

CHAPTER 7

SECTION 3

Zoning Regulations

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7-3-1 GENERAL PROVISIONS.

(A) This Section, as amended from time to time, together with the Official Zoning Map as adopted by Section 6 of Ordinance No. 2 (Series 1993), as amended from time to time, may be cited as the Town's Zoning Regulations or Zoning Ordinance.

(B) The purpose of these Zoning Regulations is to promote the public health, safety and welfare.

(C) Whenever there is any conflict between these Regulations and any other Ordinance, regulation or law, the more restrictive or higher standard shall apply.

(D) These regulations and the Official Zoning Map shall constitute a part of the Town's Comprehensive Master Plan.

7-3-2 DEFINITIONS.

The following words and terms shall be defined as follows for the purposes of these Zoning Regulations:

ACCESSORY USE: A use which is subordinate to, clearly incidental to, customarily in connection with, and ordinarily located on the same premises as the permitted use. Home occupations which meet the criteria set out in Subsection 7-3-13(A), including daycare facilities with 8 or fewer children, shall be considered an accessory use to a residence in all districts. (Ord 1-2015)

ART AND CRAFT STUDIO: The workshop of an artist, sculptor, photographer, craftsperson, furniture maker, glass blower, potter or cabinet maker primarily used for on-site production of unique custom goods by hand manufacturing involving the use of hand tools and small-scale equipment, which may include an accessory gallery. The primary use of art and craft studios is the retail sale of the custom goods as produced on-site, as evidenced through allocation of customer floor area or gross sales receipts of the business. (Ord 2-2005)

BOARDING OR ROOMING HOUSE: A building or portion thereof which is used to accommodate, for compensation, one or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. "Compensation" includes compensation in money, services or other things of value. (Ord 5-2016)

BUILDING LINE: A line parallel to a property line beyond which no exposed portion of a building extends. The first three feet of unroofed terraces or patios, sills, cornices and chimneys; temporary awnings; free standing walls, rails or fences; the first one foot of a roof eave; and the first four feet of an open fire escape; need not be considered in determining the building line. (Ord 10-2008)

DORMITORY: A building used as group living quarters for students or religious adherents as an accessory use for a bona fide college, university, boarding school, seminary, convent, monastery or other similar institutional use. (Ord 5-2016)

DUPLEX: A residence with two dwelling units.

DWELLING UNIT: An area in a building containing cooking, living and sanitary facilities designed for use and used by a single family for residential purposes, including related accessory structures. The term dwelling shall not include hotels, motels, homeless shelters, boarding and rooming houses, dormitories, seasonal overflow shelters, tents or other structures designed or used primarily for temporary occupancy. (Ord 5-2016)

FACTORY BUILT HOUSING: Any structure, or component thereof designed primarily for residential occupancy, either permanent or temporary, including a mobile home, which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on the building site.

FAMILY: One or more individuals occupying a single dwelling unit and living as a single housekeeping unit with a maximum of eight adults.

GAS STATION: Any building or lot having facilities for the sale of gasoline and other fuels for use by motor vehicles, and which may include incidental facilities for service and minor repair of motor vehicles.

GOVERNMENT BUILDINGS AND FACILITIES: Any building or facility owned and operated by the United States of America, the State of Colorado, the Town of Ridgway, or any agency or political subdivision thereof.

GROSS FLOOR AREA: The heated area of a building measured along the outside enclosing walls, excluding interior parking areas and outdoor common areas. (Ord 1-2014)

GROUP HOME: One or more dwelling units in which unrelated individuals or related and unrelated individuals live, where physical assistance and/or supervision, care or treatment is provided by resident and/or nonresident professional support personnel as a continual benefit. Group home will not include a hotel, motel, boarding or rooming house, or facility housing juvenile or adult offenders or a facility for treatment of substance abuse problems. Group home shall include state licensed personal care and alternative care personnel. (Ord 5-2016)

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. (Ord 1-2018)

HOME OCCUPATION: Any commercial activity, whether for profit or non-profit, conducted within a dwelling unit.

HOMEOWNERS ASSOCIATION: Any entity, whether corporation, partnership, unincorporated association, or other entity existing for the purpose of maintaining commonly owned facilities or enforcing private protective covenants whose members or shareholders are the property owners involved.

HOTELS AND MOTELS: Any building or portion thereof containing six or more guest rooms used, designed to be used, let or hired out for occupancy by persons on more or less a temporary basis. (Ord 5-2016)

MOBILE HOME AND MOBILE HOME PARK: Mobile Home and Mobile Home Park are defined as defined in Section 6-3.

MULTIPLE FAMILY RESIDENCE: Any residence with three or more dwelling units in a single building.

NONCONFORMING USE: A use which does not comply with the use regulations, dimensional requirements or other regulations of these Zoning Regulations.

PLANNING COMMISSION: The Planning and Zoning Commission of the Town.

PUBLIC UTILITY SERVICE FACILITIES: Transmission and distribution facilities for natural gas, electricity, water, sewer, drainage, telephone, and cable television necessary to provide service to customers located in the various districts of the Town, such as pipes, lines, mains, wires, transformers, valves, and other related appurtenances, but not including buildings, offices, and production or generation facilities.

SET-BACK: The perpendicular distance between a property line and the building line.

SHORT TERM RENTAL: Rental of all or a portion of a residential dwelling unit for periods of less than

31 days. This definition of short term rentals excludes hotels, motels, lodges, and bed and breakfasts.
(Ord 3-2017)

TRAVEL HOME AND TRAVEL HOME PARK: Travel Home and Travel Home Park are defined as defined in Section 6-3.

USE: The activity or purpose for which property, a building or other structure is designed, arranged, intended, occupied or maintained.

USE-BY-RIGHT: A use which is permitted or allowed in the district involved, without review, and complies with the provisions of these Zoning Regulations and other applicable Town ordinances and regulations.

7-3-3 ZONING MAP.

(A) The 1993 Revised Zoning Map of the Town, as such may be amended from time to time, may be known or cited as the "Official Zoning Map" of the Town.

(B) Amendments to the Official Zoning Map may be made by an ordinance enacting a revised map or by an ordinance amending portions of the Official Zoning Map by specifying the legal description of the property to be rezoned. A copy of the Official Zoning Map, as amended from time to time, shall be maintained in the Town Clerk's office available for public inspection. Periodically, copies of the Official Zoning Map, as amended, may be reproduced and made available to the public.

(C) The regulations for the various districts provided for in this Section shall apply within the boundaries of each such district as indicated on the Official Zoning Map. The district boundaries, as shown on the Official Zoning Map, shall be construed to follow the center lines of streets, to follow platted lot lines or the lines of undivided parcels of property, or to follow the Town limits, whenever a boundary is shown as approximately in the vicinity of such lines. Distances may be determined by the scale of the map.

7-3-4 RESIDENTIAL DISTRICT.

The residential districts described in Sections 7-3-5 thru 7-3-7 are established to promote stability in residential neighborhoods; to protect such property from incompatible land uses; to protect property values; and to encourage the appropriate use of such land. Certain other uses are permitted which are compatible with residences. Dimensional requirements are set out in Section 7-3-10.

7-3-5 "R" LOW DENSITY RESIDENTIAL DISTRICT.

(A) Intent: The "R" Low Density District is intended to provide a quiet, low density development for single family residences. Environmental protection is provided by allowing single family residences along with certain other compatible land uses.

(B) Uses by Right:

- (1) Single family homes which meet the requirements of Section 6-6.
(Ord 19-1999)
- (2) Public utility service facilities.

(3) Government buildings and facilities.

(4) Parks and recreation facilities, including community gardens, gardens, owned or operated by a property owner's association or civic organization. (Ord 1-2015)

(5) Accessory uses.

(C) Conditional Uses:

(1) Duplexes and multi-family residences.

(2) Churches, schools, and day care facilities not allowed as an accessory use to a residence. (Ord 1-2015)

(3) Bed and breakfast operations which meet the criteria of Subsection 7-3-13(F) in addition to the criteria of Section 7-3-14.

(D) Repealed by Ordinance 19-1999

7-3-6 "HR" HISTORIC RESIDENTIAL DISTRICT.

(A) Intent: This District is intended to coincide with the historic residential core of Ridgway and accommodate a variety of housing types at medium density as well as other activities which are compatible with such uses.

(B) Uses by Right:

(1) Single Family Homes which meet the requirements of Section 6-6 and duplexes. (Ord 19-1999)

(2) Public utility service facilities.

(3) Government buildings and facilities.

(4) Parks and recreation facilities, including community gardens, owned or operated by a property owners association or civic organization. (Ord 8-2008)

(5) Mobile homes on individual lots in the Mobile Home overlay districts which are anchored to a foundation in conformity with Subsection 6-6-3(A). (Ord 19-1999)

(6) Accessory uses.

(C) Conditional Uses:

(1) Multiple family residences.

(2) Churches, schools, day care facilities not allowed as an accessory use to a residence, and community centers. (Ord 1-2015)

(3) Bed and breakfast operations which meet the criteria of Subsection 7-3-13(F) in

addition to the criteria of Section 7-3-14.

(D) Repealed by Ord 19-1999

7-3-7 "FD" FUTURE DEVELOPMENT DISTRICT.

(A) Intent: This District is intended to include lands held in reserve to meet future growth needs of the community. Uses include very low density single family residences and agriculture.

(Ord 7-1999)

(B) Uses by Right:

(1) Single family homes which are constructed on site which meet the requirements of Section 6-6. (Ord 19-1999)

(2) Agriculture.

(3) Public utility service facilities.

(4) Accessory uses.

(C) Conditional Uses:

(1) Gravel Extraction

7-3-8 "HB" HISTORIC BUSINESS DISTRICT.

(A) Intent: This District encompasses the historic commercial core of Town. Intended uses include retail, office, residential, service and institutional by right and similar conditional uses compatible with a mixed use shopping and residential area. Conditional uses include limited light manufacturing.

(B) Uses by Right:

(1) Single family homes which meet the requirements of Section 6-6, duplexes, and multi-family residences and dwelling units in buildings with non-residential uses, whether or not any of the foregoing are used for rentals for periods of 31 days or less. If they are used for rentals for periods of 31 days or less, they must comply with the provisions of Subsection 7-3-13. (Ord 11-2013)

(2) Retail stores, business and professional offices and service establishments which cater to the general public, excluding day care facilities. (Ord 11-2008)

(3) Libraries, museums and depots.

(4) Public utility service facilities.

(5) Government buildings and facilities.

(6) Private and fraternal clubs.

(7) Indoor theaters.

(8) Restaurants and taverns.

(9) Churches, Sunday schools and community centers, schools, parks and playgrounds.

(10) Hotels, motels, lodges, and other types of short term rentals for vacations, tourists, business visitors and the like. (Ord 11-2013)

(11) Parking facilities, funeral homes, commercial garages.

(12) Accessory uses.

(13) Arts and craft studios. (Ord 2-2005)

(C) Conditional Uses:

(1) Light Manufacturing.

(2) Any use not prohibited by Subsection (D) which is consistent with the intent expressed in Subsection (A).

(3) The outside storage of equipment inventory or supplies, accessory to a business occupying a building on the premises, subject to conditions imposed pursuant to Section 7-3-14 and 7-3-18(G), which may include time limitations and limitations appropriate to lessen the impact on other property, including screening. Written Notice of the Hearing pursuant to Section 7-3-18 shall be provided by the applicant to all owners of property located within 100 feet of the affected property.

(Ord 5-1998)

(4) Buildings with a gross floor area greater than 7,500 square feet. (Ord 1-2014)

(5) Group Home. (Ord 5-2016)

(D) The following uses are not to be construed as a "Use by Right" or a "Conditional Use" in the "HB" District.

(Ord 6-2004)

(1) Drive-in restaurants, drive-in theaters, or any other retail stores and service establishments with drive-through facilities.

(Ord 6-2004)

(2) Above ground storage of hazardous fuels.

(3) Heavy manufacturing and industrial uses.

(4) Gas stations.

(5) Farm implement, mobile home, automobile and other vehicle sales or service establishments.

(6) Automobile body shops.

(7) Machine and welding shops.

(8) Boarding and Rooming House(s) shall not be allowed in the "HB" District. (Ord 5-2016)

(9) A Dormitory structure shall not be allowed in the "HB" District. (Ord 5-2016)

(E) Performance Standards:

(1) No use shall be established, maintained or conducted in any "HB" Historic Business District that will result in any public or private nuisance.

(2) No equipment, inventory, or supplies may be stored outside, except as authorized pursuant to Subsection 7-3-8(C)(3). (Ord 5-1998)

(3) All manufacturing and industrial activities must take place inside with no noise, smoke, dust or light observable off of the premises.

