

ORDINANCE NO. 18- 01

AN ORDINANCE OF THE TOWN OF RIDGWAY, COLORADO AMENDING THE OFFICIAL ZONING MAP TO PROVIDE FOR THE UNCOMPAHGRE RIVER OVERLAY DISTRICT, CREATING RIVER CORRIDOR DEVELOPMENT REGULATIONS AND AMENDING THE TOWN'S SUBDIVISION REGULATIONS FOR PRELIMINARY PLAT AND REQUIRED IMPROVEMENTS.

**WHEREAS**, the Ridgway Town Council desires to pursue goals and action items from the 2011 Land Use Plan Update (the "Plan") regarding community goals for the river corridor and Re-Connecting the Uncompahgre River; and

**WHEREAS**, a primary opportunity identified in the Plan is to Re-Connect the Uncompahgre River:

*"The Uncompahgre River Corridor has long been recognized by the community as a valuable asset to the Town of Ridgway. Recent restoration efforts improved its riparian area into the successful conservation and recreation area that is now enjoyed by both wildlife and Ridgway residents. Now, Rollans Park, Dennis Weaver Memorial Park, and the Uncompahgre River Trail provide improved access to the river and new opportunities for the community to explore. The importance of the Uncompahgre to the past, present, and future of Ridgway are driving the need to once again discuss the community values, concerns, and goals for the river and the adjacent lands. Additional recreational opportunities, further restoration, wildlife protection, and the potential for focused commercial or residential development along the Uncompahgre may all be considered as opportunities to meet the Town's vision and land use goals. Opportunities that the community specifically identified relating to the Uncompahgre River include maintaining connectivity of the RiverWay Trail beyond Ridgway, ultimately to Ouray and Montrose; the identification of activity hubs along the river to promote a variety of river uses; and, a desire to encourage public-private partnerships to promote the conservation of the river and to achieve river-related development and access projects. There is also regional importance to restoring and enhancing the river corridor, as demonstrated by recent Great Outdoors Colorado planning grants, and other regional river-planning efforts such as in Montrose for the Uncompahgre River. Such interest will undoubtedly further this opportunity for Ridgway.";* and

**WHEREAS**, Goal 4 of the Plan calls for the community to "Preserve, restore, and re-engage the Uncompahgre River to strengthen the riparian corridor as an asset to the community"; and

**WHEREAS**, the following Policies are identified within Goal 4 of the Plan:

- *Protect the riparian zone, floodplain, waterway, and wildlife habitat areas along the river while providing for context-appropriate public access and recreation areas.*
- *Require all development within the riparian corridor to carry out a detailed analysis of the land, including identification of all wetlands in accordance with local, state, and federal requirements.*

- *Protect wildlife movement corridors and important habitat features, such as bald eagle roosts, within the Uncompahgre River corridor in light of future growth, development, and increased recreation.*
- *Seek public acquisition of very high value environmental areas for permanent protection.*
- *Expand upon existing public access points to the Uncompahgre River, in order to improve the quality of life and diversify the recreation experience for Ridgway residents and visitors.*
- *Explore opportunities for active public spaces and access including a river play park/ kayak park, boat launches, and fishing access.*
- *Reinforce Rollans Park and the public property east of Rollans Park as an anchor of the community-wide park system and river access.*
- *Work with regional partners and neighboring communities to establish a cohesive vision for the Uncompahgre River corridor for the future, including connecting Ridgway to Ouray and other regional destinations via the Uncompahgre RiverWay Trail.*
- *Ensure improvements completed along the river corridor are appropriately maintained and reliable revenue sources are secured to sustain the dynamic continuous demands of the river; and*

**WHEREAS**, the following Action Items are identified within Goal 4 of the Plan:

*Develop policies and guidelines informing new development of the Town's desire to preserve, improve and protect the river corridor, including mandatory public access requirements and a river buffer zone restricting development, yet provides for some areas of light, appropriate development such as ped(estrian) trails, boat launches, etc.*

*Work with independent organizations such as the Uncompahgre Watershed Partnership, non-profit groups, regional Land Trust organizations and others to improve, restore and protect the river corridor through fund-raising efforts for maintenance improvements and property acquisition efforts; and*

