

CITY OF CRIPPLE CREEK DEVELOPMENT CODE

There are 4 parts to this Code:

- 1) **Article 1:** Zoning, Land Use, and Building Types: This Article explains the boundaries of the zoning districts, description of the districts, allowed uses by district, building types allowed by land use, and site parameters, such as yard setbacks, heights, etc.
- 2) **Article 2:** Signage Standards: This Article explains the types of signs that are allowed, the locations where they are allowed, and parameters such as size, number, and placement.
- 3) **Article 3:** Historic Design Guidelines: This Article provides details for buildings in the B and BB Zone Districts aimed at insuring compatibility with the historic architectural character of the City.
- 4) **Article 4:** Administration, Authority, and Procedures: This Article defines the submittal and approval procedures for Conditional Uses, Variances, Signs, Development Plans, Special Exceptions, and Historic Preservation Certificates when required in Article 1, 2, and 3. Fees charged for consideration of the requests in this Article are set by resolution of City Council and may change from time to time. The current fee schedule is available from the Code Administrator.
- 5) The **Code Administrator** is designated by the City Administrator.

CITY OF CRIPPLE CREEK DEVELOPMENT CODE

ARTICLE 1: ZONING, LAND USE, AND BUILDING TYPES

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ARTICLE 1: ZONING, LAND USE, AND BUILDING TYPES

PURPOSE AND HOW TO USE

This Article provides regulations for land development. It defines zone categories to accommodate various land uses. It provides a map showing the distribution of the zones over the City area. It defines the land uses and shows in a table which uses are allowed in each zone category. The uses are therein designated as permitted (no special approval needed), conditional (may be approved by request with conditions), or special exception (a project that illustrates community value that outweighs the need to apply typical standards and will be approved independent of those standards).

Lastly, there are illustrated building types (architectural examples) that are designated for each type of land use in the B and BB Zone Districts, typically with several building type choices. These are not required in any other Zone District, however, they may be considered as applicable in a case where a Conditional Use or Special Exception is requested. In Zone Districts other than the B and BB, the criteria called “Key Dimensional Requirements” will apply.

HOW TO USE:

- 1)** Identify the zone district in which the parcel is located. See the Zoning Map (Page 5).
- 2)** In the “Allowed Uses by District” table, find the uses in the left column and to the right see how a use is classified by zone district, i.e., Permitted, Conditional Use, or Special Exception (Page 14).
- 3)** If the zone category allows the use and is located in the B or BB Zone, go to the “Relationship of Land Uses to Building Types” table and identify the building type alternatives (Page 22).
- 4)** Go to the Building Type and see the architectural style and other parameters for the land use in the zone district (Pages 22-40).
- 5)** If the location is in any Zone other than the B or BB Zone, the Building Type requirements in 3 and 4 above do not apply, however, the “Allowed Uses, Scale and Intensity, and Key Dimensional Requirements” listed do apply in all zone districts.

1.1 ZONING

1.1.1 ZONING DISTRICTS ESTABLISHED

The following new districts are established to meet the purposes of this Code:

PR-Preserve

R1-Edge Residential

R2-Limited Residential

R3/4-Neighborhood Residential

BB-Neighborhood Mixed-Use

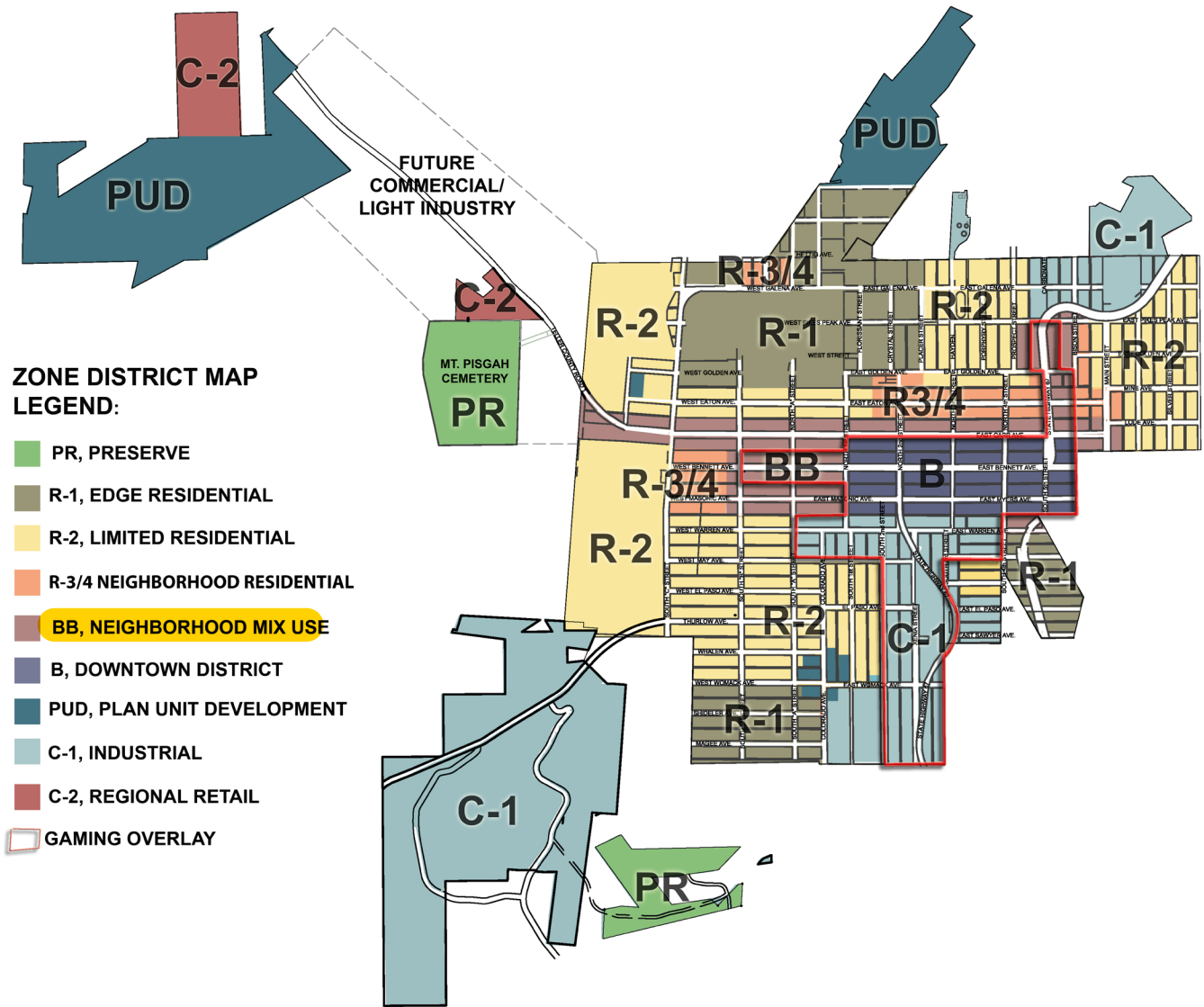
B -Downtown

C1-Industrial

C2-Regional Retail

PUD-Planned Unit Development

ZONE DISTRICTS MAP



1.1.2 ZONING DISTRICTS SUMMARY

The diagram below shows a transect, which is simply a conceptual cross-section of the community that illustrates the “ideal form” that represents the intent of these regulations to have suitable transitions from a dense commercial (B Downtown) area, containing larger, taller buildings, to single family residential (R1 Edge Residential), containing typical single family homes.

Note that, along with the transition in density and intensity of use, there is a parallel transition from mixed use buildings to residential buildings and from smaller blocks to larger blocks.

This transition will not always exist in all areas, particularly where existing development and new development with a much different character is to be accommodated. The R3/4, R-2, and R-1 are exempt from the Building Types regulations where a use is permitted, but are shown below as development is anticipated to occur. The C1 and the C2 Zones are not shown as they are designed to be outside the core area of the community to provide opportunity for development types not suitable for the core area.

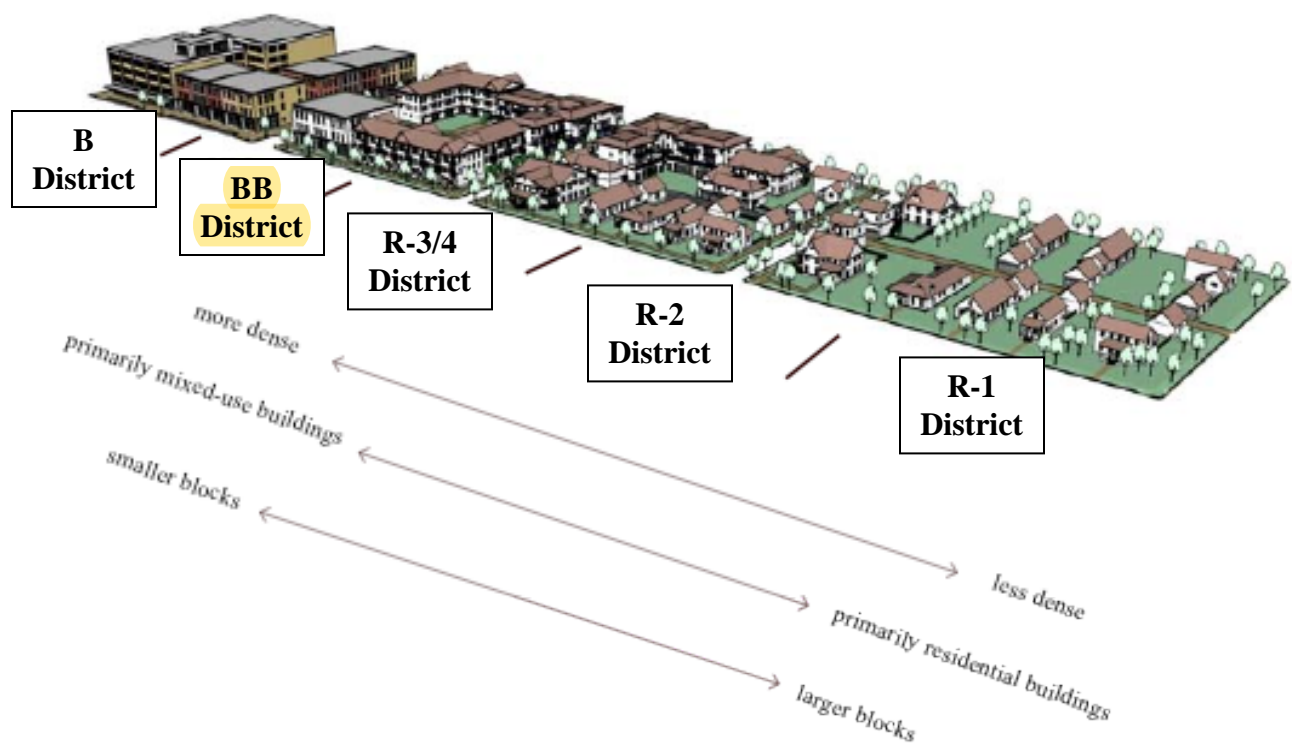


Table 1-1 Zoning Districts Summary		
Zoning District	Character	Lot Sizes
PR	Permanently preserved lands	N/A
R1	Low-density residential	5,000 square feet minimum
R2	Moderate-density residential with no commercial uses	4,000 square feet minimum
R3/4	Moderate-density residential with limited commercial uses	2,500 square feet minimum
BB	Moderate-density, mixed-use development	N/A
B	Highest-density, mixed-use development	N/A
C1	Primarily industrial-based employment centers	N/A
C2	Primarily centers for regional-serving retail	N/A

1.2 DESCRIPTION OF ZONING DISTRICTS

1.2.1 PR PRESERVE

Intent and Applicability. The PR district is intended to conserve and protect sensitive environmental areas, discourage growth in areas which pose undue hazards to man, and maintain open spaces that provide an ecological and aesthetic value to other areas of the community. Examples include areas delineated by State and Federal agencies; natural land-locked wetlands, creeks, or areas that possess unique scenic (designated view sheds) and recreational value; and wildlife refuges, bird sanctuaries, open land trusts by various Federal, or lands owned by State or Local governments, preservation groups, or agencies. The PR district can also designate open areas protected from future development as an amenity designed to support nearby and more compact development, particularly when used in association with the place-making principles of the Community Master Plan.

1.2.2 R 1 EDGE RESIDENTIAL

Intent and Applicability. The R1 district is intended for lower-density residential dwellings in a neighborhood setting. The regulations are designed to protect the neighborhood character and protect the primarily residential use of land.

1. The R1 district is applicable to the following areas:
 - a. Areas of low-density residential that support nearby more dense development centers: Typically this district is at the “edge” of the development pattern or in other limited applications that are still closely connected and integrated with the overall walkable pattern. In this application the district typically provides overall densities ranging from 3 to 8 dwelling units per acre. (typically 5,000 to 15,000 square feet lots)
 - b. Conventional subdivisions remote from or not closely integrated with more dense development centers: This district should be limited to accommodating existing neighborhoods planned around other amenities as a focal point for development, and typically provides overall densities ranging from 1 to 4 dwelling units per acre. (typically 10,000 to 40,000 square feet lots)
 - c. Large uninterrupted applications of this district, without transitions to other centers or rural areas should be avoided so that significant populated areas that must rely solely on automobile travel and which are remote from necessary municipal services are not created. This district should be supported by a highly connected street network with street design types that use low design speeds and residential character streetscapes.

1.2.3 R2 LIMITED RESIDENTIAL

Intent and Applicability. The R2 district is intended for moderate to higher density residential dwellings in a neighborhood setting. The regulations are designed to protect the neighborhood character and accommodate a variety of dwelling types, including close coordination with services and amenities that support the mix of dwellings.

1. The R2 district is applicable to the following areas:
 - a. Areas where more compact, walkable neighborhoods are desired to support nearby development centers: Typically this district is adjacent to or proximate to the centers and provides overall densities typically ranging from 6 to 20 dwelling units per acre.
 - b. Conventional subdivisions remote from or not closely integrated with development centers: This district should be limited to accommodating areas where moderate to higher density residential uses are otherwise desired and should be planned around other neighborhood amenities as a focal point for

development, and typically provides overall densities ranging from 5 to 12 dwelling units per acre. (typically 4,000 to 9,000 square foot lots)

2. Any permitted non-residential uses should be focused on intersections of primary streets or on blocks immediately abutting an associated center. Large uninterrupted applications of this district, without transitions to other centers or rural areas should be avoided so that significant populated areas that must rely solely on automobile travel and which are remote from necessary municipal services are not created. This district should be supported by a highly connected street network with street design types that have a high degree of pedestrian amenities.

1.2.4 R3/4 NEIGHBORHOOD RESIDENTIAL

Intent and Applicability. The R3/4 district is intended for a healthy mix of residential and commercial environment, with a mix of complimentary and supporting services, located and sized so as to provide nearby residential areas with convenient access to stores, services and work places in close proximity to each other. The district is designed to accommodate a mix of uses that support this intent, to foster a pedestrian-oriented community center, and accommodate businesses that primarily meet the needs of neighborhoods within walking distance. Residential density should be similar to the R 2 district.

1. The R3/4 district typically includes a limited area of mixed-use development before transitioning to supporting residences or open areas for rural centers.
2. The district should be spaced apart from other similar districts and centers, as conceptually indicated on the Master Plan. The R3/4 district requires a highly connected transportation network within the district and surrounding areas, with smaller blocks and pedestrian-oriented streetscapes on the primary streets.

1.2.5 BB NEIGHBORHOOD MIXED-USE

Intent and Applicability. The BB district is intended for businesses of a community-wide scope; encouraging the formation and continuance of a compatible and economically healthy environment for business, financial service, and professional uses which benefit from being located in close proximity to each other and accommodating moderate-scale mixed-use development. The regulations are designed to accommodate a mix of uses that support this intent and to promote pedestrian-oriented regional centers integrated with surrounding areas wherever practical.

1. The BB district is applicable to the following areas:
 - a. Commercial areas located along major traffic corridors that can benefit from integration of a mix of supporting retail, service and office projects.
 - b. Typically includes 2 to 8 acres of mixed-use development, before transitioning to supporting neighborhoods.
2. The BB district requires a highly connected transportation network within the district and surrounding areas with pedestrian-oriented streetscapes on the primary streets. This development and the historic street patterns should be replicated as closely as possible when the district is used for other regional-scale development on major thoroughfares outside of the community core.

1.2.6 B DOWNTOWN

Intent and Applicability. The B district is intended for businesses of a regional scope; encouraging the formation and continuance of a compatible and economically healthy environment for business, financial service, City administration, entertainment and professional uses which benefit from being located in close proximity to each other; and accommodating large-scale mixed-use development. The district is designed to accommodate a mix of uses that support this intent and to promote pedestrian oriented regional center integrated with surrounding areas wherever practical.

1. The B district is applicable to the following areas:
 - a. Commercial areas located along Bennett Avenue, Carr Avenue, and Myers/Masonic Avenue, that can benefit from integration of a mix of supporting retail, service, lodging, entertainment and office projects.
2. The B district requires a highly connected transportation network for business, services and visitors within the district and surrounding areas, with smaller blocks and pedestrian-oriented streetscapes on the primary streets. The historic development and the historic street pattern should be respected.

1.2.7 C1 INDUSTRIAL DISTRICT

Intent and Applicability. The C1 district is intended to provide location options for research and development, assembly, clean manufacturing, and similar primary employment uses or more intense services and light industry uses which support other economic development activity in the community. This district is designed to accommodate primary employment opportunities and support services which can not readily fit into other mixed-use centers or which may require special location considerations and buffering due to the nature or intensity of operations. The district is designed to accommodate uses in a manner that produce little or no impacts beyond the property lines, and to integrate a number of mutually supportive uses within the district to the extent practical.

1. The C1 district is applicable to areas where significant employment based economic development opportunities exist and more intense use and operations can be designed and buffered to provide little or no adverse impact on nearby neighborhoods, development centers or natural areas. The district requires access to regionally connected transportation systems.
2. Additionally, this district may be applicable in limited applications within or adjacent to downtown and neighborhood centers, in order to provide greater daytime population for the businesses, provided specific planning is undertaken to ensure the district does not disrupt the overall development patterns and urban design characteristics of the center.

1.2.8 C2 REGIONAL RETAIL DISTRICT

Intent and Applicability. The C2 district is intended for the location of large, regional-serving retail uses. These regulations are designed to accommodate primary retail opportunities that would otherwise not fit into the development patterns of mixed-use commercial centers or the C1 district.

1. The C2 district is applicable to areas where significant regional retail opportunities exist and where improved pedestrian and civic amenities can coordinate development of compatible uses and designs, with appropriate transitions to nearby development or open spaces. The district requires access to regionally connected transportation systems.

1.2.9 PUD PLANNED UNIT DEVELOPMENT

Intent and Applicability. The purpose of the Planned Unit Development (PUD) zone is to provide the means through which land can be developed through an overall unified approach rather than traditional lot-by-lot development. The PUD encourages clustering of units in order to create a better living environment, preserving unique site features, and providing services in a more efficient manner. The PUD allows for a variety of types of residential development and encourages mixed-use developments.

1. ***Where Required.*** A PUD is its own zoning district, and may be established upon any tract of land under single ownership or unified control, provided that a land use proposal is submitted in compliance with the provisions of this zone district, and the area of the tract of land is at least forty thousand (40,000) square feet.
2. ***Principal Permitted Uses:***
 - a. Dwelling Units in detached, semi-detached, attached or multi-family structures or combinations thereof.
 - b. Civic Uses
 - c. Nonresidential uses of a commercial or recreational character to the extent that they are intended to primarily serve the residents of the PUD, and are compatible with the PUD and the surrounding neighborhood.

1.3 ALLOWED LAND USES FOR EACH DISTRICT

The following Table 1-2 lists each zone district category and the land uses in that category down the left side of the Table, except PUD. The zone districts are listed across the top of the Table. Each land use is categorized under each zone district as, P (Permitted Use), C (Conditional Use), and SE (Special Exception). NOTE: The section following the Table has detailed descriptions of each land use by category.

1.3.1 ADDITIONAL INFORMATION ON USE DESIGNATIONS:

- a. ***Permitted(P)*** - permitted by right subject to general district standards including a Development Plan in some cases;
- b. ***Conditional (C)*** - permitted subject to specific conditions and specific use standards (requires a Development Plan and public hearing).
- c. ***Special Exception (SE)*** – permitted by special exception through the discretionary review process in Section 1.3.2, and subject to the review criteria therein (requires a public hearing).
- d. ***All uses***, whether permitted, conditional, or special exception, that propose a format and design that deviates from the Design Standards herein, shall be

- considered prohibited unless other relief from the applicable design standards is provided in this Code by approval of a variance at a public hearing.
- e. ***Use-Specific Design Standards.*** Any proposed design for Automobile Service Uses and Outdoors Sales – General must refer to Section 1.6 for special design considerations.
 - f. ***Required Submittals, Reviews, and Approvals.*** Article 4 of this Code delineates these requirements for Development Plans, Conditional Uses, Special Exceptions, and Variances.

1.3.2 SPECIAL EXCEPTION CRITERIA

Some uses are allowed by special exception (SE) in some districts. Review of these uses and the applicable standards shall be through a discretionary review process. **Therefore, the Building Types in Section 1.5 of this Article are a reference but not mandatory. Also, the Historic Guidelines in Article 3 are similar references but not mandatory.** When the City Council is considering a request for a special exception use according to Table 1-2, it shall consider the following criteria, and find that all criteria have been satisfied prior to granting a special exception:

1. The request is determined to be of exceptional benefit to the community's residents, visitors, and economy;
2. The request will not overburden public infrastructure or services in the proposed location;
3. The proposed building and site design on the subject property, when compared with the uses or standards permitted by right in the zoning district, will not be detrimental to existing or planned adjacent uses;
4. The proposal meets or exceeds the standards of the applicable zoning district except for the specific characteristics requiring relief from the standards of the zone district.
5. The proposed or imposed additional design standards, that are otherwise not applicable in the zoning district are adequate to insure compatibility with the surrounding area and to prevent any potential harm to the public health, safety, or general welfare;
6. The specific application of the request to the site supports the Intent and Applicability of the zoning district, and does not compromise the Intent and Applicability of any adjacent zoning districts;
7. The applicant has established that the requirements of the district present a burden that is not in the best interest of the City.

1.3.3 Table 1-2: Allowed Uses for each District

NOTE: A description of each Use is defined in Section 1.4 following this Table

KEY: P = Permitted Use C = Conditional Use
SE = Special Exception Blank Cell = Use Not Permitted

	PR	R1	R2	R3/ 4	BB	B	C1	C2
Natural Resource and Conservation Uses								
Community Garden	SE	P	P	P	P	C	C	C
Home Garden		P	P	P	P	C		
Limited Agriculture – Crops and Animals/ With Roosters		P/C	P/C	P/C	SE		SE	SE
Conservation Area	P							
Civic Space Uses								
Park	SE	P	P	P	P	P	P	P
Residential Uses								
House		P	P	P	C	SE	C	
Duplex		C	P	P	C	SE	C	
Row house		SE	C	P	P	SE	C	SE
Apartment		SE	C	P	P	SE	SE	SE
Rooming House		SE	P	P	C	SE	SE	SE
Live / Work		SE	C	C	P	SE	SE	SE
Mixed Use		SE	SE	C	P	SE	SE	SE
Accessory Dwelling Unit		P	P	P	P	SE	SE	SE
Civic Uses								
Library or Museum		SE	SE	P	P	P	C	SE
Assembly		SE	P	P	P	P	C	SE

1.3.3 Table 1-2: Allowed Uses for each District

NOTE: A description of each Use is defined in Section 1.4 following this Table

KEY: P = Permitted Use C = Conditional Use SE = Special Exception Blank Cell = Use Not Permitted	PR	R1	R2	R3/ 4	BB	B	C1	C2
Cemetery	P	C	C	C	C	C	C	C
Public Service Facility	P	P	P	P	P	P	SE	SE
School		SE	C	P	P	P	SE	SE
Commercial Uses								
Automobile Service					C		P	P
Campgrounds/Recreational Vehicle Parks				SE	C	C	P	SE
Commercial Outdoor Recreation Facility				SE	SE	SE	SE	SE
Day Care		SE	C	C	C	P	SE	SE
Home occupation		SE	C	P	P	P	SE	SE
Kennels/Animal Stables				SE	SE	C	SE	SE
Lodging (Hotel, B&B...etc.)		SE	C	C	P/SE	P	SE	SE
Self-service storage facilities			SE	C	C		P	P
Office / Service			SE	C	P	P	P	SE
Off-street commercial parking or Commercial garage				SE	C	C	P	P
Off-street commercial parking or Commercial garage in Gaming District					SE	SE		
Retail including restaurants, night clubs, etc.		SE	C	C	P	P	P	P
Gaming Halls in the Gaming District					P	P	P	P
Retail – Big Box (> 45K s.f.)					SE		SE	P
Outdoor Sales – Kiosk			SE	C	C	C	P	P

1.3.3 Table 1-2: Allowed Uses for each District

NOTE: A description of each Use is defined in Section 1.4 following this Table

KEY: P = Permitted Use C = Conditional Use SE = Special Exception Blank Cell = Use Not Permitted	PR	R1	R2	R3/ 4	BB	B	C1	C2
Outdoor Sales – Limited				SE	P	P	P	P
Outdoor Sales – General				SE	C	C	C	P
Sexually Oriented Businesses					SE	C	P	P
Vehicle Sales and Service					SE	C	P	P
Industrial Uses								
Light Industry				SE	C	P	P	P
Heavy Industry					SE	SE	C	P

1.4 DESCRIPTION OF LAND USES

This section contains general descriptions associated with the uses of land and buildings. It is organized according to categories of uses and specific types of uses within each category. These categories and types correspond to the Use Table 1-2. Below each category are the specific uses allowed and a description of those uses.

