

RIDGWAY PLANNING COMMISSION

AGENDA

Tuesday, April 28th, 2020
Regular Meeting; 5:30 pm

Meeting will be held online. To join the meeting go to:

<https://zoom.us/j/92507901647?pwd=aDg0WG10YXhmQjZkdjVhekE0V25JQT09>

Meeting ID: 925 0790 1647

Password: 375851

Or call in using one of the numbers below

+1 301 715 8592 US

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You may submit written comments on any of the agenda items before the meeting to
scoburn@town.ridgway.co.us

ROLL CALL: Chairperson: Doug Canright, Commissioners: Tessa Cheek, John Clark, Thomas Emilson, Larry Falk, Bill Liske, and Jennifer Nelson

OTHER BUSINESS:

1. Master Plan Implementation: Land Use Code Updates Phase 1, Address Housing
2. Town Standard Specification & Typical Drawings for Infrastructure – input on stormwater

APPROVAL OF MINUTES:

3. Minutes from the meeting of March 31, 2020

ADJOURN



To: Planning Commission and Community Members
From: Shay Coburn, Town Planner
Date: April 21, 2020
Re: Master Plan Implementation – Land Use Code Updates – Phase 1, Housing

INTRODUCTION

This will be the fourth public meeting held to discuss proposed Municipal Code updates that are intended to help reduce the cost of housing in our community through allowing more housing types and considering higher density residential uses throughout town and future annexations. While the state of our world is currently in flux, it remains important to allow for flexibility in our code to help with housing needs in our changing economy.

The Planning Commission reviewed the initial draft at the January 7, 2020, meeting. The draft was revised based on feedback received and then presented at the Joint Town Council and Planning Commission Workshop on February 10. There were about 35 community members in attendance as well as most of the Council and Commission. The proposed edits to the Municipal Code were generally well received with some finer details discussed. Comments from the public were received until February 24, they were reviewed carefully and incorporated, where appropriate, into the draft that was then reviewed at the regular Planning Commission meeting on March 31. There were a few edits requested by the Planning Commission during that meeting that have been incorporated into the attached draft. The public was able to submit written comments until April 14, no written comments were received.

NEXT STEPS

The Commission should consider making a recommendation to Town Council regarding these Municipal Code updates. This can be with or without modifications to the attached draft, that will be presented at the meeting.

We will do our best to hear from everyone during the meeting; however, the meeting will be held virtually and we will also accept written comments emailed to scoburn@town.ridgway.co.us or dropped in the drop box in front of Town Hall before the Planning Commission meeting.

BACKGROUND

During the 2018-2019 master planning process, and long before, the community identified housing as a major priority. As a result, the Town of Ridgway's [Master Plan](#) included a housing element informed by a consultant specializing in housing. The housing element is incorporated throughout the Master Plan in various goals, policies, and action items. The following action items are specific to this project:

- *COM-1c: Update the Ridgway Municipal Code to promote housing affordability (i.e.: reducing lot size requirements, increasing allowed densities, and reducing parking requirements).*
- *COM-2a: Review and update the Town's zoning regulations as necessary to ensure desired housing types are defined and allowed in locations designated for residential uses by the Land Use Plan.*



- *COM-2c: Study recent innovations in modular home and small home construction and revise land use and building codes to allow in appropriate locations.*

On August 27, 2019 the Planning Commission was presented a summary of code updates suggested by the Master Plan. The Commission recommended that Council prioritize the items that address housing. Following the Planning Commission's discussion, the Town Council approved moving forward with code updates targeted toward housing during the September 11, 2019 regular meeting.

Clarion Associates, our lead Master Plan consultant and expert zoning consultant, was hired to help with this effort. It should be noted that the Town has budgeted for additional code updates in 2020 which are planned to cover building and development procedures as well as subdivision regulations.

SUMMARY OF PROPOSED CODE EDITS

Below is a summary of the proposed updates to the Town's Zoning Regulations (RMC 7-3) and the Single Family Home Design Standards (RMC 6-6). This summary offers an explanation of proposed changes and why they may be helpful. If you are interested in the exact language proposed, see the attached documents that show the proposed updates in track changes (this means that deleted text is shown as ~~strikeout~~ and new text is shown with an underline).

Edits made after the February 10, 2020 workshop are noted in *green italics*.

Edits made after the March 31, 2020 Planning Commission meeting are noted in *purple italics*.

General proposed edits include:

1. Consistency (i.e., ensure consistent use of terms)
2. Organization (i.e., ensure use regulations are in the use section of each district, break down paragraphs or merge them to be most clear)
3. Formatting (i.e., numbering, adding headings)
4. Administrative items (i.e., fixing typos, updating cross references, deleting repetitive language)

Proposed edits to the Zoning Regulations (RMC 7-3) include:

1. Definitions – Definitions for a broader range of housing types are proposed to more clearly support the full spectrum of housing types encouraged by the Master Plan. While some are not currently referenced in other parts of the code, they are intended to provide a point of reference for the Town and applicants on future annexations, development agreements, and/or PUDs.
 - a. Edited the following definitions: dwelling, duplex dwelling, multifamily dwelling, family, group home, factory built housing, manufactured home, and manufactured home park.
 - b. Added definitions for the following terms: cluster development, co-housing development, triplex dwelling, fourplex dwelling, live-work dwelling, single family, accessory dwelling unit, employee housing, major addition, and workforce housing.
 - c. *Further edited definitions for duplex, triplex, fourplex, multifamily, and townhouse.*
 - d. *Added images for dwelling types. Edited the fourplex image.*
 - e. "Mobile" was replaced with "manufactured" throughout the code and will be updated in RMC 6-3: Regulations for Mobile Homes, Travel Homes, and Other Factory



Manufactured Structures. The definition of manufactured home was updated to generally be a dwelling that meets Housing and Urban Development (HUD) standards. A definition for factory built housing was added to clarify between manufactured homes/HUD homes and homes built in a factory in compliance with Town and/or State building codes. *Added a footnote to better explain that with this language, the Town is adopting DOLA's Division of Housing building codes for factory built residential units by reference.*

- f. A definition of micro-units is not included, because these are simply multi-family dwelling units of very small size. Since Ridgway does not have a minimum size requirement for multi-family dwelling units, these are included in the definition of multi-family dwelling.
 - g. A definition of tiny house is not included. Based on proposed definitions, a tiny house depending on its characteristics will fall into another category such as factory built housing or dwelling.
2. Zoning Districts and Uses – In general, the intent statements for many districts have been refined to better align with the Master Plan and the newly defined dwelling types that were added as uses by-right or conditional uses where appropriate. These edits should generally expand what is allowed in most districts encouraging more housing types and development forms.
- a. Low Density Residential district:
 - i. Added duplexes and cluster development dwellings as uses by-right. *Added Townhouse dwellings in structures containing no more than 2 dwelling units as a use by right as it is essentially the same as a duplex based on the revised definitions.*
 - ii. Added townhouse dwellings, triplex dwellings, fourplex dwellings, multiple family dwellings, and group homes as conditional uses. *Added Townhouse dwellings in structures containing over 2 dwelling units as a conditional use.*
 - b. Historic Residential district:
 - i. Added townhouse dwellings up to 4 units, triplex dwellings, and fourplex dwellings as uses by-right.
 - ii. Added townhouse dwellings more than 4 units, co-housing development dwellings, and group homes as conditional uses.
 - iii. *Deleted cross reference for manufactured homes to meet the foundation requirements of RMC 6-6 as RMC 6-3 addresses this.*
 - c. Historic Business district - Added townhouse dwellings, triplex dwellings, fourplex dwellings, live/work dwellings, and group homes as uses by-right.
 - d. Downtown Service district - Added townhouse dwellings, triplex dwellings, fourplex dwelling, and live/work dwellings as uses by-right.
 - e. General Commercial district:
 - i. Added live/work dwellings, group homes, and employee housing to uses by-right.



- ii. Changed multiple family dwellings from a conditional use to be a use by-right to reinforce the mixed-use intent of this district, as contemplated by the Master Plan.
 - iii. Removed single family and duplexes as conditional uses. Note that this use would no longer be allowed in this district.
 - iv. Added performance standards to ensure residential is not located along primary roadways on prime commercial land.
 - f. Light Industrial 1 district - Added employee housing as a conditional use.
 - g. If a district is not noted above, only general edits (like language clarifications) are proposed.
3. New Mixed Residential District – This district was added to help implement the Mixed-Neighborhood land use category in the Master Plan. The Mixed Neighborhoods category supports densities between 12 and 18 dwelling units per acre. Note that this new district was drafted based on discussions had by the Planning Commission with the public mostly in 2016. At that time the Commission was considering adding two higher density residential districts to the code. This effort was put on hold while the Town went through the master planning process to be sure it was better understood what the community wanted.
- a. This district would allow most all housing types now defined in the code. They would be allowed on smaller lots or at higher densities.
 - b. Short term rentals would only be allowed in single family detached dwellings and duplexes where one entity owns both units within the duplex. This is the same as all other residential based districts.
 - c. Retail stores, restaurants and taverns, live/work dwellings, and others are conditional uses allowing for a mix of uses.
 - d. *Added that buildings over 10,000 square feet would be reviewed as a conditional use to be consistent with the GC district.*
 - e. Includes performance standards informed by the Town's commercial design guidelines.
 - f. This district is a floating district meaning that there is no specific land proposed to be rezoned at this time, but rather by creating this zone, the public is informed that this is a desired development type in town.
4. Dimensional Standards – These standards have been refined to allow for increased density throughout town. Higher densities mean lower land costs per dwelling unit. Generally, residential districts will now allow for smaller lots, less lot width, higher lot coverage, and slightly smaller setbacks.
- a. *Edited to allow the side setback along an alley to be 2' minimum given rear setbacks along an alley are currently 2' minimum.*
 - b. Low Density Residential district:
 - i. Reduced the lot size from 10,000 square feet minimum to 6,000 square feet for single family and duplexes.
 - ii. Increased the lot coverage from 40% to 50% for single family and duplex.
 - iii. Reduced side setback from 8' to 3' – *see Setbacks explanation below.*



- iv. All other uses (besides single family and duplexes) would have to meet the existing dimensional standards in this district.
- c. Historic Residential district:
 - i. Reduced lot width from 50' to 25' for single family and duplexes. Reduced lot width from 100'+ to 35' for residential uses with 3-4 dwellings. *See Lot Size explanation below.*
 - ii. Reduced lot size from 5,000 square feet minimum to 3,000 square feet for single family and duplexes. Reduced lot size from 11,000+ square feet minimum to 5,000 square feet for residential uses with 3-4 dwellings.
 - iii. Reduced side setback to 5' from 8' and increased lot coverage from 50% to 60% for single family, duplexes, and residential uses with 3-4 dwellings.
- d. Multifamily Residential district:
 - i. Lot width ranges from 25' to 50' minimum. *See Lot Size explanation below.*
 - ii. Lot size ranges from 3,000 to 5,000 square feet minimum.
 - iii. Lot coverage ranges from 60-70% maximum.
 - iv. Minimum front setbacks range from 10-15', rear setbacks are 8', side setbacks are 3' to 5' – *see Setbacks explanation below.*
 - v. Height is 35' maximum.
- e. General Commercial district: Increased lot coverage to 60% from 50%. In a small town, this is really a character control – forcing less lot coverage just means the owner has to buy more land for a given building, or build a smaller building than they intended. This is a barrier to investment that doesn't need to be there.

Setbacks – feedback received at the workshop and after in writing indicated that the majority of people supported reduced side setbacks in the HR and MR districts which are proposed in this draft. To try to address all concerns raised, here is some additional information:

- *As of today, the first 1' of a roof overhang; the first 3' of an unroofed terrace or patio, sill, cornice, and chimney; temporary awnings; free standing walks, rails, or fences; and the first 4' of an open fire escape can encroach into the setback area.*
- *The Le Ranch subdivision, off of Amelia, has side setbacks as small as 3'. In addition, the Town recently approved a Preliminary Plat for the Vista Park Commons PUD that has as small as 3' side setbacks.*
- *Fire safety and insurance –*
 - *Current building codes require additional details (like a 1-hour fire wall and reduced wall penetrations) for any units less than 5' from the property line. A note has been added to the code to put the owner on notice.*
 - *Staff investigated if fire insurance costs would increase due to smaller setbacks. After discussion with a local insurance provider and the Insurance Service Office, staff understands that an increase in fire insurance rates due to reduced setbacks is unlikely but possible. The one suggestion to ensure that fire insurance rates are not increased with reduced setbacks is to require fire suppression systems in all buildings. While all new buildings, except single family homes and duplexes, are required to have a fire*



suppression system per our building code, we could consider requiring a fire suppression system if a single family or duplex is built 5' or less from the property line. This would provide options to the land owner so they can decide what they works best for them.