(4)

(a) Residential uses must provide off-street parking as required by Subsection 7-3-10(C)(1)(a) and Subsection 7-3-10(C)(1)(r). (Ord 4-2007)

(b) All non-residential uses must provide a minimum of one off-street parking space per 1650 square feet of gross floor area. Partial spaces will be rounded up to the next whole number of required parking spaces. If the structure contains both residential and non-residential uses, calculation of the gross floor area shall not include the residential area(s) for purposes of determining off-street parking pursuant to this paragraph. Also excluded from this calculation are enclosed parking and outdoor common areas. Parking spaces will be accessed only from an alley. The first three spaces must be provided on-site. (Ord 4-2007)

(c) In cases where mixed residential and non-residential uses occur within the same property, the residential parking requirements of Subsection (a) shall be in addition to the non-residential parking space requirement set forth in Subsection (b). (Ord 4-2007)

(d) In lieu of non-residential off-street parking requirements in excess of three spaces and pursuant to Subsection (b) above, a money payment of \$3,000 per space may be paid to the Town, which money shall be used to fund the acquisition or construction of public parking facilities to serve the Historic Business Zoning District. (Ord 4-2007)

(5) Buildings containing more than 15,000 square feet of gross floor area shall not be allowed. (Ord 1-2014)

7-3-8.5 "DS" DOWNTOWN SERVICE DISTRICT.

(Subsection Enacted by Ord 6-2002)

(A) Intent: The Downtown Service District is not intended to compete with the Historic

Business District or the General Commercial District, but rather intended to provide some flexibility in use for existing residences located on or within 100 feet of Highway 62, west of Laura Street as depicted upon the Town Comprehensive Plan Land Use Map. The flexibility in use is intended to mitigate the impact of increasing traffic upon the highway upon residences, by allowing for limited business use of the properties. The Downtown Service District is further intended to provide an effective transition between the General Commercial and Historic Business Districts and nearby residential neighborhoods along and near the Highway without creating an undue, adverse impact on these areas. Establishments and structures within the Downtown Service District are intended to appear “residential” as opposed to simply providing a visual extension of the commercial and business districts. Toward this objective, some service-oriented businesses are allowed within the Downtown Service District, as conditional uses, and with performance criteria that speak to appearance, signage and parking. These businesses may have limited and ancillary retail use. Home occupation of these business uses is permissible in accordance with Section 7-3-13(A). Auto intensive uses such as gas stations, drive-through businesses, convenience stores and similar uses that generate high traffic of items or require large parking areas are not permitted.

(B) Uses by Right:

(1) Single-family homes that are site built, factory built or moved onto the site and meet the design and standards of Single Family Homes as provided in Section 6-6 of the Ridgway Municipal Code.

(2) Duplexes.

(3) Public utility service facilities.

(4) Government buildings and facilities.

(5) Parks and recreation facilities owned or operated by a homeowners association.

(6) Accessory uses.

(C) Conditional Uses:

(1) Professional offices and service businesses that do not require outside storage, intensive vehicular access or present nuisance concerns to surrounding residential neighborhoods, including offices for doctors, dentists, chiropractors, lawyers, accountants, engineers, surveyors, architects, title companies, real estate companies, beauty salons, and other similar professional offices or service providers.

(2) Limited retail use that is ancillary to the professional offices or service businesses is allowable under the conditional use, as long as it is not a primary use of the business. For purpose of determining whether retail uses are “ancillary”, floor space allocated to retail use and /or gross receipts of retail sales may be considered.

(3) Bed and breakfast operations which meet the criteria of Subsection 7-3-13(F) in addition to the criteria of Section 7-3-14.

(4) Churches, schools, daycare facilities not allowed as an accessory use to a residence, multi-family residences and community centers. (Ord 1-2015)

(D) Performance Standards for Conditional Uses:

(1) Conditional Uses, other than churches, schools, multi-family residences and community centers, shall comply with the intent of Subsection A and these performance standards.

(2) All applications for conditional uses shall be accompanied by a site plan proposal detailing, at a minimum, the following information or other information deemed necessary by the Town of Ridgway:

(a) Site plan showing setbacks, lot coverage, parking, vehicle and pedestrian access, landscaping, topographic features, utility locations, storage/trash receptacles and similar information.

(b) Building design showing building elevations (all four sides), finish materials, door and window placement and location and types of exterior lighting fixtures.

(c) A statement of the anticipated traffic impact on the site and on adjacent properties and roadways.

(3) All professional offices and service businesses allowed as a conditional use shall have no more than five employees.

(4) Structures must be compatible in mass and scale with nearby residences, and similar in architectural features.

(5) Off-street parking per Town standards is required, but businesses shall be credited with half parking space for every on-street parking space that is constructed adjacent to the business and in accordance with Town specifications. No parking shall be allowed on alley ways or on Highway 62 (Sherman Street).

(6) Signage shall be non-illuminated and attached to the building.

(7) Business hours shall be between 7:30 am and 5:30 pm.

(8) No semi-truck traffic shall be allowed upon residential streets or alley ways.

(9) No food services shall be allowed unless as otherwise specified herein.

(Ord 6-2002)

(10) No drive-in restaurants, drive-in theatres, or any other retail stores and service establishments with drive-through facilities shall be allowed in the "DS" District.

(Ord 6-2004)

7-3-9 "GC" GENERAL COMMERCIAL DISTRICT.

(A) Intent: This District encompasses lands along the river and Highways 550 and 62. Its purpose is to create areas for retail, wholesale and service businesses, tourist and auto oriented uses, storage, manufacturing and industrial activities which require adequate space, light and air whose operations are quiet and clean, and extractive industry. Each use will be required to mitigate its particular negative impacts, as they exist, if they exist, so as to provide for the reasonable enjoyment of adjacent properties.

(Ord 8-2011)

(B) Uses by Right:

- (1) Retail stores, business and professional offices and service establishments which cater to the general public.
- (2) Libraries, museums and depots.
- (3) Public utility service facilities.
- (4) Government buildings and facilities.
- (5) Private and fraternal clubs.
- (6) Indoor theaters.
- (7) Restaurants and taverns.
- (8) Churches, Sunday schools and community centers, schools, parks and playgrounds.
- (9) Hotels, motels, lodges, and other types of short term rentals for vacations, tourists, business visitors and the like; and subject to the provisions of Subsection 7-3-13 single family homes which meet the requirements of Section 6-6, duplexes, multi-family residences, and dwelling units in buildings with non-residential uses, which are used for periods of 31 days or less. (Ord 11-2013)
- (10) Parking facilities, funeral homes, commercial garages.
- (11) Accessory uses.

(C) Conditional Uses:

- (1) Single family homes which meet the requirements of Section 6-6, duplexes, multi-family residences, and dwelling units in buildings with non-residential uses, which are not used for rentals for periods of 31 days or less. (Ord 11-2013)
- (2) Gas stations which comply with the following criteria:
 - (a) All fuel storage shall be located underground.
 - (b) All gasoline pumps, lubrication and service facilities shall be located at least 20 feet from any street right-of-way line.
 - (c) No curb cut may be any closer than 30 feet from any street intersection.
 - (d) A minimum lot frontage of 125 feet is required.
 - (e) The main building on the site shall be set back at least 40 feet from any property line.
- (3) Repealed by Ordinance 6-2004

- (4) Building materials businesses.
- (5) Farm implement, mobile home, automobile and other vehicle sales or service establishments.
- (6) Feed storage and sales establishments.
- (7) Veterinary clinics.
- (8) Automobile body shops.
- (9) Machine and welding shops.
- (10) Warehouses or storage facilities.
- (11) Travel home parks.
- (12) Mobile home parks.
- (13) Manufacturing and industrial uses. Typical examples include: food processing; metal finishing and fabrication; power generation and transformer stations; paper, plastic and wood manufacturing (excluding processing of any raw materials), fabric manufacturing and similar activities.
- (14) Gravel extraction.
- (15) Buildings 27' to 35' in height or containing more than 10,000 square feet of gross floor area. (Ord 1-2014)
- (16) Campgrounds or similar facilities which (a) do not provide spaces for travel homes or recreational vehicles, (b) allow only a maximum of three nights stay, (c) allow only campground owned tepees, tents or similar structures and (d) meet all applicable requirements of state statutes and regulations for a "developed campground" including adequate restroom facilities, except as otherwise approved by the Planning Commission. (Ord 2-1995)
- (17) Daycare facilities which do not qualify as an accessory use to a residence. (Ord 1-2015)
- (18) Developments with more than 20 parking spaces shall incorporate the mitigation and site planning improvements set out in Section II.b. of the Commercial Design Guidelines adopted as part of the Town's Master Plans. (Ord 1-2014)
- (19) Group Home. (Ord 5-2016)

(D) Performance Standards:

- (1) No use shall be established or maintained in the "GC" District which results in an unreasonable hazard to the community, creates a public or private nuisance, or creates unreasonable smoke, dust, noise, fumes, odors, vibrations or light observable off the premises.
- (2) Buildings containing more than 10,000 square feet of gross floor area will be

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required to mitigate the visual impacts of their size by means of design, landscaping, berming and other methods of site treatment, and must be compatible with the mass and scale of existing buildings on adjacent properties, or if there are no such buildings compatible with the mass and scale of buildings in the Town generally. (Ord 1-2014)

(3) Buildings containing more than 25,000 square feet of gross floor area shall not be allowed. (Ord 1-2014)

(4) All uses shall be required to mitigate the impacts of their operations by means of landscaping, screening, site design, fencing or other methods to assure the reasonable enjoyment of adjacent property.

(5) All outdoor storage areas must be screened by means of fencing, landscaping or other methods.

(6) (a) Residential uses must provide off-street parking as required by Subsection 7-3-10(C).

(b) Repealed by Ordinance 19-1999

(c) Repealed by Ordinance 19-1999

(d) Residences shall be minimum of 21 feet wide with an average roof pitch of at least 3 to 12 and a minimum eave overhang of 12 inches.

(7) Drive-in restaurants, drive-in theatres, or any other retail stores and service establishments with drive-through facilities, other than banks or pharmacies, shall not be allowed in the "GC" District. (Ord 6-2004)

(8) Boarding and Rooming House(s) shall not be allowed in the "GC" District. (Ord 5-2016)

(9) A Dormitory shall not be allowed in the "GC" District. (Ord 5-2016)

7-3-9.4 "I-1" LIGHT INDUSTRIAL - 1 DISTRICT.

(Section enacted by Ord 6-2000)

(A) Intent: This district is to provide areas for light industrial uses that include offices and light manufacturing and fabrication. Additionally, this district is to provide opportunities for employment and serve as a transition from adjoining residential neighborhoods. Uses by right in this district, will be those that do not create an adverse impact on adjoining uses from lighting, noise, vibration, glare, smoke/fumes/odor, outside storage or other similar impacts. Landscaping is to be used to improve the appearance of the properties, breakup parking areas into smaller sections and generally buffer the industrial area from surrounding non-industrial uses. Work conducted on-site is to occur primarily inside buildings. Some on-site impacts may be associated with this district in the form of noise, truck traffic, and vibrations. However, these impacts must be mitigated at the property line.

(B) Uses by Right:

(1) Retail - Wholesale Uses:

- (a) Building supplies and material sales.
- (b) Electronic and mechanical supplies.
- (c) Industrial equipment sales or leasing.
- (d) Office supplies, printing.
- (e) Nursery sales and storage of nursery equipment, materials and supplies.

(2) Services:

- (a) Business research and development directly related to permitted uses.
- (b) Commercial laundries and dry cleaning.
- (c) Computer software research and development.
- (d) Office buildings.
- (e) Testing laboratories and associated offices.

(3) Manufacturing Processing and Assembly:

- (a) Data processing.
- (b) Fabrication of wood, ceramics, glass, metal, plastics, and plastic products; furniture, sporting goods, textiles, apparel, and accessories to any of these products.
- (c) Manufacturing, processing and packaging of food or beverages, provided all of these operations are within enclosed buildings located further than 250 feet from the Town's existing lagoons and wastewater flume at the southwest aspect of the Ridgway Public Works Wastewater Facility, and all ventilation intakes are on the opposite side of the building from the existing lagoons. (Ord 3-2012)

(4) Storage:

- (a) Storage or warehousing facilities for materials or equipment entirely within a building (except storage of materials which are prohibited from use in this district). All storage or warehouse facilities shall be accessory to a use by right.
- (b) Storage, warehousing and distribution of food or beverages, provided all of these operations are within enclosed buildings located further than 250 feet from the Town's existing lagoons and wastewater flume at the southwest aspect of the Ridgway Public Works Wastewater Facility, and all ventilation intakes are on the opposite side of the building from the existing lagoons. (Ord 3-2012)

(5) Other uses:

- (a) Cold storage plants.
- (b) Electronic switching stations - telephone.
- (c) Motion picture studios.
- (d) Vocational school, educational, training center.
- (e) Public utility service facilities.
- (f) Government buildings and facilities.
- (g) Accessory uses.