Where a use appears to meet two or more descriptions or where a use is not described, the Code Administrator shall make a determination as to whether it is allowed. In making the determination, the Code Administrator shall compare the following elements of the described use to similar allowed uses: (a) the intensity and scale of the use relative to the site; (b) the typical site and building designs associated with the use; (c) the functional characteristics and the potential impacts of the use on adjacent property; and (d) the potential contribution of the use to the overall character of the district or districts in which it is allowed. Uses, which cannot be interpreted in this manner may only be allowed by a zoning text amendment.

1.4.1 NATURAL RESOURCES AND CONSERVATION USES

The Natural Resources and Conservation Uses category is for uses commonly associated with a rural or agriculture environment, which demand little or no public infrastructure, and which benefit from open spaces and stewardship of natural and environmental assets of the land.

Community Garden: A lot or parcel central to a significant number of residences and businesses, used for the production of crops and produce plants predominantly for those residences or businesses, where no accessory buildings other than those commonly associated with residential uses are necessary. Operations require no commercial truck access and all activities are hand-tilled and tended with limited farm machinery.

Home Garden: A garden maintained by one or more individuals who reside in a dwelling unit located on the subject property, used for the production of crops and are predominantly for the property dwellers, where no accessory buildings other than those commonly associated with residential uses are necessary. Operations should not require commercial truck access and all activities are hand-tilled and tended with no farm machinery.

Limited Agriculture – Crops and Animals: The use of land and associated structures for the small-scale production of crops or produce plants, keeping of livestock, or the raising of fowl and other animals for food production or distribution, where no accessory buildings other than commonly associated with residential uses are necessary. Operations require no commercial truck access and all activities are hand-tilled and tended with no farm machinery. Sites are typically less than 5 acres.

Conservation Area: The protection and management of land, vegetation, water bodies, topography, hydrology or other physical elements in a natural or undisturbed manner for beneficial aesthetic, ecological or recreation functions. Any accessory buildings are limited to minimal provisions for caretakers or maintenance, or other low-impact facilities to accommodate limited natural recreation purposes, including restrooms. Examples include wildlife refuges or nature preserves.

1.4.2 CIVIC SPACE USES

The Civic Space Uses category is for uses that are common open spaces that can be utilized by the entire community.

Park: A lot or parcel central to a significant number of residences and businesses, used for outdoor active recreation and relaxation.

1.4.3 RESIDENTIAL USES

The residential use category is for buildings or portions of buildings that are used for dwelling units. Certain types of residential uses within this category may have building types that have more than one dwelling unit per building.

House: A permanent structure designed to house one family unit. A one family unit is defined as members related by birth, adoption, or legally enjoined parties (married

or similar legal arrangement). No more than 4 additional parties not so related are allowed.

Duplex: A permanent structure designed to house 2 single family units.

Rowhouse: A series of 3 or more side by side Houses attached with common walls and facing the street or a common area. This includes dwelling units commonly known as Townhouses.

Condominium: A permanent structure that has 2 or more dwelling units that may be located side by side and/or one above another.

Apartment: A structure designed to house dwelling units in separate living units each of which may contain up to 3 bedrooms with individual kitchen and bathroom facilities in each unit.

Rooming House: A structure designed or modified to accommodate more than one dwelling unit such that individual bedrooms are provided and kitchen, bathroom, and other common area facilities may be shared. Any Rooming House is limited to 4 rooms unless a Conditional Use is approved.

Live/Work: A structure designed to have commercial or office use and a residential use. Commercial use shall be on the first floor.

Mixed Use: A structure designed to have residential, commercial, and office uses or some combination of any two uses.

Accessory Dwelling Unit: A detached structure on the same lot as a primary dwelling unit.

1.4.4 CIVIC USES

The Civic Use category includes uses serving a public interest to enhance the daily community life of land owners, businesses and residents. They offer recreation, education, social, cultural, and other quality-of-life services. They are typically run by government, non-profit, religious, or similar community-oriented organizations. Civic uses typically are on grounds or in buildings designed to be a focal point or gathering place for surrounding areas.

Library or Museum: A building offering resources, exhibits, activities or similar events for the cultural and educational enrichment of the community.

Assembly: A building for organized services, programs, meetings or similar gatherings that occur on a limited or periodic basis. An Assembly includes such uses as churches, clubs, and other social gatherings not of a commercial nature.

Cemetery: Land dedicated for the burial and memorializing of deceased humans, including associated structures such as chapels and or mausoleums, art and statuary, gardens, and maintenance facilities. A cemetery may be a principle use or accessory to a religious assembly use.

Public Service Facility: Centralized facilities and equipment necessary to manage, operate, and support infrastructure in surrounding areas. Examples include utility sub-stations, pump stations, fire or police stations, water tower, or similar public infrastructure.

School: An education facility that provides regular daily classroom, lab or other similar learning environments for students, including activities, facilities and grounds accessory to education, including preschool, elementary, primary, secondary, vocational, and higher education institutions, whether public or privately funded.

1.4.5 COMMERCIAL USES

The Commercial Use category is for retail businesses, personal service or professional service industries for general consumers where the nature of the exchange generally requires interactions with the clients, customers or patrons on the premises, and where lots or buildings are primarily designed for exposure to the public-at-large in exchange for income.

Automobile Service: A commercial use primarily engaged in the sale of gasoline and service of automobiles, trucks, and other vehicles.

Campgrounds and Recreational Vehicle Parks: Grounds designed to provide multiple individual sites for temporary overnight lodging where patrons bring their own facilities, including tents, trailers, and recreational vehicles, which may or may not be self-contained. Campgrounds and Recreational Vehicle Parks may provide permanent structures for the recreation or other accommodations for guests only.

Commercial Outdoor Recreation Facility: A use where facilities for sports, entertainment, or similar recreation opportunities for participants or spectators are offered as a business.

Day Care: A commercial service for daily non-resident care of children. These uses are subject to State law.

Gaming Halls: Any building whose primary use is for professional or recreational gambling. In the application of this definition, any place where an operating gambling device is found is presumed to be intended to be used for gambling. Gaming uses are subject to State law.

Home Occupation: Any use of principal or accessory buildings clearly incidental and secondary to their uses for residential purposes and which does not change the character of the building and site. Requirements are detailed in Section 1.8.

Kennels: Any establishment for the boarding or training of dogs or cats for which a fee is charged. Such establishments may include incidental grooming and sale of pet supplies.

Animal Stables: A structure used for commercial riding open to the general public; boarding of livestock not involved with current breeding or training; training involving large groups of students; arenas used for scheduled, public or club events; and those uses associated with a ranch.

Lodging: Service use where guest rooms are rented, generally for short-term occupancy for overnight accommodations and includes typical ancillary uses.

Self-service Storage Facilities: A commercial use offering separate storage units for short or long term rental, where personal items of the general public may be

stored and accessed independently or a facility offering storage for a business that may be located off site.

Office / Service: A business or institution that primarily provides employment, administrative management, personal service or professional service operations, where products or services are of the nature that require on-premise interactions with the clients, customers or patrons. Examples include doctors' office, accountants or lawyers, architects and engineers, travel agent, personal care data processing centers, research facilities or similar office environments.

Off-street Commercial Parking or Commercial Garage: A Commercial Service use where lots or structures are used to store or park cars on a short (hourly or daily) or long (multiple days) term basis.

Retail: A business primarily engaged in the sale of goods and merchandise and general consumer products, where points of sale for purchases are typically on premises and the building and sites are designed for exposure to the public at large. Retail also includes restaurant, dining, night clubs, and food service operations. Retail does not include Sexually Oriented Businesses.

Retail - Big Box (45,000 s.f. or more): A Retail use with more than 45,000square feet of gross leasable area, primarily serving the broader community or region, and characterized by a target market of more than 3 miles for most of its on-premise sales.

Outdoor Sales – Kiosk: The temporary display of merchandise on a sidewalk or exterior private area, often associated with a seasonal or special event. Examples are farm/truck sales, food carts, or other mobile vending.

Outdoor Sales – Limited: The limited display of merchandise on a sidewalk or an exterior private area of a site associated with an otherwise permitted Commercial use and located along the frontage of the use.

Outdoor Sales – General: The display of merchandise on a sidewalk or an exterior private area associated with an otherwise permitted Commercial use that does not meet the limitations of Limited or Kiosk Outdoor Sales, and which may require areas to be designed and dedicated for display when part of the permanent operations of an interior retail business. This includes uses where the primary business is merchandise displayed permanently outside. Examples include a garden center, or car or large equipment dealer.

Sexually Oriented Businesses: As defined and regulated in Chapter 6, Article 6 of the City of Cripple Creek Municipal Code.

Vehicle Sales and Service: A business that is engaged primarily in the sale of automobiles or other vehicles. The business may also have a secondary operation for servicing vehicles.

1.4.6 INDUSTRIAL USES

The Industrial Use Category is for businesses engaged in manufacturing, fabrication, warehousing, processing, wholesale or disposal of goods, products and component parts, and services related to these businesses. These uses typically belong in a special district

due to their inability to blend with the uses from other use categories, except when occurring at the smallest scale.

Light Industrial: This is an industrial use where by-products such as smoke, odor, dust or noise are not discernible from outside of the building. All processing occurs by hand assembly or small tool-room type machines. No chemical processes other than light finishing applications. It requires no outside storage or operations, and produces no noxious, hazardous or decomposable by-products. Distribution and deliveries can occur from general consumer delivery services or limited commercial truck access. Examples include research labs or facilities, small electronics or computer assembly and manufacturing, furniture assembly, small scale food processing with limited decomposable by-products such as bakery or seafood/shellfish.

Heavy Industrial: This is an industrial use capable of producing significant by-products discernible from outside the building and property including noise, odors, or other potentially offensive materials. It includes outdoor storage of materials and operations may require substantial commercial vehicle access for distribution and deliveries. Examples include food processing involving animals, metal or chemical manufacturing, mining operations, and impoundment yards.

1.5 RELATIONSHIP OF USES TO BUILDING TYPES

All land uses in the B and BB zone Districts in Table 1-2 must utilize one of the Building Types defined in Table 1-3 (below), which is an overview of the Building Type(s) appropriate for each of the Use Categories. Essentially, this portion of the code regulates the type of architecture, the uses to be on each floor of the building, and other allowances for such items as square footage by floor, yard setbacks, and height. **Note that changes to existing buildings and construction of new buildings in the B and BB Zone are subject to additional regulations in Article 3: Historic Design Guidelines.**

Each zoning district allows for a mixture of Building Types, but not every Building Type is allowed in each district. The regulations are intended to allow for flexibility in construction of buildings according to the Community Master Plan and zoning districts and to manage a compatible scale and character for each district. After Table 1-3 is a list of the Building Types and a general description of how the building is to be utilized. This is followed by more specific design information including a graphic illustration and tables that specify parameters for specific land uses in each zone district. Although a land use may be allowed in several zone districts, the Building Types and parameters for land uses could be much different in each zone district. This means that a hotel built in one zone district could have architecture, size, and bulk requirements much different than in another zone district.

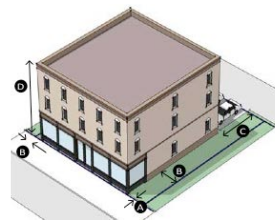
NOTE: Building Types for Gaming Uses are discussed in Article 3, Historic Design Guidelines. Refer to Article 3 for the manner in which architecture for Gaming Uses is regulated. The “Allowed Uses, Scale and Intensity, and Key Dimensional Requirements” apply to all Zone Districts.

Table 1-3 Relationship of Land Uses to Building Types											
KEY: Y= Type appropriate N/A = Not Applicable Blank = Type Not Appropriate	Mixed-Use Building	Live/Work Building	Commercial Building	Commercial Cottage	Civic Building	Apartment Building	Rowhouse	Flat over Flat	Paired House	House	Accessory Building
Natural Resource & Conservation Uses	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Civic Space Uses	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Residential Uses	Y	Y				Y	Y	Y	Y	Y	Y
Civic Uses			Y	Y	Y						Y
Commercial Uses except Lodging Uses	Y	Y	Y	Y				Y		Y	
Gaming	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Commercial Lodging Uses	Y	Y		Y		Y	Y	Y			
Industrial Uses	Y	Y	Y	Y							

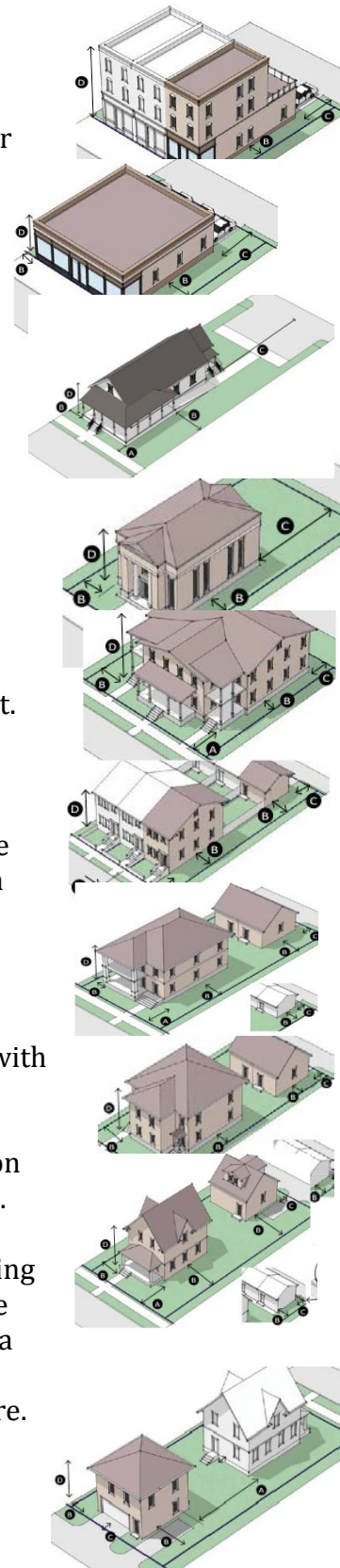
1.5.1 BUILDING TYPES OVERVIEW

The following Building Types are established for use in this Code:

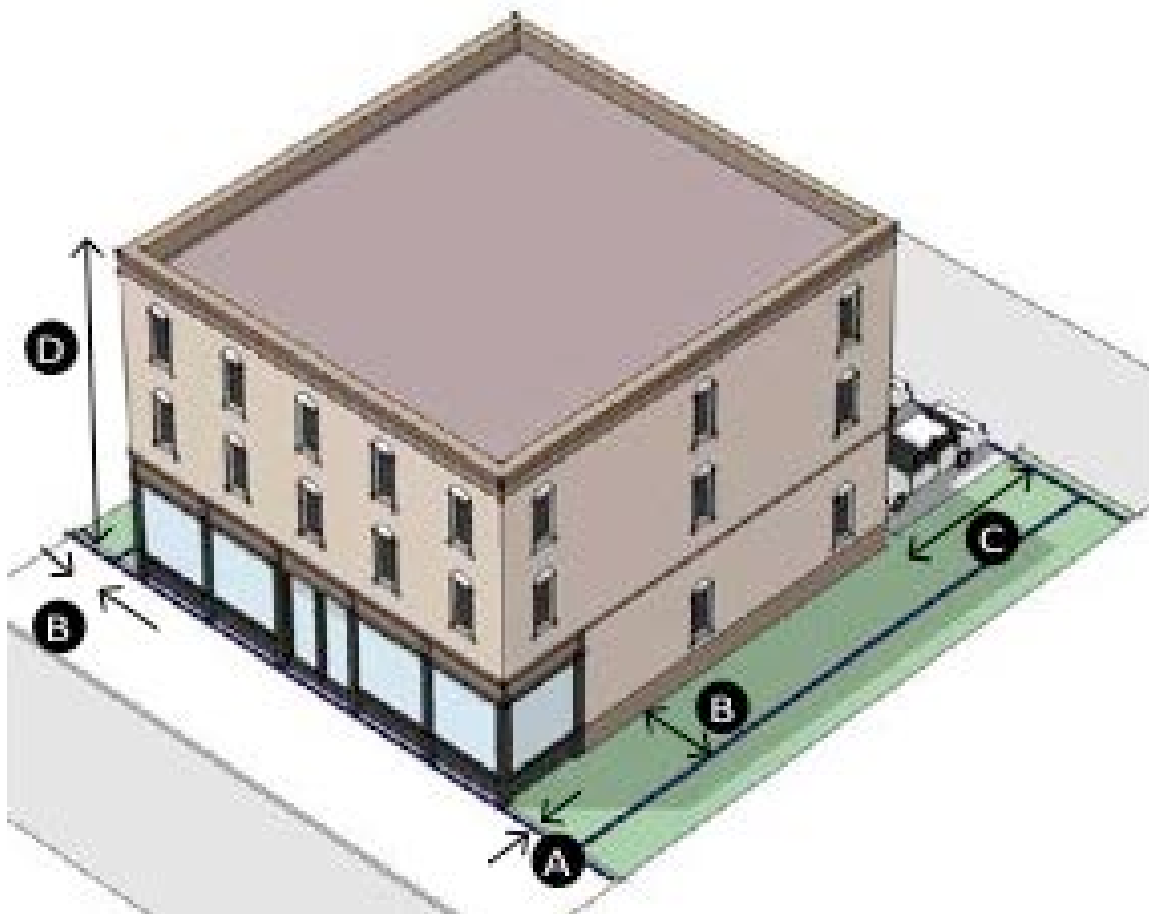
- Mixed-Use Building.** A Mixed-Use Building is a structure with a vertical mixture of uses. The upper floors may be used for office, residential, lodging or parking; the ground floor (lot frontage at the street level) may be used for retail or office. Parking on the ground floor must be lined with retail or office along all street frontages.



2. **Live-Work Building.** A Live-Work Building is a dwelling unit that contains, to a limited extent, a retail or office component. A live-work building limits the commercial component to the ground floor. This building type may be a fee-simple unit on its own lot or arranged as a condominium.
3. **Commercial Building.** A Commercial Building is a single-use, one-story structure with office, retail, restaurant or light industrial use.
4. **Commercial Cottage.** A Commercial Cottage is a structure designed for a commercial use, but its form is that of a residence.
5. **Civic Building.** A Civic Building is a structure specifically designed for a civic use. Buildings and structures designed for public or private assembly, including places of worship and schools, shall be considered Civic Buildings.
6. **Apartment Building.** An Apartment Building is a structure with more than two dwelling units on one lot. The Apartment Building type may also be used for lodging uses.
7. **Rowhouse.** A Rowhouse is a structure containing at least 3 dwelling units with common walls. A Rowhouse building generally is made up of fee-simple units, from ground to roof, with no units above or below.
8. **Flat over Flat.** A Flat over Flat Building is a structure with two dwelling units
9. **Paired house.** A Paired House Building is a structure with two dwelling units (commonly called a Duplex), with one unit beside the other sharing a common wall.
10. **House Building Type.** A one dwelling unit structure on its own lot, detached from structures on adjoining lots.
11. **Accessory Building.** An Accessory Building is a dwelling unit that is located over a garage on the same lot as the primary structure. An Accessory building may also be a single-story dwelling unit, not associated with the garage, located on the same lot as the primary structure. An Accessory Building may be attached or detached from the primary structure and is located toward the rear of the lot.

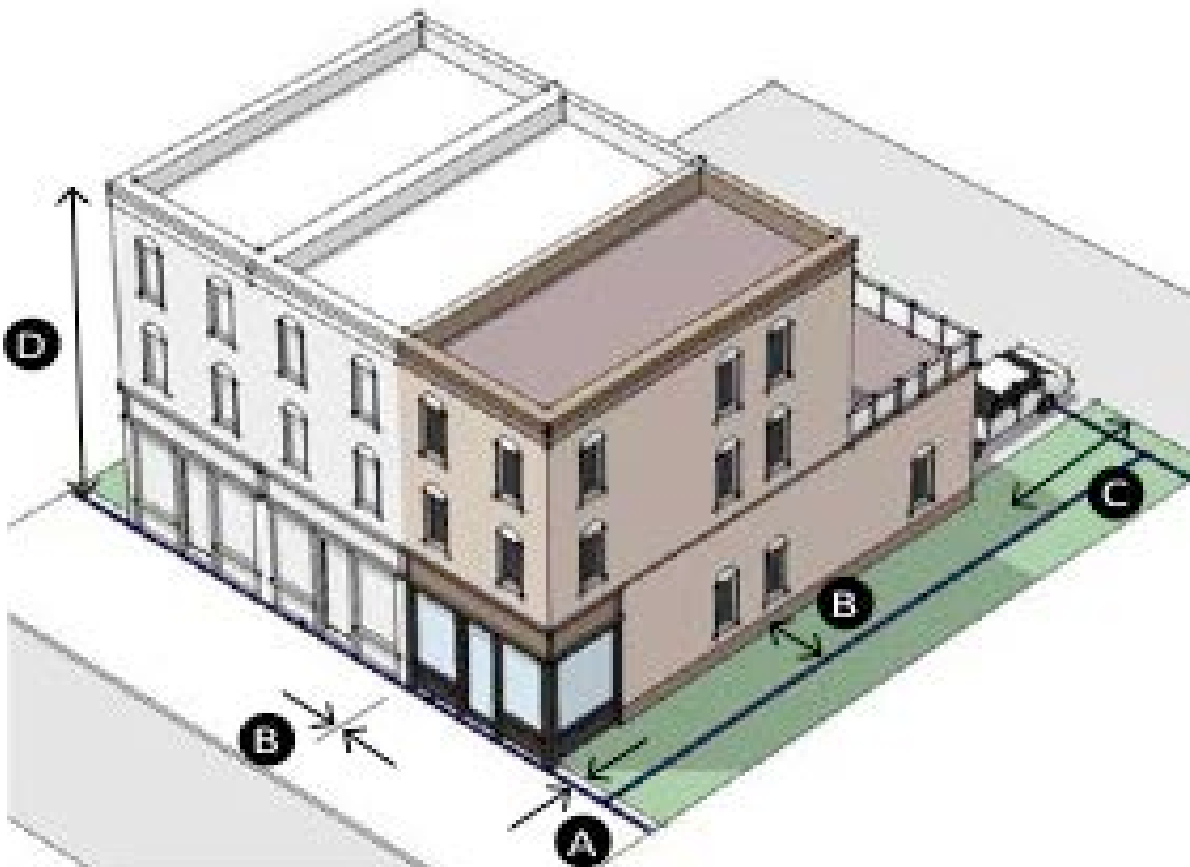


1.5.2 MIXED-USE BUILDING TYPE STANDARDS



Allowed Zoning Districts					
R2	R3/4		BB	B	
Allowed Uses by Floor					
First Floor	Office, Lodging, Retail, Industrial, Parking				
Upper Floors	Residential, Office, Lodging, or Parking				
Scale and Intensity of Use by Zoning District					
Use Group	R2	R3/4	BB	B	
Residential	Limited to block corner locations	Limited to block corner locations	No limitations	No limitations	
Civic Uses	Limited to block corner locations	Limited to block corner locations	No limitations	No limitations	
Commercial Office / Service	Limited to the first floor of block corner locations and a max of 3,000 square feet per building	Limited to the block corner locations and a max of 5,000 square feet per building	Limited to 45,000 square feet maximum per building, 20,000 adjacent to R-1 and R-2	No limitations	
Commercial Retail	Limited to the first floor of block corner locations and a max of 1,500 square feet	Limited to the first floor of block corner locations and a max of 5,000 square feet per building	Limited to 45,000 square feet maximum per building, 20,000 adjacent to R-1 and R-2	No limitations	
Commercial Lodging	Max 4 bedrooms per lot	Max. 8 bedrooms per lot	Max. 60 bedrooms per lot	No limitations	
Industrial	N/A	Limited to light industry only on the first floor of block corner locations and a max of 5,000 square feet per building	Limited to light industrial only on the first floor and a max of 45,000 square feet per building, 20,000 adjacent to R-1 and R-2	N/A	
Key Dimensional Requirements					
Dimension	Setback		R2, R3/4	BB	B
A	Front Setback		0' Min	0' Min	0' Max
B	Side Setback	Street-Facing	0' Min	0' Min	0' Max
		Non Street-Facing	10' Min	10' Min	0' Max
C	Rear Setback	With Rear Lane	20' Min	5' Min	5' Min
		Without Rear Lane	20' Min	5' Min	5' Min
D	Building Height	Minimum Stories	2	2	2
		Maximum Stories	2	3 except 5 South of Myers Ave. and East of Second St.	5