- *Drainage – It is completely possible to design for smaller setbacks to accommodate drainage between the buildings; however, it often requires continued maintenance which is difficult for a municipality to regulate. As such, it may be prudent to require any building 5' or closer to the property line to do a little extra work on the front end to design the foundation properly so that long-term maintenance needs are reduced. This could include requiring a site specific Geotech report or always requiring foundation drains, foundation damp proofing, and addressing the wall barrier.*

Lot Size – feedback received at the workshop and after in writing indicated that the majority of people supported 25' wide lots in the HR and MR districts for single family and duplex units which remains the same as the last draft. To try to address all concerns raised, here is some additional information:

- *There was a concern that this will result in there being rows of skinny homes throughout town. There are only so many opportunities for infill development in the Historic Residential district so land availability alone will help regulate this. In addition, there are other options for housing types so it is not guaranteed that for example, 6 historic lots would turn into 6 skinny single family homes in a row.*
- *With a 25' wide lot and 3' setbacks, the max unit width would be 19'. A 19' wide dwelling unit would be a bit smaller than what we have seen in town because we have had a regulation that required at 21' by 24' footprint. However, there are a few homes in town that are close to 19' wide. Here are some examples of narrow residential units for a frame of reference:*
 - *16' wide home, rear/alley loaded with 1 or 2 car garage, 1 or 2 story, 900-1,550 square feet, or larger with a basement.*





- 20' wide unit, rear/alley loaded with a 2-car garage, up to 3 stories, 1,700 to 1,800 square feet



5. Parking – Proposing that all residential uses, besides single family and duplex, provide one parking space per unit rather than two. Currently units 600 sf or less must provide one parking space, and all dwellings greater than 600 sf must provide two parking spaces (except ADUs that are required to provide one space and can be up to 800 sf). Parking can add significant cost to a dwelling unit due to the land area needed.
6. Use Specific Standards – The following edits are proposed to this section:
 - a. Clarified regulations for home occupations, accessory dwelling units (ADUs) and short-term rentals (STRs) by moving the use regulations to the respective districts and cleaning up some language. New housing types added to the code are proposed to be excluded from short term rental allowance.
 - b. ADUs – More clearly added regulation that ADUs are only permitted to single family detached dwellings. Change maximum size of 800sf of “living area” to “gross floor area which is a defined term. Updated the lot size to have an AUD that is used as a short term rental from 8,000sf to 6,000sf to match where a duplex would be allowed.
 - c. Manufactured homes – Added a new section to clarify where they are allowed per a 1993 ordinance. Added cross reference to Mobile Home Park regulations in the code.
 - d. Employee housing – Added a new section for this proposed new use. These standards would restrict employee housing to be accessory to a non-residential use, limit the



number of units allowed, restrict ownership to be the same as the non-residential use, restrict occupancy to employees of the business, and not allow for short-term rental of the unit.

- i. *Reduced the square footage requirement from 3,000 square feet to 2,500 square feet. Clarified that one employee housing unit is allowed for the first 2,500 square feet of gross floor area then one more for each additional 2,500 square feet up to a maximum of 3 units. The median size of existing buildings in the industrial districts is 3,369 square feet.*
- ii. *Added a clarification that if after 45 days [previously 90 days] the unit is not rented to an employee of the connected non-residential use, that it could be offered to a household where one person is employed at an establishment within Ouray County [previously the Town of Ridgway].*
- iii. *Employee housing units are limited to no more than 450 square feet of gross floor area. This has remained the same as the last draft.*
- iv. *While employee housing is a proposed use by right in the GC district, many other types of housing are also a use by right. So, it is likely that an employer may choose to simply build a mixed use building rather than employee housing units to avoid the restrictions that go along with employee housing.*
- v. *Although an employee unit will not be subject to additional tap fees as of this draft, the unit may be subject to additional monthly utility charges. This will be determined by the Town Council but the Commission can weigh in if desired.*
- vi. *The Commission should consider allowing employee housing only if the units is setback 500 feet or more from the Town Public Works yard/sewer treatment facility. The Colorado Department of Public Health and Environment has setback requirements for new sewer treatment facilities based on type, size and more. If the Town allows for housing to be within 500 feet of the yard, it could result in increased expenses for the Town when expanding or updating the treatment facility. Exploring options for the sewer treatment facility is on this year's strategic plan for the Town but may be postponed with the current economic conditions. The benefit of allowing employee housing within 500 feet of the yard should be weighed carefully against the potential future cost to the whole Town for the sewer treatment facility. The map above roughly shows the 500 foot setback from the yard in solid teal and the 250 foot setback in solid purple. The dashed teal lines are the 500 foot setback from the treatment ponds while the dashed purple lines shows the 250 foot setback from the treatment ponds.*





Proposed edits to the Single Family Home Design Standards (RMC 6-6) include:

1. Applicability – Proposing this section apply to ALL residential development, not just single family dwellings. While some communities develop detailed design standards for specific types of residential development (e.g., single family detached, townhomes, multifamily), as drafted, Ridgway’s standards provide a reasonable level of guidance on the key issues that would typically be addressed.
 - a. While 6-6-3(K) currently only applies to additions, the proposed edits would apply to “major addition or renovation” which is proposed to be defined in 7-3: Zoning Regulations.
 - b. *Clarified that manufactured homes do not have to meet the foundation requirements in 6-6-4 as they are covered in RMC 6-3.*
2. Minimum Width – Proposing to remove the minimum 21’ by 24’ building footprint requirement. This will allow greater flexibility to adapt building footprints to fit different size lots rather than meeting an arbitrary set of dimensions. The Planning Commission has granted a lot of deviations to this requirement and finds that it is no longer applicable. In addition, clarity has been added around manufactured homes and factory built homes and other design standards were to address the concern for single-wide looking units.
3. Roof structure –
 - a. Replace the requirement for a 3:12 roof pitch with a requirement for varied roof forms and compatible roof forms. The Commission has granted a lot of deviations to this requirement over the past number of years and no longer feels it is necessary.
 - b. Remove the requirement to fully enclose a flatter roof with a parapet. Rather require screening for any equipment on a roof. *Refined language to ensure that screening that would interfere with the efficient operation of rooftop solar equipment is not required.*
4. Exterior Lighting – Removed repetitive section on exterior lighting. The Town’s newly revised outdoor lighting regulations have more detailed information and apply to all exterior lighting.
5. Development Density – Removed the restriction for only two non site-built homes to be on each block. The proposed edits add a definition for factory built housing and manufactured housing to be clearer on what building regulations apply to what kind of housing. Manufactured dwellings are only allowed in limited locations, which is now clarified in 7-3. Factory built dwellings are treated just like site-built dwellings and must meet Town and/or State building regulations.
6. Architectural Standards – Clarified these standards to ensure we get the intended outcomes and reduce the need for deviations. Moved text from other areas in these regulations to this specific section.
7. Deviations – Added a new criterion, for those building workforce housing as defined in RMC 7-3, to qualify for a deviation to these regulations.

CHAPTER 7

SECTION 3

Zoning Regulations

Subsections:

- 7-3-1 General Provisions.
- 7-3-2 Definitions.
- 7-3-3 Zoning Map.
- 7-3-4 Residential Districts.
- 7-3-5 "R" Low Density Residential District.
- 7-3-6 "HR" Historic Residential District.
- 7-3-7 "MR" Mixed Residential.
- 7-3-8 "FD" Future Development District.
- 7-3-9 "HB" Historic Business District.
- 7-3-10 "DS" Downtown Service District.
- 7-3-11 "GC" General Commercial District.
- 7-3-12 "I-1" Light Industrial - 1 District.
- 7-3-13 "I-2" Light Industrial - 2 District.
- 7-3-14 Uncompahgre River Overlay District.
- 7-3-15 Dimensional & Off-Street Parking Requirements.
- 7-3-16 Planned Unit Development (PUD).
- 7-3-17 Sign Regulations.
- 7-3-18 Supplemental Regulations.
- 7-3-19 Conditional Uses.
- 7-3-20 Nonconforming Uses.
- 7-3-21 Variances and Appeals.
- 7-3-22 Amendments and Additions to the Official Zoning Map and Zoning Regulations.
- 7-3-23 Review Procedure.
- 7-3-24 Enforcement and Administration.
- 7-3-25 Fees and Costs.

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.¹

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 7-3-18(A), including daycare facilities with 8 or fewer children, shall be considered an accessory use to a residence in all districts.

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.

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.

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.

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.

DWELLING: A building or portion of a building that is designed or used exclusively as the living quarters for one or more families, and that complies with all applicable building and safety codes. This definition includes factory built housing that does not meet the definition of a manufactured home, provided the structure meets all applicable building and safety codes and is mounted on a permanent structure and connected to all required utilities.

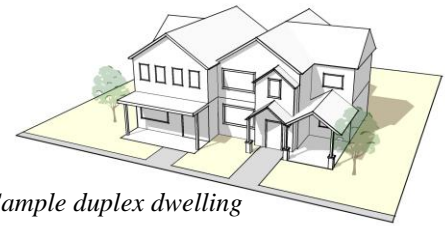
DWELLING, CLUSTER DEVELOPMENT: A development type that concentrates single-family, duplex, or townhouse dwellings (in groups of two) on smaller lots than would otherwise be allowed in the zone district in return for the preservation of sensitive natural areas, agricultural or ranch land, trail or recreational easements, and/or common open space within the same site, on a separate lot, or in an easement.

DWELLING, CO-HOUSING DEVELOPMENT: A residential development that does not meet the definition of a Group Home, that includes a group of individual dwelling units of varying sizes, the largest containing less than 1,500 square feet of floor area, that are not constructed on a frame or capable of being transported on their own wheels, and in which individual units may or may not have partial or complete kitchens. The development must include one or more community building(s) with a community kitchen and

¹ Definitions for a broader range of housing types are proposed to more clearly support the full spectrum of housing types encouraged by the Master Plan. While some are not currently referenced in other parts of the code, they are intended to provide a point of reference for the Town and applicants on future annexations, development agreements, and/or PUDs. A definition of micro-units is not included, because these are simply multi-family dwelling units of very small size. Since Ridgway does not have a minimum size requirement for multi-family dwelling units, these are included in the definition of multi-family dwelling. Some definitions were clarified.

dining room intended for communal use on a regular basis, and in which most or all residents generally agree to share in the provision of regular communal services such as cooking meals or providing child care.

~~DUPLEX: A residence with two dwelling units.~~ DWELLING, DUPLEX: A single structure, located on a single lot, containing two dwelling units, neither of which meets the definition of a townhouse dwelling or an accessory dwelling unit.



Sample duplex dwelling

DWELLING, FOURPLEX: A single structure, located on a single lot, containing four dwelling units, none of which meets the definition of a townhouse dwelling unit or an accessory dwelling unit.



Sample fourplex dwelling

DWELLING, LIVE/WORK: A structure containing an integrated living and working space that is intended to function predominantly as business workspace with residential use area occupied by the business owner or operator. The unit typically has a store-front, with the workspace, public display area, or show-room on the ground floor of the unit and the majority of the residence area is located either on the upper floor if there are two floors, or the back of the unit if there is only one floor.

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

DWELLING, MULTIPLE FAMILY: Five or more residential dwelling units, within a single building and under a single roof, located on a single lot, including apartments houses and condominiums.² This definition also includes any number of dwelling units located within a single building that contains a non-residential primary use on the ground floor of the building, and that does not meet the definition of employee housing.



Sample multiple family dwelling

DWELLING, SINGLE FAMILY DETACHED: A dwelling unit, located on a separate lot or tract that has no physical attachment to any other building containing a dwelling unit located on any other lot or tract, and that does not meet the definition of a manufactured home.



Sample single family detached dwelling

~~DWELLING, TOWNHOUSE: A structure containing two or more single family dwellings attached side by side, in which all units have primary entrances facing the same street. A duplex containing two dwelling units that face more than one street or direction, or a duplex containing two dwelling units located one above the other or one behind the other, is not considered a townhouse dwelling.~~

² Replaces current definition for Multiple Family Residence to provide consistency with related terms.

DWELLING, TOWNHOUSE: A single family dwelling at least two stories in height that is attached to at least one other single family dwelling at least two stories in height by an unpenetrated vertical wall running from ground level or below ground level to at least the top of the highest floor designed for human occupancy, and that has a pedestrian entrance leading directly from the ground floor of the dwelling unit to a street fronting the lot on which the dwelling unit is located. Individual townhouse dwellings may be located on separate lots, or a group of two or more townhouse dwellings may be located on a single lot.



Sample townhouse dwelling

DWELLING, SINGLE FAMILY DETACHED: A dwelling unit, located on a separate lot or tract that has no physical connection to a building located on any other lot or tract, and that does not meet the definition of a manufactured home.



