

## CITY OF STEAMBOAT SPRINGS

### ORDINANCE NO. 2412

**AN ORDINANCE AMENDING CHAPTER 26 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE FOR TEXT AMENDMENTS TO SECTION 26-92, PERMITTED USE TABLE, TO ALLOW MORE USES BY RIGHT AND USES WITH CRITERIA AND TO ADD BREWERY AND BREWPUB USES TO THE PERMITTED USE TABLE. TEXT AMENDMENTS TO SECTION 26-402, DEFINITIONS AND USE CRITERIA, THAT UPDATES CHILD CARE DEFINITIONS TO BE CONSISTENT WITH THE COLORADO REVISED STATUTES, CREATES NEW DEFINITIONS FOR BREWERY AND BREWPUB, AND TO ADD NEW USE CRITERIA TO SPECIFIC USES.**

**WHEREAS**, the City Council adopted the revised Community Development Code as Ordinance #1802 on July 23, 2001; and

**WHEREAS**, the City of Steamboat Springs committed to a regular, ongoing review of the Community Development Code so that the provisions contained therein are relevant and applicable to the community at any given point in time; and

**WHEREAS**, the City Council has determined that this ordinance furthers the goals and policies found in the Steamboat Springs Area Community Plan; and

**WHEREAS**, the City Council has determined that allowing more administrative review of particular uses is in the best interest of the community as it provides for greater predictability for applicants and the public while reducing approval periods and application fees; and

**WHEREAS**, by allowing more administrative review of particular uses the City Council finds it necessary to update the definition section of the Community Development Code to add new uses, update definitions, and to add new criteria to uses to help offset any potential negative impacts from such uses.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:**

#### SECTION 1

These amendments are as follows (new language in **bold** deleted language in ~~strikethrough~~):

A. CDC Sec. 26-92 Table of Permitted Principal Uses.

*Note: The following table does not replace the existing 26-92 Table of Permitted Principal Uses but does replace those particular uses listed within the table and adds two more new uses.*