**WHEREAS**, as a part of the Plan, the 2011 Future Land Use Framework Map identifies the River Buffer Zone as all land within the 100-year flood plain or within 100 feet of the bank of the Uncompahgre River, whichever is greater. This River Buffer Zone, as identified in the Plan, is the policy basis for establishing parcels within the Uncompahgre River Overlay District; and

**WHEREAS**, a minimum setback of 100' along river corridors has been identified as a land use best practice for protection of river corridors and riparian areas; and

**WHEREAS**, securing public access to the river corridor is a legitimate interest of the Town of Ridgway as it fosters a sense of community, furthers preservation and zoning goals and provides for unique amenities for the residents and guests of the community. Further, there is a clear relationship, nexus and connection between development within the Uncompahgre River Overlay District and public access to the river corridor; and

**WHEREAS**, pursuant to Section 7-3-17 of the Town of Ridgway Municipal Code, rezoning may be requested or initiated by the Town; and

**WHEREAS**, Amendments to the Official Zoning Map of the Town of Ridgway are allowed so long as the amendments are not adverse to the public health, safety and welfare; and the amendments are in substantial conformity with the Master Plan; and

**WHEREAS**, The Town of Ridgway has invested, and continues to invest, significant funding and resources into the restoration of the river corridor in the heart of the Ridgway Community through the reclamation of the river and the development of Rollans Park for the good of the public and for the health of the river, and the Town Council of the Town of Ridgway desires to continue being a good steward of the river corridor for the benefit of the Ridgway community; and

**WHEREAS**, The Town Council held twelve public meetings and workshops to discuss these regulations and provide a forum and opportunity for public feedback and input into these regulations; and

**WHEREAS**, the Review Procedure for Legislative Zoning and the notice requirements under Section 7-3-18(D) of the Ridgway Municipal Code have been met.

**NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO**, as follows:

**SECTION 1.**  
**Incorporation of Recitals**

The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Council.

\* \* \*

**SECTION 2.**  
**Creation of the Uncompahgre River Overlay District**

(A) Section 7-3-9.6 is added to the Ridgway Municipal Code creating the Uncompahgre River Overlay District ("UROD").

(B) The Town Council, following notice and hearing, pursuant to Section 7-3-18 hereby designates the tracts of land identified in the attached UROD map as tracts that are within the UROD, and the Town Council hereby finds that the creation of the UROD and inclusion of these parcels within the UROD advances the public health, safety and welfare of the Town and its citizen, and is in substantial conformity with the Town's master plan, the 2011 Land Use Plan Update.

\* \* \*

**SECTION 3.**

**Uncompahgre River Overlay District Map and Amendment to the Official Zoning Map of the Town of Ridgway**

The Uncompahgre River Overlay District is hereby incorporated in the Official Zoning Map and shall be maintained by the Town of Ridgway. Further, this Ordinance shall create an amendment to the Official Zoning Map of the Town of Ridgway, designating those parcels as identified in the attached UROD map as included in the “UROD” Uncompahgre River Overlay District.

\* \* \*

**SECTION 4.**

**Section 7-3-2 DEFINITIONS**, is amended to add a definition for High-Water Mark, as follows:

HIGH-WATER MARK: The boundary dividing a river bed from a river bank and defined as the line on the bank up to which the presence and action of water are so usual and long-conditioned as to impress on the bed a character distinct from that of the bank with respect to the nature of the ground surface, soil and vegetation.

\* \* \*

**SECTION 5.**

**Section 7-3-9.6 Uncompahgre River Overlay District** is amended to the Ridgway Municipal Code, as follows:

**7-3-9.6 Uncompahgre River Overlay District**

**(A) Purpose and Intent**

The purpose of the UROD is to promote the public health, safety and welfare of the citizens of the Town of Ridgway. The Town shall use the UROD to implement goals, policies and action items in the Town of Ridgway’s Land Use Plan; preserve, improve and protect the river corridor as a Town amenity; regulate buildings and structures to maximize access to the Uncompahgre River and view corridors along the Uncompahgre River; utilize design and development techniques that avoid, minimize and mitigate impacts to the natural environment; and ensure aesthetic and ecological qualities of the river corridor continue to be a community asset.

