

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. 2800

AN ORDINANCE AMENDING CHAPTER 26 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE BY AMENDING SECTIONS 101, 421, 602, 603, 604, 605, 606, 700, AND 802 TO ADD EXEMPTIONS FOR FINAL PLAT-CONDOMINIUM/TOWNHOME AND FINAL PLAT-REPLAT APPLICATION TYPES, TXT-20-05.

WHEREAS, the City Council adopted the Community Development Code as Ordinance No. 2624 on November 14, 2017; and

WHEREAS, the City is committed to 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 recognized the importance of an efficient development review process; and

WHEREAS, the Planning Commission held a public hearing on February 11, 2021 and recommended City Council adopt the amendment to the Community Development Code.

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

SECTION 1. Section 602 of the Community Development Code shall be amended to add exemptions as follows:

602.B Exemptions

1. A Final Plat reviewed through the Replat process shall be exempt from the standards contained in Section 602.C, 602.D, 602.E, 602.G, 602.H, 602.K., and 602.L
2. A Final Plat reviewed through the Condominium/Townhome Plat process that results in four or fewer townhome lots or condominium units shall be exempt from the standards contained in Section 602.C, 602.D, 602.E, 602.G, 602.H, 602.K, and 602.L.
3. A Final Plat reviewed through the Condominium/Townhome Plat process that results in more than four townhome lots or condominium units shall be exempt from the standards contained in Section 602.C, 602.D, 602.E, 602.G, 602.H, 602.K, and 602.L.

SECTION 2. Renumber the remainder of Section 602 of the Community Development Code.

SECTION 3. Section 602.E of the Community Development Code shall be amended to add applicability and renumber standards as follows:

602.E Circulation

1. Applicability

- a. A Final Plat reviewed through the Replat process shall be exempt from all standards contained in this section except 602.F.2.d.
- b. A Final Plat reviewed through the Condominium/Townhome Plat process that results in four or fewer townhome lots or condominium units shall be exempt from all standards contained in this section except 602.F.2.d.
- c. In circumstances where the following standards conflict with City Engineering Standards, the City Engineering Standards shall apply.

2. Standards

- a. Subdivisions shall be designed to comply with the multi-mode facilities/complete streets standards of Section 414.
- b. Public and private streets shall be designed and constructed in conformance with City Engineering Standards.
- c. Access for emergency vehicles and emergency services shall be provided in conformance with City Engineering Standards and the adopted International Fire Code.
- d. Subdivisions and individual lots shall be designed so that driveways can meet City Engineering Standards.
- e. Subdivisions shall be designed to allow for improvements to existing, abutting rights-of-way to comply with multi-mode facilities standards and to offset or mitigate the anticipated traffic impacts of the subdivision. Required improvements may include but are not limited to additional right-of-way, street surface widening, shouldering, drainage, grading, tree removal, multi-mode facilities, and other improvements necessary to offset or mitigate the anticipated traffic impacts of the subdivision.
- f. Offsite improvements to existing rights-of-way shall be required to mitigate the anticipated traffic impacts of the subdivision. If requiring construction of offsite improvements would be disproportionate to the traffic impacts of the subdivision, the developer shall contribute a proportionate share of the estimated cost of the offsite improvements in accordance with the following:
 - i. The developer's proportionate share shall be determined on the basis of a traffic study conducted in accordance with City Engineering Standards.
 - ii. The estimated cost of the offsite improvements shall be inclusive of all project costs regardless of whether the project is constructed by the Colorado Department of Transportation or otherwise funded by public agencies other than the City.
 - iii. The City shall not impose a condition of approval requiring payment of a contribution toward an offsite improvement after a notice to proceed is issued for construction of the improvement.
- g. Streets and other multi-mode facilities shall be designed with consideration of and provisions for future connections to adjacent properties. Temporary cul-de-sac easements and surfaces may be required to allow for a turnaround until the future connection is completed. Temporary cul-de-sac easements shall expire upon construction and final acceptance of the future connection.
- h. A street shall be either public or privately-maintained for its entire length. No public street shall be joined or interrupted by a section of a privately-maintained street. Collector and connector streets shall be public streets.
- i. Any street that provides access to more than two lots or four units shall be a public street.
- j. Access easements shall not serve more than two lots and shall not exceed 100 feet in length.
- k. Street and pedestrian lighting shall be provided in conformance with Section 405 and City Engineering Standards.
- l. Street names shall be approved by the City. Street signs shall be required at each intersection in accordance with Department of Public Works specifications for street signs.
- m. Electronic railroad signals shall be required at any vehicular railroad crossing within a subdivision. A contribution toward installing signals at railroad crossings located outside

of the subdivision may be required based on the subdivision's proportionate share of traffic at the existing crossing