B. CDC Sec. 26-402 Definitions and use criteria.

| Use Classification and Specific Principal Uses* | Traditional Zoning Districts |    |         |         |         |         |    |         |         |         |        |         |        |         |         | TND Zoning (Transects) |         |         |       |       |    |
|---|------------------------------|----|---------|---------|---------|---------|----|---------|---------|---------|--------|---------|--------|---------|---------|------------------------|---------|---------|-------|-------|----|
|   | OR                           | RE | RN      | RO      | RR      | MH      | MF | G-1     | G-2     | CO      | CY     | CN      | CC     | CS      | I       | T2-NE                  | T3-NG1  | T3-NG2  | T4-NC | T5-TC | SD |
| <b>RESIDENTIAL USES</b>                         |                              |    |         |         |         |         |    |         |         |         |        |         |        |         |         |                        |         |         |       |       |    |
| Duplex  |                              |    | CR<br>R | CR<br>R | C       |         | C  | C       |         |         | C      | CR<br>R |        |         |         | CR<br>R                | CR<br>R | CR<br>R | C     |       |    |
| Single-family dwelling unit                     |                              | R  | R       | R       | C       | CR<br>R | C  |         |         |         | C      | R       |        |         |         | R                      | R       | R       |       |       |    |
| <b>COMMERCIAL USES</b>                          |                              |    |         |         |         |         |    |         |         |         |        |         |        |         |         |                        |         |         |       |       |    |
| Automobile car wash                             |                              |    |         |         |         |         |    |         |         |         |        |         | €<br>R | €<br>R  | C       |                        |         |         | C     | C     | C  |
| Automobile filling station                      |                              |    |         |         |         |         |    |         | C       |         |        |         | €<br>R | R       | €<br>R  |                        |         |         | C     | C     |    |
| Automobile rental                               |                              |    |         |         |         |         |    | C       | C       |         |        |         | C      | €<br>R  | C       |                        |         |         |       | C     |    |
| <b>Brewery</b>                                  |                              |    |         |         |         |         |    |         |         |         |        |         |        | CR<br>R | R       |                        |         |         |       |       |    |
| <b>Brewpub</b>                                  |                              |    |         |         |         |         |    | CR      | CR      | CR      | CR     | CR      | CR     | CR      | C       |                        |         |         | R     | R     |    |
| Hostel  |                              |    |         | €       | €<br>CR |         |    | €<br>CR | C       | C       | €<br>R | €<br>CR |        |         |         |                        |         |         | C     | R     |    |
| Inn   |                              |    |         | €       | €<br>CR |         |    | €<br>CR |         | R<br>CR | R      | R<br>CR |        |         |         |                        |         |         | R     | R     |    |
| Lodge   |                              |    |         | €       | CR      |         |    | €<br>CR | €<br>CR | R<br>CR | R      | €<br>CR | C      | C       |         |                        |         |         | R     | R     |    |
| Office - medical and dental                     |                              |    |         |         |         |         |    | C       | C       | €<br>R  | €<br>R | €<br>R  | R      | R       |         |                        |         |         | R     | R     |    |
| Outdoor equipment sales and rental              |                              |    |         |         |         |         |    |         |         |         |        |         |        | €<br>R  | €<br>R  |                        |         |         |       |       |    |
| Restaurant, drive-in thru                       |                              |    |         |         |         |         |    |         |         |         |        |         | €<br>R | €<br>R  |         |                        |         |         |       | C     |    |
| Media production                                |                              |    |         |         |         |         |    |         |         | CR      | CR     | €<br>R  | €<br>R | €<br>R  | R       |                        |         |         | C     | C     | C  |
| Tavern  |                              |    |         |         |         |         | C  | CR<br>R | R       | R       | C      | CR<br>R | C      |         |         |                        |         |         | CR    | CR    |    |
| Taxidermy                                       |                              |    |         |         |         |         |    |         |         |         |        |         |        | CR<br>R | CR<br>R |                        |         |         |       |       |    |
| Timeshare                                       |                              |    |         |         | R       |         | R  | R       | R       | €<br>R  |        |         | €<br>R | €<br>R  |         | R                      | R       | R       | R     | R     |    |
| <b>PUBLIC, INSTITUTIONAL AND CIVIC USES</b>     |                              |    |         |         |         |         |    |         |         |         |        |         |        |         |         |                        |         |         |       |       |    |
| Museum  | C                            |    |         |         | C       |         |    | C       | C       | €<br>R  | €<br>R | €<br>R  | €<br>R |         |         |                        |         |         | R     | R     |    |
| Nursing home                                    |                              |    |         |         |         |         | C  |         |         |         | €<br>C | €<br>R  |        |         |         | C                      | C       | C       | C     | C     | C  |
| <b>AGRICULTURAL USES</b>                        |                              |    |         |         |         |         |    |         |         |         |        |         |        |         |         |                        |         |         |       |       |    |
| Agriculture                                     | CR<br>R                      | R  |         |         |         |         |    |         |         |         |        |         |        |         |         | R                      |         |         |       |       |    |

*Automobile car wash.* A structure containing facilities for automated or self service washing of automobiles.

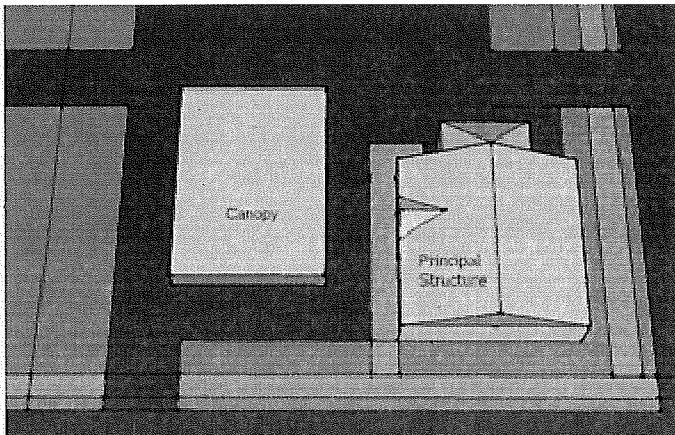
(1) *Use criteria.*

- a. Shall not be located adjacent to property zoned RE, RN, RO, MF, and MH. (For the purposes of this definition, a public right-of-way shall not separate property. Example: If a property proposing this use is located across a street from a RE zoned property, this criteria would be applicable.)
- b. Garage/wash bay doors shall not open toward lot frontage. Highway 40 and Elk River Road shall be considered the frontage for lots with more than one street frontage.