1.5.3 LIVE/WORK BUILDING TYPE STANDARDS

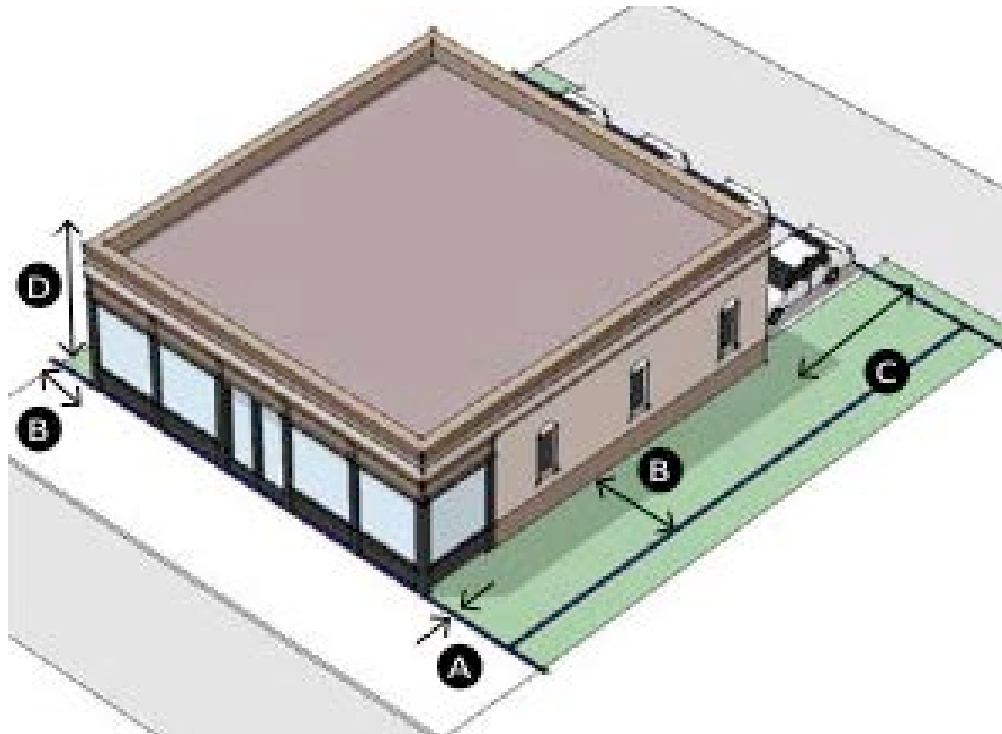


Allowed Zoning Districts			
R2	R3/4	BB	B
Allowed Uses by Floor			
First Floor	Residential, Storage, Office, Retail or Industrial		
Upper Floors	Residential/Lodging		

Scale and Intensity of Use by Zoning District				
Use Group	R2	R3/4	BB	B
Residential	Limited to upper floors of block corner locations	Limited to upper floors of block corner locations	No limitations	No limitations
Commercial Office / Service	N/A	Limited to the first floor of block corner locations and a max of 3,000 square feet	Limited to 45,000 square feet maximum per building, 20,000 adjacent to R-1 and R-2	No limitations
Commercial Retail	N/A	Limited to the first floor of block corner locations and a max of 3,000 square feet	Limited to 45,000 square feet maximum per building, 20,000 adjacent to R-1 and R-2	No limitations
Commercial Lodging	Max 4 bedrooms per lot	Max 8 bedrooms per lot	Max 60 bedrooms per lot	No limitations
Industrial	N/A	Limited to light industry only on the first floor of block corner locations and a max of 5,000 square feet per building	Limited to light industry only on the first floor of block corner locations and a max of 5,000 square feet per building	N/A

Key Dimensional Requirements					
Dimension	Setback		R2, R3/4	BB	B
A	Front Setback		0' Min	0' Min	0' Max
B	Side Setback	Street-Facing	0' Min	0' Min	0' Max
		Non Street-Facing	10' Min	10' Min	0' Max
C	Rear Setback	With Rear Lane	20' Min	5' Min	5' Min
		Without Rear Lane	20' Min	5' Min	5' Min
D	Building Height	Minimum Stories	2	2	2
		Maximum Stories	2	3 except 5 South of Myers Ave. and East of Second St.	5

1.5.4 COMMERCIAL BUILDING TYPE STANDARDS



Allowed Zoning Districts					
R2	R3/4	BB	B	C1	C2

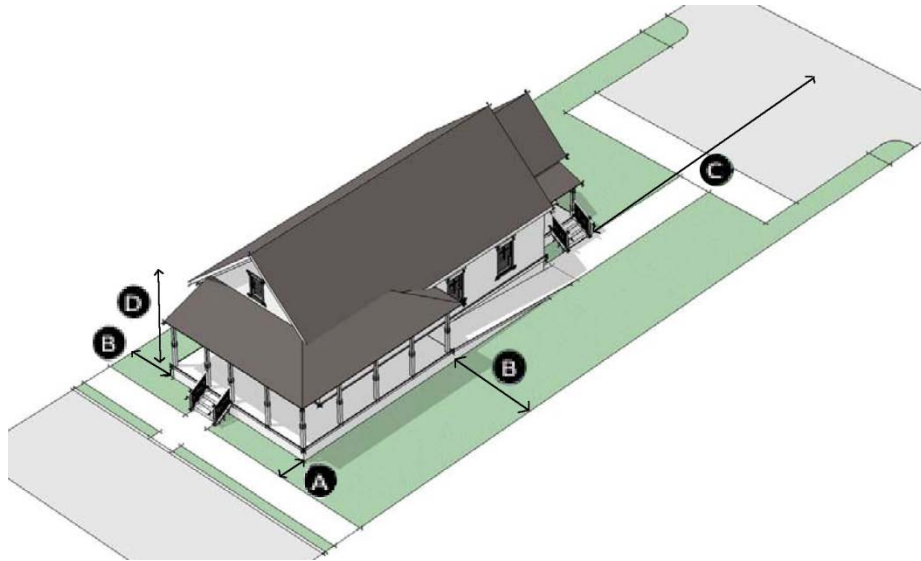
Allowed Uses by Floor	
First Floor	Auto. Service, Storage, Office, Retail, Civic or Industrial

Scale and Intensity of Use by Zoning District						
Use Group	R2	R3/4	BB	B	C1	C2
Commercial Automobile Service	N/A	N/A	Max of 2 service islands and 6 fuel stations	N/A	Max of 4 service islands and 12 fuel stations	No limitations
Commercial Self-Service Storage	Limited to block corner locations and a max of 3,000 square feet	Limited to block corner locations and a max of 3,000 square feet	N/A	N/A	No limitations	No limitations
Commercial Office / Service	N/A	Limited to block corner locations and a max of 1,000 square feet	Limited to 45,000 square feet maximum per building, 20,000 adjacent to R-1 and R-2	Limited to 8,000 square feet maximum per building	No limitations	N/A

Commercial Retail	N/A	Limited to block corner locations and a max of 1,000 square feet per building parking must be in rear	Limited to 45,000 square feet maximum per building, 20,000 adjacent to R-1 and R-2	Limited to 8,000 square feet maximum per building	No limitations	No limitations
Industrial	N/A	N/A	Limited to 45,000 square feet maximum per building, 20,000 adjacent to R-1 and R-2	Limited to 8,000 square feet maximum per building	No limitations	No limitations
Civic Uses	Limited to block corner locations and a max of 3,000 square feet	Limited to block corner locations and a max of 3,000 square feet	Limited to 45,000 square feet maximum per building, 20,000 adjacent to R-1 and R-2	Limited to 45,000 square feet maximum per building, 20,000 adjacent to R-1 and R-2	No limitations	No limitations

Key Dimensional Requirements						
Dimension	Setback		R2, R3/4	BB	B	C1 C2
A	Front Setback		0' Min	0' Min	0' Max	10' Min
B	Side Setback	Street-Facing	10' Max	0' Min		10' Min
		Non Street-Facing		10' Max	0' Max.	10' Min
C	Rear Setback	With Rear Lane	10' Min			
		Without Rear Lane	15' Min			
D	Building Height	Minimum Stories	1			
		Maximum Stories	1			

1.5.5 COMMERCIAL COTTAGE TYPE STANDARDS



Allowed Zoning Districts					
R2	R3/4	BB	B	C1	C2

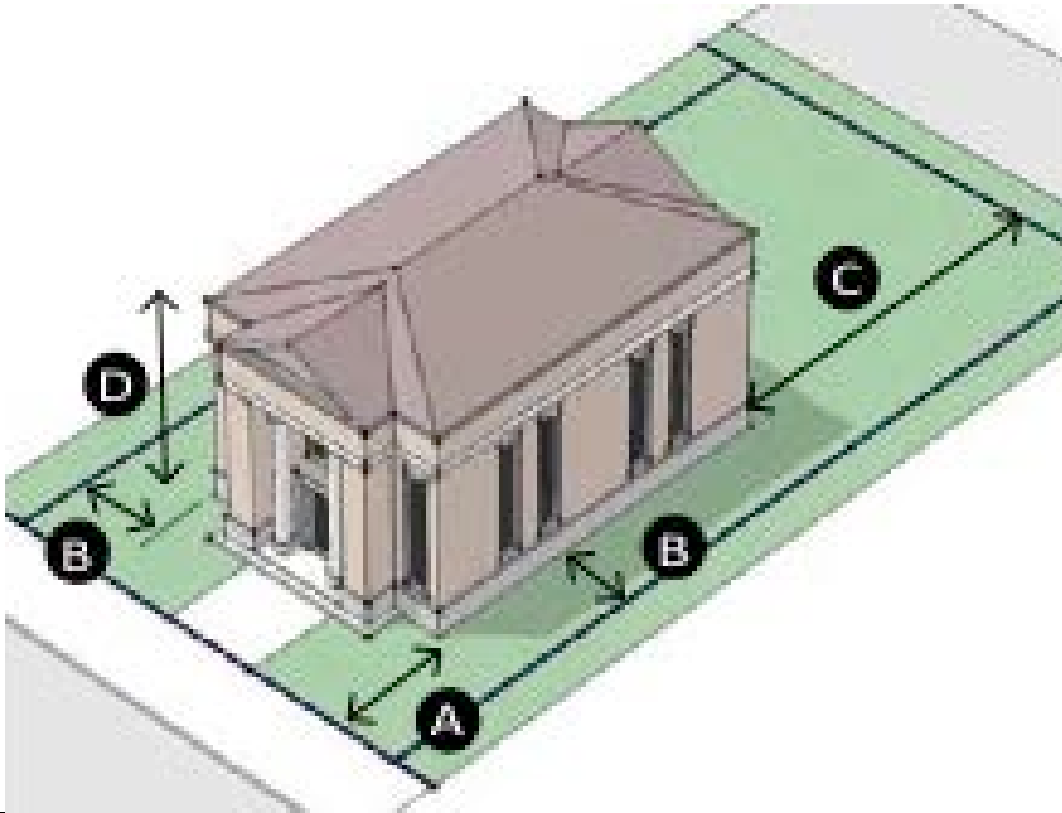
Allowed Uses by Floor						
First Floor	Auto Service, Storage, Office, Lodging, Retail, Civic or Industrial					
Scale and Intensity of Use by Zoning District						
Use Group	R2	R3/4	BB	B	C1	C2
Commercial Automobile Service	N/A	N/A	Max. of 3 service islands and 12 fuel pumping stations	No limitations	Max. of 2 service islands and 8 fuel pumping stations	Max. of 2 service islands and 8 fuel pumping stations
Commercial Self-Service Storage	N/A	N/A	N/A	N/A	Limited to 20,000 square feet maximum per building	Limited to 20,000 square feet maximum per building
Commercial Office / Service	Limited to block corner locations and/or a max. of 3,000 square feet	Limited to block corner locations and/or a max. of 3,000 square feet	Limited to 10,000 square feet maximum per building	Limited to 30,000 square feet maximum per building	Limited to block corner locations and/or a max. of 3,000 square feet	N/A

Commercial Retail	Limited to block corner locations and a max. of 3,000 square feet	Limited to block corner locations and a max. of 3,000 square feet	Limited to 10,000 square feet maximum per building	Limited to 30,000 square feet maximum per building	Limited to block corner locations and a max. of 3,000 square feet	No limitations		
Commercial Lodging	Limited to block corner locations and a max of 3,000 square feet and 4 rooms	Limited to block corner locations and a max of 3,000 square feet	Limited to 10,000 square feet maximum per building	Limited to 30,000 square feet maximum per building	No limitations	No limitations		
Civic Uses	Limited to block corner locations and a max of 3,000 square feet	Limited to block corner locations and a max of 1,000 square feet	Limited to block corner locations and a max of 30,000 square feet	Limited to block corner locations and a max of 20,000 square feet				
Industrial	N/A	N/A	Limited to 10,000 square feet maximum per building	Limited to 20,000 square feet maximum per building	No limitations	N/A		
Key Dimensional Requirements								
Dimension	Setback		R2, R3/4		BB	B	C1	C2
A	Front Setback		5' Min (see note 1)		0' Min, (see note 1)		0' Min (see note 1)	
B	Side Setback	Street-Facing	10' Max		10' Max		10' Max.	
		Non Street-Facing						
C	Rear Setback	With Rear Lane	15' Min					
		Without Rear Lane	15' Min					
D	Building Height	Minimum Stories	1					
		Maximum Stories	2					

Notes:

1. If a Proposed Building is adjacent to an existing primary building in the same zoning district, the Front Setback of the Proposed Building shall match the Front Setback of the existing structure, with a tolerance of 3 feet.

1.5.6 CIVIC BUILDING TYPE STANDARDS



Allowed Zoning Districts				
R1	R2	R3/4	BB	B

Allowed Uses by Floor	
First Floor	Civic
Upper Floors	Civic

Scale and Intensity of Use by Zoning District					
Use Group	R1	R2	R3/4	BB	B
Civic - Library or Museum	N/A	N/A	Limited to block corner locations and a max of 3,000 square feet	No limitations	N/A
Civic - Assembly	N/A	Limited to the first floor of block corner locations and a max. assembly space of 100 persons	Limited to the first floor of block corner locations and a max. assembly space of 200 persons	No limitations	N/A

Civic – Public Service Facilities	Limited to block corner locations and a max of 1,500 square feet	Limited to block corner locations and a max of 2,000 square feet	Limited to block corner locations and a max. of 4,000 square feet	No limitations	No limitations	
Civic - School	N/A	Limited to the first floor of block corner locations and a max. student capacity of 60 students	Limited to the first floor of block corner locations and a max. student capacity of 200 students	Limited to the first floor of block corner locations and a max. student capacity of 600 students	N/A	
Key Dimensional Requirements						
Dimension	Setback		R1	R2,R3/4	BB	B
A	Front Setback		15’ Min	10’ Min	5’ Min.	
B	Side Setback	Street-Facing	10’ Min	10’ Min	5’ Min	
		Non Street-Facing	5’ Min.	10’ Min	5’ Min	
C	Rear Setback	With Rear Lane	10’ Min.	5’ Min		
		Without Rear Lane	15’ Min			
D	Building Height	Minimum Stories	1	1	1	1
		Maximum Stories	2	2	3	5

1.5.7 Apartment Building Type Standards



Allowed Zoning Districts			
R2	R3/4	BB	B

Allowed Uses by Floor	
First Floor	Residential, Lodging, and Commercial
Upper Floors	Residential, Lodging, and Commercial

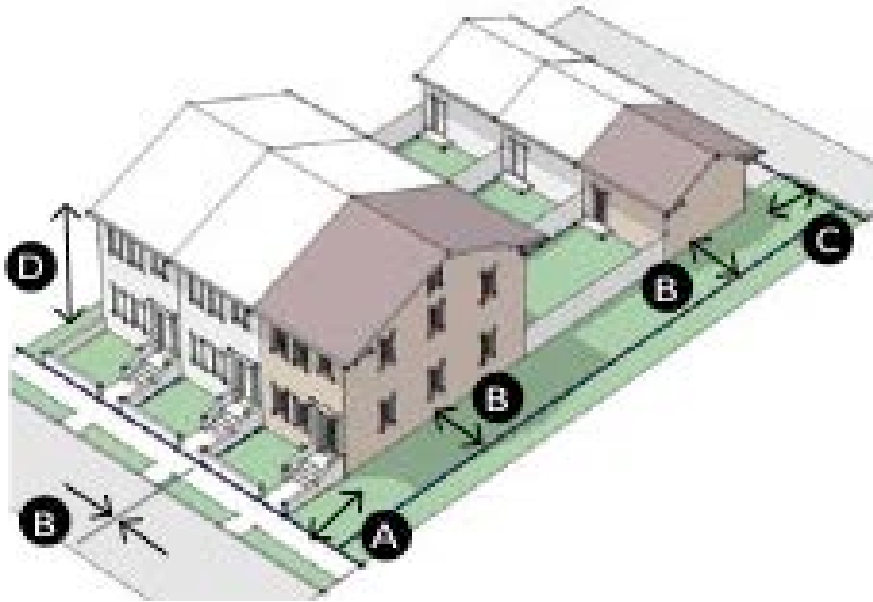
Scale and Intensity of Use by Zoning District				
Use Group	R2	R3/4	BB	B
Residential	Limited to 4 dwelling units	Limited to 12 dwelling units	No limitations	Not allowed
Commercial Uses	Not allowed	Not allowed	Limited to 10,000 square feet	Not allowed
Commercial Lodging	Limited to 4 bedrooms per lot	Limited to 12 bedrooms per lot	No limitations	No limitations

Key Dimensional Requirements					
Dimension	Setback		R2, R3/4	BB	B
A	Front Setback		15' Min (see note 1)	5' Min (see note 1)	0' Min
B	Side Setback	Street-Facing	10' Min	10' Min	
		Non Street-Facing			
C	Rear Setback	With Rear Lane	10' Min		
		Without Rear Lane	15' Min		
D	Building Height	Minimum Stories	1	2	2
		Maximum Stories	2	3 except 5 South of Myers Ave. and East of Second St.	5

Notes:

1. If a Proposed Building is adjacent to an existing primary building in the same zoning district, the Front Setback of the Proposed Building shall match the Front Setback of the existing structure, with a tolerance of 3 feet.

1.5.8 ROWHOUSE BUILDING TYPE STANDARDS



Allowed Zoning Districts			
R2	R3/4	BB	B

Allowed Uses by Floor	
First Floor	Residential
Upper Floors	Residential

Scale and Intensity of Use by Zoning District						
Use Group	R2		R3/4		BB	B
Residential	No limitations		No limitations		No limitations	No limitations
Key Dimensional Requirements						
Dimension	Setback		R2, R3/4		BB	B
A	Front Setback		8' Min			
B	Side Setback	Street-Facing	10' Min	5' Min		
		Non Street-Facing				
C	Rear Setback	With Rear Lane	5' Min			
		Without Rear Lane	10' Min			
D	Building Height	Minimum Stories	1	2	2	
		Maximum Stories	2	3	5	

1.5.9 FLAT OVER FLAT BUILDING TYPE STANDARDS



Allowed Zoning Districts	
R2	R3/4

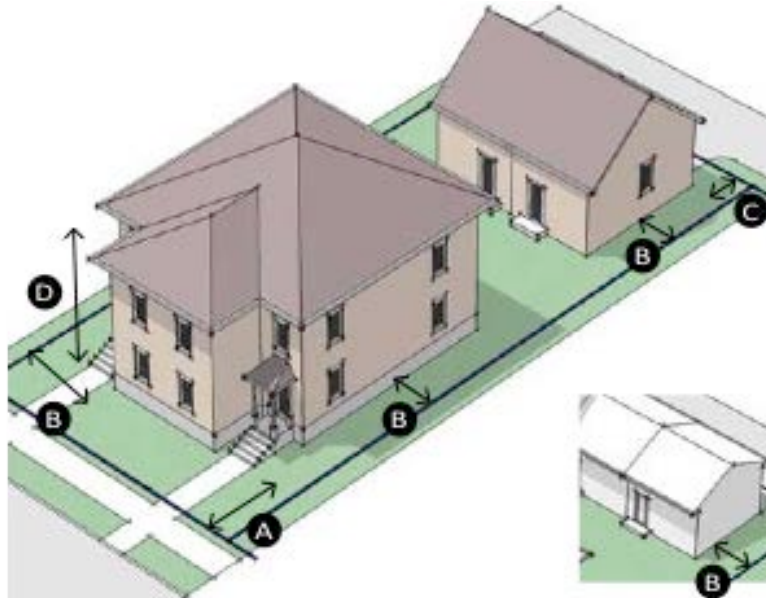
Allowed Uses by Floor	
First Floor	Residential
Upper Floors	Residential

Scale and Intensity of Use by Zoning District			
Use Group		R2	R3/4
Residential		No limitations	No limitations
Key Dimensional Requirements			
Dimension	Setback		R2, R3/4
A	Front Setback		8' Min, (see Note 1)
B	Side Setback	Street-Facing	10 Min
		Non Street-Facing	
C	Rear Setback	With Rear Lane	5' Min
		Without Rear Lane	10' Min
D	Building Height	Minimum Stories	2
		Maximum Stories	3

Notes:

1. If a Proposed Building is adjacent to an existing primary building in the same zoning district, the Front Setback of the Proposed Building shall match the Front Setback of the existing structure, with a tolerance of 3 feet.

1.5.10 PAIRED HOUSE BUILDING TYPE STANDARDS



Allowed Zoning Districts	
R2	R3/4

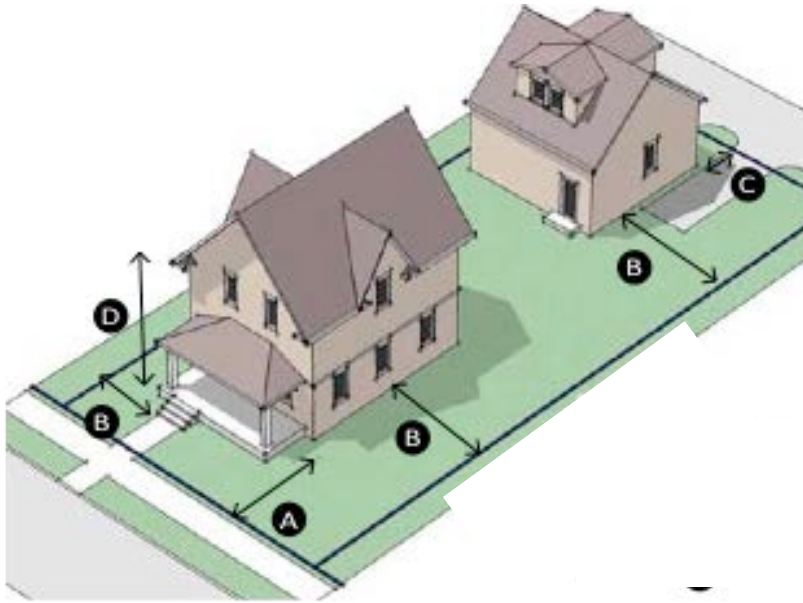
Allowed Uses by Floor	
First Floor	Residential
Upper Floors	Residential

Scale and Intensity of Use by Zoning District					
Use Group		R2		R3/4	
Residential		No limitations		No limitations	
Key Dimensional Requirements					
Dimension		Setback		R2, R3/4	
A		Front Setback		8' Min (see Note 1)	
B		Side Setback		10' Min	
		Street-Facing			
C		Non Street-Facing		10' Min	
		With Rear Lane			
D		Without Rear Lane		1	
		Rear Setback			
E		Minimum Stories		2	
		Maximum Stories			

Notes:

1. If a Proposed Building is adjacent to an existing primary building in the same zoning district, the Front Setback of the Proposed Building shall match the Front Setback of the existing structure, with a tolerance of 3 feet.