Sample triplex dwelling

DWELLING, TRIPLEX: A single structure, located on a single lot, containing three dwelling units, none of which meets the definition of a townhouse dwelling unit or an accessory dwelling unit.

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.

DWELLING UNIT, ACCESSORY: A dwelling unit located within, attached to, or detached from the principal dwelling, that contains no more than 800 square feet of gross floor area, the use of which is associated with and subordinate to the principal dwelling and that is located upon the same lot as the principal dwelling.³

EMPLOYEE HOUSING: A dwelling unit that contains no more than 450 square feet of gross floor area, located within the same structure as a non-residential use and above or behind the non-residential use, in which the use of the dwelling units is secondary and subordinate to the non-residential use and restricted for occupancy only by the employees of the non-residential use.⁴

FACTORY BUILT HOUSING: Any structure, or component ~~thereof~~ of a structure, designed primarily for residential occupancy, either permanent or temporary, ~~including a mobile home, which~~ that is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on the building site, ~~and that does not meet the definition of a manufactured home.~~ Factory built housing shall either comply with the Town's adopted building codes or the Colorado Division of Housing adopted Building Codes for Modular Homes, as set forth in CDOH Rule 2, Codes and Standards, at 8 CCR 1302-14.⁵

FAMILY: One or more individuals occupying a single dwelling unit and living as a single housekeeping unit with a maximum of eight adults. This includes groups of eight or fewer persons whose right to live together is protected by the federal Fair Housing Amendments Act.

³ Regulations for ADUs are located in 7-3-19, SUPPLEMENTAL REGULATIONS, but the term is not explicitly defined.

⁴ Intended to provide an opportunity for on-site employee housing as an accessory and conditional use in two districts.

⁵ By adding to this definition, the Town would essentially be adopting the Division of Housing's building code by reference.

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.

GROUP HOME: One or more dwelling units in which more than eight 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~~This definition does not include a hotel, motel, boarding or rooming house, ~~or~~ facility housing juvenile or adult offenders, or a facility for persons with drug or alcohol addictions that are not in a treatment program, but includes any group of substance abuse problems-eight or more persons whose right to live together is protected by the federal Fair Housing Amendments Act.⁶ Group home shall include state licensed personal care and alternative care personnel.

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.

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.

MAJOR ADDITION: An addition to or renovation of a structure in which the total gross floor area of the proposed addition or renovation area is fifty (50) percent or more of the total gross floor area of the existing structure before addition or renovation.

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

MANUFACTURED HOME: A factory built structure that is built on a permanent chassis, is designed and constructed to permit lawful long-term occupancy as a dwelling, whether attached or unattached to a permanent foundation, that meets requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. Section 5401, et seq., as amended (commonly referred to as the "HUD Code.)."⁷

⁶ The exception for persons in substance abuse programs was deleted because under the federal FHAA they are treated as disabled (those not in a treatment program are not disabled) and their right to live together is protected by the FHAA.

⁷ Replaces existing, outdated definition in 6-3-1: *Mobile home means a factory built single family dwelling with a living area of 500 square feet or more which does not meet the requirements of Section 6-6, and is not required to have license plates pursuant to Article 42-3, C.R.S., as amended.*

MANUFACTURED HOME PARK: A single site, parcel, or lot operated and used for the location of two or more manufactured homes intended for use as residences.⁸

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-BACKSETBACK: 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.

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.

WORKFORCE HOUSING: Housing that is available for purchase or rent on terms that are affordable to households earning between 80 percent and 120 percent of area median income (AMI) as determined by the U.S. Department of Housing and Urban Development (HUD) and published annually for the County. The cost of *for sale* workforce housing (including principal, interest, taxes, insurance, utilities, and homeowners' association fees) or *for rent* workforce housing (including rent and utilities) does not exceed 30 percent of those households' gross annual incomes.⁹

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.

⁸ Existing definition from 6-3-1.

⁹ This definition is consistent with Master Plan explanation of Workforce Housing.

- (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 DISTRICTS.

The residential districts described in Sections 7-3-5 thru 7-3-~~78~~ are established to support a diversity of housing options; 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, 3-15~~. All residential development in these districts must comply with residential design standards in Section 6-6.¹⁰

7-3-5 "R" LOW DENSITY RESIDENTIAL DISTRICT.¹¹

- (A) Intent: The "R" Low Density District is intended to ~~provide a quiet, accommodate~~ low to moderate density development for single family ~~residences, detached dwellings, as well as a mix of other housing types and other compatible land uses where supported by the Master Plan.~~ Environmental protection is provided by allowing ~~single family residences along with certain other compatible land uses, cluster development to preserve environmentally sensitive lands, maintain common open space, and to provide recreational opportunities for residents.~~

- (B) Uses by Right:

~~(1) Single family homes which meet the requirements of Section 6-6.~~

(1) Single family detached dwellings and short term rental of the dwelling in compliance with 7-3-18(I).

(2) Duplex dwellings and short term rental of the dwelling in compliance with 7-3-18(I).

(3) Townhouse dwellings in structures containing no more than two dwelling units.

~~(4)~~(4) Public utility service facilities.

~~(5)~~(5) Government buildings and facilities.

~~(6)~~(6) Parks and recreation facilities, including community gardens, gardens, owned or operated by a property owner's association or civic organization.

~~(7)~~(7) Accessory uses.

(8) Accessory dwelling units that meet the criteria of Subsection 7-3-18(G).

(9) Cluster development dwellings.

(10) Home occupation in compliance with 7-3-18(A).

¹⁰ The applicability of existing Single Family Home Design Standards is proposed to be expanded to address all types of residential development. Refer to proposed updates to that Chapter for details.

¹¹ Intent statement updated to reflect Master Plan land use categories. Existing "R" zoning includes some areas designated as Rural Neighborhoods and some designated as Single-Family Neighborhoods. As defined by the Master Plan, Single-Family Neighborhoods support 2 to 8 du/ac.

Ridgway Municipal Code

7-3-6

(C) Conditional Uses:

~~———— (1) Duplexes and multi family residences.~~

(1) Townhouse dwellings in structures containing more than two dwelling units, Triplex dwellings, Fourplex dwellings, and Multiple family dwellings.¹²

~~(+)(2)~~ Churches, schools, and day care facilities not otherwise allowed as an accessory use to a residence dwelling unit.

~~(2)~~ Bed and breakfast operations which meet the criteria of Subsection 7-3-1318(F) in addition to the criteria of Section 7-3-1419

~~(D) Repealed by Ordinance 1999~~

(3) Group homes.

7-3-6 "HR" HISTORIC RESIDENTIAL DISTRICT.¹³

(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.~~

(1) Single family detached dwellings and short term rental of the dwelling in compliance with 7-3-18(I).

(2) Townhouse dwellings in structures containing no more than four dwelling units.

(3) Duplex dwellings and short term rental of the dwelling in compliance with 7-3-18(I).

(4) Triplex dwellings.

(5) Fourplex dwellings.

~~(+)(6)~~ Public utility service facilities.

~~(2)(7)~~ Government buildings and facilities.

~~(3)~~ Parks and recreation facilities, including community gardens, owned or operated by a property owners association or civic organization.

~~(4)(8)~~ MobileManufactured homes on individual lots in the Mobile Home overlay districts which are anchored to a foundation in conformity with Subsection 6-6-3(A) that comply with Subsection 7-3-18(K).

~~(5)(9)~~ Accessory uses.

(10) Accessory dwelling units that meet the criteria of Subsection 7-3-18(G).

¹² Ridgway R neighborhoods have a small amount of these types of housing already as a result of PUDs.

¹³ Proposed changes intended to reflect Master Plan land use categories. The Town Core Neighborhoods land use category supports densities from 6 to 12 du/ac.

(11) Home occupation in compliance with 7-3-18(A).

(C) Conditional Uses:

(1) Townhouse dwelling units in structures containing more than four dwelling units.

(2) Co-housing development dwellings.

(4)(3) Multiple family residences dwellings.

(4) Group homes.¹⁴

(5) Churches, schools, day care facilities not otherwise allowed as an accessory use to a residence, and community

(2)(6) Community centers.

(3)(7) Bed and breakfast operations which meet the criteria of Subsection 7-3-1318(F) in addition to the criteria of Section 7-3-1419.

~~(D) Repealed by Ord 19-1999~~

7-3-7 “MR” MIXED RESIDENTIAL.¹⁵

(A) Intent: This District provides opportunities for a diverse mix of housing options at higher densities, as well as supporting services and other compatible uses that help meet the needs of area residents. Uses should be organized in compact, pedestrian- and bicycle-friendly manner and be responsive to the scale and intensity of development in adjacent zoning districts.

(B) Uses by Right:

(1) Single family detached dwellings and short term rental of the dwelling in compliance with 7-3-18(I).

(2) Townhouse dwellings.

(3) Duplex dwellings and short term rental of the dwelling in compliance with 7-3-18(I).

(4) Triplex dwellings

(5) Fourplex dwellings

(6) Co-housing development dwellings.

(7) Cluster development dwellings.

(8) Multiple family dwellings.

(9) Group Homes.¹⁶

¹⁴ Added because under the FHAA group homes for the disabled cannot be excluded or limited in districts that allow multifamily residences of a similar size.

¹⁵ Proposed new district to help implement the Mixed-Neighborhood land use category in the Master Plan. The Mixed Neighborhoods category supports densities of between 12 and 18 du/ac. This district was informed by previous discussions about creating two new higher density residential districts that occurred in 2016 to 2017. Without focusing on exactly what land may be rezoned or zoned in the future to this district, this district is Created to inform the public that this is a desired development type.

¹⁶ Added because under the FHAA group homes for the disabled cannot be excluded or limited in districts that allow multifamily residences of a similar size.

- (10) Public utility service facilities.
- (11) Parks and recreation facilities.
- (12) Government buildings and facilities.
- (13) Accessory uses.
- (14) Accessory dwelling units that meet the criteria of Subsection 7-3-18(G).
- (15) Home occupation in compliance with 7-3-18(A).

(C) Conditional Uses:

- (1) Retail stores
- (2) Restaurants and taverns
- (3) Live/work dwellings limited to office, retail, repair and artisanal manufacturing.
- (4) Schools and day care facilities not allowed as an accessory use to a residence.
- (+)(5) Bed and breakfast operations which meet the criteria of Subsection 7-3-18(F) in addition to the criteria of Section 7-3-19.
- (2)-
- (6) Nursing homes for the aged, invalid, ill, or mentally impaired.
- (7) Buildings with a gross floor area greater than 10,000 square feet.

(D) Performance and Design Standards:

In addition to the Residential Design Standards in Section 6-6, the following standards shall apply:

- (1) Developments must address storm water drainage and to employ a storm water drainage plan that does not discharge to the Town streets or storm water infrastructure if available, an amount greater than historic flows have discharged to public infrastructure.
- (2) A mix and variety of housing types and unit sizes must be incorporated to the maximum extent feasible based on the size of the development, adjacent development context, and other site considerations.
- (3) Parks, open spaces or common areas must be incorporated into the development.
- (4) Parking shall be sited to provide the least visual impact from public rights of way and shall not dominate the frontage of pedestrian-oriented streets. Site parking shall include bike racks and areas for parking strollers and other nonmotorized vehicles near the main entrance to the primary building(s) and shall have a logical connection to on-site non-motorized access routes.
- (5) Parking areas, outside trash receptacles, large utility boxes, open storage areas, mechanical systems and other unattractive views shall be screened from the street and public right of way. Screening of utility boxes, trash enclosures, and similar uses shall be around all sides except for those required for access, which will be screened with a gate on the access side.
- (6) Buildings containing more than 25,000 square feet of gross floor area are not permitted.

7-3-77-3-8 "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~~detached dwellings and agriculture.
- (B) Uses by Right:
- (1) Single family ~~homes which are constructed on site which meet the requirements~~detached dwellings and short term rental of Section 6-6.the dwelling in compliance with 7-3-18(I).
 - (2) Agriculture.
 - (3) Public utility service facilities.
 - (4) Accessory uses.
 - (5) Accessory dwelling units that meet the criteria of Subsection 7-3-18(G).
 - (6) Home occupation in compliance with 7-3-18(A).
- (C) Conditional Uses:
- (1) Gravel Extraction

7-3-87-3-9 "HB" HISTORIC BUSINESS DISTRICT.

