withholding approval of a certificate of occupancy; or
  - b. Withholding approval and recordation of a final plat; or
  - c. Requiring an improvements agreement.

(c) *Inspections and stop work order.* The chief building official is empowered to cause any structure, use, or tract of land to be inspected and examined, and issue a written stop work order or other order requiring the remedying of any condition found to exist in violation of any provision of this CDC. After any such order has been served, no work shall proceed on any structure or any land covered by such order, except work authorized by the chief building official, such as necessary work to correct or remedy such violation or to ensure the safety or security to adjacent, surrounding, or neighboring properties. If the chief building official determines that the public health, safety and welfare are not immediately at risk, he or she may cause the order to take effect no more than forty-eight (48) hours after it is determined that a violation exists. The chief building official shall make reasonable effort to notify a person of authority, as indicated on the building permit application if such a permit application exists, concurrently with issuance of the stop work order at the site of the violation. Any stop work order issued by the chief building official may be appealed in accordance with section 26-50, Appeal of administrative decision.

(d) *Enforcement procedures, excepting enforcement of article IX.*

- (1) *Non-emergency matters.*
  - a. In the case of violations of this CDC that do not constitute an emergency or require immediate attention, written notice of the nature of the violation shall be given to the property owner, agent, occupant, or to the applicant for any relevant permit. Notice shall be given in person, or by U.S. Mail, or by posting notice on the premises. The notice shall specify the CDC provisions allegedly being violated, and, unless a shorter time frame is allowed by this section, shall state that the individual has a period of fifteen (15) days from the date of the receipt of the notice in which to correct the alleged violations before further enforcement action shall be taken. The notice shall also state any appeal and/or variance procedures available pursuant to this CDC. Written notice given hereunder with respect to a particular owner, property, and violation shall satisfy the requirements of this subsection with respect to any repeat violation by the same owner at the same property.

- b. The director may grant an extension of the time to cure an alleged violation if the director finds that due to the nature of the alleged violation or other factors, it reasonably appears that it cannot be corrected within fifteen (15) days.
- (2) *Emergency matters.* In the case of violations of this CDC that constitute an emergency raising safety or public concerns, or violations that will create increased problems or costs if not remedied immediately, the CDC enforcement officer may use the enforcement powers available under this article without prior notice, but the officer shall attempt to give notice simultaneously with beginning enforcement action or as soon thereafter as practicable. Notice may be provided to the property owner, agent, occupant, or to the applicant for any relevant permit.
  - (3) *Options upon noncompliance.* In the event a person fails to comply with a notice of violation or stop work order, or to remedy the violation to the satisfaction of the CDC enforcement officer within the required time period, then the CDC enforcement officer, in consultation with the director and city attorney, shall determine whether to subject the violator to one or more of the enforcement methods listed in subsection (b) above.
- (e) *Enforcement procedures for article IX.*
- (1) If the director finds that any sign is in violation of the provisions of Article IX Signs, she/he shall give written notice to the sign owner and/or owner of the property or business on which the sign is located. Such notice shall be sent by regular mail, postage prepaid, to the address for such owner as shown in the city's business and occupational license records or the records of the Routt County Assessor, or personally delivered. Notice mailed in accordance with this subsection shall be conclusively presumed to have been properly delivered and received. As an alternative to a mailed notice, such notice may be personally delivered to the property, business or sign owner. If such sign, business or property owner fails to repair, alter or remove the sign so as to comply with Article IX Signs within seventy-two (72) hours after the mailing of the notice (if such notice is mailed) or within twenty-four (24) hours after service of such notice (if such notice is personally served) or within such other time as is specified in such notice, the director shall institute proceedings to enforce this article pursuant to subsection (b) of this section. No written notice shall be required with respect to any violation of Article IX Signs which occurs within twelve (12) months after the sign owner and/or owner of the property has once been given written notice of any violation of Article IX Signs. In addition, the director may cause any sign located on public property including street rights-of-way not brought into compliance with this article after the service of the notice described above to be removed by city officials (removal of signs by the city shall only be ordered after direct consultation between the director and the city attorney). Signs removed by the city from public property shall be deemed abandoned property and may be disposed of by the city. The city shall not be liable to the sign owner for damage to or loss of any sign removed pursuant to this subsection.
  - (2) If such sign, business or property owner fails to repair, alter or remove a temporary sign so as to comply with Article IX Signs within seventy-two (72) hours after the

mailing of the notice (if such notice is mailed) or within twenty-four (24) hours after service of such notice (if such notice is personally served), the director shall institute proceedings to enforce this article pursuant to subsection (b) of this section.

- (3) In the case of signs advertising real estate for sale or lease in violation of article IX any complaint, notice, and/or summons to municipal court shall be issued only to the real estate company owning or using such signs.