1.5.11 HOUSE BUILDING TYPE STANDARDS



Allowed Zoning Districts		
R1	R2	R3/4

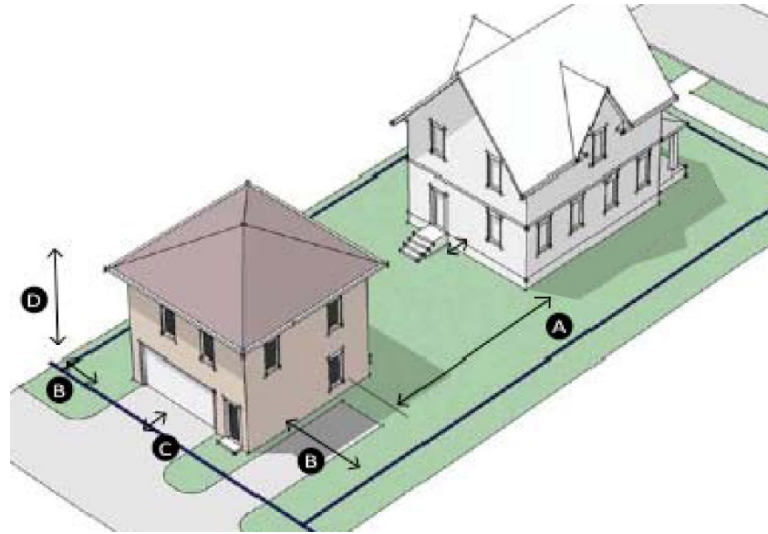
Allowed Uses by Floor	
First Floor	Residential
Upper Floors	Residential

Scale and Intensity of Use by Zoning District			
Use Group	R1	R2	R3/4
Residential	No limitations	No limitations	No limitations
Key Dimensional Requirements			
Dimension	Setback		
		R1	R2, R3/4
A	Front Setback	8' Min (see note 1)	5' Min, (see Note 1)
B	Side Setback	Street-Facing	10' Min.
		Non Street-Facing	5' Min.
C	Rear Setback	With Rear Lane	5' Min
		Without Rear Lane	10' Min
D	Building Height	Minimum Stories	1
		Maximum Stories	2

Notes:

1. If a Proposed Building is adjacent to an existing primary building in the same zoning district, the Front Setback of the Proposed Building shall match the Front Setback of the existing structure, with a tolerance of 3 feet.

1.5.11 ACCESSORY BUILDING TYPE STANDARDS



Allowed Zoning Districts				
R1	R2	R3/4	BB	B

Allowed Uses by Floor	
First Floor	Residential
Upper Floors	Residential

Scale and Intensity of Use by Zoning District					
Use Group	R1	R2	R3/4	BB	B
Residential	Maximum of one Accessory Building per primary structure; Accessory Building square footage shall not exceed 50% of the primary structure's square footage				

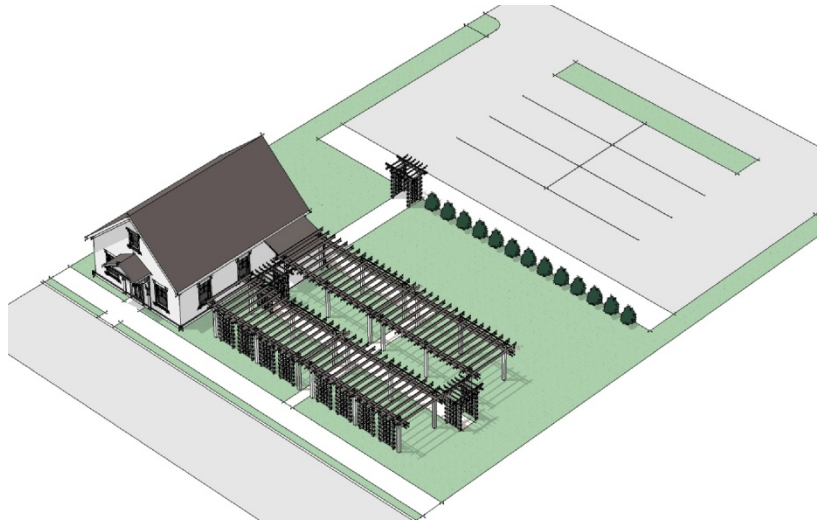
Key Dimensional Requirements						
Dimension	Setback		R1	R2, R3/4	BB	B
A	Front Setback		10' Minimum behind the Primary Structure			
B	Side Setback	Street-Facing	5' Min.	5' Min	10' Min	
		Non Street-Facing			10' Min	5' Min
C	Rear Setback	With Rear Lane	5' Min			
		Without Rear Lane	10' Min			
D	Building Height	Minimum Stories	1			
		Maximum Stories	Not taller than the Primary Structure			

1.6 USE-SPECIFIC DESIGN STANDARDS



1. Automobile Service

- a. *Intent and Design Objectives.* Automobile service uses, such as gas stations, automobile service, car washes, etc. are all important and necessary functions in the City. However, their presence can sometimes be deleterious to adjacent property if not designed properly. The standards in this section address this issue.
- b. *Where Required.* These standards are required for all Automobile Service uses as defined in Table 1-2, regardless of zoning district.
- c. *Standards.*
 - 1). Location of building on lot. All automobile services uses shall have their building adjacent to the sidewalk. Convenience Stores, automobile service, etc. shall have a public entry facing the street, in addition to any entries from parking areas. For corner lots, the project's building should be placed at the corner.
 - 2). Location of fueling stations. Fueling stations shall be set back from the roadway, either behind or to the side of any buildings on the property.
 - 3). Orientation of Automobile service bays. Automobile service bays for service operations or car washes shall be parallel to the street, so that their garage entries do not face the sidewalk.
 - 4). Perimeter walls / landscaping. Those areas along the sidewalk that are not occupied by a building front or an ingress/egress drive shall be landscaped with a combination of low walls in order to conceal the parking/drive area on the lot.
 - 5). Ingress / Egress. Every project should strive to minimize the number of ingress/egress points. Ideally, any project should have no more than two points of ingress/egress in total.



2. Outdoor Sales - General

- a. *Intent and Design Objectives.* Outdoor sales operations, like automobile service uses, are necessary and important for a complete business environment in the City. However, their design must be managed so that they reinforce the pedestrian nature of the community, instead of becoming strictly oriented toward automobile users.
- b. *Where Required.* These standards are required for all Outdoor Sales-General uses, regardless of zoning district.
- c. *Standards.* For all standards, refer to Figure 5-12.
 - 1). Location of building on lot. All Outdoor Sales-General uses shall have their building adjacent to the sidewalk. Retail Stores, kiosks, etc. shall have a public entry facing the street, in addition to any entries from parking areas. For corner lots, the project's building should be placed at the corner.
 - 2). Location of Outdoor Sales operations. In addition to locating the building along the lot, outdoor sales areas should be placed adjacent to the sidewalk. Ideally, these areas should be covered with a permanent or semi-permanent shade structure as well.
 - 3). Perimeter Walls. Those areas along the sidewalk that are not occupied by a building front or an ingress/egress drive shall be landscaped with a combination of low walls in order to conceal the parking/drive area on the lot.
 - 4). Ingress/Egress. Every project should strive to minimize the number of ingress/egress points. Ideally, any project should have no more than two points of ingress/egress in total.

1.7 PARKING REQUIREMENTS

1. Intent and Design Objectives:

- a. To emphasize the importance of site accessibility from a variety of modes of transportation wherever appropriate, including pedestrians, bicycles, automobiles and any current or future transit service.
- b. Provide the optimal amount of vehicle parking for individual sites, recognizing that both too little parking and too much parking create negative impacts to adjoining property.
- c. Ensure the appropriate site location and design features that mitigate the impact of parking lots on other land uses.
- d. Create the least visible impact of parking on adjacent public and private property.
- e. Promote parking designs that minimize stormwater runoff and incorporate infiltration of stormwater into the ground.
- f. Reduce the need to dedicate areas of individual, adjacent sites to underutilized or redundant vehicle parking.

2. Where Required:

- a. **General.** The standards in this section shall apply to all new construction and changes of use in all zoning districts.
- b. **Change of Use.** When a new use is proposed for a site that requires more parking than the existing use according to this section, the new use shall be responsible for the additional parking required. The additional parking can be provided on-site, or off-site at the discretion of the Code Administrator.
- c. **Expansion of Existing Parking.** When any existing parking area is expanded, all design and location standards shall apply to the new parking. Where the proposed expansion is more than 50% of the existing capacity, the design and location standards shall apply to the entire lot.

3. Parking Standards:

- a. **Access & Circulation.** Any single block, lot or development site larger than 5 acres shall provide a system of internal access streets to establish connectivity and mobility within the site and coordinate with streets and blocks adjacent to the site.
- b. **Pedestrian Access & Circulation.** All development sites shall include direct pedestrian connections and circulation routes at the same or greater frequency as is provided streets, driveways and internal access streets.
 1. **Required Parking.** The minimum requirements for off-street parking facilities in Table 1-4 are general and are intended to include all similar uses. Where the classification of use is not determinable from the Table, the Code Administrator shall determine the appropriate classification. Parking standards are regulated by Zoning District as outlined in Table 1-4. Office and Retail uses may utilize the on-street parking adjacent to the lot frontage as part of the parking requirement.

Table 1-4 Required Parking Spaces					
For This Use:	The required minimum number of Parking Spaces in this Zoning District shall be:				The required parking spaces shall be located:
	B	BB	R3/4, R2	R1	
Residential	No minimum	1 space per dwelling unit		2 spaces per dwelling unit	Off-street
Lodging	.5 spaces per lodging bedroom	.75 spaces per lodging bedroom		N/A	Off-street
Office/Service or Retail	No minimum	2 spaces per 1,000 square feet of retail or office space		N/A	Off-street, on-street or a combination of off-street and on-street
Gaming	2 spaces per 1,000 square feet of gaming space	5 spaces per 1,000 square feet of gaming space		N/A	Off-street, on-street or a combination of off-street and on-street
Assembly	No minimum	1 space per each 5 seats		1 space per each 5 seats	Off-street, on-street or a combination of off-street and on-street
Civic Uses other than Assembly	No minimum	1 space per 1,000 square feet		1 space per 1,000 square feet	Off-street, on-street or a combination of off-street and on-street
Commercial Uses other than Lodging, Office/Service, Retail or Gaming	No minimum	2 spaces per 1,000 square feet		N/A	Off-street, on-street or a combination of off-street and on-street
Industrial	No minimum	1 space per 1,000 square feet		N/A	Off-street, on-street or a combination of off-street and on-street

c. Exceptions:

1. Parking for uses in the B District may be off-site located in the B, BB or R3/4 Districts only. Leased spaces require proof of the leasing arrangement. Any spaces off-site located more than 1200 feet from the premises require a shuttle service to be in place.
2. Any non-gaming commercial business and non-commercial use located on Bennett Avenue between 5th Street and A Street are exempt from the parking requirements for number of spaces.

- d. **Accessible Parking.** The number, location, dimensions and signing of accessible parking stalls shall be in accordance with the current standards in the Americans with Disabilities Act.
- e. **Shared Parking.** When a development contains a mixture of uses, the minimum parking requirement may be reduced by Table 1-5 below:

Table 1-5 Shared Parking Reductions for Mixed Use Developments		
For These Uses Located on the Same Block:	The total number of parking spaces required for the Development	The required parking spaces shall be located:
Residential and Office/Service or Industrial	75% of Table 1-4	Off-street, on-street or a combination of off-street and on-street
Residential and Retail	90% of Table 1-4	
Office/Service or Industrial and Retail	75% of Table 1-4	
Lodging and Residential	90% of Table 1-4	
Lodging and Office/Service or Industrial	80% of Table 1-4	
Lodging and Retail	90% of Table 1-4	

4. Lot Design and Landscaping of Parking:

- a. All parking lots must have adequate lighting for night time operation. Lots shall provide a minimum of one (1) foot-candle of illumination at five (5) feet above the ground surface. Lighting shall not shine onto adjacent property. Light fixtures may be no more than twenty (20) feet tall in the B District and twelve (12) feet tall in the BB District.
- b. All parking lots must be paved or have an approved gravel surface. The surface must be designed and maintained to ensure adequate drainage and to be free of potholes and other impediments to smooth movement.
- c. The maximum grade in the parking area cannot exceed seven percent (7%) in any direction.
- d. Lot dimensions of all parking lots shall be as noted in Table 5-10 below:

Table 5-10 Parking Lot Dimensional Requirements, in Feet				
Parking Angle	Width of Stall	Depth of Stall	Aisle Two-Way	Aisle One-Way
Parallel	8	20	20	12
30	9	17	20	12
45	9	18	20	12
60	9	20	20	12
90	9	18	24	12

1.8 DEFINITIONS/MISCELLANEOUS PROVISIONS

Story (Height): The regulation of the height of buildings in this Code is by designation of a number of stories. This may be by the designation of a minimum and a maximum number of stories. For buildings regulated by the Historic Design Guidelines there is further guidance as to the historic pattern of floor to ceiling height that must be considered, specifically for the appearance of the exterior facade. For other buildings the floor to ceiling height may vary. Below grade construction is not counted as a story. Where the below grade construction is partially exposed the exposed portion is considered a story to the degree of exposure. Any exposure over 20% of the below grade story height will be considered a ½ story. Any exposure over 50% of the story height will be considered a full story. Partial floor areas, such as mezzanines, covering over 20% of the floor area below will be considered a ½ story. When covering over 50% of the floor area below, it will be considered a full story. For usable floor areas, such as attics, where there exists 5 feet of head room or more over an area greater than 50% of the floor area below will be considered a story. Architectural and functional elements, such as decorative parapets, elevator shafts, or stair covers may extend above the highest story but may extend no more than 8 feet, be no more than 10% of the roof area, and be setback from the front façade a minimum of 20 feet.

Home Occupations: Home occupations are businesses conducted in any residential use. This use is not to be same as a “Mixed Use” as described in other sections of this Code. Home Occupations are allowed for limited business activities which do not impair the use or value of the residential area or zone in which it is conducted. It is the intent of this Article to set forth clear standards for home occupations.

(a) The home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, congestion to traffic flow, parking problems or any other nuisance or hazard.

(b) Only residents of the home may be engaged in a home occupation.

(c) Home occupations must be conducted within the dwelling unit, garage or accessory building located on the same lot as the principal dwelling.

(e) The total area occupied by the home occupation may not exceed fifty percent (50%) of the floor area of the dwelling.

(f) No outside storage shall be allowed in connection with the home occupation.

(g) Parking required for the principal use shall not be made unusable as a result of the home occupation.

(h) Deliveries or shipments of goods, merchandise or supplies in connection with the home occupation shall be limited to vehicles with a gross vehicle weight rating of ten thousand (10,000) pounds or less.

(i) A building permit must be obtained for any interior or exterior alteration to the building and the Fire Department shall inspect the building and insure compliance. Alterations shall not render the building unusable as a residence. i.e., a kitchen, bathroom, living room and at least one (1) bedroom must be maintained.

(j) Sales shall be limited to personal property manufactured or created on the premises as a result of the home occupation.

(k) The home occupation shall be clearly incidental and subordinate to the use of the dwelling unit for residential purposes.

(l) The home occupation shall have a valid business license in the City.

(M) Motor vehicle repair, barber or beauty shop which is designed to serve more than one (1) customer at a time, and paint shops using spray painting equipment are prohibited as Home Occupations.

Yard Setback Projections: Projections into required yard setbacks, such as bay windows, decks, balconies, porches, fireplace enclosures, chimneys and similar building projections may project into yard setback thirty (30) inches, provided that the width of side yard is not reduced to less than three (3) feet, and provided that the total area projecting is less than twenty-five (25) square feet total into any yard setback. Uncovered decks, stoops, or sidewalks for the purpose of access only and not exceeding twenty-four (24) inches in height above the ground may extend into the required yard setback on any side, front or rear yard.

Manufactured Home: A structure constructed off-site and designed to be assembled on-site. This type of construction must be certified by the State of Colorado whether made in Colorado or elsewhere and meet local wind and snow loads. If so certified, the structure will be permitted for placement similar to one built on-site. The structure must be placed on and attached to a foundation designed by a registered engineer.

Mobile Home: A housing unit designed for over the road travel attached to a frame with wheels and a tow tongue. The unit is considered a mobile home even if the wheels and/or tongue have been removed. Mobile homes are not allowed. Existing mobile homes in place at the time of passing of this ordinance vacant for one (1) year or more are considered illegal. Those existing homes cannot be enlarged with any new attached structures and those that are destroyed such that they are irreparable or to the extent that the repairs are estimated to cost over 50% of their value prior to the damage must be removed and cannot be replaced.

Drive-Up Retail: This use is the construction of a retail outlet that does business via a window on the primary building by allowing vehicles to pull up, order, and be served. This use is a Conditional Use in any zone and will be evaluated by the criteria for consideration. Any drive-up retail must be ancillary to an indoor business.

CITY OF CRIPPLE CREEK DEVELOPMENT CODE

ARTICLE 2: SIGNAGE STANDARDS

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ARTICLE 2: SIGNAGE

PURPOSE AND HOW TO USE

The purpose of this document is to regulate placement of signs on buildings as well as private and public property. Signs are regulated to ensure the City's historic integrity and protect and enhance economic viability by providing the ability to communicate and attract economic growth creating a visually pleasant place to visit or live.

These regulations limit the signs available with the goal of providing effective identification for businesses, while limiting sign clutter. The signs permitted are designed to be appropriate for the zoning district in which they are located. **All signs in the B and BB Zone districts require review for historic character by the Historic Preservation Commission.**

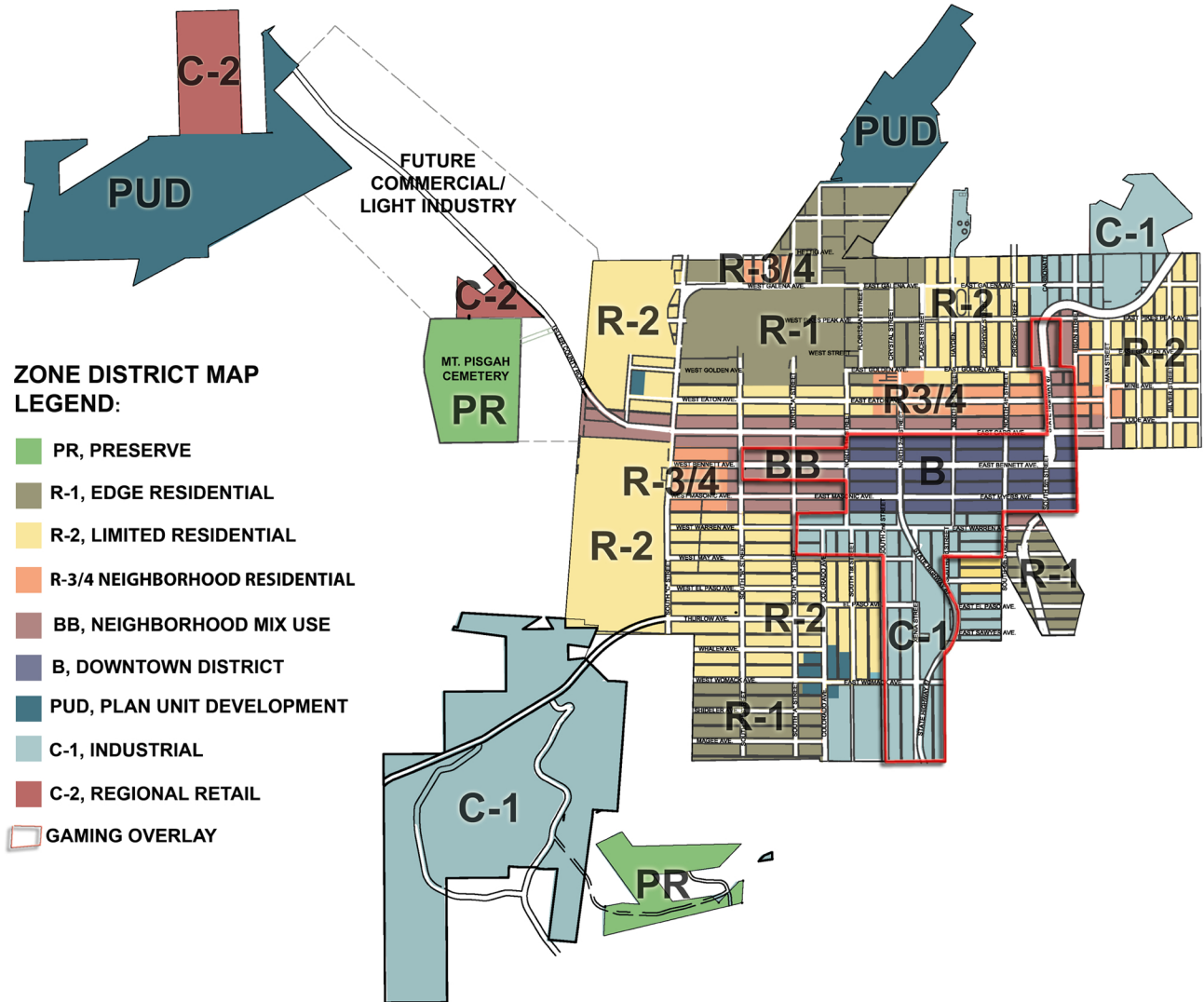
HOW TO USE: For any one building the following is the typical process to identify what types of signs are available:

- 1) Go to the Zoning Map on Page 4 and find the zoning category in which the property is located.
- 2) Go to Pages 5-8 and find the sign types allowed. Shown there is a table giving a description and showing a photo of an example.
- 3) Go to Pages 8-10 and find the detailed parameters, such as size and number allowed.
- 4) Note that it is specified in the tables whether or not internally lit signs are allowed. If not specified as allowed, all signs must be illuminated by indirect light sources.
- 5) Lastly, there is a listing of standards applicable to all signs, signs that are exempt from these regulations, signs that are prohibited, and maintenance requirements for all signs.

NOTE: All signs, except those which are exempted by this Article, require a permit to be issued by the City. Any sign type, size or placement not specifically allowed by this Section is not permitted without a variance in accordance with procedures in Article 4 or as exempted by Section 2.5.1 of this Article.

2.1




Zone Districts Map










Zone Districts in the Commercial Category are B, BB, C-1, and C-2
 Zone Districts in the Residential Category are R-1, R-2, R $\frac{3}{4}$, and PUD
 Signs in the PR Zone District are regulated by Section 2.5.1 (13)



NOTE: All signs in the B and BB Zones are further regulated by a review for appropriateness (compatibility with historic character). Approval for this review can be made by the Code Administrator. If the request is not approved by the Code Administrator it will be referred to the Historic Preservation Commission for consideration. This review is for the lettering style, colors, and any other elements that influence the historic compatibility of the sign. A compatible sign design is one which uses historic elements with some consideration for more modern equivalents. The content of Sandwich Boards, Temporary Banners, Shadow Boxes, and Window Electronic Signs is not regulated by this provision.

2.2 SIGN TYPES ALLOWED

Permanent	Description	Photo Example
Projecting Sign	A double sided sign with the same graphic images on each side projecting 90 degrees from the exterior surface of a building.	
Freestanding	A sign that is not attached to a building, rather placed in the yard area of the lot where the business is located.	
Wall	A sign on a board attached to and flush with the surface of a building, or painted on the building.	

Shadow Box	A sign designed to allow changes to the information inside of a box with an access door and attached to and flush with the exterior surface of a building.	
Window Sign	A sign placed in a building window. The sign must be permanently attached to the glass.	
Mural	A sign, advertisement or artwork painted on the surface of a building wall.	
Flag	On permanently installed poles advertising businesses or organizations.	

Awning or Canopy	Painted on the valance or side of an awning or canopy.	
Banner Permanent	A sign made of cloth of similar durable material intended for permanent installation.	
Temporary	Description	Photo Example
Sandwich Board	A freestanding sign meant to communicate with pedestrians that is placed on the sidewalk and is related to the use of the building adjacent to that sidewalk.	

Real Estate	A sign used to identify land and buildings for sale or rent.	
Banner Temporary	A sign intended to be used for a limited duration associated with an event or distinct time period and which is easily placed and removed.	

NOTE: The City has designated certain signs in the downtown as Landmark Signs. These are signs that, although not necessarily of the historic type or style, have been designated because of their significance to the City in more recent times. These are typically bulb lit, neon, or tile, are cataloged by the City, and require the property owner to keep them in place and maintain them unless specific action by the City permits changes or removal.