(C) Conditional Uses:

(1) Retail - Wholesale Uses:

- (a) Vehicle sales or leasing.
- (b) Retail sales.
- (c) Printing and publishing facilities.

(2) Manufacturing Processing and Assembly:

- (a) Assembling or manufacturing electronic instruments and devices.
- (b) Assembly of small appliances.

(3) Storage:

- (a) Repealed by Ordinance 8-2006
- (b) Storage rental units.
- (c) Outdoor storage exceeding 200% of the principal building footprint where materials are intended for on-site wholesale or retail sales. In no case shall storage exceed 900% of the principal structure's building footprint.

(4) Other uses:

- (a) Contractor offices.
- (b) Electric power substations.
- (c) Small scale welding accessory to another allowed use.

(D) Performance Standards:

(1) All manufacturing, fabrication and repairs shall be conducted within a building unless the activity is not visible from adjoining property outside of the light industrial district within 100 yards of the district boundary.

(2) Outdoor storage of supplies, machinery, equipment or products shall be screened from view from the adjacent street and properties.

(3) Any outside storage of materials, equipment or supplies associated with a use by right or conditional use shall not exceed 200% of the total building footprint of the structure associated with that use except in the case where materials are intended for on-site wholesale or retail sales.

(4) Landscaping within Setbacks and Street Rights-of-way - Where an industrial zoning district is adjacent to or across the street from a non-industrial use, additional landscaping shall be provided to buffer the industrial district from adjoining use. An applicant shall submit a detailed landscaping plan for locations within which the aforementioned conditions exist when the applicant makes a request for a building permit. The plan shall indicate location, type and species of all buffering vegetation. The landscaping plan shall also include the details of irrigation systems necessary for establishment and continued survival of all plantings. The Town shall review the landscaping plan to determine if it is in conformance with landscaped buffering standards in the Ridgway Municipal Code. Unacceptable proposals will be rejected and the building permit shall be withheld until a plan providing adequate buffering is submitted and accepted by the Town.

(5) The maximum fence height shall be 8 feet.

(6) Maximum Building Size Without Special Review - 5,000 square feet of gross floor area. Buildings containing more than 5,000 square feet of gross floor area will be required to mitigate the visual impacts of their size by means of design, landscaping, berming and other methods of site treatment. Buildings must be compatible with the mass and scale of existing buildings on adjacent properties, or if there are no such buildings, compatible with the mass and the scale of buildings in the Town generally. In no case, shall buildings exceed 5,000 square feet of building footprint. (Ord 1-2014)

(7) Fencing, parking and storage is not allowed in the front or side setbacks along any street.

(7.5) Drive-in restaurants, drive-in theatres, or any other retail stores and service establishments with drive-through facilities shall not be allowed in the "I-1" District.

(Ord 6-2004)

(8) Applicants shall submit an Industrial Use Mitigation Report that details how the proposed use will conform to the following criteria. Mitigation measures shall include, at a minimum, a combination of site design, building setbacks, landscaping and screening, to minimize noise, odor, glare, vibration or lighting from emanating beyond the property boundaries in a manner that is not in conformance with these or other town regulations. An application that fails to address each of the following items or that inadequately addresses these items shall be deemed incomplete and no permits shall be issued until all criteria have been addressed.

(a) Additional Studies. The applicant shall complete or provide funding for completion of studies by qualified personnel that the Town deems necessary to quantify and to develop recommendations for abating impacts directly associated

with the proposed use.

(b) Dust and Fly Ash. No solid or liquid particles shall be emitted in such a quantity as to be readily detectable at any point along lot lines or as to produce a public nuisance or hazard beyond lot lines.

(c) Electrical Disturbance or Interference. No use shall:

(1) Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or

(2) Otherwise cause, create, or contribute to the interference with electrical signals (including television and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

(d) Exterior Lighting. All exterior lighting shall conform to Chapter 6 Section 5 of the Town of Ridgway Municipal Code titled "Outdoor Lighting Regulations".

(e) Fire and Explosion. No fire or explosive hazard shall exist such as to produce dangerous exposure to adjacent property.

(f) Glare. No direct or reflected glare shall be detectable at any Light Industrial District boundaries.

(g) Hazardous Waste. Hazardous waste shall be those substances as defined by Federal, State or local regulations. The disposal, treatment, bulking or handling (hereinafter collectively called treatment) of hazardous waste within the municipal limits of the Town of Ridgway shall be permitted only when such waste is generated within the Town of Ridgway. Any such treatment shall be prohibited except in conformance with all applicable Federal, State or local regulations governing hazardous waste. The temporary storage of hazardous waste other than for treatment is permitted only when it is used, manufactured or generated as a waste as part of an industrial, manufacturing or laboratory process that takes place within the Town of Ridgway. In this circumstance, hazardous waste shall be inventoried and stored inside a building with an impermeable floor and otherwise handled in strict conformance with all applicable Federal, State and local regulations. The records pertain to such inventory and storage shall be open to authorized personnel of the Town of Ridgway and/or the Ridgway Fire Department upon reasonable request.

(h) Heat. No direct or reflected heat that is dangerous or discomforting shall be detectable at any Light Industrial District boundaries.

(i) Landscaping. A landscaping plan setting forth type, size, location of all plant types and species shall be submitted in conformance with the landscaping standards Section 6-1-11 of the Town of Ridgway Municipal Code. The design of the landscaping plan shall adequately buffer the light industrial use from adjacent surrounding non-light industrial zone districts and breakup any parking area more than 25 spaces to avoid the appearance of large areas of parking.

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(j) Noise. No persistent noise shall be detectable beyond the property line in excess of the values identified in the following table:

(i)

Zoning of Lot Where Use Is located	All Residential Zone Districts	Zoning of Adjacent Lot		
		General Commercial District	Industrial-1 District	Industrial-2 District
Industrial-1 District	50	55	60	65
Industrial-2 District	50	60	65	70

All of the above levels are measured in decibels dB(A).

(ii) Impact noises are sounds that occur intermittently rather than continuously. Impact noises generated by sources that do not operate more than one minute in any hour are permissible up to a level of 10 dB(A) in excess of the figures listed in the table above, except that this higher level of permissible noise shall not apply from 7:00 pm to 7:00 am when the adjacent lot is zoned residential. The impact noise shall be measured using the fast response of the sound level meter.

(iii) Noise resulting from temporary construction activity that occurs between 7:00 am and 7:00 pm shall be exempt from the requirements of this section.

(iv) Noise shall be measured on a decibel or sound level meter. Noise level shall be measured at a point located within a street or public right-of-way in the town and a distance of at least 25 feet from the noise source; and/or at the common property line of the property on which the noise source is located and the adjacent property.

(v) No use in the light industrial zone districts may generate noise that tends to have an annoying or disruptive effect upon uses outside the immediate space occupied by the use if that use is one of several located on the lot or uses located on adjacent lots.

(vi) The table above establishes the maximum permissible noise levels for the I-1 and the I-2 Zone Districts. Measurements shall be taken at the boundary line of the lot where a particular use is located, and, as indicated, the maximum permissible noise levels vary according to the zoning of the lot adjacent to the lot on which subject use is located.

(k)

(i) Odor. For purposes of this section, the "odor threshold" is defined as the minimum concentration in a year of a gas, paper or particulate matter that can be detected by the olfactory systems of a healthy observer.

(ii) No use in the I-1 or I-2 Districts may generate any odor that reaches the odor threshold measured at:

(a) The outside boundary of the immediate space occupied by the enterprise generating the odor.

(b) The lot line if the enterprise generating the odor is the only enterprise located on a lot.

(l) Off-site Impacts. Off-site impacts that directly result from the proposed use shall be abated. The Town of Ridgway reserves the right to require an independent evaluation of off-site impacts including recommendations about mitigation measures.

(m) Radioactivity. No operation shall be permitted which causes radioactivity in violation any applicable Federal, State or local regulation.

(n) Smoke. For purposes of determining the density of equivalent opacity of smoke, Ringlemann chart, as adopted and published by the United States Department of Interior, Bureau of Mines Information Circular 8333 May 1967, shall be used. The Ringlemann number referred to in this Section refers to the number of the area of the Ringlemann Chart that coincides most nearly with the visual density of equivalent opacity of the omission of smoke observed. For example, a reading of Ringlemann No. 1 indicates a twenty percent density of the smoke observed. No smoke shall be permitted in such quantity as to become a nuisance nor shall it be detectable at any property boundaries. All measurements shall be taken at the point of emission of the smoke. In the I-1 District, no use may emit from a tent, stack, chimney or combustion process any smoke that exceeds a density or equivalent capacity of Ringlemann No. 1, except that any emission that does not exceed a density or equivalent capacity of Ringlemann No. 2 is permissible for a duration of not more than four minutes during any eight hour period if the source of such emission is not located within 250 feet of a residential district.

(o) Vehicular Traffic. Traffic to and from the site shall not overload or damage street systems to or from the site. Verification of this provision shall be confirmed by an independent traffic analysis conducted by properly qualified individuals.

(p) Vibration. No inherent and recurrently generated vibration shall be perceptible, without instruments, at any point along in the boundary line of the property on which the use is located. Where more than one use is located on a property, then this standard shall also be measured along any wall of any other building on the property.

(q) Waste Disposal. Liquid and solid waste disposal and water service shall comply with all pertinent Federal, State and local regulations.

(r) Observations shall be made as described in the applicable subsection above. In the event that the point of measurement is not defined or if there is more than one use on the property, measurements shall be taken at the property line of the lot on which the use is located if it is the only use on the lot, or at the exterior of the building in which the use is located if more than one use exist on the same site.

7-3-9.5 "I-2" LIGHT INDUSTRIAL - 2 DISTRICT.

(Section enacted by Ord 6-2000)

(A) Intent: This district is similar to the I-1 Light Industrial District but will allow more intensive uses. Uses by right in this district, will be those that do not create an adverse impact on adjoining uses from lighting, noise, vibration, glare, smoke/fumes/odor, outside storage or other similar impacts. Landscaping is to be used to improve the appearance of the properties, breakup parking areas into smaller screened sections and generally buffer the industrial area from surrounding non-industrial uses. Work conducted on-site may occur outside of buildings. Some on-site impacts may be associated with this district in the form of noise, truck traffic, and vibrations. However, these impacts must be mitigated at the property line.

(B) Uses by Right:

(1) Retail - Wholesale Uses:

- (a) Vehicle sales or leasing.
- (b) Building supplies and material sales.
- (c) Electronic and mechanical supplies.
- (d) Industrial equipment sales or leasing.
- (e) Agricultural equipment sales or leasing.
- (f) Office supplies.
- (g) Nursery sales and storage of nursery equipment, materials and supplies.

(2) Services:

- (a) Business research and development directly related to permitted uses.
- (b) Commercial laundries and dry cleaning.
- (c) Computer software research and development.
- (d) Office buildings.
- (e) Testing laboratories and associated offices.
- (f) Veterinary hospitals.
- (g) Animal kennels or boarding facilities.

(3) Manufacturing Processing and Assembly:

- (a) Assembling or manufacturing electronic instruments and devices.

- (b) Assembly of small appliances.
- (c) Data processing.
- (d) Fabrication of wood, ceramics, glass, metal, plastics, and plastic products; furniture, sporting goods, textiles, apparel, and accessories to any of these products.
- (e) Outdoor manufacturing, assembly or fabrication.
- (f) Manufacturing, processing and packaging of food or beverages, provided all of these operations are within enclosed buildings located further than 250 feet from the Town's existing lagoons and wastewater flume at the southwest aspect of the Ridgway Public Works Wastewater Facility, and all ventilation intakes are on the opposite side of the building from the existing lagoons. (Ord 3-2012)

(4) Storage:

- (a) Storage or warehousing facilities for materials or equipment entirely within a building (except storage of materials which are prohibited from use in this district).
- (b) Outdoor storage of supplies, machinery, equipment or products.
- (c) Storage rental units.
- (d) Storage, warehousing and distribution of food or beverages, provided all of these operations are within enclosed buildings located further than 250 feet from the Town's existing lagoons and wastewater flume at the southwest aspect of the Ridgway Public Works Wastewater Facility, and all ventilation intakes are on the opposite side of the building from the existing lagoons. (Ord 3-2012)

(5) Other Uses:

- (a) Carwash.
- (b) Automotive repair shop, body shops, paint shops.
- (c) Truck repair shop.
- (d) Recycling of metals, paper, plastic or automotive oil.
- (e) Cold storage plants.
- (f) Contractor construction yards.
- (g) Electronic switching stations - telephone.