(Ord. No. 1802, § 1.3, 7-23-01; Ord. No. 2015, § 1, 10-11-05; Ord. No. 2187, § 3, 6-3-08; Ord. No. 2231, § 1, 2-3-09)

**Sec. 26-4. Transitional provisions.**

(a) *Purpose of section.* This section addresses the applicability of new substantive standards enacted by this CDC to activities, actions, and other matters that are pending or occurring as of the effective date of this CDC. In addition, this article creates a process that will phase out currently valid and effective development permits that were issued prior to the effective date of this CDC. It is the desire of the city to bring all previous development permit approvals into conformance with this CDC and implement the preferred direction and policies of the community plan. It is the intent of this article that all approvals will be modified to conform to this CDC unless vested under the provisions of this article or those contained in section 26-74, Vested rights. This section shall apply to following application types:

- (1) Development plans.
- (2) Final development plans.
- (3) Preliminary plats.
- (4) Variances.
- (5) All development permit types contained within the Steamboat Springs Revised Community Development Code effective from 1985—September 18, 2001.

(b) *Effective date of CDC.* The effective date of this CDC is September 19, 2001.

(c) *Violations continue.* Any violation of the previous land development regulations of the city shall continue to be a violation under this CDC and shall be subject to the enforcement set forth in section 26-3 of this CDC, and penalties contained in the Steamboat Springs Municipal Code unless the use, development, construction, or other activity is clearly consistent with the express terms of this CDC.

(d) *Completion of development plans commenced or approved under previous CDCs.*

- (1) *Development permits with vested approvals.* Vested development permits are hereby granted approval for ten (10) years from the effective date of this CDC, or until September 19, 2011.
- (2) *Revisions to vested development permits.* If revisions are proposed to the vested development permit that exceed those specified under the substantial conformity provisions, such revisions may be approved, and such development shall continue to be

a vested development permit, as revised, if the revisions result in the development permit being closer in conformity with the comprehensive plan and/or this CDC than the existing vested development permit. The degree of conformity required of the revised vested development plan shall be commensurate with the degree of change proposed in the revised vested development permit and the council's determination as to the benefits to the community and surrounding neighborhood of the proposed revisions.

- (3) *Relationship between building permit and vested development permit.* If a building permit has been issued for a vested development permit, and the term for approval for the vested development permit expires, the development covered under the building permit shall continue until the building permit expires.
- (4) *Extension of development permits.*
- a. *Currently valid and effective development permits.* Currently valid and effective development permits issued prior to the effective date of this CDC are hereby approved for thirty-six (36) months from the effective date of this CDC.
  - b. *Developments with applications for approval pending.* Any development that has submitted a complete application for a major, revised major, regular, minor, administrative, or board of adjustment variance application or any other type of approval, but for which no final action had been taken by the appropriate decision-making body on such application prior to September 19, 2001, shall be reviewed and considered in accordance with either the provision so the CDC in place on the date of submittal of the application or the provisions of this CDC, at the applicant's option. In the case of applicants choosing to be considered in accordance with the provision of the CDC in place at time of submittal of the application, approvals shall be valid for a period of twelve (12) months following the date of final approval.

(Ord. No. 1802, § 1.4, 7-23-01; Ord. No. 1850, § 2, 5-21-02)

**Sec. 26-5. Building permit review.**

(a) The Routt County Regional Building Department shall refer all building permit applications for residential construction within the territorial boundaries of the city to the director of planning services for review and approval. For purposes of this section residential structure means any single- family, duplex, or multi-family structure regardless of whether the structure is intended to be used as the owner's principal residence or leased or sold as a long term rental, vacation home rental, or time share. All approved building permit drawings shall have at least a tie showing the distance to the property line from the end points of one wall segment of the foundation and shall show location, description, and the elevation of a benchmark that is on the same vertical datum as the elevations and/or contours shown on the approved site plan together with any additional information required in the director's discretion to determine compliance with applicable city regulations.

(b) References to a registered land surveyor in this section shall include employees of and other persons acting under the direction and supervision of the registered land surveyor.

(c) No more than thirty (30) days after the building department inspects and approves the forms that substantially complete the foundation walls, the permittee shall obtain and submit to the director an as built survey prepared of the substantially completed foundation, which shall be prepared by a registered land surveyor. For purposes of this section, a foundation is substantially completed as of the last pour before framing commences. The director shall review the as built survey to determine that the foundation location substantially conforms to the approved building plans. The term "substantial conformity" is defined as provided in section 26-402 of the Community Development Code. The as built survey must show the as built location of the foundation, the dimensions along the outside face of the perimeter walls, with a tie illustrating the distance to the property line from the end points of one wall segment of the completed foundation and additional ties to the foundation corners as necessary to clearly demonstrate the foundation corner locations at critical setback lines. The as built survey shall also show the setback lines per the approved building plans. In addition, the as built survey must show the elevation at the centerpoint of the joint between the driveway and the edge of the street or road and an elevation at the top of the foundation wall at the garage entry. If there is no garage, the elevation may be at any point at the top of the main floor foundation wall. In the case of modular construction, the permittee shall submit the as built survey two weeks prior to placement of the structure.

(d) The provisions of subsection (c) shall not apply to additions to existing structures if no part of the foundation of the proposed addition is to be located within two (2) feet of any setback or easement.

(e) The city may enforce this section with any of the remedies provided in section 26-3 of the Community Development Code.

(Ord. No. 2003, § 1, 7-5-05)

**Secs. 26-6—26-30. Reserved.**