- (A) Intent: This District encompasses the historic commercial core of Town. Intended uses include a mix of retail, restaurants, office, lodging, residential, service-and, institutional by-right and similar conditional~~other~~ uses that are compatible with a mixed-use shoppingthe historic character of the Town Core and contribute to vibrant, pedestrian-friendly atmosphere. All residential area. Conditional uses include limited light manufacturing.development must comply with residential design standards in Section 6-6. Where short term rentals are permitted, they must comply with Subsection 7-3-18.¹⁷
- (B) Uses by Right:¹⁸
- ~~————(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.~~
- (1) Single family detached dwellings and Duplex dwellings constructed before January 1, 2020, and short term rental of those dwellings in compliance with 7-3-18(I).
 - (2) Townhouse dwellings, Triplex dwellings, and Fourplex dwellings.
 - (3) Multiple family dwellings and short term rental of those dwellings in compliance with 7-3-18(I).

¹⁷ Updated to reflect definition of Town Core land use category in the Master Plan. Removed references to by right and conditional uses, since those distinctions are covered below.

¹⁸ While there are existing single-family detached homes in the "HB" District that will likely remain, higher-density housing (e.g., duplexes, attached single-family, multifamily dwellings) is encouraged by the Master Plan where infill/redevelopment occurs to expand housing options within walking distance of services and amenities.

Ridgway Municipal Code

7-3-9

(4) Live/work dwellings.

(5) Group homes.¹⁹

(+)(6) Retail stores, business and professional offices and service establishments which cater to the general public, excluding day care facilities.

(+)(7) Libraries, museums and depots.

(+)(8) Public utility service facilities.

(+)(9) Government buildings and facilities.

(+)(10) Private and fraternal clubs.

(+)(11) Indoor theaters.

(+)(12) Restaurants and taverns.

(+)(13) Churches, Sunday schools and community centers, schools, parks and playgrounds.

(+)(14) Hotels, motels, lodges, and other types of short term ~~rentals~~ accommodations for vacations, tourists, business visitors and the like.

(+)(15) Parking facilities, funeral homes, commercial garages.

(+)(16) Accessory uses.

(+)(17) Arts and craft studios.

(18) Accessory dwelling units that meet the criteria of Subsection 7-3-18(G).

(19) Home occupation in compliance with 7-3-18(A).

(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-~~1419~~ and 7-3-~~1823~~(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-~~1823~~ shall be provided by the applicant to all owners of property located within 100 feet of the affected property.

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

~~(5) Group Home.~~

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

¹⁹ Added because under the FHAA group homes for the disabled cannot be excluded or limited in districts that allow multifamily residences of a similar size.

- (1) Drive-in restaurants, drive-in theaters, or any other retail stores and service establishments with drive-through facilities.
- (2) Above ground storage of hazardous fuels.
- (3) Heavy manufacturing and industrial uses.
- (4) Gas stations.
- (5) Farm implement, ~~mobile~~ manufactured 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.~~
- ~~(9) A Dormitory structure shall not be allowed in the "HB" District~~
- (9) Dormitory.

(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-~~89~~ (C)(3).
- (3) All manufacturing and industrial activities must take place inside with no noise, smoke, dust or light observable off of the premises.

(4) Parking

- (a) Residential uses must provide off-street parking as required by Subsection 7-3-~~4015~~ (C)(1)(a) and Subsection 7-3-~~4015~~ (C)(1)(r).
 - (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.
 - (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).
 - (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.
- ~~(4)(5)~~ (5) Buildings containing more than 15,000 square feet of gross floor area shall not be allowed.

7-3-10 "DS" DOWNTOWN SERVICE DISTRICT.²⁰

~~(F)~~(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~~18(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. All residential development in these districts must comply with residential design standards in Section 6-6.²¹

~~(G)~~(B) Uses by Right:

- ~~(1)~~ Single-family ~~homes that are site built, factory built or moved onto the site~~ detached dwellings and ~~meet the design and standards~~ short term rental of Single Family Homes as provided the dwelling in ~~Section 6-6~~ compliance with 7-3-18(I).
- ~~(2)~~ Townhouse dwellings.
- ~~(4)~~(3) Duplex ~~dwellings and short term rental~~ of the ~~Ridgway Municipal Code~~ dwelling in compliance with 7-3-18(I).
- ~~(4)~~ Triplex Dwellings.
- ~~(5)~~ Fourplex Dwellings.
- ~~(2)~~(6) Public utility service facilities.
- ~~(3)~~(7) Government buildings and facilities.
- ~~(4)~~(8) Parks and recreation facilities owned or operated by a homeowners association.
- ~~(5)~~(9) Accessory ~~uses~~ dwelling units that meet the criteria of Subsection 7-3-18(G).
- ~~(10)~~ Live/work dwellings.
- ~~(11)~~ Home occupation in compliance with 7-3-18(A).

~~(H)~~(C) Conditional Uses:

²⁰ Corresponds to portions of the Town Core Neighborhoods land use category in the Master Plan that are located along Sherman Street. General intent of the “DS” District is consistent with the Master Plan. Minor updates are proposed to reflect the addition of additional housing types. The numbering of the remainder of the Article changes from this point forward. This section is currently numbered 7-3-8.5, and it (and later sections) will need to be revised by the Town Clerk. Cross-references to any of the following sections will also need to be corrected.

²¹ The applicability of existing Single Family Home Design Standards is proposed to be expanded to address all types of residential development. Refer to proposed updates to that Chapter for details.

- (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~~18(F) in addition to the criteria of Section 7-3-~~14~~19.
- (4) Churches, schools, daycare facilities not allowed as an accessory use to a residence, multi-family residences and community centers.

~~(D)~~ (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~~ 7-3-10(A).
- (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.

- (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.

7-3-11 "GC" GENERAL COMMERCIAL DISTRICT.²²

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;~~ a mix of retail and commercial services, office, and other supportive uses to meet the needs of residents and tourists. A mix of higher-density housing types are also supported to provide for live/work opportunities and to promote activity and vibrancy within these areas. While more auto-oriented than development within the Town Core, uses in the "GC" District should be designed with the safety and convenience of pedestrians and bicyclists in mind. Where short term rentals are permitted, they must comply with Subsection 7-3-18.

(A) Uses by Right:

- (1) Single family detached dwellings and Duplex dwellings constructed before January 1, 2020, and short term rental of those dwellings in compliance with 7-3-18(I).
- (2) Multiple family dwellings and short term rentals of those dwellings in compliance with 7-3-18(I).
- (3) Live/work dwelling.
- (4) Group homes.²³
- (5) Retail stores, business and professional offices and service establishments which cater to the general public.
- (6) Libraries, museums and depots.
- (7) Public utility service facilities.
- (8) Government buildings and facilities.
- (9) Private and fraternal clubs.
- (10) Indoor theaters.
- (11) Restaurants and taverns.
- (12) Churches, Sunday schools and community centers, schools, parks and playgrounds.
- (13) Hotels, motels, lodges, and other types of short term ~~rentals~~ accommodations 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.
- (14) Parking facilities, funeral homes, commercial garages.

²² Updated to reflect definition of the corresponding Mixed Use Business land use category in the Master Plan. Proposed changes are intended to reinforce the mixed-use intent of the "GC" District.

²³ Added because under the FHAA group homes for the disabled cannot be excluded or limited in districts that allow multifamily residences of a similar size.

~~(H)~~(15) Accessory uses.

(16) Employee housing.

(17) Home occupation in compliance with 7-3-18(A).

~~(K)~~(B) 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.~~

(1) Townhouse dwellings, Triplex dwellings, and Fourplex dwellings and ²⁴

~~(H)~~(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.

~~(2)~~(3) Building materials businesses.

~~(3)~~(4) Farm implement, ~~mobile~~manufactured home, automobile and other vehicle sales or service establishments.

~~(4)~~(5) Feed storage and sales establishments.

~~(5)~~(6) Veterinary clinics.

~~(6)~~(7) Automobile body shops.

~~(7)~~(8) Machine and welding shops.

~~(8)~~(9) Warehouses or storage facilities.

~~(9)~~(10) Travel home parks.

~~(10)~~(11) ~~Mobile~~Manufactured home parks.

~~(H)~~(12) 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.

~~(H)~~(13) Gravel extraction.

~~(H)~~(14) Buildings 27' to 35' in height or containing more than 10,000 square feet of gross floor area.

²⁴ Removed single-family homes and duplexes as conditional uses. Multiple-family dwellings are proposed to be allowed by-right reinforce the mixed use intent of this district, as contemplated by the Master Plan, in conjunction with the additional performance standard proposed under (C), below.

~~(14)~~(15) 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.

~~(15)~~(16) Daycare facilities which do not qualify as an accessory use to a residence.

~~(16)~~(17) 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.

~~(19) Group Home.~~

~~(17)~~(C) 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 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.
- (3) Buildings containing more than 25,000 square feet of gross floor area shall not be allowed.
- (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~~

~~(6) (d) Residences~~Residential development²⁵

~~(a) Residential development shall be minimum of 21 feet wide~~comply with an average roof pitch of at least 3~~the Residential Design Standards in Section 6-6, as applicable.~~²⁶

~~(a)(b) Residential development shall not be located along primary roadway frontages to preserve these locations for commercial services and a minimum eave overhang of 12 inches.~~other businesses that rely upon visibility from Highways 550 and 62.²⁷

²⁵ Subsection heading added for clarity.

²⁶ The applicability of existing Single Family Home Design Standards is proposed to be expanded to address all types of residential development. Refer to proposed updates to that Chapter for details.

²⁷ This section will be revised to add specific road frontages to which it applies.

(c) Employee housing. All employee housing units shall meet the requirements of criteria of Subsection 7-3-18(L).

~~(6)(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.

~~(7)(8)~~ Boarding and Rooming House(s) shall not be allowed in the "GC" District.

~~(8)(9)~~ A Dormitory shall not be allowed in the "GC" District.

7-3-97-3-12 "I-1" LIGHT INDUSTRIAL - 1 DISTRICT.

(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:²⁸

(1) (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.

²⁸ The Town has been asked by a development team to add live/work as a conditional use in this district. At the first review of these code updates, the Planning Commission thought it was appropriate to add employee housing to this district, not live work as defined herein.

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- (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.
- (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.
- (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) Storage rental units.

- (b) 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) Employee housing.
- (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.
 - (7) Fencing, parking and storage is not allowed in the front or side setbacks along any street.
 - (8) 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.

- (9) 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 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.

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

| 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). | | | | |

- (i) 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.
- (ii) 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.
- (iii) 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.
- (iv) 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.
- (v) 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) Odor.
- (i) 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 the~~ outside boundary of the immediate space occupied by the enterprise generating the odor.

~~(iii)(ii)~~ ~~(b)~~ The (if there is more than one enterprise in the structure) or the lot line (if the enterprise generating the odor is the only enterprise located on a lot-).²⁹

- (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) Employee housing. All employee housing units shall meet the requirements of criteria of Subsection 7-3-18(L).

~~(s)~~ (s) 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 is more than one use exist on the same site.

~~7-3-107-3-13~~ "I-2" LIGHT INDUSTRIAL - 2 DISTRICT.

- (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

²⁹ This section has been reformatted for clarity and to simplify document numbering.

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.

(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.
- (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) 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.
- (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.
- (6) 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.
- (7) 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 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:

| 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). | | | | |

- (i) 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.
- (ii) 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.
- (iii) 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.

- (iv) 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.
- (v) 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) Odor.

~~(vi)~~(i) 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.

~~(vii)~~(ii) No use in the I-1 or I-2 Districts may generate any odor that reaches the odor threshold measured at the outside boundary of the immediate space occupied by the enterprise generating the odor (if there is more than one enterprise in the structure) or the lot line (if the enterprise generating the odor is the only enterprise located on a lot).³⁰

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

~~(n)~~(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)~~(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 a confirmed by an independent traffic analysis conducted by properly qualified individuals.

30 This subsection has been reformatted for clarity and to simplify document numbering.

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

~~(r)~~(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 is more than one use exist on the same site.

~~7-3-14~~7-3-14 UNCOMPAHGRE RIVER OVERLAY DISTRICT.

- (A) Purpose and Intent: The purpose of the UROD is to promote the public health, safety and welfare of the citizens of the Town of Ridgway. The Town shall use the UROD to implement goals, policies and action items in the Town of Ridgway's Land Use Plan; preserve, improve and protect the river corridor as a Town amenity; regulate buildings and structures to maximize access to the Uncompahgre River and view corridors along the Uncompahgre River; utilize design and development techniques that avoid, minimize and mitigate impacts to the natural environment; and ensure aesthetic and ecological qualities of the river corridor continue to be a community asset.
- (B) Applicability: The provisions and regulations of this Section 7-3-~~9-614~~ 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-~~9-614~~ 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-~~9-614~~.
- (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-~~9-614~~, and provided any Development complies with this Section 7-3-~~9-614~~.
- (D) Conditional Uses: All conditional uses allowed within the underlying zoning district may be permitted upon approval in accordance with Section 7-3-~~1419~~, and provided any Development complies with this Section 7-3-~~9-614~~.
- (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-~~1419~~, the following shall also apply:
 - (a) All of this Section 7-3-~~9-614~~.
 - (b) The applicant shall provide an Ecological Characterization Study in accordance with Subsection 7-3-~~9-614~~(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-~~9-614~~ (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-~~9-614~~(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~~21.