- (h) Motion picture studios.
- (i) Motor or railroad freight depots.
- (j) Welding and welding shops.
- (k) Printing or publishing facilities.
- (l) Vocational school, educational, training center.
- (m) Public utility service facilities.
- (n) Government buildings and facilities.
- (o) Accessory uses.

(C) Conditional Uses:**(1) Retail and Wholesale Uses:**

- (a) Retail sales.

(2) Manufacturing Processing and Assembly:

- (a) Manufacturing of products that involves use of toxic or hazardous materials or materials that are potentially detrimental because of latent explosion danger or radiation, or which endanger surrounding uses.
- (b) Manufacturing or fabrication that requires state or federal permits of any kind and that are uses by right.

(3) Storage:

- (a) Repealed by Ord 8-2006
- (b) Storage of any materials that pose a danger to surrounding uses such as potential radiation or explosion, or for any other reason.

(D) Performance Standards:

(1) All manufacturing, fabrication and repairs shall be conducted within a building unless the activity is not visible from an adjacent right-of-way or adjoining property outside of the light industrial district.

(2) The maximum fence height shall be 8 feet.

(3) Buildings containing more than 5,000 square feet of gross floor area will be required to mitigate the visual impacts of their size by means of design, landscaping, berming and other methods of site and architectural design treatments. Buildings must be compatible with the mass and scale of existing buildings on adjacent properties, or if there are no such buildings, compatible with the mass and the scale of buildings in the Town generally. In no case, shall buildings exceed 12,500 square feet of

building footprint. (Ord 1-2014)

(4) Street frontages and street side yards are to be fully landscaped from the curb to the building.

(5) Fencing, parking and storage shall not exist in front and street side yard setbacks.

(5.5) Drive-in restaurants, drive-in theatres, or any other retail stores and service establishments with drive-through facilities shall not be allowed in the I-2 District.

(Ord 6-2004)

(6) Applicants shall submit an Industrial Use Mitigation Report that details how the proposed use will conform to the following criteria. Mitigation measures shall include, at a minimum, a combination of site design, building setbacks, landscaping and screening, to minimize noise, odor, glare, vibration or lighting from emanating beyond the property boundaries in a manner that is not in conformance with these or other town regulations. An application that fails to address each of the following items or that inadequately addresses these items shall be deemed incomplete and no permits shall be issued until all criteria have been addressed.

(a) Additional Studies. The applicant shall complete or provide funding for completion of studies by qualified personnel that the Town deems necessary to quantify and to develop recommendations for abating impacts directly associated with the proposed use.

(b) Dust and Fly Ash. No solid or liquid particles shall be emitted in such a quantity as to be readily detectable at any point along lot lines or as to produce a public nuisance or hazard beyond lot lines.

(c) Electrical Disturbance or Interference. No use shall:

(i) Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or

(ii) Otherwise cause, create, or contribute to the interference with electrical signals (including television and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

(d) Exterior Lighting. All exterior lighting shall conform to Chapter 6 Section 5 of the Town of Ridgway Municipal Code titled "outdoor lighting regulations".

(e) Fire and Explosion. No fire or explosive hazard shall exist such as to produce dangerous exposure to adjacent property.

(f) Glare. No direct or reflected glare shall be detectable at any Light Industrial District boundaries.

(g) Hazardous waste. Hazardous waste shall be those substances as defined by Federal, State or local regulations. The disposal, treatment, bulking or handling (hereinafter collectively called treatment) of hazardous waste within the municipal limits of the Town of Ridgway shall be permitted only when such waste is generated within the Town of Ridgway. Any such treatment shall be

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prohibited except in conformance with all applicable Federal, State or local regulations governing hazardous waste. The temporary storage of hazardous waste other than for treatment is permitted only when it is used, manufactured or generated as a waste as part of an industrial, manufacturing or laboratory process that takes place within the Town of Ridgway. In this circumstance, hazardous waste shall be inventoried and stored inside a building with an impermeable floor and otherwise handled in strict conformance with all applicable Federal, State and local regulations. The records pertaining to such inventory and storage shall be open to authorized personnel of the Town of Ridgway and/or the Ridgway Fire Department upon reasonable request.

(h) Heat. No direct or reflected heat that is dangerous or discomforting shall be detectable at any Light Industrial District boundaries.

(i) Landscaping. A landscaping plan setting forth type, size, location of all plant types and species shall be submitted in conformance with the landscaping standards Section 6-1-11 of the Town of Ridgway Municipal Code. The design of the landscaping plan shall adequately buffer the light industrial use from adjacent surrounding non-light industrial zone districts and breakup any parking area more than 25 spaces to avoid the appearance of large areas of parking.

(j) Noise. No persistent noise shall be detectable beyond the property line in excess of the values identified in the following table:

(i)

Zoning of Lot Where Use Is located	Zoning of Adjacent Lot			
	All Residential Zone Districts	General Commercial District	Industrial-1 District	Industrial-2 District
Industrial-1 District	50	55	60	65
Industrial-2 District	50	60	65	70

All of the above levels are measured in decibels dB(A).

(ii) Impact noises are sounds that occur intermittently rather than continuously. Impact noises generated by sources that do not operate more than one minute in any hour are permissible up to a level of ten (10) dB(A) in excess of the figures listed in the table above, except that this higher level of permissible noise shall not apply from 7:00 pm to 7:00 am when the adjacent lot is zoned residential. The impact noise shall be measured using the fast response of the sound level meter.

(iii) Noise resulting from temporary construction activity that occurs between 7:00 am and 7:00 pm shall be exempt from the requirements of this section.

(iv) Noise shall be measured on a decibel or sound level. Noise level shall be measured at a point located within a street or public right-of-way in the town and a distance of at least 25 feet from the noise source; and/or

at the common property line of the property on which the noise source is located and the adjacent property.

(v) No use in the light industrial zone districts may generate noise that tends to have an annoying or disruptive effect upon uses outside the immediate space occupied by the use if that use is one of several located on the lot or uses located on adjacent lots.

(vi) The table above establishes the maximum permissible noise levels for the I-1 and the I-2 Zone Districts. Measurements shall be taken at the boundary line of the lot where a particular use is located, and, as indicated, the maximum permissible noise levels vary according to the zoning of the lot adjacent to the lot on which subject use is located.

(k)

(i) Odor. For purposes of this section, the "odor threshold" is defined as the minimum concentration in a year of a gas, paper or particulate matter that can be detected by the olfactory systems of a healthy observer.

(ii). No use in the I-1 or I-2 Districts may generate any odor that reaches the odor threshold measured at:

(a) The outside boundary of the immediate space occupied by the enterprise generating the odor.

(b) The lot line if the enterprise generating the odor is the only enterprise located on a lot.

(l) Off-site Impacts. Off-site impacts that directly result from the proposed use shall be abated. The Town of Ridgway reserves the right to require an independent evaluation of off-site impacts including recommendations about mitigation measures.

(m) Radioactivity. No operation shall be permitted which causes radioactivity in violation any applicable Federal, State or local regulation.

(n) Smoke. For purposes of determining the density of equivalent opacity of smoke, Ringlemann Chart, as adopted and published by the United States Department of Interior, Bureau of Mines Information Circular 8333 May 1967, shall be used. The Ringlemann number referred to in this section refers to the number of the area of the Ringlemann Chart that coincides most nearly with the visual density of equivalent opacity of the omission of smoke observed. For example, a reading of Ringlemann No. 1 indicates a 20 percent density of the smoke observed. No smoke shall be permitted in such quantity as to become a nuisance nor shall it be detectable at any property boundaries. All measurements shall be taken at the point of emission of the smoke. In the I-2 District, no use may emit from a tent, stack, chimney or combustion process any smoke that exceeds a density or equivalent capacity of Ringlemann No. 2, except that and emission that does not exceed a density or equivalent capacity of Ringlemann No. 2 is permissible for a duration of not more than four minutes during any eight hour period if the source of such emission is not located within 500 feet of a residential

district.

(o) Vehicular Traffic. Traffic to and from the site shall not overload or damage street systems to or from the site. Verification of this provision shall be confirmed by an independent traffic analysis conducted by properly qualified individuals.

(p) Vibration. No inherent and recurrently generated vibration shall be perceptible, without instruments, at any point along in the boundary line of the property on which the use is located. Where more than one use is located on a property, then this standard shall also be measured along any wall of any other building on the property.

(q) Waste Disposal. Liquid and solid waste disposal and water service shall comply with all pertinent Federal, State and local regulations.

(r) Observations shall be made as described in the applicable section above. In the event that the point of measurement is not defined or if there is more than one use on the property, measurements shall be taken at the property line of the lot on which the use is located if it is the only use on the lot, or at the exterior of the building in which the use is located if more than one use exist on the same site.

7-3-9.6 UNCOMPAHGRE RIVER OVERLAY DISTRICT.

(Section Added by Ord 1-2018)

(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 the 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 each 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;

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- (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.

7-3-10 DIMENSIONAL & OFF-STREET PARKING REQUIREMENTS.

(A) Tabulated Requirements for Uses by Right (All Dimensions in Feet or Square Feet Unless Noted Otherwise).

District	Use	<u>Minimum Lot</u>		Max.Lot Coverage %	<u>Minimum Setbacks</u>			Max. Side on Corner Lot	Structure Height****
		Width	Size		Front	Rear*	Side		
R	All	50	10,000	40	15	8	8	7.5	27
HR	Single Family	50	5,000	50	15	8	8	7.5	27

All Others	50+25/DU Over 1st DU	5,000 + 3,000/DU	50	15	8	8	7.5	35	
HB	All	25	NA	NA	***	8	***	***	35
GC	All	30	5,000	50	15	8	8	7.5	27**
FD	All	50	35 ac.	NA	15	8	8	8	27
I-1	All	50	6,000	50%	15	8	8	8	30 (Ord 6-2000)
I-2	All	50	6,000	50%	15	8	8	8	30***** (Ord 6-2000) (Ord 8-2017)
DS	All	50	5,000	50%	15	8	8	7.5	27 (Ord 6-2002)

* When the rear lot line abuts an alley, the setback shall be two (2) feet.

** 35' height may be allowed if approved as a conditional use.

*** These setbacks shall be determined as follows:

(1) The setback shall be 8 feet, unless snow and drainage from the roof is effectively directed away from the abutting property, in which case the setback can be as little as 4 feet.

(Ord 2-2005)

(2) In those instances where snow and drainage is effectively directed away from the abutting property, and the foundation and wall of the structure are constructed so that a wall and foundation of a building on an abutting lot can be built up to, or abutting the property line, the setback can be eliminated.

(Ord 2-2005)

(3) In buildings with three stories above ground, the third story shall be subject to a 15 foot front setback, and an 8 foot side setback for those sides facing a public street, in addition to other applicable setbacks as provided above. The third story setbacks as provided herein may be reduced or eliminated where design of the third story provides architectural features that are aesthetically attractive to provide visual relief and contrast as an alternative to monolithic three-story facade surfaces. For purposes of this provision, such features include, but are not limited to, integration of third stories into roof lines, multiple roof lines and angles, windows, doors and balconies, and fenestration and facade designs that make a distinction between upper and lower floors, such as horizontal banding and varied building materials.

(Ord 2-2005)

(4) Any reduction of the setbacks as specifically provided in these Subsections (1), (2) and (3) shall be determined by the Town Planning Commission, pursuant to consideration of the criteria as set forth herein and in accordance with the review procedures as set forth in Subsection 7-3-18.

(Ord 2-2005)

**** "Structure Height" shall be determined as follows for application of the limitations as set forth herein:

(1) The height of any structure shall be determined by measuring the vertical distance between the elevation of the lowest point of the natural grade abutting any exterior wall or supporting structure and

the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable or a pitched or hipped roof. Structures that do not have roofs shall be measured to the height of the structure.

(2) The height of each separate terrace or step for terraced or stepped buildings shall be considered for purpose of application of these limits. (Ord 1-2004)

(3) Allowable building height may be increased by six (6) inches if the roof design includes raised heel trusses. (Ord 1-2006)

***** Lot width shall be measured at the frontage of that abutting public street which provides actual access to the lot.

LGR = Larger

DU = Dwelling Unit

(Ord 9-1998)

***** Commercial telecommunication antennae or towers that are located on Town owned property and that are in compliance with Ridgway Municipal Code Section 7-3-13(H) may have a structure height of up to forty (40) feet. (Ord 8-2017)

(B) Proper dimensional requirements for conditional uses shall be determined in accordance with Subsection 7-3-14. Provided, that as a general rule, they shall be no less strict than the dimensional requirements specified for uses-by-right in the district concerned or as specified for the use concerned in a zone in which it is a use-by-right whichever is more restrictive.

