

TOWN OF RIDGWAY, COLORADO

ORDINANCE NO. 06-2021

**AN ORDINANCE OF THE TOWN OF RIDGWAY, COLORADO
ENACTING A NEW CHAPTER 7-7 OF THE RIDGWAY MUNICIPAL CODE TITLED
“LANDSCAPE REGULATIONS” AND AMENDING CHAPTER 6-1 “BUILDING
REGULATIONS”, CHAPTER 6-6 “RESIDENTIAL DESIGN STANDARDS”, CHAPTER 7-3
“ZONING REGULATIONS”, AND CHAPTER 7-4 “SUBDIVISION REGULATIONS”**

WHEREAS, the Town of Ridgway, Colorado (“Town”) is a home rule municipality existing pursuant to the laws of the Colorado Constitution, the Colorado Revised Statutes and the Town’s Home Rule Charter; and

WHEREAS, implementation of water efficient landscaping regulations will fulfill certain recommendations identified in the Town of Ridgway Master Plan, specifically Action ENV-3c “Update the Town’s landscaping regulations to require low water usage landscaping or xeriscaping”; and

WHEREAS, water conservation and proactively managing and protecting Ridgway’s water resources have been identified as an important components of the Master Plan; and

WHEREAS, these updates to the Town’s landscaping regulations will provide policies, guidelines, and minimum landscaping design, installation, maintenance, and management criteria to design professionals, private developers, community groups, and homeowners for new development and significant remodels; and

WHEREAS, the Town Council finds that this ordinance furthers and is necessary to promote the health, safety and general welfare of the Ridgway community; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO the following:

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

Section 2. Enactment of Chapter 7-7 – Landscape Regulations. A new Chapter 7-7 of the Ridgway Municipal Code is hereby enacted to read as set forth in *Exhibit A: Chapter 7-7 Landscape Regulations*, attached hereto and incorporated herein.

Section 3. Amendment of Section 6-1-11 – Landscaping. Section 6-1-11 of the Ridgway Municipal Code is hereby amended to read as follows:

“6-1-11 (A) A landscaping plan pursuant to RMC 7-7-4, shall be submitted for all building permits required by 7-7-3.”

Section 4. Amendment of Section 6-6-4(G) - Landscaping. Section 6-6-4(G) of the Ridgway Municipal Code is hereby amended to read as follows:

“6-6-4 (G) A landscaping plan pursuant to RMC 7-7-4, shall be submitted for all new residential plans as required by 7-7-3.”

Section 5. Amendment of Section 7-3-2 - Definitions. Section 7-3-2 of the Ridgway Municipal Code is hereby amended to include the following definitions:

YARD, FRONT: A yard extending between the side lot lines across the full width of the lot and lying between the front lot line and any portion of any structure on the lot. In those instances where a lot abuts two (2) streets, such as a corner lot or a double frontage lot, the town manager shall designate which yard constitutes the front yard based on the existing development patterns within the neighborhood.

YARD, REAR: A yard extending between the side lot lines across the full width of the lot and lying between the rear lot line and any portion of any structure on the lot.

YARD, SIDE: A yard extending between the front and rear lot lines along the full length of the lot and lying between the side lot line that abuts a public way or private street and any portion of any structure on the lot.

NATIVE VEGETATION: Vegetative species that occur naturally in a particular region, ecosystem, and habitat.

Section 6. Amendment of Section 7-3-11 – “GC” General Commercial District. Section 7-3-11(C)(4) and Section 7-3-11(C)(5) of the Ridgway Municipal Code are hereby amended to read as follows:

“7-3-11(C)(4) All uses shall follow screening requirements as described in 7-7-7(G).

7-3-11(C)(5) All outdoor storage areas must follow the screening requirements as described in 7-7-7(G).”

Section 7. Amendment of Section 7-3-13 – “I-2 Light Industrial - 2 District. Section 7-3-13(D)(4) of the Ridgway Municipal Code is hereby amended to read as follows:

“7-3-13(D)(4) Landscaping requirements for properties zoned I-2 are set forth as required by section 7-7-6.”

Section 8. Amendment of Section 7-4-5 – Subdivision Procedure. Section 7-4-5(B)(6)(k) of the Ridgway Municipal Code is hereby amended to read as follows:

“7-4-5(B)(6)(k) A landscaping plan pursuant to RMC 7-7-4(A), shall be submitted for all preliminary plats as required by 7-7-3.”

Section 9. Codification of Amendments. The Town Clerk, as the codifier of the Town’s Municipal Code, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Ridgway Municipal Code. The Town Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

Section 10. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Town Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 11. Effective Date. This Ordinance shall take effect thirty (30) days after the date of final passage in accordance with Article 3-7 of the Ridgway Charter.

Section 12. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Ridgway, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 13. No Existing Violation Affected. Nothing in this Ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended, repealed, or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right, and for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered, or made in such actions, suits or proceedings, or prosecutions imposing, inflicting, or declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings, and appeals pending before any court or administrative tribunal.

Section 14. Publication. The Town Clerk is ordered to publish this Ordinance in accordance with Article 3-7 of the Ridgway Charter.

[Execution Page follows]

INTRODUCED AND REFERRED TO PUBLIC HEARING on August 11, 2021 and setting such public hearing for September 8, 2021 at Ridgway Town Hall, located at 201 N. Railroad Street, Ridgway, Colorado.

BY:

ATTEST:

John Clark, Mayor

Pam Kraft, Town Clerk

ADOPTED on September 8, 2021.

BY:

ATTEST:

John Clark, Mayor

Pam Kraft, Town Clerk

APPROVED AS TO FORM:

Bo James Nerlin, Town Attorney