(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~~14(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 7-3-9.614(D) and (E) are required to submit an Ecological Characterization Study completed by a professional qualified in the areas of ecology, wildlife biology or other relevant discipline. The Ecological Characterization Study shall describe, without limitation, the following:
 - (a) The boundary of wetlands and riparian areas and a description of the ecological functions and characteristics provided by those wetlands and riparian areas;
 - (b) The pattern, species and location of any significant native trees and other native site vegetation;
 - (c) The pattern, species and location of any significant non-native trees and non-native site vegetation that contribute to the site's ecological, shade, canopy, aesthetic and cooling value;
 - (d) The top of bank, the 25 foot setback and High-Water Mark of any perennial stream or body of water on the site;
 - (e) The wildlife use of the area showing the species of wildlife using the area, the times or seasons that the area is used by those species and the "value" (meaning feeding, watering, cover, nesting, roosting, perching) that the area provides for such wildlife species;
 - (f) Special habitat features;
 - (g) Wildlife movement corridors;
 - (h) The general ecological functions provided by the site and its features;
 - (i) Any issues regarding the timing of Development-related activities stemming from the ecological character of the area; and
 - (j) Any measures needed to mitigate the projected adverse impacts of the development project on natural habitats and features along the Uncompahgre River corridor.
- (H) Exempt Uses and Activities: The following uses and activities are exempt from these regulations, including the Performance Standards of Subsection 7-3-9.614(F) and the Submittal Requirements of Subsection 7-3-9.614(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.

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- (5) Notwithstanding Section 7-3-~~15~~²⁰ of the Code, any Development (as defined in Section 7-3-~~9-6~~¹⁴(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.

7-3-127-3-15 DIMENSIONAL & OFF-STREET PARKING REQUIREMENTS.

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

| District | Min. Lot | | | Max. Lot Coverage (%) | Min. Setbacks (ft) | | | | Structure Height (ft) ***** |
|------------------------|--|--|---------------------------------------|-----------------------|--------------------|-------|------------------------------|-------------------------|-----------------------------|
| | Use | Width (ft) ***** | Size (sf) | | Front | Rear* | Side* | Max. Side on Corner Lot | |
| R³¹ | All Single Family and Duplex | 50 | 10,000 6,000 | 40 50 | 15 | 8 | 8 5 | 7.5 | 27 |
| | All others | 50 | 10,000 | 40 | 15 | 8 | 8 | 7.5 | 27 |
| HR³² | Single Family and Duplex | 50 25 | 5,000 3,000 | 50 60 | 15 | 8 | 8 3 ³³ | 7.5 | 27 |
| | Residential uses with three or four dwelling units | 35 | 5,000 | 60 | 15 | 8 | 5 3 | 7.5 | 35 |
| | All others | 50 25/DU over 1 st DU 70 | 5,000 + 3,000/DU 10,000 | 50 | 15 | 8 | 8 5 | 7.5 | 35 |
| MR³⁴ | Single Family and Duplex | 25 | 3,000 | 60 | 10 ³⁵ | 8 | 5 3 ³⁶ | 7.5 | 35 |
| | Residential uses with three or four dwelling units | 35 | 4,000 | 60 | 10 | 8 | 5 3 | 7.5 | 35 |

31 A 10,000 sq. ft. minimum lot size for Single Family and Duplex dwellings is very large and likely a significant contributor to lower affordability for future development in this district. If a reduced minimum lot size for all development in this district is not supported, we suggest you adopt a reduced standard applicable for lots created from 1/1/2020 forward.

32 Revised to reflect the wider variety of housing now available in this district. Lot width and lot area standards that are based on the number of dwelling units in low-scale residential uses are a major contributor to lower affordability, and have not been carried over.

33 The draft discussed on February 10, 2020 proposed a 5' side setback. This has been changed to 3' based on input received during the meeting, although input was not all in favor of smaller setbacks. Staff would suggest additional building regulations (i.e., require foundation drains, require foundations damp proofing, addressing the wall drainage barrier OR simply requiring a site specific geotech report so the engineer could best design the foundation) if a building is proposed to be 5' or less from the property line. In addition, we may want to note in the code that a 1-hour fire wall would be required if the building is less than 5' from property line, see building code. The community may also want to consider requiring a fire suppression system for any single family home or duplex building located 5' or less from the property line, fire suppression systems are required in all other buildings per our building codes.

34 New standards for a new zone district.

35 This could be as little as 5'. This could be a good option, especially if the code requires parking to be out of view of the public right-of-way, this could be a good compromise.

36 Same comment as per the side setback in the HR district.

| District | Min. Lot | | | Max. Lot Coverage (%) | Min. Setbacks (ft) | | | | Structure Height (ft) **** |
|------------|--|---------------------|-----------------------|---------------------------------|--------------------|-------------------|-------------------|-------------------------|----------------------------|
| | Use | Width (ft) ***** | Size (sf) | | Front | Rear* | Side* | Max. Side on Corner Lot | |
| | All other residential and mixed uses | 50 | 5,000 | 60 | 10 | 8 | 5 | 7.5 | 35 |
| | Non-residential uses | N/A | N/A | 70³⁷ | 15 | 8 | 5 | 7.5 | 35 |
| HB | All | 25 | NA | NA | *** | 8 | *** | *** | 35 |
| GC | All | 30 | 5,000 | 50 -60 | 15 | 8 | 8 | 7.5 | 27** |
| FD | All | 50 | 35 ac. | NA | 15 | 8 | 8 | 8 -7.5 | 27 |
| I-1 | All | 50 | 6,000 | 50 | 15 | 8 | 8 | 8 | 30 |
| I-2 | All | 50 | 6,000 | 50 | 15 | 8 | 8 | 8 | 30***** |
| DS | All | 50 | 5,000 sf | 50 | 15 | 8 | 8 | 7.5 | 27 |

*When the rear [or side](#) lot line abuts an alley, the setback shall be [a minimum of](#) 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.

(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.

(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 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.

(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-~~23~~[48](#).

**** "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.

[37 This number is higher than others because the arguments for "preserving light and air for the residents" are weaker for nonresidential uses. In a small town, this is really a character control – forcing less lot coverage just means the owner has to buy more land for a given building, or build a smaller building than they intended. We can reduce it if there is good reason like to match the character of the area, otherwise it's just a barrier to investment that doesn't need to be there. Also, most non-residential uses are already conditional uses.](#)

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| District | Min. Lot | | | Max. Lot Coverage (%) | Min. Setbacks (ft) | | | | Structure Height (ft) ***** |
|----------|----------|------------------|-----------|-----------------------|--------------------|-------|------|-------------------------|-----------------------------|
| | Use | Width (ft) ***** | Size (sf) | | Front | Rear* | Side | Max. Side on Corner Lot | |

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

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

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

***** Commercial telecommunication antennae or towers that are located on Town owned property and that are in compliance with Ridgway Municipal Code Section 7-3-~~43~~18(H) may have a structure height of up to forty (40) feet.

- (B) Proper dimensional requirements for conditional uses shall be determined in accordance with Subsection 7-3-~~44~~19. 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) Off-Street Parking Requirements³⁸

- (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-~~89~~92(E)(4).

| Use | Required parking spaces |
|----------------------------------|--|
| (a) Residences | <u>Single Family and Duplex: 2 spaces per dwelling unit</u> <u>All Other Residential: 1 space per dwelling unit</u> |
| (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 |

³⁸ Subheading added for clarity.

| Use | Required parking spaces |
|--|---|
| (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 |
| (t) All other uses | 1 space per 350 sq. ft. gross floor area |

- (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.
- (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.
- (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.

7-3-137-3-16 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) It shall be in general conformity with the Town's Master Plan.
 - (2) 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~~ [multifamily dwellings](#).
- (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 the Plan as approved, if the Town determines that such deviations will promote the public health, safety and welfare.
 - (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.

(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~~23.

(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.

(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-~~14~~16 and 7-4-3 of the Ridgway Municipal Code or in any other lawful manner.

7-3-~~14~~7-3-17 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.
 - (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.
 - (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.
 - (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:

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- (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-~~42~~17 (G).
 - (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-~~42~~17(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-~~42~~17(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.
 - (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.
 - (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.
- (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.
 - (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, unless approved through a Master Sign Plan applicable to the building. 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.
 - (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-~~4217~~(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.
 - (10) No more than 50% of any sign face may be internally illuminated.
 - (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.
- (G) Signs, other than signs belonging to the Town or sponsored by the Town, conforming to size limits of this Subsection 7-3-~~4217~~, 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:
- (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.
 - (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.
 - (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.

- (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). All Master Sign Plans previously approved by the Town under Section 7-3-12(J) prior to April 15, 2019 shall be maintained in strict conformity with such Town approval. Any signs not in compliance with these specific performance criteria and/or Master Sign Plans approved prior to April 15, 2019 shall be removed.
- (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:
 - (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).
 - (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:

- (1) Purpose: To provide flexibility for the amount of signage and size of signs for multi-tenant buildings and developments to ensure signage is available for business and facility wayfinding and identification. To protect the health, safety and welfare of the community while preserving Town aesthetics.
- (2) Applicability:
 - (a) A Master Sign Plan shall be encouraged for all properties with multi-tenant buildings and/or multiple buildings in which three or more non-residential tenants or businesses are present.
 - (b) Any property with multiple-tenant buildings or multiple buildings in which ~~three~~ three or more non-residential tenants existing at the time of adoption of this section that does not have a Master Sign Plan is encouraged to apply for a Master Sign Plan at the time of application for a new sign at the site.
 - (c) Any property owner with multi-tenant and/or multiple buildings in which two or more non-residential tenants or businesses are present, may apply for a Master Sign Plan.

(3) General Regulations:

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- (a) All signs subject to a Master Sign Plan shall apply for and receive a sign permit before any sign may be installed.
- (b) All signs on the site shall conform at all times to the approved Master Sign Plan and other applicable sign regulations.
- (c) Master Sign Plan shall run with the property for which it was issued and not with individual tenants or businesses.
- (d) Applications for a Master Sign Plan shall be submitted to the Town on forms supplied by the Town accompanied by the fee per Ridgway Municipal Code Section 7-3-~~2023~~²⁰²³. At a minimum the applicant shall submit the following information to the Town:
 - (i) Identification of the property for which the Master Sign Plan application shall apply;
 - (ii) Proof of property ownership, or partial ownership, and signatures from all property owners included in the proposed Master Sign Plan;
 - (iii) Total sign area allowed per Ridgway Municipal Code Section 7-3-~~1217~~¹²¹⁷ and the total sign area requested with the Master Sign Plan;
 - (iv) Site plan showing location of all existing and proposed signs on property, with distance from property lines;
 - (v) Building elevations/pictures showing location of all existing and proposed signs on property, with height of all signs from the ground;
 - (vi) Dimensions and type of all existing and proposed signs, including the unit number/address for each;
 - (vii) Any proposed lighting for the signs, including location, type, kelvin and lumens for each fixture;
 - (viii) Proof that the criteria for approval have been met.
- (e) Through these Master Sign Plan regulations the following deviations from the specified dimensional requirements may be considered.
 - (i) A free standing sign may be up to 30% larger than the 56 square feet limitation of 7-3-~~1217~~¹²¹⁷(F)(7).
 - (ii) Up to 30% more than the allocated square footage per 7-3-~~1217~~¹²¹⁷(E) (3) of sign area may be allowed.

Deviations shall not be considered for any other sign regulations in the Ridgway Municipal Code.

(4) Criteria for Approval:

The proposed Master Sign Plan:

- (a) will not be contrary to the public health, safety or welfare;
- (b) will not create traffic hazards;
- (c) provides for adequate assurances of safety from natural conditions such as wind, snow and ice as it relates to the proposed signs;

- (d) will not unreasonably interfere with neighboring commercial businesses or properties;
- (e) provides for signs that are reasonably necessary to operate the business or businesses on the property;
- (f) the burden shall be on the applicant to show that these criteria have been met.