(C) (1) The following off-street parking requirements shall apply unless otherwise indicated in all districts, except the Historic Business District. The requirements for the Historic Business District are specified in Subsection 7-3-8(E)(4).

(a)	Residences	2 spaces per dwelling unit
(b)	Medical offices and clinics	3 spaces per examination room
(c)	Hospitals	1 space for each 3 beds
(d)	Pharmacies	1 space per 200 sq. ft. of customer floor space
(e)	Bus stations	1 space per 400 sq.ft. gross floor area
(f)	Funeral homes and mortuaries	1 space for each 6 seats in main chapel
(g)	Restaurants and Lounges	1 space per 100 sq.ft. customer floor area
(h)	Hotels and motels	1 space per guest room
(i)	Walk-up restaurants	1 space per 50 sq.ft. customer floor area
(j)	Bowling alleys	3 spaces per lane
(k)	Gas stations	4 spaces, plus 2 spaces for each enclosed auto space
(l)	Beauty Shops	2 spaces for each chair
(m)	Industrial uses	1 space for every 2 employees on shift plus adequate visitor parking
(n)	Churches	1 space for each 6 seats in main chapel
(o)	Nursing homes	1 space for each 3 beds

(p)	Professional office space	1 space per 300 sq. ft. gross floor area
(q)	Retail establishments	1 space per 250 sq. ft. gross floor area
(r)	Studio residence	1 space per unit (600 sq ft. total living area)
(s)	Day care facilities not qualifying as an accessory use	1 space for each 10 children plus 1 drop off space, plus one space per staff person (Ord 1-2015)
(t)	All other uses	1 space per 350 sq. ft. gross floor area (Ord 1-2015)

(2) Parking spaces shall be sized and designed in accordance with standard Town specifications and shall be a minimum of 8 feet by 20 feet in size.

(Ord 4-2007)

(3) Maneuvering Area: Off-street parking shall provide sufficient off-street space to allow an automobile to enter, maneuver, and exit without backing onto any public street. Backing onto alleyways is permissible except where otherwise prohibited by plat note.

(Ord 4-2007)

(4) For purposes of this Subsection, "gross floor area" is the heated square footage of a building measured along the outside enclosing walls, excluding interior parking areas and outdoor common areas; "customer floor area" is the aggregate amount of internal floor area generally used by the public, or fifteen percent of the total floor area, whichever is greater.

(Ord 4-2007)

7-3-11 PLANNED UNIT DEVELOPMENT (PUD).

(A) Statement of Objectives of Development: The intent of this Subsection is to encourage the development of large tracts of land in accordance with an overall development plan by providing flexibility with respect to dimensional requirements and by allowing increased densities, and to promote the purposes of the Planned Unit Development Act of 1972.

(B) Criteria for a Planned Unit Development: A Planned Unit Development must meet the following conditions for approval:

- (1) Repealed by Ordinance 5-2000
- (2) It shall be in general conformity with the Town's Master Plan.
- (3) All landowners within the PUD shall consent, in writing, to the PUD.

(C) Permitted Uses:

- (1) Golf courses and "uses by right" and "conditional uses" in the zone or zones in which the PUD is located shall be permitted when approved as part of the Planned Unit Development.
- (2) Residences may be clustered into duplexes or multi-family residences.

(D) Dimensional Requirements and Densities:

- (1) The dimensional requirements, which would otherwise be required by Town Zoning Regulations, or other Town regulations for the district affected, may be deviated from in accordance with

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the Plan as approved, if the Town determines that such deviations will promote the public health, safety and welfare. (Ord 3-2008)

(2) The number of units allowed in a residential PUD shall be generally the same as would have been allowed without clustering, taking into account minimum lot sizes and areas which would have to be dedicated for streets and other public uses, if the property had been developed or subdivided without clustering. Provided, however, the Town may allow additional residential units if it determines that by so doing, significant public benefits will be provided which might not otherwise be available, such as significant affordable housing, public open space, public recreational amenities or off site public infrastructure improvements. (Ord 3-2008)

(E) Procedures:

(1) Planned Unit Developments shall be reviewed in accordance with the same procedures for review of subdivisions as found in Subsection 7-4-5, 7-4-8, 7-4-9 or 7-4-10 of the Ridgway Municipal Code as applicable. The preliminary and final planned unit development plan shall comply with all requirements for a preliminary and final subdivision plat to the extent applicable. A hearing shall be held on the Planned Unit Development Plan or any substantial amendment thereto pursuant to the Review Procedure of Section 7-3-18.

(Ord 13-2006)

(2) Approval of a Planned Unit Development by the Town is purely discretionary. If the Town and the Applicant do not agree on all required conditions and the plan, the Town may deny approval, or the Town may unilaterally impose conditions. If the developer does not accept the conditions, that development must adhere to standard dimensional, subdivision and zoning requirements.

(Ord 13-2006)

(F) Required Improvements and Standards: The Planned Unit Development Plan shall provide for the construction of the same improvements required for subdivisions in Subsection 7-4-6 of the Ridgway Municipal Code and shall comply with the Design Standards of Subsection 7-4-7 of the Town's Subdivision Regulations. Fees shall be due as provided in Subsection 7-4-12 of the Town's Subdivision Regulations. Security for improvements and enforcement shall be as provided in Town Subdivision Regulations.

(G) Additional Requirements: In addition to the information required to be submitted on the preliminary and final plans pursuant to Town Subdivision Regulations, the Planned Unit Development Plan shall show the location, size, and number of dwelling units, proposed uses for all buildings and shall further set out the location of all proposed parking areas, streets, sidewalks, bike paths and other improvements and structures. Other information necessary to show compliance with the requirements of this Subsection shall be submitted with the Plan, where appropriate parameters, limits or specifications may be approved in lieu of exact locations, numbers and sizes.

(H) The Planned Unit Development Plan may be enforced by the Town in accordance with the provisions of Subsections 7-3-11 and 7-4-3 of the Ridgway Municipal Code or in any other lawful manner. (Ord 3-2008)

7-3-12 SIGN REGULATIONS.

(A) Compliance Required: It shall be unlawful to erect or maintain any sign except in conformity with the requirements of this Subsection. Signs not in conformity with the provisions of this

Subsection are hereby declared to be a nuisance which may be abated by the Town in any lawful manner.

(B) Signs Allowed Without a Permit: The following may be erected, maintained and used without a sign permit as long as they are properly maintained in accordance with the requirements of this Paragraph (B) and Paragraph (F) and with other applicable requirements of this Subsection, State law and Town ordinances and regulations, and are not prohibited by Paragraphs (C) or (D):

(1) Official traffic control devices, signs, and notices erected, owned and maintained by the United States, the State of Colorado, the Town of Ridgway or any of their political subdivisions for official governmental purposes.

(2) Any pennant, motto, or insignia of any nation, state, political subdivisions, religious, civic, or fraternal organization, or school except devices which are used to promote business activity.

(3) Works of art unless they are used to promote business activity.

(4) Temporary decorations, displays and banners which are customarily displayed and associated with holidays or celebrations and banners associated with Town endorsed civic events.

(5) Scoreboards, unless used to advertise business activity.

(6) Public utility warning signs, construction warning signs, and signs warning of other hazards, with no sign face larger than 10 square feet in area.

(7) Identification signs incidental to the use of vehicles attached to the vehicle.

(8) Traffic control devices with no sign face larger than 3 square feet.

(9) One or more temporary signs with an aggregate sign face area of no more than 3 square feet in the Residential and Historic Residential Zoning Districts and 16 square feet in all other zoning districts, for the premises upon which they are located. (Ord 2-2010)

(10) One temporary sign with no sign face more than 12 square feet in area identifying a project and the contractors involved therein during the construction period.

(11) One bulletin board per street frontage not over 20 square feet in area for the purpose of announcing events of civic interest, which is owned and maintained by a charitable or religious institution.

(12) Memorial signs and tablets, or cornerstone signs identifying the building and its date of construction. Such signs shall be cut into masonry surface, inlaid so as to be part of the building or constructed of incombustible materials.

(13) Temporary real estate "For Sale" or "For Rent" signs.

(14) Signs upon vending machines, gasoline pumps, or packages of goods which relate to the contents thereof.

(15) Temporary signs advertising Town approved civic events during the period of the event. All such signs may be erected only with the approval of the Town Council except for those displayed in Town Parks which may be approved by Town Administrative Staff. (Ord 12-2009)

(16) Signs within buildings which are located no closer than 6 inches to any window or which are not legible from distances of 5 feet or more. (Ord 2-2010)

(17) Repealed by Ordinance 7-2006

(18) Temporary signs on the Ridgway School Ball Field fence, provided they do not face Highway 62, that they are only up during baseball season, and that all such signs be controlled and administered by the Ridgway School Administration.

(19) Signs devoted to ideological or political speech which do not exceed 10 square feet in area.

(C) Prohibited Signs and Devices: The following are hereby prohibited within the Town:

(1) Animated or flashing signs visible outside any building.

(2) Balloons, or pennants, or other wind-powered devices designed to attract attention, except they may be used for civic events up to a maximum of seven days.

(3) Repealed by Ordinance 2-2010

(4) The operation of search lights to promote business activities.

(D) Off Premise Signs Restricted: A sign may identify or advertise only that activity or use conducted upon or related to the premises upon which the sign is located except in the following circumstances:

(1) Directional signs owned by the Town. The expense of construction and maintenance shall be charged to the businesses or organizations advertised.

(2) Signs authorized pursuant to Subsection 7-3-12 (G). (Ord 2-2010)

(3) Signs allowed by Paragraphs (B)(1),(4), (11), and (15).

(4) Signs with a message devoted solely to ideological or political speech.

(5) Tourist oriented directional signs owned and erected by the Colorado Department of Transportation pursuant to C.R.S. 43-1-420(3), which meet conditions set out in Town resolutions as in effect from time to time.

(E) Permits:

(1) Except for the signs specified in Subsection (B), no sign may be erected and maintained until a Sign Permit has been issued by the building official. Applications for a standard sign permit issued pursuant to this subsection 7-3-12(E) shall be submitted to the Town on forms supplied by the Town accompanied by an application fee of \$35.00. Applications for permits issued pursuant to Ridgway Municipal Code Section 7-3-12(G), for signs erected over Town-owned streets and alley rights-of-way pursuant to a revocable right-of-way permit, shall be submitted to the Town on forms supplied by the Town accompanied by an application fee of \$75.00. (Ord 2-2019)

(2) The Building Inspector shall grant a permit only for signs which will be in compliance with the requirements of this Subsection.

(3) The total sign face area of signs required to have a permit, per building, other than those restricted by Subsection (6), shall not exceed the lesser of one square foot per foot of lineal street frontage of the premises abutting Town streets or 150 square feet. When more than one building is on the premises, the premises street frontage shall be allocated among the buildings accordingly. A minimum of 32 square feet of sign area shall be allowed for each separate business, as defined by lot, unit, lease, or other legally created property interest, subject to the total sign face area limitation of 150 square feet per building. Total sign face area in excess of 150 square feet shall not be allowed for any building unless approved through a Master Sign Plan applicable to that building. No single business may have a sign with any face area larger than 32 square feet. (Ord 5-2010)

(4) A Building Permit is also required for any sign with a value over \$1,000.

(5) No permit for a sign shall be allowed in the Residential Districts.

(6) The total sign face area of signs required to have a permit for businesses within the Downtown Services Zoning District shall not exceed 12 square feet per business. All signs within said District shall be non-illuminated and attached to the building structures, no higher than the roof line. (Ord 3-2004)

(F) Performance Criteria: All signs shall meet the requirements of this paragraph (F) whether a permit is required or not.

(1) All signs shall be maintained in good, legible and safe condition.

(2) No sign shall be erected or maintained which creates a traffic or other safety hazard.

(3) All signs shall be constructed and maintained in accordance with any applicable provisions of the Town's building codes.

(4) All signs shall be erected and maintained in accordance with applicable requirements of State law.

(5) No part of any sign shall be above the roof or parapet of the highest building on the property and no higher than 35 feet. No part of any freestanding sign shall be higher than 20 feet above finished grade. (Ord 1-2014)

(6) No sign may be erected or maintained which creates a public or private nuisance, or which unreasonably interferes with the reasonable enjoyment of the adjacent property by reason of unreasonable light, shade or other effects.

(7) No sign shall be larger than 32 square feet in area, except a freestanding sign with more than one business advertised may have a sign face up to 56 square feet. No sign shall have more than 2 sign faces. No sign face on a temporary "For Sale" or "For Rent" sign shall exceed 7 square feet in area including riders. All "For Sale" signs shall be taken down when the sale of the premises is closed. (Ord 3-2004)

(8) Signs may be erected only on property which the sign owner has a legal right to erect such sign.