2.3 SIGN ALLOWANCES BY DISTRICT

The following sign allowances apply to the various zoning districts, which are in two categories, commercial and residential. All signs are limited by size, location, internal illumination, and placement parameters. **Off-premise advertising (signs not located on the same property as the business) is not allowed except for Shadow Box signs. The excepted sign must be associated with a building occupied by a business with the permission of the owner.**

2.3.1 COMMERCIAL ZONING DISTRICTS B, BB, C-1, AND C-2:

Table 4-2 Sign Allowances		Internal Illumination Per District
Projecting	Allowed a minimum of 7 feet above a public way, max 48" from building, 1 per each 25 feet of building frontage in which the business is operated, 12 square feet each face max size of any one sign	B, not allowed Gaming Uses, not allowed BB, 1 @ 6sf Allowed C-1, 1 @ 12sf Allowed C-2, 1 @ 18sf Allowed
Freestanding	Allowed as an alternative to a Projecting Sign, building setback must be min 15 feet, max 8 feet height, not allowed in B district, 16sf in the BB district, 36sf in the C-1 district, 60sf in the C-2 district	B, not allowed Gaming Use, not allowed BB, 12sf Allowed C-1, 28sf Allowed C-2, 42sf Allowed
Wall	12sf max for every 25 feet of building frontage, side and rear of building 6sf per 25 feet of building frontage, max size of any one sign 150sf, flush-mounted to building wall	B, not allowed Gaming Uses, not allowed BB, 10sf Allowed, as alternative to projecting sign C1, 25sf Allowed C2, 35sf Allowed
Shadow Box	Allowed no more than 7 feet above public way on building wall. One per Business License per public entrance, Limited to 14 square feet max. Flush-mounted to building wall extending from wall max 8 inches	B, BB, C1, C2, White light adequate only to illuminate the contents with no moving, flashing, or internal illumination
Window including Electronic Type	Allowed on any and all windows, no more than 25% of divided window area, not on a sign board, painted on or otherwise directly affixed to glass, electronic units are limited to one 10 square feet max (display) inside the window for business frontages over 40 linear feet and one 4 square feet max (display) for those under 40 linear feet	Not Permitted, except Open/close signs, max 3sf, w/flashing and moving images allowed, Electronic Type signs may have content typical of them such as video and animation, see Section 2.6 for detailed regulations for Electronic Signs
Mural	Requires approval of Historic Commission, no set parameters except historic theme, professionally painted on building or sign board	N/A
Flag w/business name and/or logo	One per business with max 24sf and max height of 25 feet except as noted in section 2.5.1 (6)	N/A
Awning or Canopy	On the valance or sides of the awning or canopy, .25 square feet for each linear feet of awning or canopy	N/A

Sandwich Board	On sidewalk along business frontage only, limit of one per 50 feet of building frontage, 10 square feet maximum size per face, free-standing on sidewalk, must leave 3 feet of width of sidewalk	N/A
Banner Permanent	Allowed as alternative to Projecting Sign, same parameters	N/A
Banner Temporary	One allowed in approved location(s) on a building in which the business is located for 10 days in any one calendar month, max size set at time of location approval	N/A
Real Estate	One allowed per 100 feet or less of property frontage, max 16sf in B and BB districts, max 32sf in C-1 and C-2 districts	N/A

2.3.2 RESIDENTIAL ZONING DISTRICTS R-1, R-2, R-3/4:

Sign Allowances for Businesses in Residential Zones	
Projecting	One per business, 10 square feet each face max size, min 7 feet above a public way, projecting no more than 48 inches from the building face
Wall	1 per primary structure, 15 square feet max size, sign board flush-mounted to building wall or painted on wall
Window	Allowed on window at 1 st story only on any and all windows, no more than 25% of divided window area, not on a sign board, painted on or otherwise directly affixed to glass
Freestanding	Allowed as an alternative to a Projecting sign where the building is set back from the front property line 15 feet or more, max 8 feet height
Sandwich Board	On sidewalk along building frontage only, limit of one per 50 feet of building frontage, 8 square feet maximum size per face, free-standing on sidewalk, must leave 3 feet of sidewalk width
Banner Temporary	Up to 1 per business or license whichever is less. 10 square feet maximum size. Signs may be placed up to 14 days prior to and 3 days following the event or distinct time period addressed by the sign, limited to one per calendar month
Real Estate	Maximum 16 square feet per 100 feet or less of property frontage

Sign Allowances Residential Uses in Business and Residential Zones	
Real Estate	Maximum 5 square feet per residential dwelling unit to be sold

2.4 LIGHTING ON BUILDINGS

Lighting on buildings is regulated by this section. Such lighting is distinct from any lighting that is designed to indirectly illuminate signs. It consists of indirect lighting, such as down lighting and up lighting by spot lights or similar, and bulb lighting designed to outline architectural features. The objective of all lighting on buildings is to enhance the architecture of the building at night. Although the appropriateness of a plan for lighting on a building can be a subjective opinion, the City reserves the right to make the final decision with the objective of achieving the goal, being consistent, and not over lighting the building beyond that needed to achieve the goal. **Note that this type of lighting is only allowed in the B and BB zone districts.**

2.4.1 REGULATIONS REGARDING LIGHTING ON BUILDINGS

1. All lighting on buildings must be approved by the City and is regulated as a part of this Article 2. Requests will be approved administratively if it is determined that they meet the goals of this section and, if not, sent to the Historic Preservation Commission for review.
2. The goal of lighting on a building is to highlight distinctive architectural features at night. With spot or flood lights, they are to project light onto the building only, minimizing overspray onto other properties or buildings. This includes lights directed to a number of specific individual features or on repeating features, but not generally lighting the entire building.
3. Bulb lighting must follow outlines of architectural features such as the roofline, vertical edges, other horizontal features, and window openings.
4. All lighting must be white light and placed in accordance with the National Electric Code. Holiday lighting, which is permitted for a short duration in this Article, is exempt from the National electric Code requirements for permanent placement but must meet the requirements for temporary lighting and other requirements elsewhere in this article.
5. Any request under this section must include a façade drawing, a site plan if lighting is located on the ground, and/or a photo adequate to illustrate the request in the opinion of the Code Administrator. All lighting is to be shown on the site and the light pattern superimposed on the façade to illustrate the impact to the facade. The method of provision of electricity service to the lights must be shown.
6. Any lighting that requires the use of City property must be allowed by a Revocable License Agreement.

2.4.2 HOLIDAY LIGHTING AND DECORATIONS

1. Decorations for City approved civic events and the following holidays are allowed for 3 weeks prior to the holiday and must be removed within 3 days after the holiday: New Year's Day, Martin Luther King Jr. Day, Valentine's Day, President's Day, St. Patrick's Day, Easter, Mother's Day, Memorial Day, Father's Day, 4th of July, Labor Day, Veteran's Day, Halloween, Thanksgiving, Christmas, New Year's Eve.

2. Exterior Christmas decorations consisting of colored lights and displays are permitted as follows: To be placed on buildings on or after October 3rd, lighted on or after November 1st, turned off on or before February 28th, and removed from the building on or before March 15th.

2.5 STANDARDS APPLICABLE TO ALL SIGNS

1. All permanent signs shall be composed of professional construction and artwork.
2. No Sign shall have visible moving, revolving, or rotating parts or visible mechanical movements of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, or be designed to move upon being subjected to pressure by wind; nor shall any sign have an optical illusion of movement by means of design that presents a pattern capable of reversible perspective, giving the illusion of motion or changing of copy except as allowed by this Article. Traditional barber poles and similar 3 dimensional objects shall not be subject to this requirement; however, such devices shall be included in determining the allowable Sign area for a building or use.
3. Signs shall not be approved within the sight or vision triangle at street intersections and access points where the Code Administrator determines it to be a traffic hazard.
4. Any sign now or hereafter existing shall be removed by the building owner within 90 days after the activity, product, business, service or other use which is being advertised has ceased or vacated the premises, unless an extension is granted by the Planning Commission. Said sign shall be maintained by building owner during this period.
5. The intensity of light source for indirectly illuminated signs shall not exceed that necessary to illuminate and make legible a sign from the adjacent sidewalk or closest street and shall not illuminate adjacent properties or buildings. The illumination of signs shall not be directed toward nearby residential properties and shall not interfere with the vision of motorists.
6. Beacons, search lights, direct neon, black light, phosphorescent and/or quartz crystal lighting shall not be permitted except on a temporary basis for an approved special event.
7. No phosphorescent, reflective paint or similar materials shall be used on any sign face or sign structure.
8. Signs shall meet all applicable standards of the adopted building and electric codes.

2.5.1 EXEMPTIONS

The following signs are exempt from the permit requirements of this Code, and are in addition to sign allowances unless specifically limited:

1. Commercial parking lot signs limited to one per entrance, 16 square feet maximum, and 6 feet in height maximum.*
2. Residence signs and/or street address numbers, not exceeding four square feet in size.

3. Incidental signs directing and guiding traffic and parking on private property not exceeding 1.5 square feet in area, and limited in number to necessary locations in the opinion of the Code Administrator. These signs may have the business name at a maximum of 25% of the sign area.*
4. Official notices posted by any court, public agency, or officer.
5. Historic Plaques placed by the City on buildings or grounds.*
6. Traffic, directional, warning, emergency, and informational signs authorized by any public agency, including construction signs and special event signs. Special event signs are temporary signs that are approved by the event manager and approved under the special event permit.
7. Flags and insignia of the United States, military veterans associations, or the State of Colorado which are five feet by eight feet or smaller, with a maximum flagpole height of 30 feet when displayed in connection with a commercial use. Government buildings are exempt from the size and height limitations. Flags limited to three per lot. Flags on rooftops are limited to 10 feet above the average parapet height.
8. Any sign in any location that is identifying non-profit museums, City-owned facilities, and related events that is approved by the Code Administrator.
9. Signs inside a building located a minimum of 5 feet from the exterior window of a building inside the building. Signs visible from the exterior of the building are limited to 18 square feet.
10. Trailblazer signs are designed to give directions to find hard to find locations and are allowed at the discretion of the Planning Commission, which will determine the appropriate number, location, size, content, and design for businesses located within the City limits.*
11. Signs on vehicles that are operable and operate regularly, such as shuttles and other business vehicles. Signs on vehicles that are not operable or not operated regularly must be on vehicles determined to have historic character, including the sign itself, by the Code Administrator.
12. Landmark Signs as defined in Section 2.7.
13. All signs in the PR Zone District shall be approved by the Code Administrator.

* Require Code Administrator approval of historic compatibility.

2.5.2 PROHIBITED SIGNS

If not otherwise prohibited by the sign allowances and general sign standards of the applicable district, the following signs are prohibited in all districts:

1. Billboards except for those that are determined to be existing, non-conforming.
2. A sign which contains any flashing or animated lights, gives the appearance of animation or movement, or contains a message board which utilizes individual bulbs or electronic means to produce the message, excluding time and temperature signs and those exempted by allowances in this Article.
3. Any sign projecting above the peak of a roof, or above the top of an awning or canopy on which it is erected.

4. Any sign which exhibits statements, words, or pictures of an obscene or pornographic nature.
5. Any sign causing direct glare.
6. Any sign which emits a sound, odor, or visible matter.
7. Any sign which obstructs free ingress/egress from a required door, window, fire escape, or other required exit way.
8. Any sign and or sign structure which obstructs the view of, may be confused with, or purports to be a governmental or traffic direction/safety sign.
9. Signs using the words “stop,” “danger,” or any other word, phrase, symbol, or character in a manner that might reasonably mislead, confuse, or distract a vehicle driver.
10. Signs within the street right-of-way, except:
 - a. Where permitted as a Projecting Sign or that is otherwise permitted to encroach in the right-of-way by the provisions of this Article.
 - b. Where permitted specifically as part of the sign permit for a Temporary Sign, or other similar approvals for approved special events.
11. Signs painted on, or attached to trees, rocks, or other natural features, telephone, light or utility poles.
12. Attention-getting devices, including searchlights, spinners, streamers, balloons and similar devices, fluttering signs, e.g., pennants, banners, ribbons, balloons, and other aerial devices unless specifically allowed by this Article.

2.5.3 MAINTENANCE

Every sign, including those exempt from this Section or exempt from permits or fees, shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant materials. The Building Inspector shall have the authority to inspect and to order the painting, repair, alteration, or removal of a sign that constitutes a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

2.6 DETAILED REGULATIONS FOR ELECTRONIC SIGNS

Electronic signs are considered a valuable tool for businesses and for the community. The businesses can take advantage of the exceptional attributes of electronic signs to convey a message. The community can receive information in a more communicative manner and electronic signs can replace the need for other types of signage that can create clutter. The regulations in this Section are designed to allow the maximum exposure by size and number of electronic signs by providing parameters for their use that make them most readable and also compatible with the historic character of the surroundings in the City.

2.6.1 GENERAL REGULATIONS

- 1) Allowed in the B, C1, and C2 Zone.

- 2) Allowed in the BB Zone for Gaming Uses.
- 3) Allowed in the BB Zone for General Commercial Non-Gaming Uses but only as an alternative to one allowed internally lit sign.

2.6.2 SPECIFIC REGULATIONS

- 1) Minimum message hold time, or the length of time any static image is displayed before it transitions to another message, shall be a minimum of 5 seconds.
- 2) Transition methods between static images shall be limited to dissolve and fade.
- 3) Transition duration times are to be 1 second or less.
- 4) All signs shall be equipped with auto-dimmers to adjust the brightness relative to the ambient light conditions.
- 5) Brightness levels of displays shall not exceed 0.3 foot candles over the ambient light level measured at 30 feet from any sign with a display area of 8 square feet or more and 15 feet from a sign less than 8 square feet.
- 6) Flashing, a pattern of sudden alternation between a fully-illuminated image and an image without illumination, or an image where the copy color and the background color alternate or reverse color schemes rapidly (less than every three (3) seconds), is not allowed.
- 7) Signs are allowed with full-motion animation and video, but flashing is not allowed within the content.

2.7 DEFINITIONS/MISCELLANEOUS PROVISIONS

Sign: Any display, device or ornamentation which is primarily used or intended to attract attention to a building or commercial activity, such as streamers, banners, flags, pennants, costumed characters or animals, advertising flags or such similar object or device which does not directly advertise a service or product available on the premises.

Sign Area: Standard mathematical formulas for common regular geometric shapes (such as triangles, parallelograms, circles, ellipses or combinations thereof) shall be used. In the case of an irregularly shaped sign or a sign with painted letters and/or symbols directly affixed to or painted on the wall of a building, the area of the sign shall be the entire area within a single continuous perimeter of not more than six (6) straight lines enclosing the extreme limits of writing, representation, emblem or other figure of similar character, together with any material or color forming an integral part of the background of the display or used to differentiate such sign from the backdrop or structure against which it is placed.

Permanent and Temporary Signs: A Permanent sign is designed in construction and message to identify a business or use by its name for the duration of the business or use operation. A temporary sign is intended to provide information about an interim activity associated with the business or use, such as an event or special offer.

Electronic Signs: Otherwise known as Digital signs, these are typically Light Emitting Diode, Plasma, or Liquid Crystal Display, that all have the capability to show images that are programmed to change, including sequential static images and videos.

Internal Illumination: Lighting internal to the sign face(s) designed to illuminate a static, non-changeable sign face(s) image.

Landmark Signs: Signs that have historic significance apart from the Period of Significance for the City shall be identified and catalogued by the Historic Preservation Commission, and shall be designated as historic landmark signs in order to preserve and protect them. No landmark sign shall be removed or altered without approval of the Commission. Such signs are exempt from compliance with the regulations of this Article, provided that they are structurally sound and do not present a hazard to public safety. Such signs shall be maintained in a safe condition by the owner of the sign or building on which the sign is displayed.

Costumed Characters, Animals and Street Furniture: These are static or moving objects used for various advertising purposes and are considered signs. This type of sign is allowed only if placed in the public right of way, such as the sidewalk in front of the business, and not allowed in other locations. A Revocable License Agreement with the City is required to use the right of way for this purpose and in the consideration of approval of a request the appropriateness, condition, and aesthetics of the item will be evaluated. The City retains absolute discretion in approving these signs.

Destination Directional Sign: These signs are intended to provide the public with directions to businesses and other destinations when the location is difficult to find. These signs are to be placed in the public right of way with the design, size and location to be completely at the discretion of the City.

New Business Signs: These signs are for the purpose of announcing the opening of a new business and can be placed for a total sixty (60) days using any combination of days before or after the opening of the business. The type of sign and location is limited to temporary signs as defined in this Article. The location can be on or off the premises of the business but will not be allowed in the public right of way except as permitted in this Article or otherwise approved by the City.

Special Event Signs: This type of sign is a temporary sign that provides information about an event and is included in the permit approved through the City Special Events approval process. The location can be on or off the premises of the event but will not be allowed in the public right of way except as permitted in this Article or otherwise approved by the City. These signs are permitted to be placed 20 days prior to the event and must be removed within 3 days after the event.

Political Signs: The size, number per property, and duration of placement of political signs for candidates or ballot issues is regulated. These signs do not require a permit from the City. One sign per property can exist indefinitely at 2' by 3' or, if a banner, 20 square feet.

“Property” is defined as a parcel of land with its own Teller County Assessor Database account number. An additional sign per property, with the same size parameters, can be placed 6 weeks before an election and shall be removed within 5 days after the election. Signs must be on private property, not City right of ways.

Business Frontage: The length of the façade which provides the architectural and main physical entrance of a building in which the business is contained and located along and/or facing the primary public way.

Security Lighting: All exterior lighting for purposes of providing building and walkway security shall meet industry standards for the “Dark Sky” or “Night Time Friendly” type. All locations and light types in the B and BB Zones must be approved by the Code Administrator.

CITY OF CRIPPLE CREEK DEVELOPMENT CODE

ARTICLE 3: HISTORIC DESIGN GUIDELINES

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ARTICLE 3: HISTORIC DESIGN GUIDELINES

PURPOSE AND HOW TO USE

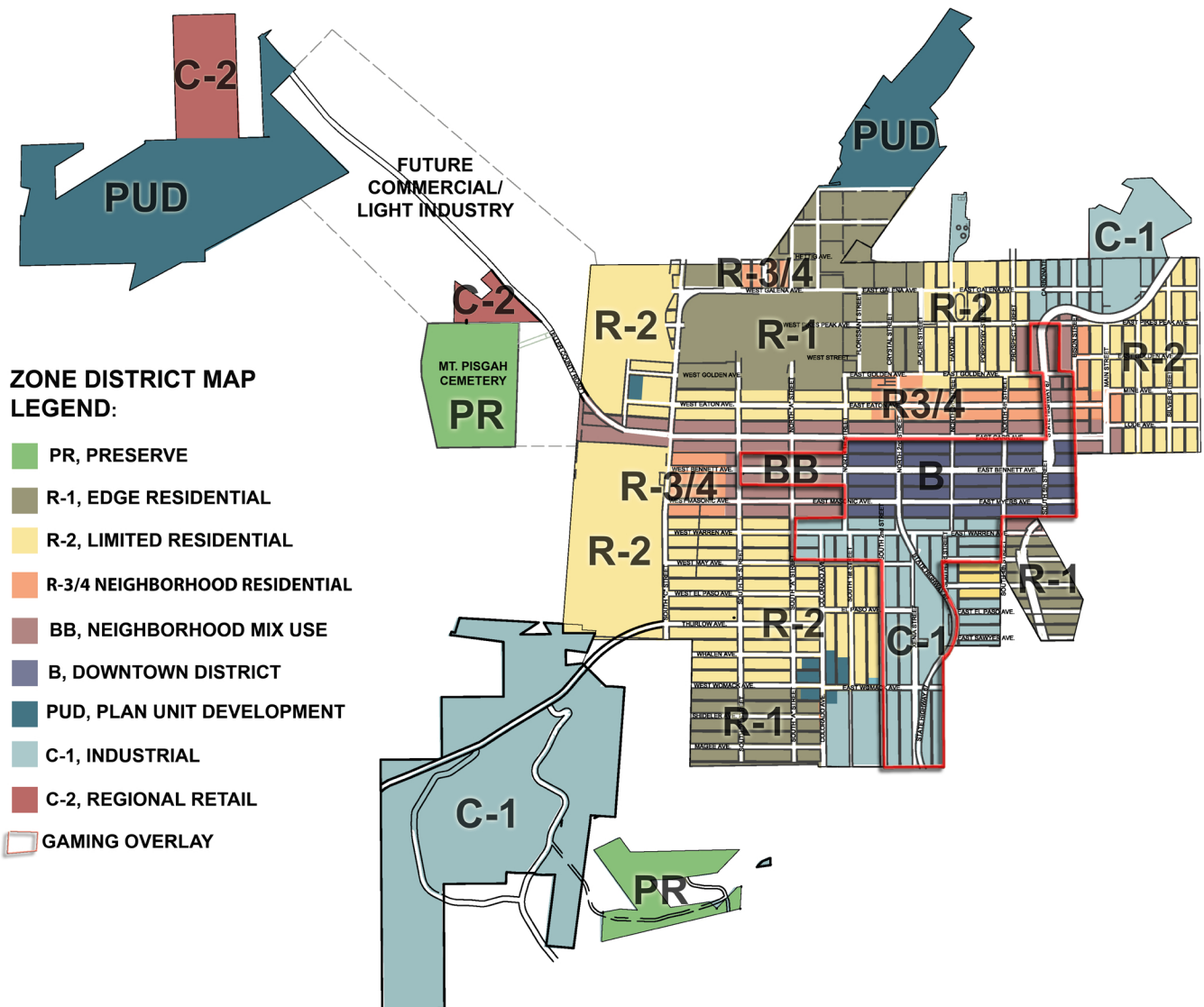
This document provides design guidelines that are in addition to the requirements elsewhere in Article 1 of the Code. Section 1.5 of Article 1 illustrates Building Types and parameters by type. The guidelines in this Article provide details for those Building Types, such as materials and thier locations on the building, roof forms, building footprint, and other architectural details.

The guidelines apply to structures in the B and BB Zones **only** and are categorized as Gaming, Commercial Non-Gaming, and Residential. There are different guidelines for each zone. Since Gaming architecture must be pre-World War I style by State law and since architecture varied across the City from 1896 to 1914 depending on location, structures with Gaming Uses in the BB Zone are regulated by parameters in Section 3.2.2 of this Article. For a project that is designated Conditional Uses or Special Exceptions per Article 1 Section 1.3.2 in any zone, these guidelines may be used in the review process. The guidelines in this Article are intended to be discretionary, and require reviews and approvals by the Historic Preservation Commission and City Council. When a project design is in conformance with the guidelines, it may be approved by the Code Administrator, who has minimal discretion. Where the project is not approved by the Code Administrator, it will be forwarded to the Historic Preservation Commission or City Council for review and action.

HOW TO USE:

- 1) Go to the Zoning Map on page 4 and find the B and the BB Zones, to which these guidelines always apply.
- 2) For a Commercial Gaming Use and Commercial Non-Gaming Use go to Section 3.2.1 on Page 7, if in the B Zone.
- 3) For Gaming Use in the BB Zone go to Section 3.2.2 on Page 11.
- 4) For Residential Uses go to Section 3.2.3 on 12.
- 5) For additional historic architectural details applicable to all buildings go to Section 3.2.4 on Page 12.

ZONING DISTRICTS MAP



3.1 GENERAL HISTORIC GUIDELINES

In reviewing applications for buildings governed by these Guidelines, the Historic Preservation Commission makes decisions on the historical and architectural appropriateness of the proposed work. For the purposes of these Guidelines, the period of historical significance of Cripple Creek is defined as May 1896 to December 1910. Not all guidelines apply to all projects. These guidelines are meant to be a guide to determine the appropriateness of alterations or new construction, not a checklist that must be complied with specifically.

Persons undertaking a construction project, an applicant should understand the concerns of historic preservation. Understanding some principles of preservation can make it easier to plan an appropriate project:

1. Renovation. When renovating an existing historic building, the elements that give the building its historic character should be preserved. To do this, these elements must be identified by careful examination of the appearance of the existing building. Where possible, historic photographs that document the earlier appearance can be used for guidance.

Some examples of elements that contribute to historic character include:

- a) Proportion of height to width to length of the building
- b) Form of the roof
- c) Size, location and arrangement of window and door openings
- d) Doors and windows
- e) Building Materials
- f) Critical details, such as cornices, trim, moldings, etc.

Adding details that are not original to the building or that were not commonly used in Cripple Creek can be as damaging as removing original details. Just as damaging are changes that make the building appear to be from an earlier time period, such as putting wood siding over turn-of-the-century masonry to support a “gold rush” theme.

Contemporary expressions of original details are often encouraged in historic preservation; however, there are many contemporary architectural elements that are inappropriate because their character is so different from that of historic buildings that they stand out as foreign. Examples of such elements might include large picture windows, ornamental wrought iron railings and sliding glass doors. The appropriateness of contemporary architectural elements should be carefully evaluated.

Historic buildings may have been modernized over time, which may have altered their historic character. However, some alterations may have become significant of their own accord over time, and are worthy of preservation.