**(B) Applicability**

The provisions and regulations of this Section 7-3-9.6 shall apply to all land within the Town of Ridgway Official Zoning Map included as part of the UROD; and as defined within these regulations. The provisions of this Section 7-3-9.6 shall apply in addition to the applicable requirements of the underlying zoning district, the Flood Plain Management Regulations in Ridgway Municipal Code Chapter 6-2, and other regulations of the Town. When the standards of this UROD conflict with any other provision of the Ridgway Municipal Code, the more stringent limitation or requirement shall apply. Within the UROD, all land use activity, development, redevelopment, renovation, and/or change in use requiring a building, development, or other land use permit (for the purposes of this Section of the Ridgway

Municipal Code shall be defined as “Development”) are subject to the provisions of this Section 7-3-9.6.

**(C) Uses by Right**

Uses permitted by the underlying zoning district are allowed unless specifically prohibited, provided that the use complies with this Section 7-3-9.6, and provided any Development complies with this Section 7-3-9.6.

**(D) Conditional Uses**

All conditional uses allowed within the underlying zoning district may be permitted upon approval in accordance with Section 7-3-14, and provided any Development complies with this Section 7-3-9.6.

**(E) Development between 25 and 75 Feet**

(1) Development between 25 and 75 feet from the High-Water Mark shall be reviewed in accordance with Section 7-3-14, as a conditional use. In addition to the review criteria under Section 7-3-14, the following shall also apply:

- (a) All of this Section 7-3-9.6.
- (b) The applicant shall provide an Ecological Characterization Study in accordance with Subsection 7-3-9.6(G) which concludes that any adverse impacts to the river environment with the proposed Development can be mitigated, and the applicant shall incorporate the mitigation into the development plan and construct the mitigation with the Development.
- (c) Special consideration for Development shall be given so as to not deprive reasonable use of any land within the UROD.

**(F) Performance Standards**

(1) Setback: All Development must be setback a minimum of 75 feet from the High-Water Mark, unless approved as a Conditional Use as further set forth under Subsection 7-3-9.6 (D) and (E).

(2) Public Access

- (a) If any proposed or existing trail, path or public access area as described in the Town’s Land Use Plan or Parks and Trails Map, as amended from time to time and including the Uncompahgre RiverWay Trail, traverses a parcel proposed for Development, the Town may require as a condition of Development approval, dedication of a bicycle/pedestrian trail easement and/or public access easement benefiting the Town of Ridgway. The preferred dedication is for a 10 foot wide bicycle/pedestrian public access trail easement. However, in reviewing the proposed site plan, the Town shall evaluate the nature and extent of the proposal and the proportionality between the proposal and the dedication and may determine that the 10 foot dedication is appropriate or may reduce the dedication based on the proportionality assessment. The Town may also take into consideration whether and to what extent there are existing easements over the subject property, which provide the same functions of the required public access trail easements. Any trail easements shall be located at, or above, the High-Water Mark or abutting a public right of way. In lieu of a trail dedication, other trail locations that provide for connectivity to existing or future trails,

and are made accessible to the public through a dedicated public access easement, may be approved by the Town.