*Automobile filling station.* Where petroleum products are dispensed for retail sales to automobiles and may include a canopy, and/or accessory retail.

(1) *Use criteria.*

- a. Shall not be located adjacent to property zoned RE, RN, RO, MF, and MH. (For the purposes of this definition, a public right-of-way shall not separate property. Example: If a property proposing this use is located across a street from a RE zoned property, this criteria would be applicable.)
- b. The gas pump canopy cannot be placed closer to the street frontage than the principal structure.



Automobile Filling Station Example

*Automobile rental.* Any parcel of land or building where automobiles are kept for lease, and where automobiles may be dropped off or picked up.

(1) *Use criteria.*

- a. Shall not be located adjacent to property zoned RE, RN, RO, MF, and MH. (For the purposes of this definition, a public right-of-way shall not separate property. Example: If a property proposing this use is

located across a street from a RE zoned property, this criteria would be applicable.)

- b. The canopy, a permanent unenclosed roof structure erected for the purpose of sheltering vehicles, cannot be placed closer to the street frontage than the principal structure.
- c. Garage/wash bay doors shall not open toward lot frontage. Highway 40 and Elk River Road shall be considered the frontage for lots with more than one street frontage.
- d. In the G1 and G2 zone districts, rental cars shall be stored in a parking structure.

***Brewpub.*** A restaurant where fermented malt, vinous, and or spirituous beverages are manufactured on the premises. Manufacturing facilities (brewery) shall not exceed 50% of the overall floor area. No more than 50% of the fermented malt beverages manufactured on the premises shall be distributed or sold to off-premises customers.

(1) *Use criteria.*

- a. No drive-thru windows are permitted.
- b. Brewpub shall comply with section 26-146 Performance, operational and environmental standards.
- c. Brewpubs located on Oak Street shall only be permitted on the Lincoln Avenue alley side of Oak Street.

***Brewery.*** A manufacturer and distributor that the primary use is a manufacturing facility where fermented malt, vinous, and/or spirituous beverages are manufactured on the premises.

(1) *Use criteria.*

- a. A Brewery may include a taproom or tasting room that is less than thirty percent (30%) of the total floor area of the facility or one thousand square feet (1,000 S.F.), whichever is greater.
- b. A Brewery in the CS zone district shall include a taproom.
- c. A Brewery shall comply with section 26-146 Performance, operational and environmental standards.

***Child care center, large.*** A facility that provides less than twenty-four-hour care for ~~thirteen (13)~~ sixteen (16) or more children and is operated in accordance with the rules and regulations of the Sstate Ddepartment of Ssocial Sservices. **If there is a conflict between this definition and the Colorado Revised Statutes (CRS) definition the CRS shall prevail.**

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. Fencing or other approved enclosure as determined by the director shall enclose outdoor play areas to protect children and adjacent uses and properties.
- c. Pedestrian connections shall be required from all parking areas, loading areas, and access streets to all public entrances to the child care center. Pedestrian facilities shall be designed and located to ensure safety of all users of the facility.
- d. Loading and unloading areas shall be located to prevent conflicts with traffic as determined the director.
- e. Snow storage space shall be provided in accordance with section 26-144.
- f. The child care center shall comply with all applicable local and state health, fire, and building codes and licensing regulations, if any.