SECTION 4. Section 602.K.1 of the Community Development Code shall be amended to read as follows:

602.K Open Space, Parks, and Amenity Space

1. Applicability

This Section shall apply to all subdivision except the following:

- a. A Minor Subdivision, ~~Replat or Condominium/Townhome Plat.~~
- b. A Major Subdivision of any lot within a subdivision for which open space was provided with the original subdivision approval.
- c. A Major Subdivision that results in a one-lot subdivision.

SECTION 5. Amend the following references in Section 602 of the Community Development Code:

- 602.B.4.** Remnant parcels with less than the required minimum lot size shall be prohibited unless dedicated to, and accepted by the City as an easement, tract, open space, or other similar public purpose consistent with the requirements of ~~Section 602.H~~ [Section 602.I](#) regarding dedications.
- 602.C.3.** The following areas of lots shall be designated as unbuildable on the subdivision plat unless the Director grants an exemption per ~~Section 602.C.4~~ [Section 602.D.4](#):
- 602.C.4.** The Planning Director and the Director of Public Works may grant an exemption to ~~Section 602.C.3~~ [Section 602.D.3](#) based upon a finding that both of the following conditions exist:
- 602.K.2.g.** The long-term maintenance of all designated open space, parks, or amenity space shall be the responsibility of an owners association or property owner. If a land dedication is accepted by City Council in accordance with ~~Section 602.K.2.e~~ [Section 602.L.2.c](#) or ~~Section 602.K.3~~ [Section 602.L.3](#), City Council shall have full discretion to require the subdivider to provide maintenance of the dedicated open space or park. Failure to maintain required open space may result in enforcement and remedies in accordance with Section 101.
- 602.K.3.** Dedication of off-site open space or park land in lieu of on-site open space, parks, or amenity space designation may be approved by City Council. The off-site land shall be at least the same size as the minimum required on-site designation, and City Council shall find the proposed land is capable of use for recreational purposes and will serve the proposed subdivision. City Council shall have sole authority and discretion to accept a proposed off-site land dedication and may use ~~Section 602.K.2.e~~ [Section 602.L.2.c](#) in determining whether to accept a proposed dedication.

SECTION 6. Section 603 of the Community Development Code shall be amended to add exemptions as follows:

603.B Exemptions

1. A Final Plat reviewed through the Replat process shall be exempt from all standards in this Section.
2. A Final Plat reviewed through the Condominium/Townhome Plat process shall be exempt from all standards in this Section.

SECTION 7. Renumber the remainder of Section 603 of the Community Development Code.

SECTION 8. Section 604 of the Community Development Code shall be amended to add exemptions as follows:

604.B Exemptions

1. A Final Plat reviewed through the Replat process shall be exempt from all standards in this Section.
2. A Final Plat reviewed through the Condominium/Townhome Plat process shall be exempt from all standards in this Section.

SECTION 9. Renumber the remainder of Section 604 of the Community Development Code.

SECTION 10. Section 605 of the Community Development Code shall be amended to add exemptions as follows:

605.B Exemptions

1. A Final Plat reviewed through the Replat process shall be exempt from all standards in this Section.
2. A Final Plat reviewed through the Condominium/Townhome Plat process that results in four or fewer townhome lots or condominium units shall be exempt from all standards in this Section.
3. A Final Plat reviewed through the Condominium/Townhome Plat process that results in more than four townhome lots or condominium units shall be exempt from the standards contained in Section 605.C, 605.D, 605.E, and 605.G.

SECTION 11. Renumber the remainder of Section 605 of the Community Development Code.

SECTION 12. Section 606 of the Community Development Code shall be amended to add exemptions as follows:

606.C Exemptions

1. A Final Plat reviewed through the Replat process shall be exempt from all standards in this Section.
2. A Final Plat reviewed through the Condominium/Townhome Plat process shall be exempt from all standards in this Section.

SECTION 13. Renumber the remainder of Section 606 of the Community Development Code.