(5) Review Procedure:

- (a) Within 14 days of receipt of ~~the~~ a completed application accompanied by the applicable fee for a Master Sign Plan, or a minor change to an existing Master Sign Plan, the Town will administratively approve or deny the application according to the Criteria for Approval. It shall not be necessary for the Town to provide written findings or conclusions, except upon request of the applicant.
 - (i) To the extent an application for a Master Sign Plan or minor change is denied in whole or in part, the requesting party may appeal to the Planning Commission as set forth in subsection (5)(b) of this section. Such appeal shall be in writing and submitted within 7 days of the Town's decision and review shall be de novo.
- (b) Within 14 days of receipt of a completed application accompanied by the applicable fee for a major change to a Master Sign Plan, or an appeal of a denial of a Master Sign Plan, or minor change to a Master Sign Plan, the Planning Commission will set a hearing:
 - (i) The hearing shall be heard at the next regularly scheduled Planning Commission meeting for which proper notice of the hearing can be made, and no later than 40 days after receipt of a completed application accompanied by the applicable fee for a major change to a Master Sign Plan, or an appeal of a denial of a Master Sign Plan, or minor change of a Master Sign Plan. A hearing that must be continued due to time constraints or other delays, may be continued for an additional 7 days beyond the 40 day deadline, assuming the hearing was commenced within the 40 day deadline. By mutual agreement, the applicant and the Planning Commission may also extend the 40 day and 7 day deadlines set forth in this subsection.
 - (ii) At the scheduled hearing, 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~~parties, although the Planning Commission may limit testimony, evidence and cross-examination which is merely cumulative and is not required to follow any set procedure during the hearing, nor strictly follow the Rules of Evidence as applied by the Court. The hearing should be tape recorded or otherwise electronically recorded. The application, or other interested party may, if so desires, have the hearing recorded by a court reporter, at the ~~applicant's~~applicant's sole expense. The burden is upon the applicant in all cases to establish that the applicable criteria for any action are met.
 - (iii) Notice of the hearing shall be posted at Town Hall at least 10 days before the hearing, and posted visibly for 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.
 - (iv) The Planning Commission shall announce its decision according to the Criteria for Approval within 14 days of completion of the hearing. It shall not be necessary for the Planning Commission to provide written findings or conclusions, except upon request of the applicant, or other party appearing or participating in the in the hearing. The decision of the Planning Commission with respect to an application for major change

of to a Master Sign Plan, or an appeal of a denial of a Master Sign Plan or minor change to a Master Sign Plan shall be final, subject only to review under Rule 106 of the Colorado Rules of Civil Procedure. Upon the filing of an appeal under Rule 106, the Town shall cause a transcript of any tape recording of the hearing to be made and certified to the court, and the party filings 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 the applicants expense.

- (v) The Planning Commission may approve the requested action only upon finding that all applicable criteria and requirements of these Master Sign Plan regulations or other Town ordinances have been met. If it determines such criteria have not been met, the application shall be denied. The application may be granted upon conditions or limitations which the Planning Commission 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, subject only to review under Rule 106 of the Colorado Rules of Civil Procedure.

(6) Amendments to Approve Master Sign Plans:

- (a) Minor Changes: Minor changes are those changes that do not alter the overall characteristics of the existing Master Sign Plan and that create no adverse impacts on adjacent uses, infrastructure, or public safety. Examples of what may be considered a minor change include, but are not limited to, 1) changes in the location of a signs 2) replacement of existing signs that are the same size or smaller than the existing sign, and 3) changes in the number of signs, as long as the aggregate square footage remains the same.
- (b) Major Changes: Major changes are those that can alter the overall character of the Master Sign Plan and which could create adverse impacts on adjacent uses or public infrastructure. Examples of what may be considered a major change include, but are not limited to, 1) changes in the total square footage of the Master Sign Plan, and 2) requests for deviations per 7-3-~~4217~~(J)(3)(e).

7-3-157-3-18 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.
 - (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~~20 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~~manufactured 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 ensure that no public or private nuisance or safety hazard will be created.

(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~~18(C).

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- (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-~~1419~~ and 7-3-~~1823~~, 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:³⁹

~~(H)(G) — 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.~~

³⁹ ADU has been added specifically to the use by right section to several individual districts (subject to these provisions), but references to those zone districts in this section were deleted to avoid possible future inconsistencies between this section and the lists of permitted uses in the zone district chapters.

- (1) The creation of Accessory Dwelling Units is generally encouraged as an effective means to improve housing affordability, provided that each ADU complies with the following standards.
- (2) ADUs are only allowed as accessory to a single family detached dwelling⁴⁰. Only one ADU per single family detached dwelling unit is permitted.
- (3) 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 7-3-1015(A) must be met for the premises.
- (4) One off-street parking space shall be provided for the accessory dwelling unit in addition to any other required off-street parking.
- (5) The accessory dwelling unit may not exceed 800 square feet of living gross floor area.⁴¹
- (6) One of the dwelling units on the property must be, and remain, owner occupied.
- (7) A minimum of a 90 day rental period shall be required by written lease, except as described in subsection (10) below.
- (8) 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.
- (9) 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.
- (10) 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.
- (11) 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.
- (12) An accessory dwelling unit, as defined in Ridgway Municipal Code Section 7-3-1318(G) either attached or detached to the primary dwelling, may be utilized as a short-term rental only under the following circumstances:
 - (a) Tap fees are paid at 30% pursuant to Ridgway Municipal Code Chapter 9-1-9(c)(2); and
 - (b) 100% of monthly water, sewer, trash and recycling services are paid on a monthly basis pursuant to Ridgway Municipal Code Chapter 9; and
 - (c) The lot size upon which both dwelling units are sited is a minimum of 86,000⁴² square feet.

(H) Telecommunication Antenna and Tower Regulations:

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

⁴⁰ Most all communities limit ADUs to be allowed only to single family dwellings. This is how the code has been interpreted, language added here for clarity.

⁴¹ Replace undefined reference to living area with reference to gross floor area, which is a more typical measure of ADU and Dwelling Unit size.

⁴² Updated to match the lot size required for a duplex.

- (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 ensure 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-~~1015~~, unless a variance is obtained pursuant to Section 7-3-~~1621~~, 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-~~1823~~ 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-~~1823~~ 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.
- (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-~~4015~~ and applicable provisions of Town building codes and other ordinances and regulations.

~~(I)~~(I) Short Term Rental Regulations:⁴³

- (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)(1) Permitted Use of Short Term Rentals:~~

- ~~(3)(2) (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.~~

(3) Permitted Use of Short Term Rentals:

- (a) 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 owned by the same owner, in which where the owner may use one of the dwelling structures may be used as a short term rental if both dwelling structures are owned by a single owner and as long as the second one dwelling unit is owner occupied.
 - (iv) Shall not be a multiple family residence dwelling or structure as short term rentals are prohibited in multiple family structures.
- (b) In the HB and GC Districts, a maximum of five short term rentals are allowed per building or structure.
- (4) 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.

⁴³ STR has been added specifically to the use by right section to several individual districts (subject to these provisions).

- (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.
- (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.

~~(K)~~(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).
- (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:
 - (a) They must be operated lawfully under applicable provisions of State Law.
 - (b) They must comply with the performance standards of the I-1 and I-2 Zoning Districts, or General Commercial Zoning Districts, as applicable.
 - (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.
 - (d) A Certificate of Occupancy for each building must be obtained prior to establishment of the use therein.
 - (e) The cultivation, manufacturing, storage, distribution and sale of Marijuana, must be confined to an enclosed building.
 - (f) They must be located in structures with commercial and industrial uses only, and are not allowed in buildings with residential uses.
 - (g) No storage facilities are permitted off of the licensed premises.
 - (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.

(3) Cultivation⁴⁴

~~(j)~~(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.

~~(j)~~(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 publically or openly and is not made available for sale.

~~(k)~~(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.

~~(l)~~(d) Co-op or collective grow operations are not allowed without a state license.

~~(3)~~(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.

~~(4)~~(5) The below listed terms shall be defined as indicated for purposes of this Subsection⁴⁵

(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.

(b) "Primary Care Giver" shall have the meaning as defined in CRS 25-1.5-106.

(c) "Patient" shall have the meaning as defined in Section 14(1) of Article XVIII of the Colorado Constitution.

(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.

(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.

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

~~(6)~~(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.

⁴⁴ Subheading added for clarity.

⁴⁵ The Town Clerk is confirming the numbering of this section. An errant "j" in the current code was not carried forward.

(K) Manufactured Homes.⁴⁶

- (1) Manufactured homes, as defined in Subsection 7-3-2, that have more than 500 square feet of living area, are only permitted on the following described property:
 - (a) All of Blocks 4, 9 and 29;
 - (b) Block 28, Lots 11 through 20;
 - (c) Block 32, Lots 1 through 18;
 - (d) Block 33, Lots 6 through 10; and
 - (e) Lot 1 of Mitchell Subdivision No.2.
- (2) The limitations of this subsection shall not apply to any manufactured home that was placed on a property not referenced in (K)(1) above prior to June 9, 1993 in Ordinance 93-2 that met all applicable building at safety codes at time of installation.
- (3) Manufactured Homes are subject to the provisions of Section 6-3 Regulations for Mobile Homes, Travel Homes, and Other Factory Manufactured Structures.
- (4) Manufactured Home Parks are subject to the provisions of Section 8-1 Mobile Home Parks.

(L) Employee Housing.⁴⁷

The creation of employee housing is generally encouraged as an effective means to improve housing affordability and to support the viability and retention of employment-generating uses, provided that each complies with the following standards.

- (1) Employee housing units are only allowed as accessory to a non-residential use.
- (2) One eEmployee housing units are limited to one unit peris allowed for the first 2,500 square feet of gross floor area in the structure. Structures that exceed 23,0500 square feet of gross floor area are allowed one additional unit per 23,0500 square feet, up to a maximum of three units per non-residential use.
- (3) The employee housing unit must be constructed in accordance with all applicable building and safety codes.
- (4) The employee housing unit must be owned together with the structure occupied by the non-residential use, and the lot or parcel upon which they are located, in undivided ownership.
- (5) The employee housing unit must be served off of the water or sewer tap for the principal structure, in which case it shall not be subject to additional tap fees.⁴⁸
- (6) If the employee housing unit has been offered to current and prospective employees of the non-residential use for 45 days after the prior tenant vacates and the unit remains vacant, the unit can then be offered to other households where at least one of the occupants is employed at an establishment located within Ouray County.
- (7) Short-term rental of Employee housing is not permitted.

⁴⁶ These use specific standards are proposed to codify the limitations that are depicted on the Town of Ridgway Zoning Map (May 2018) as the 'Mobile Home Overlay,' as established by ordinance in 1993 but that are not referenced in Chapter 7. A size threshold has been added to ensure Tiny Homes (units on a permanent foundation and meeting current building codes) are allowed anywhere in Ridgway.

⁴⁷ Added to accompany proposed definition and allowance of accessory employee housing in targeted commercial and mixed use districts.

⁴⁸ It may be subject to additional monthly utility charges. This will be discussed with Town Council.

(8) The burden shall be upon the owner of any employee housing 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.

7-3-167-3-19 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-~~1823~~, 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.
- (B) The burden shall be upon the applicant to prove that these requirements are met.

7-3-177-3-20 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-~~1419~~, the following shall apply:
- (1) If the building, ~~mobile~~manufactured 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~~manufactured home or structure after repair, it shall no longer be lawful to use the building, ~~mobile~~manufactured 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-~~1823~~, that the criteria set out in Subsection 7-3-~~1419~~ 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-~~1823~~, that the criteria set out in Section 7-3-~~1419~~ 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~~manufactured 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~~manufactured 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-~~1217~~.
- (E) Manufactured Homes and Factory Built Housing⁴⁹
- (1) Notwithstanding the foregoing provisions of this Section, a lawful nonconforming ~~mobile~~manufactured home owned and occupied by the owner of the land upon which it sits may be replaced by another ~~mobile~~manufactured home to be owned and occupied by said owner if the Planning Commission determines following the review procedure of Section 7-3-~~1823~~ that the criteria set out in Section 7-3-~~1419~~ will be met, and that the replacement ~~mobile~~manufactured home will comply with all other applicable Town regulations including the provisions of Chapter 6-3.

⁴⁹ Subheading added for clarity.

- (2) Notwithstanding any of the foregoing provisions of this Subsection 7-3-~~1520~~ 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.

7-3-~~187~~-3-21 VARIANCES AND APPEALS.

- (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-~~1823~~, 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:
 - (1) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Zoning Ordinance, and
 - (2) The spirit of the ordinance will be observed, the public health, safety and welfare secured and substantial justice done by granting the variance.
- (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-~~1823~~, 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:
 - (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.
- (C) The burden shall be on the applicant to show that these criteria have been met.
- (D) No variance or appeal shall be granted with less than four concurring votes of the Planning Commission.

7-3-~~197~~-3-22 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) Either:
 - (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~~23.

~~(G) Repealed by Ordinance 19-1999~~

7-3-207-3-23 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-~~2025~~. 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.
- (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-~~217~~-3-24 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.