2. Reconstruction. While the reconstruction of buildings that no longer exist would make a more complete historical picture today, it would not be the original building and could mislead future generations. Because building materials and construction methods have changed, and because there is rarely documentation of the original building, achieving accurate reconstruction is difficult. Evaluating whether or not reconstruction is appropriate will be based on the following:

- a) No reconstruction should be contemplated without documentation of the appearance of the original building.
- b) If reconstruction requires the destruction of another historic resource, it will be discouraged.

3. New Buildings. New buildings should be compatible with historic buildings and development patterns. The judgment of the Historic Preservation Commission will be based on these Design Guidelines to determine the significant characteristics of various types of historic buildings, which, if incorporated into the design of new buildings will produce compatible architecture.

3.2 ARCHITECTURAL STANDARDS

This section provides architectural details for three categories of buildings:

- 1) Commercial Buildings in the B and BB Zone districts (includes Gaming Buildings in the B Zone only).
- 2) Gaming Buildings in the BB Zone district.
- 3) Residential Buildings in the BB Zone district.

Commercial Gaming Buildings are unique because they are permitted under State law only if designed to be pre-World War I architecture. Because this historic architecture varied in style, depending on the building location and function outside the core downtown area, new Gaming Buildings or existing buildings that are converted to gaming use in the BB Zone District are discussed separately in Section 3.2.2. Commercial Non-Gaming and Gaming Buildings in the B Zone are anticipated to meet the highest of compatibility standards in all aspects. Commercial Non-Gaming Buildings in the BB Zone are anticipated to have similar characteristics but with some flexibility (Section 3.2.1), with the guidelines only applicable to the front façade and a portion of the side facades with flexibility on the balance of the building, which only needs to be a compatible color.

The goal of the differences in standards between the B and the BB Zone districts is to have strict compatibility in the B Zone district, while allowing more flexibility in the BB Zone

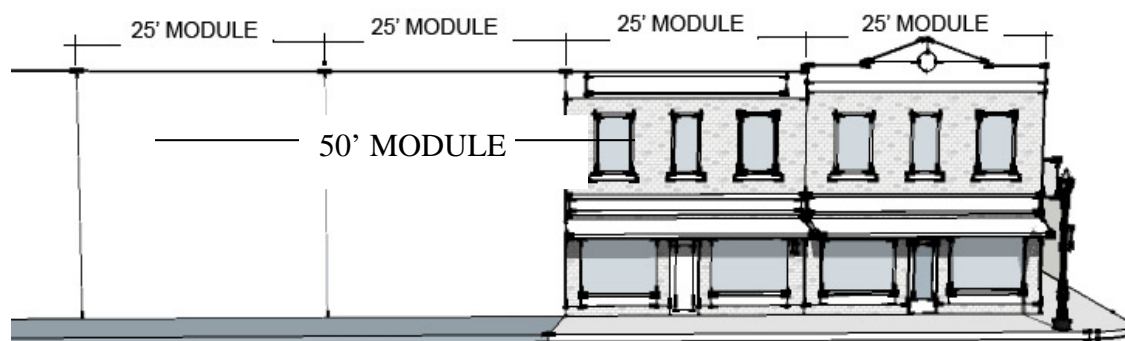
district. The intent is to preserve and enhance the character of the B Zone district, which contains almost all of the historic commercial buildings remaining, and allow the buildings in the BB Zone districts to develop with compatible, but not identical characteristics to those in the B Zone district.

3.2.1 COMMERCIAL BUILDINGS IN THE BB AND B ZONE DISTRICTS (INCLUDES GAMING BUILDINGS IN THE B ZONE ONLY)

This Section explains the existing historic architectural characteristics. These characteristics provide the guidelines for restoration and modifications to any existing historic buildings, construction of additions, and to proposed new construction in the BB and B Zone districts. **NOTE: The characteristics are applicable to the front façade and the first 6 feet of the side facades ONLY in the BB Zone provided, however, that projects of less than 3500 square feet do not require historic facade review. The balance of the building must only be compatible in color.**

1. Façade Widths. Commercial lots were historically increments of 25 feet wide with buildings that had abutting or common walls and the remaining historic buildings reflect this dimension as a construction module. Many 25 feet wide, several 50 feet wide, and rarely a 75 feet wide building were built. This creates a very strong visual pattern along the street which should be carefully preserved.

- a. Preserve the repetitive building pattern along the street, which reflects lot sizes.
- b. Buildings larger than 75' should be visually divided into the typical widths by having several individual storefronts or some similar device, even if internally connected.



2. Distinction between First Floor and Upper Floors. The first floor of historic masonry buildings are generally storefronts. Upper floors are masonry and stone, with regularly-spaced windows. Many of the commercial buildings along Bennett Avenue have numerous and large windows at the upper floors, creating a more transparent and lightweight quality to the upper floors.

- a. First Floor – all elements of storefronts, large windows, signs and awnings, building base, building trim, raised first floor.
- b. Upper Floors – masonry walls in a single vertical plane, windows placed in a repetitive pattern, details limited generally to cornice, window heads and sides of the façade.

c. In order to create a distinction between historic buildings and new construction, other materials are acceptable, as long as the basic elements differentiating the first floor from the upper floors are retained.

3. Storefronts. Storefronts have a common design that is a very important element of commercial buildings. The height of the storefront corresponds to the height of the first floor, which is usually 15 to 16 feet. It is important to preserve the transparency of the entire height of the storefront. This means that interior dropped ceilings that obscure the storefront glass are inappropriate.

a. Important storefront elements are height, recessed entry, kick plate, sign band, entry to upper floors, and large glass display windows and transoms.

b. Kick plates are commonly wood with panels but brick from the foundation up is also appropriate.

c. Ornamental glass should be limited to use in transoms unless original to the building.

d. Awnings can define an individual storefront, provide shelter for pedestrians, reinforce the color scheme of the façade, and be a location for signs.

e. Awnings can be fixed frame or roll up, hang from above the transom windows, and typically extend across the full width of an individual storefront and define each storefront.



f. Permanent canopy structures may be constructed over the sidewalk but should be constructed to replicate to the extent possible the historic nature of the earlier time period.

4. Upper Floors. Upper floors have regularly-spaced window openings. Details are generally the cornice and window lintels as individual side by side or grouped together.

a. Add floors only when architecturally distinguished from existing façade.

b. Architectural details are important aspects.

c. Cornices can be of metal, wood, or brick. If an existing cornice has been removed, restore it if there is evidence for an accurate restoration. If not, construct a new cornice of simple design.

d. Do not place balconies where they are not original.



- e. The most common window is double-hung, one-over-one sash and frame, some with fixed transom windows above the operating sash.
- f. Instill the window characteristics in new design and repair if possible or replace with new, painted windows of the same configuration as the originals. In some cases, this may require custom construction. Metal clad windows may be considered, but not metal or vinyl windows.
- g. Reflective window glass or coatings are not appropriate, slightly tinted may be allowed.
- h. Exterior shutters are not usually appropriate for use on commercial buildings.

5. Sidewalls. Corner buildings may have elevations on side streets similar to the front.

There are also buildings in the middle of blocks, where the adjacent building has been removed, exposing the common sidewall. At street corners, the storefront treatment of buildings frequently continues for all of the secondary street elevation. This does vary. The extent of this treatment can depend on the slope of the street, and the size and architectural character of the building. Sidewalls at interiors of blocks rarely have any openings or detail because they are meant to be shared with another structure. They are most frequently constructed of common brick, as distinguished from the higher quality face brick of elevations intended for public view. In some locations where adjacent buildings have been missing for a long time, wall signs have been painted on the sidewall. Windows may be on the upper level where a 1 story building existed adjacent.



- a. Adding windows or new storefronts to the first floor sidewalls is discouraged unless there is no reasonable alternative.
- b. Where a new storefront on a secondary elevation is necessary, preserve the visual appearance of a solid masonry wall that holds up the weight of the masonry above, even though contemporary structural materials make it possible to support upper floors on very slim columns and invisible lintels.
- c. If windows must be added to upper floors the spacing should be regular and have the double hung window appearance.

6. Roof Form. Nearly all historic commercial buildings have flat roofs with masonry parapets. This is a very important visual characteristic and pitched roofs or mansard treatments are rare, but where they exist, they are distinctive.

- a. Preserve the flat roof and parapet, unless another building character has been established in the area, in which case a similar roof form may be acceptable.

b. Additional floors that alter the visual character of flat roofs with parapets may be inappropriate but may be acceptable if the additional floor is distinguished from the historic front façade.

c. Rooftop mechanical equipment should be screened from view. The screening should be simple and of a color to blend with the building, and constructed of metal, smooth-finished, painted wood or composite building panels.

7. Vertical Additions. Additions to the top of historic buildings are acceptable under certain conditions. The concern is the maintaining the distinction between the historic front façade and the new addition. This can be accomplished by setting the addition back from the historic front façade, using compatible but different materials, using simplified details, or some combination of the three.

8. Horizontal Additions. Additions to the sides of buildings are allowed. Because of the architectural character in the B Zone, these additions are typically designed to reflect the character of an adjacent but distinct building, with a typical front façade of its own but internally connected. These additions may, in some cases, be added to the rear of a corner building and facing the street. The street façade is then to be designed to be a separate façade and the exposed side of the building designed as a side, or simpler, façade. Additions to the rear of historic buildings are always anticipated to be simple, as the historic rear facades typically were. A simpler design is that which has little or no details and minimal windows. Rear facades along an alley historically had differing setbacks from building to building.

9. Entries. Customer and public entrances ensure accessibility to the public, create primary focal points for the façade, and provide a comfortable proportion for the pedestrian entry. Most main entries are centered in the front façade, however, on corner buildings a corner entry may be added.

a. **Location.** Orient buildings such that customer or public entrances are toward a public street.

b. **Prominent Entrances.** Each building on a site, regardless of size, shall have clearly-defined, highly-visible customer entrances with features such as recesses/projections, arches or cornices over the door.

c. **Corner Entries.** Corner sites often have unique circumstances as they are visually more prominent. The entry is frequently at the corner and turned at an angle to the streets, with secondary entries in both street elevations. Incorporating this pattern for new corner buildings is encouraged where practical.



10. Parapets, Cornices, and Roofs.

- a. ***Required Parapets and Cornices.*** All flat roofs shall have a parapet and a cornice on all street-facing facades or walls. Flashing at the top of a parapet shall not qualify as a cornice. Cornices shall be in proportion with the size, scale, and architectural detailing of the building.
- b. ***Parapet Height.*** The height of a parapet is to be in proportion with the size, scale, and architectural detailing of the building and generally not exceed ten (10) feet in height.
- c. ***Parapets used as Screens.*** Parapets are the primary method of screening roof-top mechanical equipment.
- d. ***Cornices for Building Projections.*** Flat roofs, without a parapet, projecting from a street-facing facade typically include a cornice; this cornice returns back to the wall and includes ornamentation on the lower side.
- e. ***Gabled Roof Treatments.*** Where allowed, gabled roofs may have dimensional shingles of appropriate color or metal standing seam type coverings depending on the specific application.

11. Alleys. Alleys provide important service functions and the appearance of alleys is a variety of simple utilitarian architecture, trash storage, utilities and accessory buildings. In most locations, alleys are away from the public view, and it is important to maintain the character of the “back” of the building and provide service access. At the same time, it will be important to clean up the appearance of alleys and make them safe to walk through, without obstructions from structures, trash, utilities, parked vehicles, potholes, poor lighting, etc. Rear elevations should be simple and utilitarian in character.

- a. Alleys should be safely lighted. Consider using wall-mounted fixtures to eliminate light poles.
- b. The surface of alleys should be kept drained and free of potholes and ice. This may require periodic grading of any gravel surface.
- c. There should be adequate light for visibility, but the quality of light is also important. High output security lighting is considered too harsh.
- d. Trash receptacles might be grouped in enclosures which are simple in design and constructed of wood.
- e. Where there may be public entrances to commercial establishments from the alley, they should be clearly marked and lighted.

3.2.2 GAMING BUILDINGS IN THE BB ZONE DISTRICT

The standards for Commercial Gaming Buildings in the BB Zone are established by the specific characteristics of the site. The objective is to avoid a wide variety of architectural styles in any one area and provide acceptable transitions between areas with different

styles. Generally the styles will be of historic commercial, warehouse, railroad, and mining or some appropriate combination. The following are characteristics to be considered by the developer and the City during the review by the Historic Preservation Commission:

1. The architectural character of the area between 1896 and 1914 considering any available historic documentation or logical assumptions.
2. The character of any other existing Gaming Buildings in the area.
3. The size and bulk characteristics of the proposed structure.
4. The appropriateness of façade materials relative to their location on the façade for the architectural style of the building.
5. The appropriateness of the Architectural Details to the architectural style of the building.

3.2.3 RESIDENTIAL BUILDINGS IN THE B AND BB ZONE DISTRICTS

This Section applies to the following Building Types:

1. Apartment Buildings
2. Rowhouses
3. Flat-over-Flat
4. Paired House
5. House

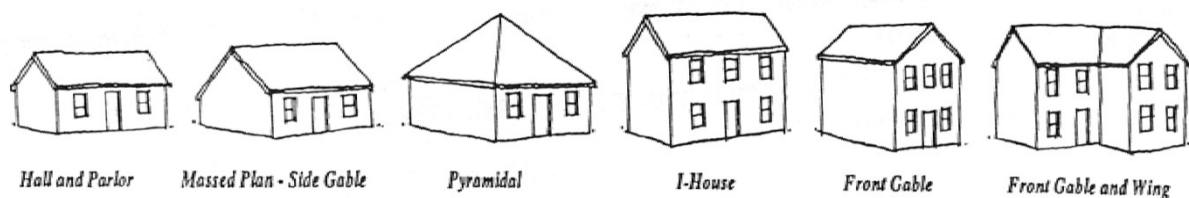
The historic architecture of residential buildings is almost entirely vernacular, with various details of popular Victorian-era styles. For the most part, the buildings are quite modest in scale and have relatively few site improvements, such as fences, walls and garages. There are a few exceptions to the modest scale that include both large Victorian wood frame and brick structures. There are numerous examples of carriage houses or “garages” to the rear as well.

The design guidelines in this section are based on the historic and existing character. They are meant to allow changes to be made to existing structures while preserving the historic character of the area. They are designed to provide guidelines for the architecture of new structures as well. New structures do not have to conform to the construction methods of the historic character, only the exterior appearance. Therefore, for example, historic siding was real wood, but there are modern products with the same look that are acceptable.

The following generally create the character of residential architecture:

- a. Railroad-era folk houses constitute most of the residential architecture, and included details from Victorian-era architectural styles. Folk house types include hall and parlor, massed plan, side gable, pyramidal, I-house, front gable, and front gable and wing.

- b. Setbacks from the street are typically zero feet but this does vary.
- c. The scale of residential buildings is quite modest, usually one, one and one-half, and two stories.
- d. Residential buildings have pitched gable or hip roof forms, when wood frame construction and a flat roof for brick construction. However, there are brick homes with gabled roof forms also.
- e. Building material is most frequently wood frame, with some brick masonry examples, with stone foundations and an occasional log house.
- f. Historic additions to residences tended to be at the rear of the building and composed of one story, small, low sloped roof forms.
- g. Accessory buildings tend to be located at the rear of the building lot and/or at the side if a corner lot.
- h. Entries to residential buildings usually face the street
- i. Most residences were built with porches.
- j. Painted clapboard siding with wood trim was a common treatment of original wood-frame residences.
- k. Windows in residential buildings are mostly vertically-proportioned, double-hung wood sash and frame.
- l. Very few residences have fences.
- m. There are very few retaining walls.



1. Mass and Scale

- a. For the most part historic residential structures are simple rectangular solids, with square, rectangular, ell or tee building plans. Additions are frequently small secondary forms. Large structures exist but are few in number and have a large amount of character and detail.
- b. Historic residential structures are smaller than contemporary residences and the size does not meet the needs of new residences. Additional size may be gained by having two stories and a basement, rather than a large one story footprint that is out of scale.

- c. Incorporating architectural elements, such as porches, bays, and dormers can provide additional living space, as well as compatible scale. Dormers can create usable space within the roof form and is a method to control the scale of new residences.
- d. The mass and scale of an addition should be compatible with the original building and with other buildings along the street. No addition should overwhelm or obscure the original building, and should clearly be of secondary importance. Additions should be made to the rear of the original building where practical. A side “ell” may be an appropriate addition under some circumstances. Consider the limited use of simple dormers to create more usable space on upper floors.

2. Roof Forms.

- a. Pitched roofs are the most common form for residential roofs on wood framed structures. Gable forms, both front gable and side gable, are most common. Hipped roofs are also common. Mansard roofs and flat roofs are relatively uncommon and would rarely be appropriate for new construction. An exception is a flat roof on a brick structure.
- b. Secondary buildings generally should incorporate the same roof form as that of the main structure’s roof. Exceptions might include porches, bay windows, small rear shed additions, and in some cases, dormers.
- c. Use the same roof form for large additions as the roof form of the original building. Different roof forms can be appropriately used; however, this requires a sensitive treatment.

3. Foundations.

- a. Stone is the most common foundation treatment, however, post and beam is not uncommon. In new construction exposed concrete or concrete block is not generally appropriate but can be covered with materials that give an appropriate appearance. Minor modifications to existing foundations may follow the same treatment as existing.
- b. Match the foundation of the existing building in foundations of additions.

4. Entries.

- a. The main entry should be at the front elevation and generally oriented toward the street.
- b. On existing structures the original entry should be preserved. Original entries were most commonly oriented to the street, and centered in the façade or located in an ell with a porch.

5. Porches

- a. Porches with their details should be carefully preserved and not enclosed.
- b. Larger and more elaborately detailed porches are appropriate to larger and more elaborate homes. Simple homes should have appropriately small and simple porches rather than expansive decks.

c. Porches have many beneficial aspects in mountain climates, and the addition of appropriate porches where none presently exist may be considered.

6. Doors and Windows.

a. There are a greater percentage of solid walls vs. openings such as doors and windows. Significantly increasing the area of openings is not appropriate. One, or even several new openings may not change the perception of the amount of solid wall, but this should be carefully evaluated. When designing new construction and additions, carefully incorporate a similar ratio of solid wall to openings to that of the original building.

b. Window and door openings typically had an identifiable pattern of placement, such as symmetry, vertical alignment from floor to floor, and no openings between floor levels. These patterns should be incorporated into additions and new residences.

c. The appropriate window type is vertically proportioned double-hung wood sash and frame. Casement, single pane picture, awning, horizontal slider, and single-pane fixed sash are generally inappropriate window types.

d. Preserve the existing location and opening size of original doors and windows.

e. Replacements of windows and doors should match the original as closely as possible in material, configuration, and cross-section of components. The door type, window type and number of panes of glass should be carefully duplicated.

f. Main entrance doors can be elaborate but are typically limited to a maximum of 2/3 light, full glass doors are not appropriate.

7. Architectural Details

a. Original architectural details, such as porch posts and balusters, door and window frames and heads, eaves trim and detailing, etc. are important details. These types of details are highly desirable on new structures.

b. Where details are missing, replace them using evidence from existing or similar details on other structures. Where no evidence exists on which to base reconstruction, consider the use of simplified examples of typical detailing.

c. Extremely decorative ornamentation exists on the larger houses only. For example, patterned shingles are found in gable ends, detailed trim at the eaves, turned posts and spindles at the porch, etc.

d. Many manufacturers now produce historic gutter and downspout sections, which are half-round rather than squared-U's. This small detail makes a significant difference to the appearance of a historic residence and is highly recommended whenever possible.

8. Paint

The earliest buildings were unpainted or had the simplest one-color coat of paint to protect the wood. As the communities became more prosperous, and transportation to and from large commercial supply centers improved, more colors became available and more detailed paint schemes became popular in a short period of time. Black and white historic

photos do not provide evidence for paint colors and schemes, but they do show a relatively more elaborate treatment than the first wood frame commercial buildings. On the other hand, historic photos show that residential buildings had quite simple paint schemes, if they were painted at all. Based on this historic pattern, there can be a significant degree of flexibility in selection of paint colors and patterns.

To provide guidance in determining the appropriateness of proposed paint colors, a color palette of forty-four colors and application patterns have been developed. The palette is located in the Historic Preservation Office, and applicants should specify which pattern will be used, as well as which colors will be applied to which building elements. To a great degree, this allows the applicant to select pre-approved paint schemes. It is also possible to propose colors and schemes that are not represented by the palette, and these will be individually evaluated by the Historic Preservation Commission.

Beyond the color and pattern palette, the following guidelines should be considered before painting:

- a. Brick that has not been painted should not be painted. It can cause damage to the brick faces, by trapping moisture behind the paint, resulting in spalling.
- b. Many methods of cleaning paint from brick and stone damage the masonry and cause extensive deterioration which is difficult to remedy, or even stabilize. If cleaning masonry is contemplated, observe the following:
 - Use the most current cleaning methods and materials. For more information consult the Code Director.
 - Complete the testing on areas that are not on main elevations to determine the most effective treatment.
 - If test areas show signs of damage to the masonry faces, leave the masonry painted.
 - Sandblasting will not be considered to clean dirt or paint from masonry.
- c. The surface sheen of paint is an important characteristic of historic buildings. Oil-base paint has a shiny surface, and many latex-based paints have a dull matte surface. Whenever possible, match the surface sheen of oil-based paint.
- d. Un-weathered, unpainted wood has a raw unfinished appearance which stands out as inappropriate to the historic character of Cripple Creek. Weathered gray wood is frequently a rather common visual element of historic mining communities, but is a result of deterioration of the wood. It also allows further deterioration.
- e. Species of wood that are frequently left unpainted in exterior uses, such as redwood and cedar, should be painted. Treatment with clear oil or synthetic sealers alone is inappropriate.

9. Fences.

There are relatively few fences in the residential areas of Cripple Creek, and this helps preserve the sense of openness of the developed city.

Preserve the sense of openness when proposing fences in the residential area:

- a. Fences should be low, generally limited to four feet.
- b. Construction and materials should create an open quality, similar to that of historic wrought metal fences. Simple versions of painted welded steel can be appropriate contemporary versions. Wood pickets spaced apart style is an alternative.
- c. Chain link fencing is inappropriate.

3.2.4 DETAILS FOR COMMERCIAL AND RESIDENTIAL BUILDINGS

As previously described in this Article, all commercial buildings in the B Zone district, including Gaming Buildings, and the front façade and the first 1/5th of the side facades in the BB Zone district, excluding Gaming Buildings, have requirements under these Historic Guidelines. Note that there are basic zoning requirements that include Permitted, Conditional, and Special Exception designations for building uses in Article 1. This includes the allowable Building Types available. The information in this Section is additional consideration beyond that in the previous sections of this Article and focuses on materials to be used and the way in which they should be used. The guidelines in this section are generally applicable to both commercial and residential buildings unless specifically designated for one or the other.

1. Building Materials. Buildings shall be attractive and durable. To ensure this, buildings shall be constructed of high-quality materials and require minimal maintenance. Brick is the most commonly used building material and will be most appropriate for most new buildings, however, wood where brick is typical may be considered depending on the overall design the adjacent building composition.

Wood is available in various grades and types of composition. To address the extreme weather conditions and reduce maintenance, man-made wood type materials are allowed. If natural wood products are to be used, redwood or cedar is preferred. Particle board and medium density fiberboard are discouraged.

Heavy materials in the table below are typically associated with the foundation areas of the structure, medium and light materials with the upper portions of the building.

- a. **Allowed Materials.** Exterior building materials are classified according to their visual weight; exterior building materials shall include, but shall not be limited to, the following:

Allowed Exterior Materials		
Heavy Materials	Medium Materials	Light Materials
Stone (see below)	Stucco or EIFS	High-quality wood
Cast Stone (see below)	Corrugated Steel (rustable)	Cement Board
Brick or veneer brick		Synthetic Wood
Synthetic Stone (see below)		Metal
Integrally-colored split-face concrete block		Board and Batten

b. **Location.** Heavy materials shall be located below medium and light materials; medium materials shall be located below light materials. Heavy materials shall extend to grade.

c. **Required Masonry.** For commercial buildings, at least 50% of the total exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be heavy materials. The balance of exterior wall area may be light materials. Medium materials are to be used for accent areas only, such as connecting corridors or areas designed as additions.

d. **Use of Stone and Cast Stone.** Stone masonry is primarily used for replicating foundation areas, whether actual foundations or areas designed to appear to be foundations. It is also used for architectural details, such as cornices, window sills and lintels and door heads.

e. **Synthetic Stone.** Synthetic stone, such as pre-manufactured fiberglass, cultured stone, or glass-fiber reinforced concrete is permitted, provided it is identical in appearance and of equal or greater durability to natural stone.

f. **Use of Wood:** The most common residential building materials are wood frame with wood siding, and brick. The most important aspect of historic building materials are their unit sizes, which should be incorporated into new residential buildings. This includes the size and exposure of roofing shingles, of lap siding and brick. In some commercial applications board and batten style may be acceptable.