*Child care center, small.* A facility that provides less than twenty-four-hour care for **care for five (5) through fifteen (15) children** ~~a minimum of seven (7) and a maximum of twelve (12) children~~ and is operated in accordance with the rules and regulations of the state department of human services. **If there is a conflict between this definition and the Colorado Revised Statutes (CRS) definition the CRS shall prevail.**

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. Fencing shall enclose outdoor play areas to protect children and adjacent uses and properties.
- c. Pedestrian connections shall be required from all parking areas, loading areas, and access streets to all public entrances to the child care center. Pedestrian facilities shall be designed and located to ensure safety of all users of the facility.
- d. Loading and unloading areas shall be located to prevent conflicts with traffic as determined the director. Loading and unloading areas shall not be located within the public right-of-way.
- e. Snow storage space shall be provided in accordance with section 26-144.
- f. The hours of operation shall be limited to 6:30 a.m. to 8:00 p.m.

*Day care home.* ~~A type of family care home in which children are received for less than twenty four hour care. The number of children permitted shall be in accordance with state regulations for day care homes, but less than a small child care center.~~ **A type of family care home that provides less than 24-hour care for two (2) through five (5) children on a regular basis in a place of residence Children in care are from different family households and are not related to the head of household. A day**

**care home must be operated in accordance with the rules and regulations of the state department of human services. If there is a conflict between this definition and the Colorado Revised Statutes (CRS) definition the CRS shall prevail.**

*Hostel.* A facility for residence of under twenty-nine (29) days that provides simple dormitory or sleeping rooms and common rooms for cooking, meeting, recreational, and educational use; that is chartered or approved by the International Hostel Federation or its national or regional affiliates, or similar organizations; and that is supervised by resident house-parents or managers.

**(1) Use criteria.**

- a. In the CN zone district Hostels are prohibited on the north side (RO side) of Oak Street.**
- b. Outdoor gathering spaces shall not be directly adjacent to the RE, RO, MH, and RN zone districts**

*Media production.* Facilities for motion picture, television, video, sound, computer, and other communications media production.

**(1) Use criteria.**

- a. Media production uses shall not be located along a pedestrian level street or other public access frontage in the CO zone district.**

*Office, dental or medical.* A building or part of a building, for use by medical or dental care practitioners and related activities.

**(1) Use criteria.**

- a. Not allowed on the ground floor level in the CY and CO zone districts**

*Outdoor equipment sales/rental.* The sale or rental of motorized vehicles, such as **commercial vehicles/trucks, rental moving vehicles/trucks**, construction equipment, farm equipment, recreational vehicles, motorized boats, and manufactured homes. This does not include outdoor recreation equipment. ~~Outdoor equipment sales shall not be located immediately adjacent to property zoned OR, RE, RN, RO, MF, and MH. (City-owned OR lands and open space that has been designated in a commercial or industrial subdivision shall not be included in this classification and for the purposes of this definition, a public right-of-way shall not separate property. Example: If a property proposing this use is located across a street from a RE zoned property, this criteria would be applicable.) Outdoor equipment sales shall be adequately screened from residential uses and public right-of ways.~~

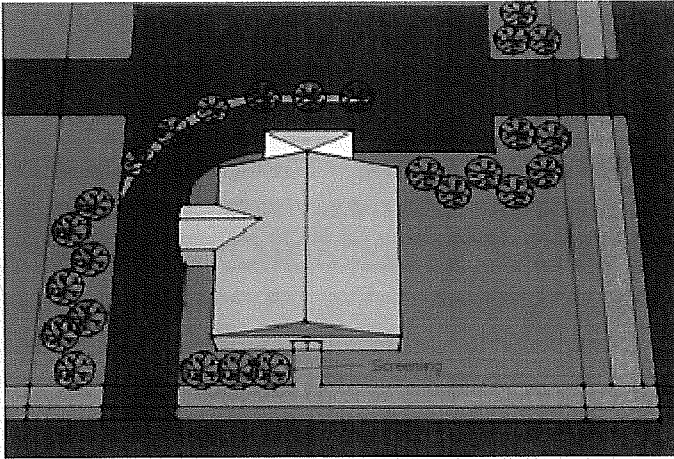
**(1) Use criteria.**

- a. **Outdoor equipment sales/rental shall not have frontage that is either directly adjacent to or only separated by an open space parcel or tract from US Highway 40 and Elk River Road.**
- b. **Outdoor equipment sales/rental shall not be located adjacent to property zoned RO, RE, RN, RO, MF, and MH (City-owned OR lands and open space that has been designated in a commercial or industrial subdivision shall not be included in this classification and for the purposes of this definition, a public right-of-way shall not separate property. Example: If a property proposing this use is located across a street from a RE zoned property, this criteria would be applicable.).**