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- (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.
- (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.

~~7-3-227-3-25~~ FEES AND COSTS.

- (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~~18(C): \$150.00
 - (2) Conditional Use Permit pursuant to 7-3-~~14~~19: \$250.00
 - (3) Change in a Nonconforming Use pursuant to 7-3-~~15~~20(B)(3) and (4): \$150.00
 - (4) Variances and Appeals pursuant to 7-3-~~16~~21: \$250.00
 - (5) Rezoning pursuant to 7-3-~~17~~22(A) and (B): \$250.00
 - (6) Other Reviews conducted pursuant to the 7-3-~~18~~23 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~~17: \$150.00
 - (a) Minor Change to Master Sign Plan: \$ 50.00
 - (b) Major Change to Master Sign Plan: \$150.00
 - (c) Appeal to Master Sign Plan: \$250.00

- (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.
- (C) 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.

CHAPTER 6

SECTION 6

Single Family Home Residential Design Standards**Subsections:**

- 6-6-1 Legislative Declaration.
- 6-6-2 Applicability.
- 6-6-3 Exceptions.
- 6-6-4 Development Standards.
- 6-6-5 Architectural Standards.
- 6-6-6 Deviations.
- 6-6-7 Enforcement and Administration.

6-6-1 LEGISLATIVE DECLARATION.

Ridgway is defined in part by eclectic architecture and neighborhoods that vary in age and character. -A goal of the Town's Master Plan is to create a well-integrated community that meets the needs of residents of various income levels, ages and stages of family life cycles. -One way of achieving this is to encourage a mix of housing types and densities, rather than segregating them into separate districts. -In accomplishing this, it is acknowledged that the visual appearance of a property affects more than just the property involved. New and altered structures impact the surrounding neighborhood both in character and property value. These standards have been adopted to encourage a mix of housing types, while helping to ensure that this will not be detrimental to the character of the neighborhoods or to property values in general.

6-6-2 APPLICABILITY.¹

(A) Unless otherwise excepted, the regulations set out in this Section 6-6 shall apply to ~~all newly constructed or installed single family residences;~~

- (1) Construction of any residential building, including without limitation construction of Single Family, Duplex, Townhome, Triplex, Fourplex, Cluster Housing, Co-Housing, Multiple Family structures, and Subsection 6-6-3(K) shall apply to Accessory Dwelling Units;
- (2) New residential subdivisions;
- (3) Major additions, in addition to other applicable ordinances and regulations. Provided, however, these regulations shall not be applicable to mobile homes, as defined in Subsection 6-3-1(A), placed

¹ Proposed changes are intended to broaden the applicability of the standards to apply to all residential development, rather than just single family detached as is implied in the Legislative Declaration. While some communities develop detailed design standards for specific types of residential development (e.g., single family detached, townhomes, multifamily), as drafted, Ridgway's existing standards provide a reasonable level of guidance on the key issues that would typically be addressed.

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~~within designated mobile home overlay districts, or on spaces within~~ or renovations to an existing residential structure:²

~~(1)(4)~~ Structures that contain only residential uses that are included as part of a licensed mobile home park, except as specifically applied mixed use development.

(B) Once subjected to these requirements, all ~~single family residences~~ residential development and appurtenant sites shall thereafter be maintained in conformity ~~herewith~~ thereafter with these requirements.

6-6-3 EXCEPTIONS.

(A) These regulations shall not be applicable to manufactured homes, as defined in Subsection 7-3-2 and subject to supplemental standards in Subsection 7-3-18(K).

~~6-6-36-6-4~~ DEVELOPMENT STANDARDS.³

(A) Foundations:

~~These requirements shall apply in addition to any applicable provisions of Subsection 6-3-2:~~

- (1) ~~(a)~~ The foundation must enclose the space beneath the perimeter of the structure. Foundations may be constructed of masonry or concrete.
- (2) ~~(b)~~ Perimeter foundations and all supports under the structure must meet the frost depth as required in subsection 6-1-~~3(K)~~.
- (3) ~~(c)~~ All foundations and interior supports shall be poured on undisturbed or compacted soil
- (4) ~~(2)~~ All portions of foundations that are above the adjacent finished grade by more than 6 inches shall be finished using the same siding materials as the dwelling or complementary materials such as stucco, stone or brick. Cosmetically equivalent split faced block or other block with design finish or other materials may be allowed with prior approval of the Town.
- (5) ~~(3)~~ Unfinished masonry blocks, plywood, other materials or earth backfill that exceeds a grade of 2 foot horizontal for each 1 foot of raise are not ~~acceptable~~ permitted.
- (6) ~~(4)~~ Exceptions to the above standards may be allowed where foundations must be stepped to address a slope in the natural grade of the site. However, such deviations to these standards shall be kept to the minimum required to address the specific site condition.

² Most communities establish reasonable thresholds for the application of standards to additions. A definition has been added to 7-3-2 for this purpose.

³ The current requirement that the shape of the building footprint be able to contain a 21 ft. x. 24 ft. square was deleted to allow builders and developers greater flexibility to adapt building footprints to fit different sized lots, rather than meeting an arbitrary set of dimensions. Removed exterior lighting section because it is repetitive of RMC 6-5.

(B) Exterior Siding:

- (1) Exterior siding shall be made of non-reflective metal or vinyl lap, wood, simulated wood grain products, painted or colored stucco, brick, stone, or any combination of these materials, or other cosmetically equivalent materials with prior approval of the Town.
- (2) Materials intended to be painted or finished in any manner, such as wood products or stucco, shall not be acceptable until painted or finished.

(C) Roof Structure:⁴

~~————— (1) — Repealed by Ordinance 3-2002~~

~~————— (2) All sloped roofs, including roofs over deck areas, covered porches, entryways, and the like, shall have a minimum pitch of 3 feet of rise for each 12 foot of horizontal distance.~~

(1) Provide varied roof forms or roof forms that are compatible with those used on adjacent homes.⁵

~~(2)~~ (2) Sloped roofs must have an overhang at the eaves and gable ends of not less than 12 inches excluding rain gutters measured from the vertical side of the dwelling. —This required overhang shall not apply to areas over porches, alcoves and other appendages, which together do not exceed 25% of the length of the dwelling-façade on which they are located. Flatter roofs are permitted only if contained within a parapet that is higher than any equipment on the adjacent roof is screened from view from each street on which the lot fronts, and from abutting lots, provided, however, that screening that would interfere with the efficient operation of rooftop solar equipment shall not be required.

(3) Mansard roofs and A-frame designs are not permitted; provided, however, mansard.

~~(2)~~ (4) Mansard roofs are only permitted if the base of the roof is above the second story of the structure.

~~————— (D) — Repealed by Ordinance 10-2003~~

~~————— (E) — Minimum Width:~~

~~————— The building footprint may be any shape, but must be able to fully enclose a 24-ft. x 21-ft. rectangle within the perimeter, exclusive of any attached garage.~~

(D) ~~(F)~~ Sidewalks:

Sidewalks shall be installed in accordance with Town specifications along the adjoining street frontages prior to issuance of a Certificate of Occupancy unless the Town allows execution of a recordable

⁴ Clarified this section to allow more flexibility.

⁵ Moved to here from architectural standards and updated for clarity and flexibility.

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covenant to participate in an assessment district, in cases where immediate construction is not practical.

(E) ~~(G)~~ Mechanical Equipment:

- (1) Propane storage tanks shall not be placed in the front or street side yard unless placed underground. Propane tank placement must also meet applicable code requirements, which in most cases require that the tank be no less than ten feet from any property line and ten feet from any building.
- (2) Swamp coolers, AC units, heat pumps and other mechanical equipment shall not be placed in the front yard. When placed in the street side yard, mechanical equipment should be screened from view from the street using landscaping, walls or fences which are complimentary to the building design.

(F) ~~(H)~~ Street Address Number:

Each residence shall display the street address number in a location that is easily visible from the street in letters not less than 4 inches nor more than 8 inches in height.

(G) ~~(I)~~ Landscaping:

In addition to the requirements of Subsection 6-1-11, the site shall be landscaped to meet the following minimum standards:

- (1) Trees: A minimum of one tree per 2000 square feet of gross lot area shall be provided in all zones except Historic Business. Trees shall have a minimum caliper of 1 1/2 inch for deciduous trees and a five foot minimum height for evergreens.
- (2) In residential zoning districts, trees and shrubs may be placed in any landscape configuration and arranged to compliment the structure. However, of the required trees, a minimum of one tree shall be located in the front yard for each 25 foot of street and on corner lots, one tree shall be located in the street side yard for each 50 foot of street side yard frontage. Landscape elements shall not be located where, at mature size, they will block vehicular sight lines at corners or to public roadways. Where possible, trees should be located in such a way, or be a type, that they will not infringe on solar access and view of the adjoining properties.
- (3) Shrubs: The front and street side yard shall include a minimum of one shrub (5 gallon size) per 10 feet of front and side street frontage.
- (4) In the case of fractional requirements for the number of trees and shrubs, the number required shall be rounded to the nearest whole number.

- (5) Groundcover: Groundcover must be adequate to ensure that dust cannot blow from the property and that the soil is stabilized to ensure that erosion is kept to a minimum. A minimum of 50% of the front and street side yard shall be covered with live vegetation. The remaining area can be vegetative materials, organic or inorganic mulch, flowerbeds, or other acceptable landscape material. River rock, stone or cobbles, if used, shall not exceed 10% of the front or street side yard area. (Driveway area of minimum length and width to provide access and parking shall not be included in the 10% calculation of stone or rock covered area).

~~(J) Exterior Lighting:~~

~~In addition to the requirements of Section 6-5, all exterior lighting shall be directed downward and designed so as not to directly illuminate areas off the premises.~~

(H) ~~(K)~~ Additions to Existing or New Homes:

Any additions or exterior remodeling shall respect the architectural character, detailing, lines and proportions of the existing structure. Additions shall be so integrated into the existing structure that they are difficult to identify as being added and shall appear to have been a part of the original design of the structure. A "face lift" on the existing building may be used in accomplishing this result. Attached or detached garages, carports, patio covers or walls should be designed in the same architectural style as the main structure and be built of similar or compatible materials.⁶

~~(L) Development Density:~~

~~(1) No more than two non-site built homes shall be located in the same block. Existing and new non-site built homes shall be counted towards the maximum of two per block.~~

~~(2) When more than two non-site built homes exist within the same block at the time of annexation or as of January 1, 2000, those existing non-site built homes shall be permitted to be replaced, if damaged too extensively for economical repairs, with another non-site built home, provided the replacement meets the requirements of this Subsection 6-6.~~

~~(3) No two homes of substantially similar elevations shall be located adjacent to each other.~~

~~(M) Repealed by Ordinance 05-2004~~

~~(N) Repealed by Ordinance 05-2004~~

6-6-46-6-5 ARCHITECTURAL STANDARDS.⁷

⁶ The section on development density is proposed to be deleted. Definitions of factory built housing and manufactured housing have been added to be clearer on what regulations apply to what kind of housing. Manufactured dwellings are mobile homes and subject to the overlay district and RMC 6-3. Factory building dwellings are treated just like site built dwellings. Therefore, there is no need to limit factory built housing to 2 per block.

⁷ Language clarifications in this section are intended to clarify intended outcomes and reduce the need for variances.

Ridgway Municipal Code

6-6-6

(A) The design of ~~each newly constructed or installed~~ all new residential ~~structure, development and major additions, and/or exterior remodeling~~ shall meet each of the following ~~four~~ architectural design objectives. Corner lots shall meet these objectives on both the front and side street ~~side~~ elevations.

(1) Provide relief and contrast to the ~~building street~~ building's front and ~~street~~ side street elevations incorporating solids and voids to break up plain wall surfaces.

~~(2) Variation of building mass.~~

~~(3) Variation in roof lines or use of historic roof pitch (8:12 or greater).~~

(2) Provide variation of building mass and height, responding to the existing development context and adjacent zoning districts.

~~(2)(3)~~ (3) Garage doors shall not dominate the front elevation.

(4) No two detached Single family dwellings, Duplex dwelling structures, Townhome, Triplex dwelling structures, or Fourplex dwelling structures of substantially similar elevations shall be located adjacent to each other.⁸

(B) The Town Manager or his/her designee shall promulgate design guidelines to provide assistance in meeting these requirements.

~~6-6-56-6-6~~ DEVIATIONS.

(A) The Planning and Zoning Commission may approve deviations from one or more of the requirements of this Section 6-6 on the basis of finding that:

(1) The proposed structure will be compatible and harmonious with structures in the immediate vicinity; and either

~~(1)(2)~~ (2) The proposed architecture or construction standards provide compensating features that meet the intent and objectives of these standards; or

~~(2)(3)~~ (3) The proposed structure ~~will be compatible and harmonious with structures in(s) support(s) the immediate vicinity.~~ expansion of workforce housing options within the Town of Ridgway.⁹

(B) Requests for deviations shall be reviewed pursuant to the procedures of Subsection 7-3-~~1823~~ of the Ridgway Municipal Code, subject to the fees set in Subsection 7-3-~~2025~~.