- (b) As a condition of Development approval, if any proposed or existing trail, path or public access area as described in the Town's Land Use Plan or Parks and Trails Map, as amended from time to time and including the Uncompahgre RiverWay Trail, does not traverse a parcel proposed for Development the Town shall not seek a dedication of bicycle/pedestrian trail easement and/or public access easement benefiting the Town of Ridgway. However, parcels within the UROD are encouraged to provide public access to the Uncompahgre River including clearly defined access points to public trail segments. "Access" refers to the provision of access from a public right-of-way to a publicly accessible trail or path and/or to the water's edge of the Uncompahgre River.
- (3) Design Guidelines and Standards
- (a) These Design Guidelines and Standards under this Subsection 7-3-9.6(D)(3) shall apply to all Development within the UROD, with the exception of single-family and duplex residential buildings.
  - (b) Site Planning
    - (i) Existing or historic drainage ways shall be accommodated with the development plan.
    - (ii) Discharge of storm water directly into the river is prohibited. Use of landscaped/grassed catchment areas and similar design features shall be used for managing, controlling and filtering parking lot and site drainage.
    - (iii) Outdoor common areas, seating and/or dining is recommended on the river side of building.
    - (iv) A visible and accessible public entrance from the side of the property facing the Uncompahgre River is encouraged for commercial properties that are open to the public.
  - (c) Parking and Loading
    - (i) Parking and loading shall be sited to provide the least visual impact from public rights-of-way, including the Uncompahgre River corridor.
    - (ii) Trees shall be incorporated to provide parking lot shading. Bollard and/or street lighting shall be used to provide lighting at critical access points.
    - (iii) Site parking shall include bike racks and areas for parking strollers and other non-motorized vehicles near the main entrance to the primary building(s) and should have a logical connection to on-site non-motorized access routes.
  - (d) Mass, Scale, Architectural Design and Materials
    - (i) Total building façade length shall be less than 50 feet in length parallel to the river.
    - (ii) Buildings shall avoid monolithic shapes and surfaces by incorporating solids and voids, changes in color, pattern, texture and materials at minimum along the primary façade and the façade along the linear frontage of the river.

- (iii) Use of naturally-derived materials, such as stone, wood and innovative materials such as metal, or high-quality environmentally friendly wood-alternative decking and siding, shall be required.
- (e) Screening and Buffers: All parking areas, outside trash receptacles, large utility boxes, mechanical systems and other unattractive views shall be screened with landscaping from public rights-of-way, including the Uncompahgre River corridor. Screening is not required where access is necessary but shall be screened with a gate where feasible. The purpose of screening and buffers is to promote the public health safety and welfare to conserve views along the Uncompahgre River corridor, and to improve the visual appearance along the river.
- (f) Exceptions to these Design Guidelines and Standards may be pursued through the variance process pursuant to Section 7-3-16.

### **(G) Submittal Requirements**

These submittal requirements are in addition to the underlying zoning district submittal requirements for the type of land use activity or development proposed. The following information must be completed and included in all applications for development or land use activity:

- (1) A development plan showing compliance with the Performance Standards listed in Subsection 7-3-9.6(F).
- (2) Survey map including: property boundaries, the location of the High-Water Mark and 75 foot setback. In the event the identification or location of the High-Water Mark is disputed by the Town, the Town may hire a professional experienced in the identification of a High-Water Mark, to survey the High-Water Mark, and charge the cost of such survey to the Property Owner.
- (3) In addition to the above, Development applicants seeking a Conditional Use in accordance with Subsection 7-3-9.6(D) and (E) are required to submit an Ecological Characterization Study completed by a professional qualified in the areas of ecology, wildlife biology or other relevant discipline. The Ecological Characterization Study shall describe, without limitation, the following:
  - (a) the boundary of wetlands and riparian areas and a description of the ecological functions and characteristics provided by those wetlands and riparian areas;
  - (b) the pattern, species and location of any significant native trees and other native site vegetation;
  - (c) the pattern, species and location of any significant non-native trees and non-native site vegetation that contribute to the site's ecological, shade, canopy, aesthetic and cooling value;
  - (d) the top of bank, the 25 foot setback and High-Water Mark of any perennial stream or body of water on the site;
  - (e) the wildlife use of the area showing the species of wildlife using the area, the times or seasons that the area is used by those species and the "value" (meaning feeding, watering, cover, nesting, roosting, perching) that the area provides for such wildlife species;
  - (f) special habitat features;

- (g) wildlife movement corridors;
- (h) the general ecological functions provided by the site and its features;
- (i) any issues regarding the timing of Development-related activities stemming from the ecological character of the area; and
- (j) any measures needed to mitigate the projected adverse impacts of the development project on natural habitats and features along the Uncompahgre River corridor.