2. Building Facades and Color. In order to maintain the integrity of the historic character, buildings are encouraged use colors that are compatible with each other.

a. **Allowed Colors.** Color schemes shall tie building elements together and enhance the architectural form of a building. Desirable façade colors are low-reflecting and subtle. Intense, bright, or fluorescent colors are not desirable except as accents.

b. **Building Mechanical Equipment.** All building accessories, including, but not limited to, meters, flues, vents, gutters, and utilities are encouraged to match or complement in color the permanent color of the surface from which they project.

c. **Painting of Brick.** The brick of some historic buildings has been painted; frequently because of deterioration of the brick. However, painted brick or new painted brick is discouraged. Attempts to remove the paint in the future can damage the surface of the brick. Therefore, specific plans for removal of paint from brick must be approved.

3. Using Brick and Stone. Brick, stone, and other types of masonry or masonry veneer shall be detailed as masonry bearing walls, especially at openings. Proper masonry detailing allows the building to be more pleasing to the eye because masonry openings and corners appear to be structurally supported.

a. **Exterior Corners.** Stone and brick used on exterior walls may not terminate at exterior corners, rather, must wrap around the corner.

b. **Masonry Openings.** Openings in a brick or stone facade have a stone lintel and sill, a stone or brick arch, or a brick soldier course. Window and door openings are classified as masonry openings.

c. **Vertical Change of Materials.** A vertical change of materials from stone or brick to another material occur at an interior corner and do not occur within four (4) feet of an exterior corner.

d. **Horizontal Change of Materials.** Horizontal changes of material from brick or stone to another material include a stone cap or a brick sill; the cap or sill to project from the face of the building.

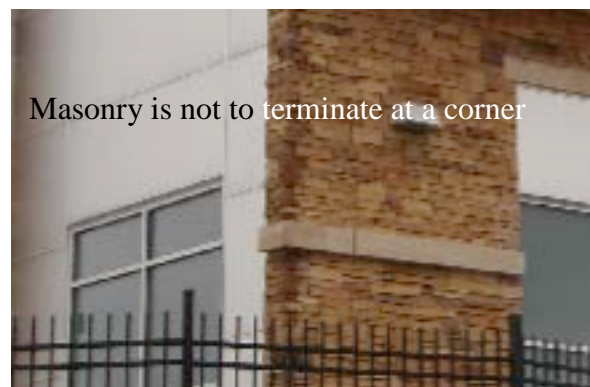
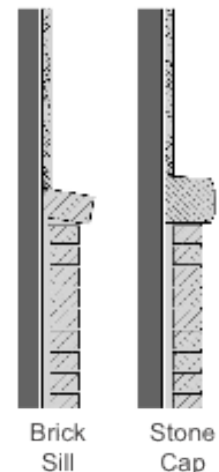
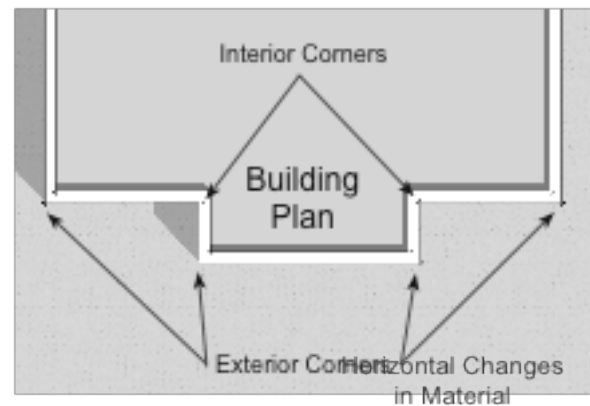
e. **Matching existing brick.** Early brick has a uniform color, usually red, and a smooth surface. Because most of the buildings were constructed within a short time period, the same brick was used extensively. This creates a very strong visual characteristic, and new construction should make every attempt to carefully match this brick. Use of brick of a tan color can be considered for some projects.

f. **Masonry Joints.** Masonry joints in historic brick buildings are usually very narrow. This characteristic is important in restoring historic buildings, not as important is when constructing new brick walls.

g. **Matching Architectural Elements.** Architectural elements of new buildings, such as windows, doors, cornices, etc should be aligned with similar elements of adjacent buildings if appropriate to the topography.

4. Windows and Glazing. Windows shall be vertically proportioned. Standard window trim is not compatible with masonry construction. Upper-story windows shall logically align with buildings bays and windows on the ground floor so the upper floors look like they are part of the same building as the ground floor.

a. **Window Proportion.** Window panes shall be vertically proportioned.



b. **Window Trim.** Window openings in brick, stone, cast stone, or synthetic stone buildings shall not be trimmed. Lintels, sills, and arches are not considered trim and desired.

c. **Upper-Story Windows.** Windows located above the ground floor shall align with ground floor windows, ground floor doors, and the building modulation.



d. **Glazing.** Glass with reflective coatings is inappropriate, some tinting will be considered.

e. **Window Size.** Large single panes of glass, such as large picture windows, are inappropriate. This does not apply to the typical storefront design with the kick plate, large display window and transom windows configuration.

5. Building Materials

a. Historic building materials, with their characteristic scale, are very important visual elements, and should be preserved wherever possible.

b. Preserve original siding. Repair deterioration, and replace individual units if too deteriorated to repair.

c. Do not cover original siding; remove past attempts to cover siding, where feasible and restore or replace siding.

d. Generally match original siding and trim details in restoration of the original building and on additions; however, new construction should be recognizable as distinct from the historic building.

e. In repairing brick structures, carefully match the color, texture and size of the original brick. Many brick companies produce appropriate historic brick, or can produce custom brick to match the original.

f. Details of mortar and joints should be carefully matched, including mix, color and profile.

g. Repointing brick must be done carefully. Poor pointing leads to further deterioration and makes a strong negative visual impact.

h. Additions to brick structures are difficult. Under some circumstances, an addition of matching brick might be the best option; in other cases, a secondary wood frame addition at the rear would be more appropriate.

i. Historic residential roofs were usually sawn wood shingles or metal. For fire protection purposes, there is a recent trend away from wood roofs. An appropriate appearance depends more on the color and the apparent unit size of the roofing than the exact material:

- Roofing Materials: Sawn wood shingles (not shake shingles), Metal, Good quality asphalt shingles
- Roofing Materials Unit Size: The smallest exposure of shingle to create the smoothest surface is visually the most appropriate. Seams in standing seam metal roofs should not be so large that they become a strong visual element.
- Roofing Color: Muted colors are important. Grey, dark brown, dark green and dark red are most appropriate. Uniformity of color is equally important. Variegated colors (common in some asphalt shingles) are inappropriate.

j. Skylights: Skylights have few historical precedents and should be placed on roofs away from public streets whenever possible. They should be flat and flush-mounted on the roof.

k. Roof Flashing: All metal flashing or other metal elements should be painted to match the roofing color.

l. Solar Collectors: Solar collectors should be mounted flat on the roof. Efficiency may be only minimally impaired by changing the optimum angle, and solar collectors that stand away from the roof are visually inappropriate.

m. Accessory Building Materials. Original materials of accessory buildings should be preserved where feasible. Wood frame and narrow lap siding or brick are appropriate materials for accessory buildings, but the material selection should be compatible with, and secondary to the original residential structure.

6. Paint

The earliest buildings in Cripple Creek, as in other mountain mining communities, were either unpainted or had the simplest one-color coat of paint to protect the wood. As the communities became more prosperous, and transportation to and from large commercial supply centers were improved, more colors became available and more detailed paint schemes became popular. Most of the earliest buildings in Cripple Creek have been destroyed either by fire or by time, and most of the City's commercial buildings date from a short period after the fires of 1896. These commercial buildings were constructed rather late in the time period of what is commonly referred to as Victorian architecture, and there was more detailing and painted ornamentation than earlier examples. Black and white historic photos do not provide evidence for paint colors and schemes, but they do show a relatively more elaborate treatment than the first wood frame commercial buildings. On the other hand, historic photos show that residential buildings had quite simple paint schemes, if they were painted at all. Based on this historic pattern, there can be a significant degree of flexibility in selection of paint colors and patterns.

To provide guidance in determining the appropriateness of proposed paint colors, the Historic Preservation Commission refers to a color palette of forty-four colors and application patterns developed for Cripple Creek. The palette is located in the Development Department office, and applicants should specify which pattern will be used, as well as which colors will be applied to which building elements. To a great degree, this allows the

applicant to select pre-approved paint schemes. It is also possible to propose colors and schemes that are not represented by the palette, and these will be individually evaluated by the Historic Preservation Commission. Beyond the color and pattern palette, the following guidelines should be considered before painting:

a. Brick that has not been painted should not be painted. It can cause damage to the brick faces, by trapping moisture behind the paint, resulting in spalling.

b. Many methods of cleaning paint from brick and stone damage the masonry and cause extensive deterioration which is difficult to remedy, or even stabilize. If cleaning masonry is contemplated, observe the following:

- Use the most current cleaning methods and materials. For more information consult the code Administrator.
- Complete the testing on areas that are not on main elevations to determine the most effective treatment.
- If test areas show signs of damage to the masonry faces, leave the masonry painted.
- Sandblasting will not be considered to clean dirt or paint from masonry.

c. The surface sheen of paint is an important characteristic of historic buildings. Oil-base paint has a shiny surface, and many latex-based paints have a dull matte surface. Whenever possible, match the surface sheen of oil-based paint.

d. Wood that is not weathered and is unpainted has a raw unfinished appearance which stands out as inappropriate to the historic character of Cripple Creek. Weathered gray wood is frequently a rather common visual element of historic mining communities, but is a result of deterioration of the wood. It also allows further deterioration.

e. Species of wood that are frequently left unpainted in exterior uses, such as redwood and cedar, should be painted. Treatment with clear oil or synthetic sealers alone is inappropriate.

7. Fences.

There are relatively few fences in the residential areas of Cripple Creek, and this helps preserve the sense of openness of the developed city.

Preserve the sense of openness when proposing fences in the residential area:

a. Fences should be low, generally limited to four feet in the front yard.

b. Construction and materials should create an open quality, similar to that of historic wrought metal fences. Simple versions of painted welded steel can be appropriate contemporary versions. Spaced wood pickets is an alternative.

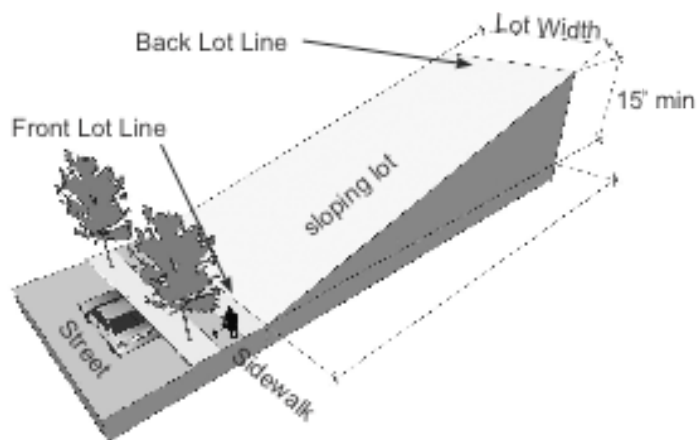
c. Chain link fencing is inappropriate.

9. Off-Street Parking with Difficult Topography

Ideally, garage doors should not directly face onto streets. However, narrow lots with a back yard significantly higher than the front yard make it difficult to locate garages in the back of the building. In this situation, a garage that is located in the basement or under the front porch may have a street-facing garage door as long as the garage door and driveway are narrow and are at a different elevation from the front yard.

Lots with a back lot line at least fifteen (15) feet higher than the front lot line may locate the garage in the basement of a street facing facade of a building. The garage door shall be no wider than nine (9) feet wide and shall be located in the basement wall under the first floor street-facing building facade or front porch; in no circumstance shall the garage extend beyond the front porch or stoop. The garage door shall be located to one side of the street-facing facade. No more than one garage door may face the street for a given unit. For attached units, a garage door or driveway for one unit shall not be paired with a garage door or driveway for another unit.

The front yard shall be graded to achieve a maximum slope of 5%. The yard shall be raised above the sidewalk and driveway through the use of retaining walls and stairs. If the front yard is not raised above the sidewalk, the garage door shall be located at least four (4) feet lower than the sidewalk. The driveway to the garage shall be no wider than twelve (12) feet and shall be bounded by retaining walls and stairs. The front door shall be located on the first floor of the building; in no circumstance shall the front door be located on the same level as the garage door.



3.2.5 SOLAR DEVICES

Within the B and BB Zone Districts: The preservation and maintenance of the character historic structures and sites are of the utmost importance. However, the installation of solar devices as an alternative energy source is encouraged. Since there may be instances where solar devices are not appropriate this section regulates the placement of solar devices. Solar device placement must be sensitive to the historic character and located away from the public right of way. The following guidelines apply:

- 1) The general placement of the device, in order of preference, is an integrated photovoltaic device, detached in a side or rear yard away from the right of way, on non-historic structures or additions, on an accessory structure, on the primary structure, and highly visible from a public right of way.
- 2) Integrated devices and all accessory equipment on any device are to be the same color as the surface upon which they are placed.
- 3) On devices other than integrated, placement on the roof of the primary structure is to be parallel to the roofline and flush against the roof surface.
- 4) Detached devices are to be located in a yard area so as to make them minimally visible from public right of ways and adjacent properties as much as possible.
- 5) Devices placed on the primary structure are not to alter defining historic character features.

3.3 MAINTENANCE OF HISTORIC STRUCTURES

All landmarks, and all contributing structures located in the B and BB Zone Districts shall be preserved against decay and deterioration by being kept free from the following structural defects by the owner and any other person who may have legal custody and control thereof:

- 1) Deteriorated or inadequate foundation which jeopardizes its structural integrity;
- 2) Defective or deteriorated floor supports or any structural members of insufficient size to carry imposed loads with safety which jeopardize its structural integrity;
- 3) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration which jeopardizes its structural integrity;
- 4) Structural members of ceilings and roofs or other horizontal structural members which sag, split or buckle due to defective materials or deterioration, or are of insufficient size to carry imposed loads with safety which jeopardize its structural integrity;
- 5) Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration or are of insufficient size or strength to carry imposed loads with safety, which jeopardizes the structural integrity; and
- 6) Lack of weather protection which jeopardizes the structural integrity of the walls, roofs or foundation.

3.4 DEFINITIONS/MISCELLANEOUS PROVISIONS

Period of Significance: This timeframe is the time period selected by the City of Cripple Creek to best exemplify the architectural and historical significance of the City, from May 1896 through December 1910. The period begins after the fires that destroyed many wood structures and the beginning of all brick construction in the downtown area. The period ends when construction tapered off.

CITY OF CRIPPLE CREEK DEVELOPMENT CODE

ARTICLE 4: ADMINISTRATION, AUTHORITY, AND PROCEDURES

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ARTICLE 4: ADMINISTRATION, AUTHORITY, AND PROCEDURES PURPOSE AND HOW TO USE

The purpose of this Article is to establish the authority of the review bodies and provide various procedures described in Articles 1, 2, and 3. The procedures include a description of the required items to be submitted, the format for those items, review criteria, and review procedure. All application forms for the procedures in this Section are available in the Code Administrator's office.

Table 4-1 lists requests that are applicable to this code, the required approvals, the approving bodies, and the location of the Article and Section of this Code to which the approval is applicable. Detailed submittal and procedural requirements for the various requests are set forth after Table 4-1.

Requests for Rezoning, Conditional Uses, Special Exceptions, and Variances must follow special notification requirements such as notification of surrounding property owners, publication, and a sign posted on the site. All other requests do not need to follow these requirements but will be placed on a published Planning Commission and/or City Council meeting agenda when required.

HOW TO USE:

- 1) Go to Table 4-1 on Pages 5-7 and find the type of request and note the submittal type and review body.
- 2) Go to the specific description of the request in the Sections following the table.
- 3) In the specific description find the submittal, procedural, and approval requirements.
- 4) For Rezoning, Conditional Uses, Variances, and Special Exceptions, follow the notification requirements in Section 4.6 on Page 13.

4.1 REVIEW BODIES

4.1.1 CITY COUNCIL

The City of Cripple Creek City Council delegates the responsibility and authority for administration of this code to the Zoning Enforcement Official, Planning Commission, and Historic Preservation Commission as described in this code.

4.1.2 ESTABLISHMENT OF BOARDS AND COMMISSIONS

1. ***Planning Commission.*** The Planning Commission (PC) of the City of Cripple Creek is established under the provisions of Section 2-8 of the City of Cripple Creek Municipal Code. Membership requirements, terms and responsibilities are delineated therein.
2. ***Historic Preservation Commission.*** The Cripple Creek Historic Preservation Commission (HPC) is established under the provisions of Section 2-7 of the City of Cripple Creek's Municipal Code. Membership requirements, terms and responsibilities are delineated therein.
3. ***Board of Adjustment and Appeal.*** Until such time as the City Council formally creates a Board of Adjustment and Appeal, it shall act as the Board of Adjustment and Appeal and receive all appeals from any decision of the Code Administrator, Building Inspector, Zoning Enforcement Official and/or Planning Commission.

4.1.3 PLANNING COMMISSION POWERS AND DUTIES

1. The Planning Commission shall have full power and authority to act on matters in accordance with statutes of the State of Colorado, as they may be amended from time to time. Although the Commission has final approval on some requests most actions are recommendations to City Council.
2. The Planning Commission generally reviews most land development requests prior to presentation to City Council.
3. The Planning Commission's specific powers and duties are established in the Cripple Creek Municipal Ordinance, Section 2-8.

4.1.4 HISTORIC PRESERVATION COMMISSION POWERS AND DUTIES

1. The Historic Preservation Commission (HPC) shall have full power and authority to act on matters in accordance with Section 2-7, of the Municipal Code. Although the Commission has final approval on most requests some actions are recommendations to City Council.

2. The Historic Preservation Commission generally reviews the architecture of a development proposal when required. The City is a Certified Local Government and is obligated to make decisions in line with the United States Secretary of Interior's standards for historic preservation.

4.2 REVIEW AND APPROVAL REQUIREMENTS

1. Table 4-1 summarizes the required review and approval authority under this Code. It explains which board has the authority to review and take action on various types of applications. All applications are submitted for initial review to the Code Administrator, who shall make a decision or recommendation to the approval authority, as defined in the Table.

Table 4-1 Development Review Approval Requirements			
Proposed action	Approval(s) required	Review/Approval authority	
Legislative			
Code Text Amendment	Ordinance by City Council	Planning Commission recommendation to City Council	
Rezoning	Ordinance by City Council	Planning Commission recommendation to City Council	
PUD			
Planned Unit Development	PUD Concept Plan	Planning Commission recommendation to City Council	
	PUD Development Plan (by Phase if appropriate)	Planning Commission	
	Modifications to PUD Development Plan	Planning Commission	
Subdivision			
Development of a major subdivision (more than 5 lots)	Preliminary Plat	Planning Commission recommendation to City Council	
	Final Plat	Code Administrator	

Table 4-1 Development Review Approval Requirements			
Proposed action	Approval(s) required	Review/Approval authority	
Development of a minor subdivision (5 or fewer lots)	Final Plat	Code Administrator	
New Construction			
Construction of a new building which meets standards in any Zoning District except if located in the B or BB Zone districts	Development Plan w/ Building Plans	Code Administrator	
Construction of Residential with 4 or less dwelling units	Site Plan w/Building Plans	Code Administrator	
Construction of a building for an Approved Conditional Use	Site Plan w/Building Plans	Code Administrator	
Construction of a building for an Approved Special Exception	Development Plan w/ Building Plans	Planning Commission recommendation to City Council	
Construction of a new building in the B and BB Zone districts	Architectural Elevations and Site Plan	HPC	
	Site Plan w/Building Plans	Code Administrator	
Expansion/Modification to Existing Building			
Expansion of any existing conforming building in any Zone District	Development Plan	Code Administrator	
Expansion of an existing Special Exception	Development Plan	Planning Commission recommendation to City Council	
Minor Exterior Change to a Building	TBD depending on change	Code Administrator	
Minor exterior change in the B and BB Zone districts	TBD depending on change	Code Administrator	
Major Exterior Change to a Building	Site Plan w/Building Plans	Code Administrator	
Major exterior change in the B and BB Zone districts	Architectural Elevations and Site Plan	HPC	
Construction solely on the building interior that does not increase usable floor area	Building permit	Code Administrator	

Table 4-1 Development Review Approval Requirements			
Proposed action	Approval(s) required	Review/Approval authority	
Modifications to nonconforming buildings, structures and uses that do not increase nonconformity	Building Permit	Code Administrator	
Change in Use			
Any change of use in land or building to a Conditional Use	Conditional Use Request	Planning Commission recommendation to Council	
Establishment of a new special exception involving new or expanded building or site	Special Exception Request	Planning Commission recommendation to City Council	
Re-occupancy of an existing building by a special exception with no expansion to building or site	Special Exception Request	Planning Commission recommendation to City Council	
Accessory Structures, Uses and Site Improvements			
Awnings and Canopies except in the B and BB Zone districts	Building Permit	Code Administrator	
Awnings and Canopies in the B and BB Zone districts	Architectural Elevations and Site Plan	HPC	
Construction or expansion of a parking lot	Development Plan	Code Administrator	
Signs except in the B and BB Zone districts	Sign Permit	Code Administrator	
Signs in the B and BB Zone districts	Graphic Depiction	HPC	
Variance and appeals			
Appeal of Code Administrator Decision	Appeal	City Council	
Appeal of Zoning Decision	Appeal	District Court	
Variance to dimensional requirements	Variance request	Planning Commission recommendation to City Council	

4.3 DEVELOPMENT PLANS

PURPOSE: A Development Plan is required to review the specific impacts of proposed structures and land uses. The Development Plan is required to ensure compatibility with the Master Plan, the Zone District and Development Standards in this Code.

DESCRIPTION: A Development Plan is a detailed, graphic representation, drawn to scale, of a proposed development, which shows specific structures and land uses. The Development Plan provides information including, but not limited to, the building locations and exact footprints, parking areas and design, access and utility locations, detailed sign location and design, and proposed grading/drainage control. The approved Development Plan becomes a part of the building permit application and the official plan for the development of the property. It is the final site plan, and the actual physical development of the property must be in strict conformance with the approved Development Plan.

SUBMITTAL REQUIREMENTS:

The following are the Site Plan Requirements for all Commercial Developments in Table 4-1 requiring a Development Plan, Conditional Use, or Special Exception (depending on the nature of the request some of the requirements may be waived by the Code Administrator):

1. Scale and North arrow.
2. Address or vicinity map.
3. Project name, contact information for the owner and consultants.
4. Legal description and boundary of the property drawn to scale;
5. Location, exterior horizontal dimensions, building height, and use of each building with the distances from property line and public and private streets.
6. Location and description of all existing buildings or portions of buildings that will remain.
7. Location and type of all utilities, existing and proposed.
8. Location of all existing vegetation to remain, proposed landscaping or slope treatment of any areas to be re-graded.
9. Location, names, and widths of all public or private streets or rights-of-way to remain, to be vacated, to be improved, or in any way modified.
10. Existing and proposed sidewalks, curb and gutter, and streetlights.
11. Location and proposed design of existing and proposed signs and fences.

12. Location and dimensions of all parking areas and driving lanes, calculating for the parking required and provided, and location of handicapped stalls.
13. Land use, zoning, location of buildings and parking areas on adjacent properties within 20 feet of the property or otherwise may need to be considered.
14. Legend and data indicating data such as site area, building uses by square footage, and approximate schedule of development.
15. Delineation of the existing floodplain and drainage ways to remain and those to be modified, including the modification proposed.
16. Identification of development impacts on slopes and mitigation methods to be used on slopes of 3 to 1 or greater.
17. Existing and proposed topographic contours at 2' intervals including any grading that will extend beyond the project boundary.
18. Illustrate percent of cross slopes on drives and walks and landscape slopes.
19. Provide the size and grade of all storm drains noting whether they are to be public or private.
20. Illustrate the location, type and size of retaining walls.
21. Walks that exceed 5% shall be indicated as a ramp and will provide the required railing per Americans with Disabilities Act requirements.
22. No proposed road or drive shall be in excess of 12%. Vertical profiles shall be provided for all roads and drives that exceed 8%. The profiles shall provide all related transitional curve information.
23. Illustrate the proposed erosion control methods for the period of construction and materials and plant schedules for the re-vegetation and reestablishment of the site and all off site areas disturbed by the proposed project.
24. Any other information required by the Code Administrator, Planning Commission, or City Council.