(9) All temporary signs must comply with the size restrictions set forth in Section 7-3-12(B)(9). Portable or wheeled signs displayed outside of buildings must be located so as to not impede with vehicular or pedestrian traffic, or create a traffic hazard or safety hazard or other nuisance, and must be removed at times when the advertised use or activity is not open for business. (Ord 2-2012)

(10) No more than 50% of any sign face may be internally illuminated. (Ord 1-2014)

(11) Materials – Signs lit with a dark-skies compliant external source are recommended over internally lit signs. A “halo” type sign, which uses solid letters with a light source behind them, illuminating the wall around the letters, are acceptable. If internally illuminated signs must be used, illumination of letters and graphics is allowed; however, illumination of the background is prohibited. (Ord 1-2014)

(G) Signs, other than signs belonging to the Town or sponsored by the Town, conforming to size limits of this Subsection 7-3-12, may be erected over Town-owned streets and alley rights-of-way pursuant to a revocable right-of-way permit issued pursuant to either Paragraph (1) or (2) of this Subsection only on the following conditions, in addition to other applicable requirements of this Subsection:

(Subsection amended by Ord 2-2012)

(1) Projecting signs:

(a) The sign must be supported and attached to a building.

(b) The sign may extend no more than 5 feet, 10 feet for a sign printed on a retractable awning from the building. A sign may extend no more than 5 feet, 10 feet for a sign printed on a retractable awning across Town-owned right-of-way.

(c) No part of the sign may be less than 10 feet above the ground over Town right-of-way, except for a sign printed on an awning, the awning shall be at least 7 feet above the ground.

(d) That portion of any sign face located over the Town right-of-way shall be no larger than 20 square feet in area.

(e) No more than one sign per business may extend over the Town right-of-way.

(f) No sign with its face parallel to the wall of the building to which it is attached, except for those printed on an awning, may extend more than 12 inches from the building, nor more than 12 inches over public property.

(g) Plans for signs over Town rights-of-way must be submitted with applicable fee, reviewed and approved by the Town Administrative Staff. (Ord 4-2011)

(h) The revocable permit may be revoked by the Town at any time for any reasonable reason.

(i) Proof of insurance shall be provided to the Town.

(j) The sign may identify or advertise only that activity or use conducted upon or

related to the abutting premises.

(2) Portable signs:

- (a) The sign may identify or advertise only that activity or use conducted upon or related to the abutting premises.
- (b) No more than one sign per business may be placed on Town right-of-way.
- (c) The proposal for a portable sign on Town right-of-way must be submitted with applicable fee, reviewed and approved by the Town Administrative Staff.
(Ord 4-2011)
- (d) The revocable permit shall specify the authorized location, and may be revoked by the Town at any time for any reasonable reason.
- (e) Proof of insurance shall be provided to the Town.
- (f) The sign must be located so that it does not interfere with Town use, impede vehicular or pedestrian traffic, or create a traffic or safety hazard or other nuisance.
- (g) The sign must be removed at times when the advertised use or activity is not open for business.

(H) General Provisions:

(1) The area of a sign face shall include the surface area of a sign, including non-structural trim and decoration, but excluding supports or uprights. The face area of a sign painted or hung on a wall of a building, or on an awning, shall include all the area within a perimeter surrounding all words, symbols, designs and coloring, distinctive from the wall upon which it is painted. Only one side of double-faced signs that convey the same message on both faces shall be included for purposes of this calculation.
(Ord 3-2004)

(2) As used in this Subsection, "sign" means and includes any object, device, or message which is used to advertise, identify, display, direct, attract attention, or convey any message concerning any object, person, institution, organization, business, products, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination, or projection, and anything else commonly known as a "sign".

(I) Nonconforming Signs:

(1) All signs shall at all times be maintained in strict conformity with the performance criteria of Paragraphs (F)(1), (2), (3), (4), (6) or (8). Any signs not in compliance with these specific performance criteria shall be removed.
(Ord 3-2004)

(2) All signs shall at all times be maintained in strict conformity with the performance criteria of Paragraph (F). Any sign not in compliance with Paragraph (F) shall be removed.

(3) The right to maintain a nonconforming sign shall be terminated and the sign removed or brought into full compliance with this Subsection under the following conditions:

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(a) Abandonment of the sign, abandonment or termination of the related business, an interruption in continuance of the business for 6 months.

(b) A violation of any of the performance criteria of Paragraph (F) (1), (2), (3), (4), (6) or (8). (Ord 3-2004)

(c) The destruction of the sign, removal of the sign or damage of the sign, such that the cost of replacement or repair is greater than 50 percent of the replacement cost of the original sign.

(d) The creation of any additional violation of or nonconformity with these regulations.

(4) A list of nonconforming signs shall be developed and maintained by the building inspector with owners notified and given a copy of Paragraph (I).

(J) Master Sign Plans:

(Subsection added by Ord 3-2004)

(1) Total sign face area in excess of 150 square feet shall not be allowed per any building unless approved through a Master Sign Plan for that building, subject to the review procedures set out in Subsection 7-3-18.

(2) Master Sign Plans may be reviewed and approve together with PUD Plans. In such instances, information required by the provisions herein shall be submitted along with other submission requirements for Planned Unit Development, and review shall be subject to the provisions in Subsection 7-3-11 accordingly.

(3) An application for a Master Sign Plan shall include, but not be limited to, the total proposed sign area for each building; and the location, materials and maximum sign area of each sign.

(4) Master Sign Plans may allow for some deviation from the dimensional requirements for signs which would otherwise be required by Town Zoning Regulations, if the Planning and Zoning Commission determines that such deviations are in the interest of the health, safety and welfare, and that the spirit of such applicable regulations will be observed.

(5) Any deviations from approved Master Sign Plans shall be unlawful unless a revised Master Sign Plan is approved by the Planning and Zoning Commission.

7-3-13 SUPPLEMENTAL REGULATIONS.

(A) Home Occupations:

Home Occupations may be conducted within a residential premises or accessory structure related thereto in any district as an accessory use only if the following criteria are met:

(1) Town and State Sales Tax Licenses must be obtained if sales taxable by the Town or State sales taxes are to be made.

(2) Only the residents of the dwelling unit may be engaged in the home occupation.

(3) No unreasonable noise, glare, smoke, dust, vibration or odor shall be observable off the premises.

(4) The home occupation activity shall not utilize or occupy more than 750 square feet in total, nor more than 400 square feet in a garage or other structures outside of the residence. Provided, however, accessory day care facilities shall be limited to 8 or fewer children in lieu of these area limitations. (Ord 1-2015)

(5) No business activity or storage of property involved in the business may take place outside of enclosed structures, except for horticultural activities.

(6) The short term rental of rooms, such as bed and breakfast operations, does not qualify as an accessory use pursuant to this Subsection.

(B) It shall be unlawful to maintain, own or operate any offensive or unwholesome business or establishment within the Town, including but not limited to rendering plants, tanneries, pig sties, feed lots, dairy farms, manufacture and storage of explosives, sugar beet pulp storage facilities, foundries, or petroleum product refineries, unless such business was lawfully in existence at the effective date of this Section, or at the effective date of annexation subsequent to the effective date of this Section. In either event, such business or establishment shall be subject to the Nonconforming Use Regulations of Subsection 7-3-15 of these regulations, and all other applicable regulations of the Town.

(C) Temporary Use Permits:

(1) The Planning Commission may issue a permit authorizing certain temporary uses of premises in a district for a use which is otherwise not allowed in such a district for the periods specified here below:

<u>Use</u>	<u>Zoning District</u>	<u>Period</u>
Construction office incidental to construction on premises	All districts	9 months
Carnival, circus, bazaar, fairs	Commercial	1 week
Tent meetings or crusades	Commercial	2 weeks

(2) A permit (for a period of up to 1 year) may be issued under the following circumstances by the Planning Commission for temporary location or use of a mobile home or travel home:

(a) For fire protection or security purposes in the General Commercial District.

(b) At a construction site during the construction period.

(3) The Planning Commission shall hold such hearings concerning the application as the circumstances merit in its opinion. Notice of any hearing shall be posted, visible from each street frontage abutting the property, for at least 10 days prior to the hearing. The permit may be granted subject to conditions appropriate to insure that no public or private nuisance or safety hazard will be created. (Ord 14-1998)

(D) Use and Location of Travel Homes:**(1) Travel homes may be occupied only in the following circumstances:**

- (a) Within a licensed travel home park for a maximum period of 6 months in any one 365 day period.
- (b) Upon private property for temporary occupancy by out-of-town guests for a period not to exceed 30 days in any year for any tract of property.
- (c) Upon property for which a permit has been issued by the Town, pursuant to Subsection 7-3-13(C).

(2) Travel homes may be parked, if unoccupied, upon private property if in compliance with zoning setbacks, or temporarily upon public streets, if registered under State law and lawfully parked. Provided, however, they may not be parked in a manner which creates a traffic hazard.

(E) Garage and Yard Sales:

(1) Notwithstanding restrictions of Town Zoning Regulations, or junk, litter or nuisance ordinances, garage and yard sales may be conducted within the Town consistent with the conditions set out herein.

(2) No premises shall be used for a garage or yard sale for more than 48 hours at one time or for more than two such sales in any calendar year.

(3) The sale shall be conducted so that no traffic hazards or nuisances are created.

(F) Bed and Breakfast Operations:

(1) Residents of a dwelling unit in the "R" and "HR" Districts may rent rooms on a short-term basis (and may provide meals to such boarders) if a Conditional Use Permit is approved by the Planning Commission pursuant to Sections 7-3-14 and 7-3-18, and the operation will comply with the criteria of this Subsection.

(2) The application shall not be granted unless the Planning Commission determines that the following criteria are met:

- (a) There is at least one additional off-street parking space for each room to be rented in addition to the off-street parking required for the residential dwelling unit.
- (b) No more than three rooms shall be rented in any dwelling unit. Such rooms shall be an integral part of the dwelling unit.
- (c) The meals to be served shall be served from the kitchen which is part of the dwelling unit itself.
- (d) The operation will not create a public or private nuisance.

(e) Only the permanent residents of the dwelling unit shall be employed in the operation.

(f) The Permittee will obtain a sales tax license and remit sales tax and lodging occupation tax.

(3) The Town Council may revoke any permit if it determines following a hearing with reasonable notice to the holder of the permit that the above criteria or limits of any permit are not being met.

(G) Accessory Dwelling Units:

Dwelling units which meet the criteria of this Subsection may be allowed as an accessory use in the "HR" Historic Residential District, the "R" Low Density Residential District, the "DS" Downtown Service District and the "HB" Historic Business District to a principal residential unit which conforms to the applicable requirements of said Districts. (Ord 1-2005)

(1) The accessory dwelling unit must be constructed in accordance with applicable requirements of Town Building Codes. It may be attached or detached to the principal residential unit. Applicable dimensional requirements for a single family dwelling as set out in 7-3-10(A) must be met for the premises. (Ord 7-1997)

(2) One off-street parking space shall be provided for the accessory unit in addition to any other required off-street parking. (Ord 7-1997)

(3) The accessory dwelling unit may not exceed 800 square feet of living area. (Ord 8-2010)

(4) One of the dwelling units on the property must be, and remain, owner occupied. (Ord 7-1997)

(5) A minimum of a 90 day rental period shall be required by written lease. (Ord 7-1997)

(6) The accessory dwelling unit must be owned together with the principal residential unit, and the lot or parcel upon which they are located, in undivided ownership. (Ord 1-2005)

(7) The accessory dwelling unit may be served off of the water or sewer tap for the principal residence, in which case it shall not be subject to additional tap fees. (Ord 8-2010)

(8) The burden shall be upon the owner of any accessory dwelling unit to provide adequate proof to the Town that the criteria of this Section are met. In the event that the Town determines that the criteria have not been shown to be satisfied the unit may not be occupied as a residence. (Ord 7-1997)

(9) A dwelling unit constructed before a principal single-family home, which meets these criteria, may be converted to an accessory dwelling unit following construction of a new principal dwelling unit. (Ord 5-2004)

(10) An accessory dwelling unit, as defined in Ridgway Municipal Code Section 7-3-

13(G) either attached or detached to the primary dwelling, may be utilized as a short-term rental only under the following circumstances: (Ord 3-2017)

(a) Tap fees are paid at 30% pursuant to Ridgway Municipal Code Chapter 9-1-9(c)(2); and (Ord 3-2017)

(b) 100% of monthly water, sewer, trash and recycling services are paid on a monthly basis pursuant to Ridgway Municipal Code Chapter 9; and (Ord 3-2017)

(c) The lot size upon which both dwelling units are sited is a minimum of 8,000 square feet. (Ord 3-2017)

(H) Telecommunication Antenna and Tower Regulations: (Subsection enacted by Ord 2-2000)

(1) Telecommunication towers and antennae shall be located, and comply with the following provisions:

(a) Noncommercial television and telecommunications receivers and amateur radio antennae, which qualify as an accessory use to the main use on the premises, may be located on such premises.

