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## Protective Covenants of Trinidad Industrial Park

### **PURPOSE:**

*The purpose of these protective covenants is to:*

- a.) Protect the owners and the tenants of the building and sites against such improper use of surrounding premises and buildings as will depreciate the value of their property;
- b.) Promote improved Industrial park environment and design;
- c.) Prohibit nuisances of noise, odor, heat, or visual pollution as will depreciate the value of the property and Improvements within and abutting the park;
- d.) Encourage the erection of attractive and compatible permanent improvements appropriately located to promote maximum harmonious appearance;
- e.) Provide adequate off-street parking space and loading facilities;
- f.) Assure that the development of the park will promote the general welfare of its occupants.

### **TENANTS:**

The property shall be leased, used or occupied by only citizens, corporations, trusts, associations, foundations, or agencies of the United States of America or foreign corporations authorized to do business in the United States of America.

### **BUILDING SETBACKS AND LANE, COVERAGE:**

Except as provided in the Overall Development Plan and Design:

- a.) All buildings shall have a minimum front setback of 35 feet where no parking is permitted and 50 feet where parking is located within the setback;
- b.) All buildings shall have a minimum side setback of 10 feet for interior lots, 20 feet for corner lots;

- c.) All buildings shall have a minimum rear setback of 20 feet for interior lots, 30 feet for lots at the exterior boundaries of the park;
- d.) Maximum coverage of building area on any lot shall not exceed 50% of the total lot area.

**BUILDING HEIGHTS:**

Except as provided for in the Overall Development Plan and Design

- a.) Maximum height of all buildings shall be forty (40) feet.

**LANDSCAPING AND MAINTENANCE:**

- a.) All building sites shall be landscaped in accordance with the Overall Development Plan and Design as approved in writing by the Committee. Such landscaping shall emphasize the use of dry-land plant materials requiring minimum maintenance and care. Maintenance of street planting provided by the Park for each site shall be the responsibility of the individual tenant
- b.) Landscaping within each site, once installed, shall be maintained in a neat and adequate manner including trimming, watering and removal of weeds from planted areas.

**EXTERIORS:**

No building shall be painted, repainted, stuccoed, or be surfaced with any material until and unless the Committee approves the color and/or material in writing.

**PARKING AND UNLOADING:**

- a.) No parking or truck loading or unloading shall be permitted on any street or access road within the Park;
- b.) Adequate off-street parking shall be provided by each owner and tenant for customers and employees. The following minimum standards shall be used to determine parking requirements;

1. One space for each 300 sq. ft. of gross

- floor area of office or administrative space;
- 2. One space for each 1,200sq. ft of gross floor area of manufacturing or assembly area;
- 3. One space for each 2,500 sq. ft. of gross floor area used for warehousing and vehicle storage.

- c.) Adequate off-street loading shall be provided by each owner and tenant for each use within the Park. Such loading areas shall not be a part of the required front setback or off-street parking areas;
- d.) All off-street parking and loading and access areas shall be paved and property graded to assure proper drainage.

#### **SIGNS AND ADVERTISING:**

- a.) Major entry signs shall be instated to serve the entire center and will identify all tenants within the Park
- b.) All users will be limited to two wall signs, Identifying the name of the firm or principal product provided. Such signs shall be limited to a maximum area of 20 sq. ft. unless otherwise approved in writing by the Environmental Quality Committee;
- c.) Flashing or animated signs shall not be permitted;
- d.) No individual signs shall be constructed above the roof line of the building;
- e.) Directional signs of 5 sq. ft.. or less may be erected as needed;
- f.) All proposed plans for signs to be erected including design, materials, orientation, location, size, color, and lighting shall be reviewed by Environmental Quality Committee;
- g.) Temporary signs shall not be subject to the above limitations except Item "f".

#### **BUILDING STANDARDS:**

Any building or appurtenances erected within the Trinidad Industrial Park shall be built in accordance with the applicable ordinances of the City of Trinidad which are now in effect and ant amendments thereto.

#### **PERMITTED USES:**

All provisions of this section are supplemental to all applicable provisions of the proposed Zoning Ordinance of Las Animas County and are promulgated in addition to those provisions.

- a.) No building shall be constructed or used for residential purposes, except, that service facilities to serve the needs of employees of the Park shall be permitted.
- b.) We permit modified retail or wholesale showrooms for sales and ordering.

#### **OVERHEAD WIRES:**

All electrical and telephone connections and wires to buildings facing on streets or highways shall be made underground from the nearest pole line, and any transformer required shall not be located on any pole line, but shall be placed on or below the surface of the land, and where placed on the surface shall be adequately screened and fenced, and all such installations shall be subject to the Committee's approval.