*Restaurant, drive-thru.* An establishment that by design of physical features or by service or packaging procedures, encourages or permits customers to order and receive food or beverages while remaining in a motor vehicle for consumption on or off the site and which includes a menu board and audio or video speakers.

**(1) Use criteria.**

- a. **Shall not be located adjacent to property zoned RE, RN, RO, MF, and MH. (For the purposes of this definition, a public right-of-way shall not separate property. Example: If a property proposing this use is located across a street from a RE zoned property, this criteria would be applicable.)**
- b. **The drive-thru lane shall not be located between the principal structure and the primary street frontage. Highway 40/Lincoln Avenue shall be considered the primary frontage for lots adjacent to Highway 40/Lincoln Avenue that have more than one street frontage.**
- c. **The drive-thru lane shall be screened from the public ROW.**
- d. **A drive-thru restaurant shall provide pedestrian access and service, either indoors or outdoors, as not to be exclusive to automobile use.**



Drive-thru Restaurant Example

***Taproom/tasting room.*** A portion of a facility associated with and on the same premises as a brewery, at which guests may sample the manufacturer's products and consume other nonalcoholic beverages, food may also be served.

*Tavern.* An establishment where the principal use is the sale and consumption of liquor, beer, or wine, or any combination thereof. Food sales shall be permitted.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. Same as "Restaurant" **use criteria.**

*Taxidermy.* The business of preparing, stuffing and mounting the skins of animals.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. Shall not be located ~~immediately~~ adjacent to property zoned OR, RE, RN, RO, MF, and MH. (City-owned OR lands and open space that has been designated in a commercial or industrial subdivision shall not be included in this classification and for the purposes of this definition, a public right-of-way shall not separate property. Example: If a property proposing this use is located across a street from a RE zoned property, this criteria would be applicable.).
- c. All activities associated with a taxidermy shall take place completely within an enclosed structure.

*Timeshare.* A form of property ownership ~~under which a property is held by multiple owners each with the~~ **that provides for a right of possession of a residential unit** for a specified time interval.

**SECTION 2**

All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts, thereof, are in conflict herewith.

**SECTION 3**

If any section, subsection, clause, phrase or provision of this Ordinance is, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

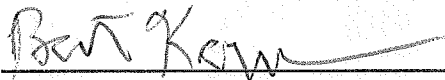
**SECTION 4**

The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

**SECTION 5**

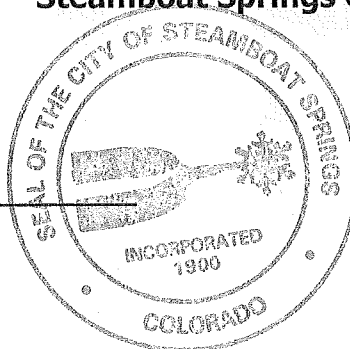
This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter.

**INTRODUCED, READ, AND ORDERED PUBLISHED**, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the 20th day of December, 2011.

  
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**Bart Kounovsky, President**  
**Steamboat Springs City Council**

**ATTEST:**

  
\_\_\_\_\_  
**Julie Franklin, CMC**  
**City Clerk**



**FINALLY READ, PASSED AND APPROVED** this 3<sup>rd</sup> day of  
January, 2012.

*Bart Kounovsky*

**Bart Kounovsky, President  
Steamboat Springs City Council**

**ATTEST:**

*Julie Franklin*

**Julie Franklin, CMC  
City Clerk**