(b) Antennae for “personal wireless services” as defined in 97 USC 332(c)(2) shall be limited to the GC Zoning District, or upon Town-owned property in other zoning districts pursuant to leases or permits with the Town, with terms and conditions adequate to insure safety and reasonable compatibility with the neighborhood in which they are located, including requirements for camouflaging where appropriate.

(c) Commercial radio, television and other tele-communications transmitters and receivers shall be restricted to the GC Zoning District.

(d) Additional receivers or transmitters may be installed on existing telecommunication towers regardless of the zoning district.

(2) All telecommunication antennas and towers shall be limited to the maximum structure heights set out in Section 7-3-10, unless a variance is obtained pursuant to Section 7-3-16, or allowed in accordance with the following exceptions:

(a) Telecommunication antennas, receivers and transmitters may be located on lawfully existing towers and structures, as long as they are not above the tower structure.

(b) A variance to the height limitations otherwise applicable may be obtained for an amateur radio antenna for noncommercial use pursuant to the review procedure of Section 7-3-18 if the Planning Commission determines that the following criteria are met:

(i) A higher tower is necessary to be reasonably adequate for the domestic communications purposes;

(ii) No reasonable alternative exists;

(iii) No adverse impacts will be created with respect to other property in the area.

(c) A variance to the height limitations otherwise applicable may be obtained for personal wireless service antennae if the Planning Commission determines pursuant to the review procedure of Section 7-3-18 that the following criteria are met:

(i) Space is not available at a commercially reasonable price on an existing tower or structure located in a technically feasible location, and no other location is available which will provide reasonably adequate service in compliance with the height limitations set out above, and

(ii) No adverse effect on property values in the area will be caused, and no safety hazard will be created.

(iii) The design and color of the tower and appurtenances shall be reasonably compatible with the site and surrounding area.

(d) Commercial telecommunication antennae or towers up to forty (40) feet in height may be installed upon Town owned property within the “I-2” Light Industrial 2 Zoning District. (Ord 8-2017)

(3) A final decision to deny a variance shall be in writing and supported by a substantial written record.

(4) All towers and structures shall be subject to the building setback requirements of Section 7-3-10 and applicable provisions of Town building codes and other ordinances and regulations.

(I) Short Term Rental Regulations:

(Original subsection repealed & re-enacted by Ord 3-2017)

(1) Intent and Purpose: Establish standards and procedures by which residential short term rentals can be provided in a manner that protects both the quality of experience and the character of the Town of Ridgway. It is the Town of Ridgway’s intent to establish short term rental regulations to promote a mix of lodging options, support the local economy, while also upholding the integrity of the Town.

(2) Permitted Use of Short Term Rentals:

(a) Short-term rentals are allowed in all zoning districts where residential units are a use by right or an approved conditional use. Short-term rentals are not permitted in the “I-1” Light Industrial District or the “I-2” Light Industrial District. Short-term rentals shall comply with the provisions of this Subsection (I) and shall be licensed per Chapter 8, Section 5 of the Ridgway Municipal Code. Provided however the provisions of Subsection 7-3-13(I)(2)(b) below are not applicable to such units in the HB or GC Districts.

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(b) For short term rentals not in the “HB” Historic Business or “GC” General Commercial Districts, the structure involved:

(i) Shall be a single family dwelling structure; or

(ii) Shall be a single residential unit in structures with mixed uses; or

(iii) Shall be a property with two dwelling structures where the owner may use one of the dwelling structures as a short term rental if both dwelling structures are owned by a single owner and one dwelling unit is owner occupied.

(iv) Shall not be a multiple family residence or structure as short term rentals are prohibited in multiple family structures.

(c) In the HB and GC Districts, a maximum of five short term rentals are allowed per building or structure.

(3) Performance Standards for Short Term Rentals:

(a) The unit being rented shall be a Dwelling Unit, as defined pursuant to Ridgway Municipal Code Section 7-3-2 shall not have more than 5 bedrooms, nor be leased or used to any group containing more than 10 people over the age of 18.

(b) The unit shall have a minimum of 2 off street parking spaces available and any additional spaces necessary to accommodate the tenant’s vehicles off street.

(c) There shall be an owner’s agent available to be at the unit within 20 minutes, who is on call full time to manage the property during any period the unit is rented. The name, address and phone number of the agent must be kept current on file with the Town, and posted in the short term rental.

(d) Adequate animal-resistant trash and recycle containers shall be provided, and information on placement for collection shall be provided, in the short term rental as stated in Ridgway Municipal Code Section 9-2. (Ord 2-2018)

(e) The unit shall be maintained in compliance with applicable Town ordinances and regulations. The rental of residential units as provided herein shall not unreasonably annoy or interfere with the use or enjoyment of public or private property or which constitutes a health or safety hazard.

(f) The owner must have current State and Town sales tax licenses, a Town business license at such time the Town has business licensing, and collect and remit sales taxes and lodging taxes.

(J) Marijuana:

(1) The cultivation, manufacture, distribution, storage, or sale of marijuana shall not be a lawful use by right, accessory use (including as a home occupation), conditional use, or lawful

nonconforming use in any zoning district of the Town of Ridgway, except as provided in this Subsection (J). (Ord 5-2013)

(2) A Medical Marijuana Center, Medical Marijuana Optional Premises Cultivation Operation, and Medical Marijuana-Infused Products Manufacturing Facility, licensed under Article 43.3 of Title 12 CRS, a Primary Care Giver registered under CRS 25-1.5-106, and a Marijuana Cultivation Facility, a Marijuana Testing Facility, a Marijuana Product Manufacturing Facility or a Retail Marijuana Store licensed by the State of Colorado pursuant to Article XVIII Section 16 of the Colorado Constitution and Article 43.4 of the Title 12, CRS, may be located within the I-1 and I-2 Zoning Districts and the General Commercial Zoning District east of Liddell Drive extended, as a use by right if they meet the following provisions: (Ord 5-2013)

- (a) They must be operated lawfully under applicable provisions of State Law. (Ord 5-2013)
- (b) They must comply with the performance standards of the I-1 and I-2 Zoning Districts, or General Commercial Zoning Districts, as applicable. (Ord 5-2013)
- (c) They must have valid State and Town sales tax licenses and collect and remit sales tax on sales of Marijuana in accordance with State Law and Town ordinances. (Ord 5-2013)
- (d) A Certificate of Occupancy for each building must be obtained prior to establishment of the use therein. (Ord 5-2013)
- (e) The cultivation, manufacturing, storage, distribution and sale of Marijuana, must be confined to an enclosed building. (Ord 5-2013)
- (f) They must be located in structures with commercial and industrial uses only, and are not allowed in buildings with residential uses. (Ord 5-2013)
- (g) No storage facilities are permitted off of the licensed premises. (Ord 5-2013)
- (h) The building in which the licensed activities take place may not be located within 1000 feet of a school, an alcohol or drug treatment facility, the principal campus of a college, university or seminary, or a residential child care facility. The distance referred to shall be measured from the nearest property line of the land use for the above listed uses to the nearest portion of the building in which licensed activity takes place, using a route of direct pedestrian access. This restriction shall not affect the renewal or reissuance of a license once granted, or apply to a license in effect actively doing business before any of the above uses was constructed. (Ord 5-2013)

(3) (a) A Patient, validly registered under State Law, may cultivate Medical Marijuana at the Patient's residence for the Patient's own use only, if in compliance with the limitations of State Law and if the plants cannot be seen or smelled off of the premises. (Ord 1-2013)

(b) An individual may cultivate Marijuana at the individual's residence, only if in compliance with the limitations of Subsection (16)(3)(b) of Article XVIII of the Colorado Constitution and other applicable state law, including the requirement that the growing take place in an enclosed locked place, is not conducted publicly or openly and is not made available for sale. (Ord 1-2013)

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(c) The use of a compressed flammable gas as a solvent in the extraction of THC or other cannabinoids in a residential setting is prohibited. (Ord 5-2013)

(d) Co-op or collective grow operations are not allowed without a state license. (Ord 5-2013)

(4) Delivery of Marijuana, or Medical Marijuana by a licensed Medical Marijuana business, licensed Marijuana establishment, Primary Care Giver, or any other person, from a location outside of Town, to a location within Town, is allowed, only if lawful under, and in full compliance with State Law, and the delivering person has a Town sales tax license if taxable sales may occur, and collects and remits Town sales taxes on the sale of the delivered Marijuana and Medical Marijuana. (Ord 1-2013)

(5) The below listed terms shall be defined as indicated for purposes of this Subsection

(J):

(a) “Medical Marijuana”, “Medical Marijuana Center”, “Optional Premises Cultivation Operation”, and “Medical Marijuana-Infused Products, Manufacturing”, shall have meanings as defined in CRS, Title 12, Article 43.3. (Ord 1-2013)

(b) “Primary Care Giver” shall have the meaning as defined in CRS 25-1.5-106. (Ord 1-2013)

(c) “Patient” shall have the meaning as defined in Section 14(1) of Article XVIII of the Colorado Constitution. (Ord 1-2013)

(d) “State Law” shall include, but not be limited to, Section 16 and Section 14(1) of Article XVIII of the Colorado Constitution, CRS 25-1.5-106, Article 43.3 and 43.4, Title 12, , CRS; and any rules or regulations promulgated pursuant thereto. (Ord 5-2013)

(e) “Marijuana”, “Marijuana Cultivation Facility”, “Marijuana Testing Facility”, “Marijuana Product Manufacturing Facility” or a “Retail Marijuana Store” shall have the meaning defined in Article XVIII Section 16 of the Colorado Constitution, and Article 43.4, Title 12, CRS. (Ord 5-2013)

(6) Storage of Marijuana off of the licensed premises is not permitted in the Town. (Ord 5-2013)

(7) Marijuana clubs, businesses or other places of assembly where customers, members, or the like, are regularly invited for the purpose of using or consuming marijuana or marijuana products on site, are prohibited in the Town. (Ord 5-2013)

7-3-14 CONDITIONAL USES.

(A) Uses listed as conditional uses for the various zoning districts provided in this Section shall

be allowed only if the Planning Commission determines, following review pursuant to Subsection 7-3-18, that the following criteria are substantially met with respect to the type of use and its dimensions:

- (1) The use will not be contrary to the public health, safety, or welfare.
- (2) The use is not materially adverse to the Town's Master Plan.
- (3) Streets, pedestrian facilities, and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.
- (4) The use is compatible with existing uses in the area and other allowed uses in the District.
- (5) The use will not have an adverse effect upon other property values.
- (6) The location of curb cuts and access to the premises will not create traffic hazards.
- (7) The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of other property in the area.
- (8) Visual impact due to a building's size shall be mitigated by means of design, landscaping, berming, and other methods of site treatment, and must be compatible with the mass and scale of existing buildings on adjacent properties, or if there are no such buildings, compatible with the mass and scale of buildings in the Town generally. (Ord 1-2014)

(B) The burden shall be upon the applicant to prove that these requirements are met.

7-3-15 NONCONFORMING USES.

(A) Any use, building or structure which at the effective date of this Section or at the time of annexation, if annexed subsequent to the effective date of this Section, was lawfully existing and maintained in accordance with the previously applicable County or Town Regulations and Ordinances but which does not conform or comply with all of the regulations provided for in these Zoning Regulations, may continue to be maintained and used as a lawful nonconforming use only in compliance with the provisions and limitations imposed by this Subsection. Uses, structures or buildings which were unlawful or illegal and not in compliance with previously applicable Regulations shall remain unlawful, illegal, and subject to abatement or other enforcement action.

(B) If a use, building or structure is lawfully nonconforming in that it is not a "Use By Right", or a "Conditional Use" which has been approved pursuant to the review provisions of Subsection 7-3-14, the following shall apply:

(1) If the building, mobile home or structure involved in the use is removed or if it is destroyed or damaged so that repair, replacement or reconstruction will cost more than fifty percent of the fair market value of the building, mobile home or structure after repair, it shall no longer be lawful to use the building, mobile home or premises except in compliance with the Use Regulations for the District within which it is located.

(2) If the nonconforming use is abandoned or discontinued for a period of 6 months, then the premises may only be used in compliance with the Use Regulations for the District within which it is

located.

(3) The use may be continued only substantially as it existed at the effective date of this Section or of annexation, and no material change in the type of use shall be allowed, unless the Planning Commission determines, following the hearing procedure provided in Subsection 7-3-18, that the criteria set out in Subsection 7-3-14 will be met, and that the new use is a more restrictive use than the existing nonconforming use. Any change in use allowed pursuant to this provision shall not affect the future status of the use as a nonconforming use for all purposes of this Subsection.