#### **FENCES:**

All fences and screen planting shall be subject to review and approval by the Environmental Quality Committee.

#### **INDUSTRIAL PERFORMANCE STANDARDS:**

All industrial and commercial businesses establishing in the Trinidad Industrial Park shall comply with the following standards such that these uses do not create any danger to safety in surrounding area, do not cause water pollution and do not create substantial amounts of offensive noise, vibration, smoke, dust, odors, heat, glare or objectionable influences beyond the boundaries of the property in which such uses are located.

#### **VOLUME OF SOUND GENERATED:**

Every use shall be so operated that the volume of sound inherently and currently generated does not exceed seventy (70) decibels within a maximum increase of five (5) decibels permitted for a maximum of 15 minutes in any one hour at any point of any boundary line of the property on which the use is located.

#### **VIBRATION GENERATED:**

Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the property on which the use is located.

**SMOKE EMISSION:**

Every use shall be so operated that it does not emit smoke exceeding a density of

No. 1 on the Ringlemand Chart.

**MISSION OF PARTICULATE MATTER:**

Every use shall be so operated that it does not emit particulate matter exceeding 0.2 grains per cubic foot of flu gas at a stack temperature of 500 F.

**EMISSION OF HEAT. GLARE. RADIATION AND FUMES:**

Every use shall be so operated that it does not emit an obnoxious or dangerous degree of heat, glare, radiation of fumes beyond any boundary line of the property on which the use is located.

**OUTDOOR STORAGE AND WASTE DISPOSAL:**

- a.) No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground. Tanks or drums of fuel directly connecting with heating devices or appliances located on the same property as the tanks or drums of fuel are excluded from this provision;
- b.) All outdoor storage facilities for fuel, raw materials and products shall be enclosed by a fence or wall adequate to conceal such facilities from adjacent property and public roadways;
- c.) No materials or waste shall be deposited upon a property in such form or manner that they may be transferred off the property by natural causes or forces;
- d.) All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outdoors only in closed containers.

**WATER POLLUTION:**

No water pollution shall be emitted by the manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the City Director of Public Facilities before operation of the facilities may begin.

**LIGHTS:**

Lights for parking lots and buildings shall be so oriented and shielded that they do not shine directly into an abutting property. Exterior spot lighting or other illumination shall be so installed as to eliminate any nuisance to adjoining districts or other properties or to traffic on public highways.

**CONSTRUCTION AND ALTERATIONS:**

No buildings, fences, landscaping, wall structure or alterations shall be commenced unless complete plans and specifications therefore, showing the nature, kind, shape, size, construction materials, color scheme and the location of such structure or alteration, and when requested any grading plans, shall be first submitted and approved in writing by the Committee. The Committee shall have the right to refuse to approve any such plans or specifications, grading plans, material, or color scheme that is not in conformance with the Overall Development Plan and Design.

**RESUBDIVISION:**

The property shall not be subdivided until a plan for such a proposed re-subdivision shall have been submitted by the Grantors in writing.

**OWNERS AND TENANTS ASSOCIATION:**

There is hereby established the Owners and Tenants Association for the Trinidad Industrial Park. Each fee owner of land in the Park shall be entitled to one (1) vote in the Association for each full acre of land owned in the Trinidad Industrial Park. Each fee owner may assign any vote to which he is entitled to his tenant or tenants on such terms as they may agree upon, and while any tenant is entitled to a vote, he or it shall be deemed a member of the Association in the place of the fee owner to the extent of the vote or votes assigned. The Association is formed to provide the owners and tenants an advisory status in the coordination and

development of the Trinidad Industrial Park and activities relating to the Park.

The Association may establish its own By-Laws for the conduct of its affairs, which shall include reasonable notice to each member prior to any meeting. Recommendations of the Association shall be by majority of votes cast at any meeting.

**ENVIRONMENTAL QUALITY COMMITTEE:**

There is hereby established an Environmental Quality Committee which shall ultimately consist of five members. The initial Committee shall consist of three persons and shall include: a person with experience in land planning and architecture, a representative of the Grantor, and a representative of the Las Animas Regional Council of Governments. The Committee shall be expanded to five members at such time as the Grantor may decide from representatives appointed by the Owners and Tenants Association.

**ADDITIONAL COVENANTS:**

a.) Economic Development agrees to re-acquire from the purchaser any site which remains unimproved for a period of one (1) year from the date of its sale or such lesser period as may be agreed to between purchaser and Economic Development. Such re-acquisition shall occur immediately upon the expiration of the One (1) year or lesser period at the original purchase price. Such re-acquired sites shall be re-marketed for sale.

b.) Purchaser agrees to sign a petition to annex to the City without an election any of the above described real property it owns at the time of any request to do so by the City, within ten (10) days after such request by the City.