REVIEW CRITERIA:

1. Will the proposed development be harmonious with the surrounding land uses and the neighborhood?
2. Will the proposed development be harmonious with the purposes and intent of the Master Plan?
3. Will the proposed development overburden the capacities of existing streets, utilities, parks, schools, or other public facilities?

4. Will the structures be located to minimize the impact of their use and bulk relative to adjacent properties?
5. Will landscaping, fences or walls be provided to buffer the site from negative factors that may be created with the proposed development?
6. Will vehicular access from the project to the streets and alleys be designed and controlled to move traffic safely and efficiently?
7. Will the parking layout discourage through traffic through the project?
8. Will the parking areas provided for the project be adequately sized and located to serve the development conveniently and safely?
9. Will the handicapped be safely accommodated in the project?
10. Will the amount of asphalt/concrete in the project be minimized?
11. Will pedestrian flow on and to/from the project be safe and convenient?
12. Does the design encourage the preservation of significant natural features, such as healthy vegetation, drainage courses, steep slopes and rock outcroppings?

REVIEW PROCEDURE:

1. The applicant is encouraged to meet with the Code Administrator prior to submittal of the Application.
2. The Code Administrator shall review the submitted Application and documents for completeness and conformance to the submittal requirements and notify the Applicant of any deficiencies, within ten (10) days of submission by the Applicant.
3. Once the submittal requirements have been met, the Development Plan will be reviewed for conformance with the criteria for review listed above. Development Plans shall be referred to the Code Administrator, the Planning Commission or the City Council according to the requirements of Table 4-1.
4. Amendments to an approved Development Plan may be approved upon receipt of written request by the Applicant and submission of a revised Development Plan. The amendments will be reviewed according to the requirements in Table 4-1.

ADDITIONAL REQUIREMENTS

1. The Development Plan must be approved before any building permits can be issued for the property. A copy of the approved Development Plan must accompany the request for a building permit.
2. A Development Plan expires four years after the approval date, if no building permit has been issued, or two years from the date of the most recent building permit issuance. Extensions may be granted upon application by the City Council.

4.4 SIGNS

DESCRIPTION AND PURPOSE:

This section governs the approval of all signs requiring permits. Unless exempted in Article 2, all signs are required to get a permit. Design requirements for signs are located in Article 2 of this Code. It is unlawful to display, construct, erect, relocate or alter any sign required to be permitted without first obtaining a sign permit. When a sign permit has been issued it shall be unlawful to change, modify, alter or otherwise deviate from the terms and conditions of said sign permit. Depending on location, the sign may need approval for historic compatibility.

SUBMITTAL REQUIREMENTS:

An application for a Sign Permit shall include a graphic of the sign, showing its size, lettering type, colors, and symbols. There shall be included a photo and/or drawing showing the relationship to the building, its attachment design, and the illumination methods. The Code Administrator will make a determination if the sign will require structural engineering drawings on a case by case basis, primarily based on the weight of the sign. The design, size, and location of the approved sign are conditions of this permit when issued.

REVIEW PROCEDURE:

1. The applicant is encouraged to meet with the Code Administrator prior to submittal of the Application.
2. The Code Administrator shall review the submitted Application and documents for completeness and conformance to the submittal requirements and notify the Applicant of any deficiencies, within ten (10) days of submission by the Applicant.
3. Once the submittal requirements have been met, the Application will be reviewed for conformance with the criteria. Applications shall be approved by the Code Administrator or referred to the Historic Preservation Commission.

4.5 PLANNED UNIT DEVELOPMENT (PUD):

1. The applicant shall submit an application for rezoning the property to PUD, which application shall be accompanied by a Concept Plan for the development of the property, as outlined below. The maximum density, Building Types, maximum building height and bulk, phasing of the project and parking required shall be established at the time of zoning.
2. Once the zoning has been approved by the Planning Commission and the City Council, the applicant will submit a Final Development Plan (by phases if

appropriate) for approval by the Planning Commission prior to the issuance of any building permits for the property being issued.

3. If any substantial changes to the development are proposed after the zoning and sketch plan have been approved, the revisions will be re-submitted to the Planning Commission for approval, along with submission of the Final Development Plan. Substantial changes will include any change affecting density, Building Type, maximum height and/or bulk of buildings, phasing or parking required. The Planning Commission may deny the changes to the plan as being inconsistent with the PUD intent imposed at the time of zoning with regard to limitations or conditions.

PUD CONCEPT PLAN REQUIREMENTS:

1. Project Data, including ownership, type and size of units proposed, number of stories, building height, non-residential land uses proposed, if any; number of units, density, and number of parking spaces provided for residents and guests;
2. Concept Plan;
 - a. Scale, north arrow, boundaries, existing streets and right-of-ways; existing utilities; topography at five (5) foot intervals.
 - b. Location and size of all buildings proposed; sidewalks, streets, parking areas; site-lighting;
 - c. Drainage and snow removal plan; General grading plan;
 - d. Phasing plans.

PUD CONCEPT PLAN REVIEW CRITERIA:

1. Compatibility with surrounding areas. Is the density of the proposed PUD appropriate to the site and compatible with the adjacent zoning and existing land uses? Is the design of the proposed PUD harmonious with the surrounding area and the site?
2. Relation of the project density to topographic and other natural features. Does the design minimize destruction of the desirable natural features and utilize these elements in the design of the project?
3. Continuity of design in the project. All of the elements included in the proposed PUD should be compatible with each other and with the surrounding land uses and zoning.
4. Location of proposed structures to provide privacy, solar access, functional open space, view preservation, and safe pedestrian and vehicular circulation.
5. Adequacy and location of proposed parking.

PUD FINAL DEVELOPMENT PLAN:

A Final Development Plan must be submitted in accordance with the requirements and review procedure outlined in Section 4.3, Development Plans. In addition, drainage and grading plan must be submitted for review and approval.

4.6 REZONINGS, CONDITIONAL USES, SPECIAL EXCEPTIONS, AND VARIANCES

This section includes information on the requirements for applications for approval of the Rezoning of property, changing the requirements of this Code, Conditional Uses in zone districts, Variances, and Special Exceptions, from the requirements of this Code. All of these applications require specific public notification to be made as follows:

PUBLIC NOTICE REQUIREMENTS

Within 2 working days of acceptance of an application, the City will establish a public hearing date based upon the timeframe to satisfy all notification requirements and adequate time to prepare a report on the request. The City will then prepare and submit a written notice for the publication in a newspaper of general circulation in the City, designated for that purpose by the City Clerk, not more than thirty (30) days or less than ten (10) days prior to the date of the hearing.

The City will immediately provide this notice to the applicant for the purpose of notifying adjoining property owners. The notice to adjoining property owners shall state that the adjoining property owner may appear in person at the Public Hearing, and/or, if unable to attend, submit a statement expressing his or her opinions and comments on the request.

The applicant shall contact the Teller County Assessor's Office and request a list of property owners within two hundred fifty (250) feet of the subject property and send out the notice and any other information the applicant desires no later than fourteen (14) days prior to the public hearing date. The notices shall be sent via certified mail, return receipt, with the receipt to be returned to the City. Within two days of sending the letters, the applicant shall submit a copy of the list of owners and the receipts of the certified mailings to the City.

The City will also provide a notice to be placed on the subject property not later than fourteen (14) days prior to the public hearing date. A photograph of the notice in place shall be submitted to the City for the record. The applicant will be responsible for placing the notice on the property in plain sight of pedestrians and vehicular traffic in a secure manner such that it will remain for the duration of the required timeframe. The notice shall be not less than two (2) square feet in size, with lettering at least one (1) inch in height, consisting of the date and place of the

hearing of the application, the specific subject matter of the hearing, including the present zone, if any, and the proposed approval requested along with the applicable provisions of this Code. The location and phone number of the public office where additional information may be obtained shall also be included on such notice.

4.6.1 REZONING AND AMENDMENTS

Whenever the public necessity, convenience, general welfare or good zoning practice justifies such action, and after consideration by the Planning Commission, the City Council may change, alter the boundaries of, amend or rezone any zone or amend any provision of this Code in the manner as hereinafter set forth.

Amendments to the official Zoning Map may be initiated by application by any citizen or group of citizens, firm or corporation residing, owning, leasing, or having legal interest in property in the City, the Planning Commission, or the City Council.

Initiated by the City: Application for and notice of an amendment to the official Zoning Map or the text of this Code, initiated by the Planning Commission or City Council, shall be made in conformance with the following application requirements:

1. At least fifteen (15) day notice of the time and place of a public hearing on any such amendment, change, revision or supplement, notice of the change and areas affected and the text of the proposed change shall be published in an official newspaper or newspaper of general circulation in the City, as determined by the City Clerk, which public hearing shall be held before the City Council at a public hearing after receiving a recommendation from the Planning Commission.
2. At the public hearings, all parties in interest and citizens shall have an opportunity to be heard and to present testimony and evidence for and against the proposed change.
3. The adoption of any text amendment to this Code or change to the official Zoning Map shall require the favorable vote of a majority of the City Council after receiving a recommendation from the Planning Commission.

Initiated by a Private Party: Application for and notice of an amendment to the official Zoning Map not initiated by the Planning Commission or City Council, shall be made in conformance with the following application requirements (zoning regulation text amendments are not allowed through this process):

For Rezoning requests, submit a legal description of land area to be rezoned based upon the platted configuration or a metes and bounds description, the requested new zone district classification, a sketch to scale showing boundaries of area requested to be rezoned, and an indication of the existing zoning on all adjacent sides of the area proposed to be rezoned. The following shall be submitted as a part of any application:

- 1) A statement of justification for the re-zoning, including one of the following conditions as it relates to the property:
 - a) Change of conditions in the City or change of circumstances in the neighborhood of the area proposed to be re-zoned, since the date of approval of the existing zoning.
 - b) Error in the existing zoning.
 - c) Peculiar suitability of the proposed area to be rezoned to uses permitted in the proposed new zone district.
- 2) Description and sketches of buildings or uses proposed in the area proposed to be rezoned, along with a description of land and building uses within two hundred (200) feet of the boundary of the area proposed to be rezoned, in all directions.
- 3) Time schedule for any contemplated new construction or uses.
- 4) A description of the effect that the rezoning would have on uses of adjacent properties in the neighborhood of the area proposed to be rezoned, and on the City generally.

The adoption of any amendment to the official Zoning Map (rezoning) shall require the favorable vote of a majority of the City Council after receiving a recommendation from the Planning Commission; except that the favorable vote by a two thirds (2/3) majority of the City Council shall be required when there is filed a written protest against the proposed amendment by the owners of more than twenty (20%) percent of the property:

- 1) Within the area proposed to be rezoned; or
- 2) Located immediately adjacent thereto or located entirely or partly within one hundred (100) feet, exclusive of public rights-of-way, from any boundary of the property to be rezoned.
- 3) The proposed amendment to the official Zoning Map has not been recommended favorably by the Planning Commission.

4.6.2 CONDITIONAL USE PERMITS, VARIANCES AND SPECIAL EXCEPTIONS

AUTHORIZATION

The City may grant a Conditional Use or a Special Exception for only such uses as are set forth as Conditional Uses or Special Exceptions for any Zone District subject to the requirements of this Section. The City may grant a Variance to any portion of this Code except the land uses identified as not permitted in any Zone District. These approvals are required for all projects as designated in Article 1.

APPLICATION

1. Applicants shall submit a written Application to the Code Administrator stating the grounds on which the request is being made and submitting a Development Plan in accordance with Section 4.3 hereof, showing the proposed development. However, the Development Plan shall not be required where no exterior changes are to be made to an existing building, parking area, or any other exterior facilities.

2. Applicants shall submit a written narrative addressing the following criteria (which shall apply to all requests for Conditional Use Permits, Variances, and Special Exceptions):

- a) The request is composed of a combination of benefits to the community's residents, visitors, and economy and the unique characteristics of the project not anticipated by the regulations;
- b) The request will not overburden public infrastructure or services in the proposed location;
- c) The proposed building and site design on the subject property, when compared with the uses or standards permitted by right in the zoning district, will not be detrimental to existing or planned adjacent uses;
- d) The proposal meets or exceeds the standards of the applicable zoning district except for the specific characteristics requiring relief from the standards of the zone district.
- e) The proposed or imposed additional design standards, that are otherwise not applicable in the zoning district are adequate to insure compatibility with the surrounding area and to prevent any potential harm to the public health, safety, or general welfare;
- f) The specific application of the request to the site supports the Intent and Applicability of the zoning district, and does not compromise the Intent and Applicability of any adjacent zoning districts;
- g) The applicant has established that the requirements of the district present a burden that is not in the best interest of the City.

3. Where a request is granted, the Conditional Use Permit, Variance, or Special Exception shall be issued prior to issuance of a building permit or occupancy, and shall be issued subject to the conditions upon which the City Council has determined to grant the request. Authority to issue a building permit pursuant to the granting of a request shall expire two (2) years after the date of granting of the request, unless the following conditions have been met:

- a. A Building Permit has been issued and is in effect for at least one building permitted by the request, materials have been acquired and are on site, and the foundation has been placed for at least one of the permitted buildings; or

b. Where no construction is required, the actual operation of the request has been started.

4. After authority for issuance of a Building Permit has expired by default, no building permit shall be issued except under a new request granted pursuant to a new Application.

5. Any property or building whose use is pursuant to an approved request may not be materially altered or modified from that specified by the approval, including any Application and Development Plan, unless the Application and Development Plan is amended and approved in accordance with the procedure applicable to initial approval of the request as set forth in this Article.

The City Council shall consider the application, the Development Plan, and recommendations of the Planning Commission and shall grant or deny the request based on the applicant's submitted narrative response to the criteria required in the application and any additional testimony or evidence presented at the public hearing. The City Council shall impose such requirements and conditions in addition to those expressly stipulated in the Code for the particular use, as the City Council may deem necessary to meet the criteria and for the protection of adjacent properties, public streets, and community as a whole.

The approval of a request under the terms of this Section shall require a Public Hearing before both the Planning Commission and City Council. The Planning Commission shall make recommendations to City Council. The City Council shall make the final decision.

4.7 HISTORIC PRESERVATION

Developments in the B Zone District are required to select a Building Type in Article 1 of this Code. These Building Types are designed to be compatible with the historic character of the City. Gaming developments in the BB Zone District are regulated by special criteria and do not select from the building types in Article 1. The Historic Design Guidelines in Article 3 provide details on the design of these buildings and specifics regarding materials to be used and other architectural details. This requirement does not apply to any other Zone District but may be used as a guide to evaluate Conditional Use and Special Exception requests. This Section describes the process for any development request which is required to have historic character.

The types of review are Certificate of Appropriateness, Demolition, Relocation, Inapplicability, and Special Merit. These certificates are required for all these types of activities in the B and BB Zone Districts. The requirements for submittal, review criteria, and processing are in the following sections. The approval of all of these requests expires two years after approval, unless work is underway and progressing.

4.7.1 CERTIFICATE OF APPROPRIATENESS

DESCRIPTION AND PURPOSE:

A Certificate of Appropriateness is a designation of approval of the architecture of new construction, including additions to existing buildings, and the renovation of existing buildings. The purpose of the approval is to insure the compatibility of the exterior architecture with the existing historic character of the specific location. There is no requirement for approval of any interior changes unless it is determined to impact the exterior character.

SUBMITTAL REQUIREMENTS:

1. A completed application form including street address, legal description, owner and applicant's name if not the same, including contact information, and a narrative describing the project.
2. The number of plan sets required to be submitted will be based upon the complexity of the development proposal. For simple modifications to existing structures, only one set may be required. For complex new structures 3 or more sets may be required. The Code Administrator will determine the number and scale of plan sets required after a pre-application meeting with the applicant.
3. A drawing and/or photographs of the site, any existing buildings, proposed construction, and pertinent site conditions adequate to evaluate the compatibility of the proposed architecture with the historic character and existing surroundings.
4. In the case of complex renovations and new construction, facade elevations and site plans are required and will be drawn to a scale appropriate for review and include topography if pertinent. The plans will be on sheets no larger than 24"x36". The exact scale will be determined by the Code Administrator based on the magnitude of the proposal. It is advised that large new construction projects include renderings in color.
5. Additional architectural details including types and location of materials, colors, and any details not obvious in the larger plan set.
6. The Code Administrator may require additional items to be submitted.

REVIEW CRITERIA:

1. That the submitted information regarding drawings, photos, and architectural details/materials provides adequate documentation to assess the criteria.
2. For existing buildings, the use proposed requires minimal alteration of the exterior of the building, including the historic details or acceptable compatible replacement where appropriate.

3. For additions, that the new construction is compatible but distinguishable from the historic structure and appropriate materials and placement thereof is proposed.
4. For new construction, that the proposed architecture, details, bulk, size and site design characteristics are compatible and complementary to existing structures and the general surrounds.

4.7.2 CERTIFICATE OF DEMOLITION

DESCRIPTION AND PURPOSE:

The demolition of a historic structure is the least desirable alternative. However, there are certain cases where it is the only feasible solution. The purpose of this section is to establish the information needed and the considerations to be made to determine that demolition is justified. Essentially, the condition of the building relative to the financial feasibility of rehabilitation and occupancy is evaluated.

SUBMITTAL REQUIREMENTS:

1. Site and elevation drawings and/or photos that adequately illustrate the existing conditions of the structure and its surrounds.
2. Information regarding the value of the structure, such as an appraisal, tax assessor information, or like documentation that will establish current value.
3. An assessment of the condition of the structure that provides information regarding the feasibility of rehabilitation, such as an engineer's report.
4. An estimate of the cost to rehabilitate the structure to allow occupancy.
5. An assessment of the potential for occupancy of the structure if it was rehabilitated and a projected return on the investment.

REVIEW CRITERIA:

1. Finding that the structure cannot be rehabilitated under any circumstances without a great deal of modification.
2. Finding that the structure has significant rehabilitation needs, particularly structural, such that the historic character will be significantly compromised.
3. Finding that the cost to rehabilitate the structure is not financially justifiable on a cost benefit basis, i.e., a reasonable return on investment is unlikely because of the high cost of rehabilitation versus the likelihood of occupancy in the market.

4.7.3 CERTIFICATE OF RELOCATION

DESCRIPTION AND PURPOSE:

In some cases it may be necessary to move a historic structure from its original location to another. Since this is not the most desirable approach, certain factors must be assessed to allow the action. The purpose of this section is to provide the information and type of assessment that must be made to justify the relocation.

SUBMITTAL REQUIREMENTS:

1. Site and elevation drawings and/or photos that adequately illustrate the existing conditions and proposed new location of the structure and its surroundings.
2. An assessment of the historic architectural character and history of the use of the structure and any significant people or events related to same.
3. A description of any proposed reuse of the site from which the structure will be removed and how that reuse is a highest and best use of the site.
4. A description of the site to which the structure is to be moved and how that site will provide adequate or better exposure and representation of the historic value.
5. Information that the structure is stable enough to be moved without significant damage and how it will be reset on the proposed site.

REVIEW CRITERIA:

1. Determination that few if any significant events at the site related to the structure occurred at the site.
2. Determination that reuse of the property relative to the historic significance of the structure at the existing location is valuable enough to justify relocation.
3. Determination that the proposed new site provides adequate exposure and the surroundings are or are planned to be in context with the structure.
4. Determination that the structure is stable enough to be moved via proposed methods.

4.7.4 CERTIFICATE OF INAPPLICABILITY

DESCRIPTION AND PURPOSE:

There may be existing structures that can be determined not to be contributing to the historic character of the City that can be designated as inapplicable. This may apply to a structure that has historic components that have been drastically modified. It may also apply to structures built after 1920 that are still very old but

not relative to the majority of the historic character in the City. This section provides for the submittal of documentation and decision criteria for issuance of a Certificate of Inapplicability which will exempt the structure requirements to get any other Certificate required in this Section 4.7.

SUBMITTAL REQUIREMENTS:

1. Site and elevation drawings and/or photos that adequately illustrate the existing conditions and architectural characteristics of the structure and its surrounds.
2. Documentation of the date of construction of the structure.
3. A statement regarding the current condition of the structure.
4. A description of any work to be done to the structure.
5. A statement addressing the relevance of the structure to the history of the City.

REVIEW CRITERIA:

1. That the date of construction, the architecture, the current condition, or location of the structure establish that the structure does not contribute to the historic character of the area.
2. That the proposed alterations planned for the structure, if any, will make it more compatible to the historic character of the area.

4.7.5 CERTIFICATE OF SPECIAL MERIT

DESCRIPTION AND PURPOSE:

This category of Certification is designed to allow for flexibility to be used in the application of the Building Types and Historic Design Guidelines to a project determined to have a special positive impact to the historic character of the area. The primary aspect of this type of project is that, although it is not in line with this Code or general historic preservation practices, it has the potential to add significantly to the historic character of the area. This section provides for the submittal of documentation and decision criteria for issuance of a Certificate of Special Merit which will exempt the structure requirements to get any other Certificate required in this Section 4.7.

SUBMITTAL REQUIREMENTS:

1. Site and elevation drawings and/or photos that adequately illustrate the existing conditions and architectural characteristics of the structure and its surrounds.

2. A statement addressing the requirements of this Code with which flexibility is desired and why the “Special” nature of the project has a more overall positive impact than following the Code requirements.
3. A statement regarding the proposed use of the structure, the potential for longevity of the use, and the benefits of the use in the particular area.

REVIEW CRITERIA:

1. Determination that the proposed structure is designed to be as compatible as possible with the historic character of the area as a structure that follows the designated Building Types and Historic Preservation Guidelines.
2. Determination that the proposed structure has historic relevance and/or provides architectural compatibility in the area or that its “Special” characteristics supersede the need to follow the Code requirements.
3. Determination that there are no detrimental impacts on adjacent properties or the area that outweigh the “Special” nature of the project.

4.8 MISCELLANEOUS PROVISIONS

LIMITATIONS

1. A Certificate of Appropriateness, Demolition, Inapplicability, and Special Merit shall expire twelve (12) months after issuance unless a building permit has been issued. Up to a twelve-month extension may be granted if the applicant submits a request to the Commission at least thirty (30) days from the original expiration date and an approval is granted by the Commission.
2. No Nonconforming Use of lands or structures in the same Zone District, and no permitted or Nonconforming Use of land or structure in other Zone Districts shall be considered grounds for the issuance of a Certificate.
3. Under no circumstances shall the City Council grant a request to allow a use not permitted under the terms of this Code in the Zone District involved or any use expressly or by implication prohibited by the terms of this Code in said Zone District.
4. The purchase price of the property, the desire for greater economic return on investment, mere inconvenience, self-imposed conditions, such as prior voluntary re-zoning, platting or building in violation of City codes, knowledge or lack of knowledge of zoning restrictions and physical site constraints at the time the property is purchased all are immaterial to the granting of a request.
5. The granting of a request shall not be detrimental to health, safety and welfare or injurious to surrounding properties, be inconsistent with any plans adopted by the City, shall not weaken the general purposes of this Code or its regulations and will be granted only to the extent necessary to afford a reasonable use of property.

4.9 NONCONFORMITIES

CONTINUATION OF NONCONFORMING USE

1. Nonconforming uses, buildings, and lots in existence on or before the effective date of this Code, which first made them nonconforming, may continue to exist. A Nonconforming Use that has been discontinued for one year may not be resumed, expanded, or replaced by a Nonconforming Use. The extension shall be requested in writing prior to the expiration of the one year period. Once discontinued, any and all building structures and/or uses subsequently erected or operated, as the case may be, shall comply with the applicable Zone District requirements.
2. Buildings that are non-conforming, contain Nonconforming Uses, or on a nonconforming lot may be restored to a safe condition if the building has been declared unsafe under any applicable safety or health codes. Replacement shall be limited to the location, size, and bulk of the building declared unsafe.
3. Any Nonconforming Use, building, or lot that has been damaged by fire, flood, wind, or other calamity or act of God may be restored to its original condition, provided that restoration is started within twelve months of such calamity and completed within twenty-four months of the date on which the restoration commenced.

CHANGE OF USE

A Nonconforming Use of a building or structure may be changed to another Use at any time if deemed to reduce its non-conformance aspects based upon an approval from the Planning Commission. Applicants shall submit a written narrative addressing the requirement to reduce the non-conformance and any pertinent site plan and elevation information to the Code Administrator. When the submittal is deemed complete the Code Administrator will forward the request to the Planning Commission.

ADDITIONS OR ENLARGEMENTS

A building or structure nonconforming as to height or setback regulations shall not be added to or enlarged in any manner unless such addition or enlargement conforms to all regulations of the Zone District in which it is located, including all lot regulations.

SIGNS

Signs made non-conforming by the adoption of this Code are allowed to remain unless it is determined by the City Council upon recommendation of the Code Administrator to be a hazard or nuisance because of condition or location. Any non-conforming sign for a use that is discontinued for over one (1) year and/or is determined to be in unmaintained condition is considered in violation of this Code.