(4) The extent or area of the premises utilized for or by the nonconforming use, building or structure, may not be materially extended or enlarged, or substantially structurally altered, unless the Planning Commission determines, following the review procedure of Section 7-3-18, that the criteria set out in Section 7-3-14 will be met.

(C) If the use, building or structure is nonconforming with respect to dimensional requirements, design and performance standards, or other provisions not related to "use", the following provision shall apply:

(1) If the nonconformity of the building, use, or structure is abandoned, removed, or corrected, such nonconformity may not be reestablished.

(2) If the building, mobile home or structure is damaged so that the cost of replacing or restoring it is greater than fifty percent of its fair market value after replacement, the building, mobile home or structure may be repaired or replaced only in compliance with these Zoning Regulations.

(3) If the building or structure is damaged in such a way as to remove the nonconformity, the nonconforming feature may not be reestablished by any repair or reconstruction, unless it is unfeasible to repair the building without reestablishing the nonconforming feature.

(4) No alteration may be made to the use, building, or structure which would increase the amount or degree of the nonconforming feature. Changes in the use, building, or structure may be made which will decrease the degree or amount of deviation from the requirements of this Section.

(D) This Subsection shall not apply to signs. Nonconforming signs shall be governed by the provisions of Subsection 7-3-12.

(E) (1) Notwithstanding the foregoing provisions of this Section, a lawful nonconforming mobile home owned and occupied by the owner of the land upon which it sits may be replaced by another mobile home to be owned and occupied by said owner if the Planning Commission determines following the review procedure of Section 7-3-18 that the criteria set out in Section 7-3-14 will be met, and that the replacement mobile home will comply with all other applicable Town regulations including the provisions of Chapter 6-3.

(2) Notwithstanding any of the foregoing provisions of this Subsection 7-3-15 any Factory Built Housing, which is nonconforming as to restrictions on use or design and performance standards, which for a period of six months is either unoccupied or does not have any authorized use of Town supplied water occur on the premises, shall be removed from the premises unless the structure has previously been issued a permit pursuant to Subsection 6-3-2 and it is erected on a permanent foundation complying with the requirements of the Town Building Code. (Ord 5-1999)

7-3-16 VARIANCES AND APPEALS.

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(A) The Planning Commission may grant a variance from the Dimensional Requirements, Sign Regulations, Design or Performance Standards and other provisions of these regulations not related to "use", and excluding Off-Street Parking Requirements, following the review procedure of Subsection 7-3-18, provided that the criteria of this Subsection will be met. No variance shall be granted from the provisions governing "Uses By Right", and "Conditional Uses" within any zoning district. Variances shall be granted only if all the following criteria are met: (Ord 4-2007)

(1) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Zoning Ordinance, and (Ord 4-2007)

(2) The spirit of the ordinance will be observed, the public health, safety and welfare secured and substantial justice done by granting the variance. (Ord 4-2007)

(B) The Planning Commission may grant a variance from the Off-Street Parking Requirements for the Historic Business Zoning District, following the review procedure of Subsection 7-3-18, provided that the criteria of this Subsection will be met. Variances shall be granted if the spirit of the ordinance will be observed, the public health, safety and welfare secured and substantial justice done by granting the variance and any one of the following criteria are met: (Ord 4-2007)

(1) The variance is requested for an addition to an existing building or the construction of a purely accessory structure and these modifications will have a *de minimis* effect on traffic and parking; or,

(2) The placement of on-site parking is not congruent with the goals and objectives of the downtown and as such will create an undesirable effect on the downtown streetscape, potentially interrupting, impeding or otherwise adversely affecting existing or future infrastructure such as pedestrian walkways and landscape areas; or,

(3) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Off-Street Parking Requirements. (Ord 4-2007)

(C) The burden shall be on the applicant to show that these criteria have been met.

(D) No variance on appeal shall be granted with less than 4 concurring votes of the Planning Commission. (Ord 4-1995)

7-3-17 AMENDMENTS AND ADDITIONS TO THE OFFICIAL ZONING MAP AND ZONING REGULATIONS.

(A) Rezoning:

(1) Amendments to the Official Zoning Map involving any change in the boundaries of an existing zoning district, or changing the designation of a district, shall be allowed only upon a determination following public hearing that the following criteria are met:

(a) The amendment is not adverse to the public health, safety and welfare, and

(b) (i) The amendment is in substantial conformity with the Master Plan, or

- (ii) The existing zoning is erroneous, or
- (iii) Conditions in the area affected or adjacent areas have changed materially since the area was last zoned, or
- (iv) Repealed by Ordinance 7-1999

(2) Rezoning may be requested or initiated by the Town, the Planning Commission, or the owner of any legal or equitable interest in the property or his representative. The area considered for rezoning may be enlarged by the Planning Commission on its own motion over the area requested in the application as part of its recommendation. Any person desiring an amendment to the Zoning Regulations shall submit an application on forms provided by the Town, accompanied by an application fee of \$200.00. The burden shall be on the applicant to show that the criteria of this Subsection have been met. No fee or formal application is required for action initiated by the Town or Planning Commission.

(B) Zoning of Additions:

(1) The Planning Commission may recommend to the Town Council a zoning district designation for all property annexed to the Town not previously subject to Town zoning. Proceedings concerning the zoning of property to be annexed may be commenced at any time prior to the effective date of the Annexation Ordinance or thereafter.

(2) The zoning designation for newly annexed property shall not adversely affect the public health, safety and welfare.

(C) Legislative Zoning:

Comprehensive review and reenactment of all or a significant portion of the Official Zoning Map shall be a legislative action and shall not be required to meet any criteria set out in this Subsection.

(D) Amendments to these regulations may be made only by ordinance.

(E) All proposals to amend the Official Zoning Map or these Zoning Regulations may be referred to the Planning Commission for recommendation.

(F) The Town Council shall review all proposals to amend the Official Zoning Map as the "Review Board" in substantial conformity with the review procedures set out in Subsection 7-3-18.

(Ord 1-2003)

(G) Repealed by Ordinance 19-1999

7-3-18 REVIEW PROCEDURE.

(A) All requests for approval of an appeal, a variance, a conditional use, a change in a nonconforming use, or other action which is required to be reviewed pursuant to this Subsection by these Zoning Regulations or other Town Ordinances, shall be reviewed by the Planning Commission, or Board of Adjustment, as provided in these Regulations.

(B) The applicant requesting approval of a variance, appeal, conditional use, change in a nonconforming use, or other action required to be reviewed pursuant to this Subsection shall submit an

application upon forms supplied by the Town accompanied by any other required information or information which he may desire to submit. A single application may contain a request for more than one action. The application shall be accompanied by application fees as set by Subsection 7-3-20. No formal application need be submitted or fee paid for action initiated by the Town or Planning Commission.

(C) A hearing shall be set before the appropriate Board after receipt by the Town of a properly completed application form and all other required information.

(D) Notice of the hearing shall be posted at Town Hall 10 days before the hearing and posted, visible from each street frontage abutting the property, for at least 10 days prior to the hearing in addition to any other notice required by Town regulations. (Ord 14-1998)

(E) At the hearing scheduled, the applicant and other interested parties may appear and present such evidence and testimony as they may desire. Anyone presenting evidence or testimony shall be subject to cross-examination by other interested parties, although the Reviewing Board may limit testimony, evidence, and cross-examination which is merely cumulative and is not required to follow any set procedure during the hearing, nor to strictly follow the Rules of Evidence as applied by the Courts. The hearing may be tape recorded or otherwise electronically recorded. The applicant, or other interested party may, if he desires, have the hearing recorded by a court reporter, at his expense. The hearing may be continued from time to time as necessary. The burden is upon the applicant in all cases to establish that all applicable criteria for any action are met, including proper notice.

(F) The Reviewing Board shall announce its decision within 20 days of the completion of the hearing. It shall not be necessary for the Reviewing Board to provide written findings or conclusions, except upon the request of the applicant, or other party appearing or participating in the hearing. The decision of the Reviewing Board with respect to requests for approval of a variance, conditional use, or change in a nonconforming use, or appeal shall be final, subject only to review by certiorari in the courts. The Town shall have the right to appeal any such decision to the courts. Upon the filing of an appeal or request for review in the courts, the Town shall cause a transcript of any tape recording of the hearing to be made and certified to the court, and the party filing such appeal or such review, shall pay the Town the reasonable cost incurred in producing such transcript, unless such party has a transcript produced by a court reporter at his expense.

(G) The Reviewing Board may approve the requested action only upon finding that all applicable criteria and requirements of these Zoning Regulations or other Town ordinances have been met. If it determines that such criteria have not been met, the application shall be denied. The application may be granted upon conditions or limitations which the Reviewing Board determines are necessary in order to ensure that the applicable criteria are met. Such conditions or limitations shall be provided to the applicant and interested parties, in writing, as part of the decision.

7-3-19 ENFORCEMENT AND ADMINISTRATION.

(A) The Building Official shall be responsible for the interpretation, administration and enforcement of the provisions of these Regulations, as amended, the Official Zoning Map, as amended, and of any decisions entered by the Planning Commission, Board of Adjustment or Town Council, pursuant to this Section.

(B) No building permit, occupancy permit, or other permit or license shall be issued, nor shall any other action of approval be taken or allowed by the Town for any property which is not in compliance with the provisions of these Zoning Regulations, and any decision issued pursuant hereto.

(C) Whenever necessary to make an inspection to enforce any of the provisions of these Zoning Regulations, or any provision of a decision entered, pursuant to this Section, or whenever there is reasonable cause to believe that a violation of any provision of these Zoning Regulations, or of any decision issued, pursuant to this Section exists, the Marshal, Building Inspector, or their authorized representative, shall have the right to enter upon such building or premises at all reasonable times for purposes of inspection or to perform any other duty imposed by this Section. Prior to entry, he shall identify himself and request permission to enter from the occupant or person in charge of the premises if they can be found by reasonable efforts. If entry is refused, he shall have recourse to any remedy provided by law to secure entry.

(D) The Town may maintain an action in a court of competent jurisdiction to enjoin any violation of these Zoning Regulations or of the terms of any decision entered pursuant to this Section.

(E) Any action which reduces the area of any site, lot or tract in violation of the minimum dimensional requirements of these regulations shall be unlawful.

(F) It shall be unlawful to violate any of the provisions of these Zoning Regulations, or the terms of any decision entered pursuant to this Section. Any person convicted of such a violation may be punished by a fine of up to \$300 dollars. Each day any violation continues shall constitute a separate violation. (Ord 1-2017)

(G) Continuing violations of this Section, the terms of any decision issued pursuant to this Section, or any subdivision plat restrictions, are hereby declared to be a nuisance and may be abated in any lawful manner.

7-3-20 FEES AND COSTS.

(subsection repealed and replaced by Ord 2-2019)

(A) The following fees shall be submitted with respect to the indicated application, request or action:

- (1) Temporary Use Permit pursuant to 7-3-13(C): \$150.00
- (2) Conditional Use Permit pursuant to 7-3-14: \$250.00
- (3) Change in a Nonconforming Use pursuant to 7-3-15(B)(3) and (4): \$150.00
- (4) Variances and Appeals pursuant to 7-3-16: \$250.00
- (5) Rezoning pursuant to 7-3-17(A) and (B): \$250.00
- (6) Other Reviews conducted pursuant to the 7-3-18 Review Procedure: \$250.00
- (7) Variance from Flood Plain Regulation pursuant to 6-2-5: \$150.00
- (8) Master Sign Plan pursuant to 7-3-12: \$150.00
- (9) Zoning or Land Use Compliance letters: \$50.00
- (10) Deviation to Single Family Home Design Standards pursuant to 6-6: \$175.00

(B) In addition to the above fees, the applicant shall reimburse the Town for all out-of-pocket costs incurred during the review including legal fees, postage, notice and publishing costs, map costs, engineering fees, etc., together with wages and associated payroll costs for contract employees, plus ten percent to cover overhead and administration. The Town shall bill the applicant periodically as such costs are incurred. Payment is due within 30 days. Bills not paid by the due date shall accrue interest at the rate of one and one-half percent per month or part thereof. No plat shall be recorded, improvement accepted, lien released, building permit issued, tap approved or other final approval action taken until all fees then due are paid to the Town. Such fees may be certified to the County Treasurer for collection as delinquent charges against the property concerned.

The Town Council, in its sole discretion, may defer, reduce and/or waive certain land use fees within this Chapter 7 for projects demonstrating significant public benefit such as perpetual, deed-restricted affordable or workforce housing projects.