SECTION 14. Amend the following references in Section 606 of the Community Development Code:

606.C.1. Primary Park and Open Space Types

The primary open space types will in most cases have their general locations and alignments set by the Steamboat Springs Parks and Recreation Master Plan and Steamboat Springs Area Open Space and Trails Master Plan and shall typically be improved and maintained by the City. These types shall provide open spaces and recreational opportunities that are appropriate for the entire project area and, in some cases, will make suitable additions to the City's open space system. Refer to [Section 606.E](#), [Section 606.F](#) and [Section 606.F](#) [Section 606.G](#) for specific standards for the following primary types of parks and open spaces:

606.C.2. Secondary Park and Open Space Types

The two secondary park types include neighborhood parks and plazas. These types are designed to provide principal community gathering spaces for social activity, commerce, structured and unstructured recreation, and children's play. These open spaces will be developed so that at least one space (as is appropriate for the given transect zone) is provided for each subdivision area in accordance with the requirements of the subdivision standards in [Section 605.F](#), [Section 605.G](#). These spaces will typically be maintained by neighborhood associations or other local governing entities. While a Regulating Plan typically sets the general location of these open spaces, their disposition, orientation, size, and shape are determined by the performance standards herein. Refer to [Section 606.G](#), [Section 606.H](#) and [Section 606.H](#) [Section 606.I](#) for specific standards for the following secondary types of parks and open spaces:

606.C.3. Tertiary Parks and Open Space Types

The four tertiary park types provide an additional "kit of parts" for developers to use in the subdivision of neighborhoods and other land parcels. These types are designed to provide additional, smaller community gathering spaces for social activity, structured and unstructured recreation, and children's play within close proximity to residences. In most cases, these spaces shall also be maintained by neighborhood associations or other local governing entities. The general locations and alignments of these types are not set by a Regulating Plan. Instead they are calibrated by their appropriate location along the transect and shall be provided in keeping with the requirements of the subdivision standards in [Section 605.F](#), [Section 605.G](#). Refer to [Section 606.I](#), Section 606.J, Section 606.K, Section 606.L, and [Section 606.M](#) for specific standards for the following tertiary types of parks and open spaces:

SECTION 15. Amend the following references in Section 101 and 421 of the Community Development Code:

101.G.3. If the deficiencies are not cured within the time period set, the City, in order to preserve the taxable values of the properties within the development or subdivision and to prevent the open space from becoming a public nuisance, may enter upon the open space and maintain the open space for a period of one year. Such entry and maintenance shall not vest in the public any rights to use the open space except if it is voluntarily dedicated to the City by the owners and accepted by the City in accordance with [Section 602.K.2.e](#) [Section 602.L.2.c](#).

421.D.8 Using their sole authority and discretion, City Council may consider the dedication of open space land to the City in accordance with [Section 602.K.2.e](#) [Section 602.L.2.c](#) or [Section 602.K.3](#) [Section 602.L.3](#). If an open space land dedication is accepted by City Council, City Council shall have full discretion to require the developer to provide maintenance of the dedicated open space.

SECTION 16. Section 700.A.1 of the Community Development Code shall be amended to read as follows:

1. Purpose

- a. Apply an efficient, effective, and predictable review process for proposed development.
- b. Encourage development to occur in conformance with the standards of this CDC.
- c. Provide for adequate public review of development that is not in conformance with the adopted standards or creates greater impacts to the community.
- d. Ensure that any conditions imposed on development approvals have a ~~rational nexus with~~ reasonable connection to the impacts of the development.
- e. Ensure that all dedications of land, public access, or payments of money are roughly proportional to the impacts created by the development and that any discretionary decisions to require dedications of land, public access, or payments of money are determined through an individualized determination of impacts.

SECTION 17. Section 802 of the Community Development Code shall be amended to read as follows:

Lot. A parcel of land with boundaries that have been established by legal instrument, such as a recorded deed or plat, and that is recognized as a separate legal entity for purposes of transfer of title. For the purpose of density, dimensional standards, subdivision standards and other development standards, lot does not include a townhome lot or a condominium unit.

SECTION 18. 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 19. 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 20. 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 21. This Ordinance shall take five effect (5) days after its publication following final passage, as provided in Section 7.6 of the Steamboat Springs Home Rule Charter.

SECTION 22. A public hearing on this ordinance shall be held on March 16, 2021, at 5:00 PM remotely via Zoom at <https://us02web.zoom.us/j/985289877> and telephone: Dial 1-888-475-4499 (US toll-free), Enter Meeting ID: 985 289 877.

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 2nd day of March, 2021.

**Jason Lacy, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

FINALLY READ, PASSED, AND APPROVED this 16th day of March, 2021.

**Jason Lacy, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**