**(H) Exempt Uses and Activities**

The following uses and activities are exempt from these regulations, including the Performance Standards of Subsection 7-3-9.6(F) and the Submittal Requirements of Subsection 7-3-9.6(G), provided plans and specifications are approved by the Town, and all local, state and federal permitting is approved:

- (1) Public improvements essential for public health and safety, installed by, and/or approved by the Town, including but not limited to: public utility buildings, facilities, systems and accessory structures;
- (2) Public improvements such as: pedestrian and automobile bridges, trails and recreational amenities installed by, and/or approved by the Town;
- (3) Irrigation, drainage, flood control or water diversion structures installed by, and/or approved by the Town; and
- (4) Bank stabilization, river restoration and planting of native vegetation installed by, and/or approved by the Town.
- (5) Notwithstanding Section 7-3-15 of the Code, any Development (as defined in Section 7-3-9.6(B)) related to any structure within the UROD that was legally conforming prior to the date of adoption of this Section, so long as such Development does not expand the building footprint of the structure and is in compliance with all other Town regulations.

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**SECTION 6. Subdivision**

(A) A new **Subsection 7-4-5(B)(6)(m) for Subdivision Preliminary Plat Submittals**, is added to the Ridgway Municipal Code, as follows:

(m) For all parcels located in the Uncompahgre River Overlay District, excluding subdivisions of existing structures that do not include any additional site development, an Ecological Characterization Study completed by a professional qualified in the areas of ecology, wildlife biology or other relevant discipline. The ecological characterization study shall describe, without limitation, the following:

- (i) the boundary of wetlands and riparian areas and a description of the ecological functions and characteristics provided by those wetlands and riparian areas;
- (ii) the pattern, species and location of any significant native trees and other native site vegetation;
- (iii) the pattern, species and location of any significant non-native trees and non-native site vegetation that contribute to the site's ecological, shade, canopy, aesthetic and cooling value;

- (iv) the top of bank and High-Water Mark of any perennial stream or body of water on the site;
- (v) the wildlife use of the area showing the species of wildlife using the area, the times or seasons that the area is used by those species and the "value" (meaning feeding, watering, cover, nesting, roosting, perching) that the area provides for such wildlife species;
- (vi) special habitat features;
- (vii) wildlife movement corridors;
- (viii) the general ecological functions provided by the site and its features;
- (ix) any issues regarding the timing of development-related activities stemming from the ecological character of the area;
- (x) any measures needed to mitigate the projected adverse impacts of the development project on natural habitats and features along the Uncompahgre River corridor; and
- (xi) 25 foot and 75 foot development setback area from the High Water Mark.

\* \* \*

(B) A new **Subsection 7-4-6(A)(11) for Required Improvements for Subdivisions**, is added to the Ridgway Municipal Code, as follows:

(11) Public trail easements shall be provided and constructed as described in the Town’s Land Use Plan or Parks and Trails Map, as amended from time to time, and including the Uncompahgre RiverWay Trail. The Town may waive this requirement if the property at issue has existing trail easements dedicated to the Town of Ridgway.

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**Section 7. Ordinance Effect**

All Ordinances of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

\* \* \*

**Section 8. Severability**

The Provisions of this Ordinance are severable and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

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**Section 9. Public Hearing**

A public hearing on this Ordinance was held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018 in the Town Council Chambers of the Town of Ridgway, 201 N. Railroad Street, Ridgway, CO 81432.

INTRODUCED before the Town Council of the Town of Ridgway, Colorado on the 21<sup>st</sup> day of February, 2018.

TOWN OF RIDGWAY, COLORADO, A HOME-RULE MUNICIPALITY

By \_\_\_\_\_  
John Clark, Mayor

ATTEST:

\_\_\_\_\_  
Pam Kraft, MMC, Town Clerk

Approved As to Form:

\_\_\_\_\_  
BO JAMES NERLIN, Town Attorney

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Ridgway, Colorado, this 14th day of March, 2018.

TOWN OF RIDGWAY, COLORADO, A HOME-RULE MUNICIPALITY

By \_\_\_\_\_  
John Clark, Mayor

ATTEST:

\_\_\_\_\_  
Pam Kraft, MMC, Town Clerk

Approved As to Form:

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BO JAMES NERLIN, Town Attorney

**CERTIFICATE OF TOWN CLERK**

The foregoing Ordinance was introduced at a meeting of the Ridgway Town Council on February 21, 2018, published by title and posted thereafter, and adopted by the Town Council on March 14, 2018.

(SEAL)

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Pam Kraft, MMC, Town Clerk