~~6-6-66-6-7~~ ENFORCEMENT AND ADMINISTRATION.

⁸ Moved from Subsection 6-6-4(K) Development Density, above. It is fairly routine for communities to apply this type of standard to single family development.

⁹ New criteria to support Master Plan priorities.

- (A) The Town Manager or ~~other designated employee~~his/her designee shall be responsible for the interpretation, administration and enforcement of the provisions of these regulations, as amended, and of any decisions entered by the Planning and Zoning Commission, Board of Adjustment or Town Council, pursuant to such 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 regulations and any decision issued pursuant hereto.
- (C) Whenever necessary to make an inspection to enforce any of the provisions of these regulations or any provision of a decision entered, pursuant to this Subsection, or whenever there is reasonable cause to believe that a violation of any provision of these regulations or of any decision issued pursuant to this Subsection exists, the Marshal, Town Manager, 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 Subsection. Prior to entry, he shall identify himself and request permission to enter from the occupant or person in charge of the premise 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 regulations or of the terms of any decision entered pursuant to this Subsection.
- (E) It shall be unlawful to violate any of the provisions of these regulations, or the terms of any decision entered pursuant to this Subsection. Any person convicted of such a violation may be punished by a fine of up to three hundred (\$300) dollars. Each day any violations continues shall constitute a separate violation.
- (F) Continuing violations of this Subsection, or the terms of any decision issued pursuant to this Subsection, are hereby declared to be a nuisance and may be abated in any lawful manner.
- (G) In addition to the fees contained in this Chapter 6, 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.

From: [Ben Jackson](#)
To: [Shay Coburn](#); [Ben Jackson](#); [Glenn & Dianne Pauls](#); [Glenn Pauls](#)
Subject: Re: Town of Ridgway - proposed code updates for housing
Date: Monday, April 20, 2020 9:50:07 PM

Shay,

I will send a letter from a State consultant saying setbacks from sewer treatment facilities are not a requirement it's a recommendation.

The proposed setback circles and the newly added employee housing area, in the light industrial, would basically not allow an owner to build employee housing in over 90% of the light industrial, unacceptable.

We are trying to create opportunity for people to move their business to Ridgway. If you draw this big circle around an anticipating theory of some expansion of the existing sewer treatment facility it will not hardly allow any employee housing.

Glenn and I have previously opened up discussions to do a land trade. Move the sewer treatment facility downriver to the property below the access point off 550 that we control. Get the sewer out of what is becoming the center of Ridgway.

Why do you want to keep the sewer treatment facility right in the middle of what's going to be Ridgway?

We are not going to agree to any circles drawn. I'm sure this comes from Joanne, unless there is clear language and state requirements that says by law residential shall not be constructed within you're drawn lines, we will fight this.

In addition, if we cannot come to terms on the setback we will also require in writing that it's going to increase the cost of the expansion of the sewer treatment facility in its current location.

Shay, the Town of Ridgway has a most unique opportunity, A landowner willing to negotiate to move the sewer lagoons out of what's becoming the center of your town, down valley, next to open space and a discharge area!

THK

Ben Jackson, Broker
Telluride Real Estate Corp - Christie's International Real Estate
970-708-1495 Cell
www.telluridebenjackson.com

Get [BlueMail for Android](#)

On Apr 20, 2020, at 3:20 PM, Shay Coburn <scoburn@town.ridgway.co.us> wrote:

Hi everyone,

Just a follow up on the proposed code updates. See attached memo and redline drafts.

This will be discussed again at the next Planning Commission meeting on April 28th at 5:30 pm.
This is the first item on the agenda.

The meeting will be held online. To join the meeting go to:

<https://zoom.us/j/92507901647?pwd=aDg0WG10YXhmQjZkdjVhekE0V25JQT09>

Meeting ID: 925 0790 1647

Password: 375851

Or call in using one of the numbers below

+1 301 715 8592 US

+1 253 215 8782 US

You may submit written comments before the meeting to scoburn@town.ridgway.co.us

Best,

Shay



Shay Coburn

Town Planner

From: bjbkjack@gmail.com
To: [Shay Coburn](#)
Cc: glennpauls@earthlink.net; "Glenn Pauls"
Subject: Sewer Lagoons Expansion Ltr. from JVA
Date: Tuesday, April 21, 2020 1:07:23 PM
Attachments: [JVA Letter.pdf](#)

Shay,

Please read the attached letter. There is already existing habitable structures within the numerous boundary areas drawn on the latest LUC revisions. As the consultant states there are not State requirement but recommendations. In Ridgway's case it's the existing commercial structures that will trigger the State to evaluate existing odors vs a potential increase in odors from an expansion than a decision will be made regarding mitigations. This is going to be a requirement of the State wherever any boundary line is drawn. The employee housing in the areas of the light industrial that we are contemplating will not increase the Town's costs to expand its lagoons, if the Town decides to keep the sewer plant where it is.

Please lets open up dialogue about re-locating the sewer facility down river and away from any structures. If the sewer plant does remains where it is we should not be penalized because of any potential expansion.

Looking forward to hearing back. Glenn and I can gladly do a zoom meeting with you and other Town Staff if you think would be productive.

THK!

Ben Jackson, Broker
Telluride Real Estate Corp.



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c | 970.708.1495
f | 970.728.3049
e | bjbkjack@gmail.com
w | www.telluriderealestatecorp.com

P.O. Box 1739/232 W. Colorado Ave.
Telluride, CO 81435



From: chris@alpineplanningllc.com <chris@alpineplanningllc.com>

Sent: Tuesday, April 21, 2020 12:38 PM

To: 'Ben Jackson' <bjbkjack@gmail.com>

Subject: JVA Letter.pdf

Ben, Here is the JVA letter. I will reach out to LeAnne Miller for attending the next Commission meeting.

Thank you.

Chris Hawkins, AICP

Alpine Planning, LLC

970-964-7927

www.alpineplanningllc.com



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Suite 301
Glenwood Springs,
CO 81601
970.404.3100
info@jvajva.com

www.jvajva.com

June 11, 2019

Chris Hawkins, AICP
Alpine Planning, LLC
527 Clinton Street, Ste. 2
Ridgeway, CO 81432

RE: Lagoon Wastewater Treatment Facilities Residential Setback Requirements

Dear Chris:


The Colorado Department of Public Health and Environment (CDPHE/Division) Water Quality Control Division Regulation 22, *Site Location and Design Approval Regulation for Domestic Wastewater Treatment Works* (5 CCR 1002-22) provides the regulatory framework for the review of new and expanded wastewater treatment works. Section 22.3(2)e (Section) specifically pertains to Odor, Noise, and Aerosol Mitigation from Domestic Wastewater Treatment Works. Per the Regulation 22 Guidance Document (Guidance Document), this section was developed to provide a consistent approach to addressing potential neighbor concerns while still protecting public health and the environment.

The proposed setbacks for new wastewater treatment facilities from habitable structures, as stated within this Section are developed primarily for mitigation of odors. Habitable structures include residences, schools, and commercial structures. For new wastewater treatment facilities, the Guidance Document provides setbacks dependent on the type of facility/ technology employed. For new facilities, habitable structures are still permitted within the setback limits under the conditions that any new wastewater treatment works incorporate odor control mitigation techniques.

For wastewater treatment works increasing treatment capacity, the setbacks required for new wastewater treatment works from habitable structures to reduce the need for odor control are not often feasible; as it is common for communities to grow towards the envelope of the wastewater treatment works site. The Guidance Document states “where a new habitable structure(s) has been built near the original approve site location boundary after the construction of the original domestic wastewater treatment works, the Division and the applicant shall consider whether the proposed changes will increase the already existing odor levels at those new habitable structures and whether the existing facility already impact public health, welfare, and safety as related to wastewater treatment and/or water quality.” Requirements for the expanded facility to provide odor control will depend on the results of this evaluation.

In no instance within the Site Location Regulatory Framework does the Division provide specific setbacks required for habitable structures or new developments in relation to an existing or proposed wastewater treatment works site. If there are questions regarding this regulation or the information provided above, please do not hesitate to contact me.

Sincerely,
JVA, INCORPORATED

By:  _____
Leanne Miller, P.E.
Project Manager

Alpine Planning, LLC

P.O. Box 654 | Ridgway, CO 81432 | 970.964.7927 | chris@alpineplanningllc.com | www.alpineplanningllc.com



Town of Ridgway, Colorado
Ridgway Planning Commission
Sent via Email

April 27, 2020

RE: Proposed Sewer Plant Setback

Dear Planning Commission Members,

I hope that you, your families and friends are well in these times. I am writing this letter to you regarding the proposed 500-foot setback to the Town Public Works Department property where the sewage lagoons are located.

The proposed sewer plant setback that just appeared in the most recent draft of the code amendments would, if adopted by the Town, effectively eliminate any housing within 500 feet of the Public Works property. This setback is not in line with State regulations and seems out of line with expressed desire of the Planning Commission and City Council to allow for housing on Parcel D and in Phase III via the conditional use permit process. It is also out of line with envisioned uses in the Master Plan.

During the Master Plan adoption process and our last informal discussion, the Planning Commission and Town agreed to change Parcel D from "Employment Area" to "Mixed Use Business" in part to facilitate housing. The Planning Commission agreed that housing on Parcel D was more appropriate than light industrial due to the differences of land use, noise and activity with residential uses to the north. The Planning Commission also seemed in agreement that employee housing should be allowed in the I-1 Light Industrial Area as a conditional use. The proposed 500-foot sewer plant setback would effectively eliminate housing from both Parcel D and Phase III as shown in Exhibit A.

The "Guidance Document for the Site location and Design Approval Regulations for Domestic Wastewater Treatment Works 5 CCR 1002-22" ("**Guidance Document**") establishes the rules for wastewater treatment plant expansions or modifications. Section 22.3(e) -Guidance Specific to Odor, Noise and Aerosol Mitigation from Domestic Wastewater Treatment Works of the Guidance Document provides the specific rules pertinent to the proposed Town staff proposed Public Works facility 500-foot setback, with the following citations:

"In considering the approval of new and expanded domestic wastewater treatment works, domestic wastewater treatment works where a change in capacity (expansion or reduction) is requested, or for domestic wastewater treatment works where other facility modifications are proposed (i.e. those requiring site location approval per Regulation 22), the Division shall consider distances to habitable structures and, if impacts to public health or the environment are projected, may deny approval of a site location application or, in its approval of a site location application, may impose reasonable

conditions on the design of a facility to minimize public health impacts associated with odors and aerosols. **Habitable structures include residences, schools, and commercial structures** [Emphasis Added]. - Lines 675-681

"Incorporating certain design elements can prevent most potential odor, noise, or aerosol problems at a treatment works..." - Line 683.

"Wastewater treatment works have the potential for odor generation simply based on the characteristics of wastewater and the processes used to treat wastewater. It has been demonstrated that odors generated in a wastewater treatment works can be contained and minimized by proper design and by active odor control technologies. Therefore, it is the applicant's responsibility to consider odor generation in choosing the location of the facility and selecting the processes to treat the wastewater and mitigate odors." – Lines 694-698

"It is difficult to predict where or under what conditions odors may travel; however, consideration of prevailing winds, localized inversion conditions and other physical characteristics of the proposed site and the treatment processes should be assessed by the applicant." – Lines 703-705 (Prevailing winds are from the southwest in Ridgway)

The setback distances to habitable structures is set forth in the Guidance Document, New Domestic Wastewater Treatment Works"

"Unless site specific factors exist which would tend to amplify odors, the Division will assume that the following **setback distances from the treatment process location** [Emphasis Added] to habitable structures are adequate and that consideration of specific odor control requirements in the design is not necessary." – Lines 707-710

The "process location" is the sewage lagoon and not a property boundary, with setbacks varying from 250 feet and up depending upon the size and design of the lagoons.

There are numerous setbacks in the Guidance Document depending upon the size and design of the lagoons. If habitable structures are located within a specified setback area, then a jurisdiction has to provide smell mitigation. The setbacks in the Guidance Document for Ridgway are moot because there are numerous commercial, habitable structures that are built, occupied and located less than 300 feet away from the lagoons. Here is a partial list of habitable structures that are located within 500 feet of the current lagoons:

| Habitable Commercial Structure | Approximate Distance to Lagoon |
|--|---------------------------------------|
| SMPA Office Building | 195 feet |
| Valley Floor Retail Commercial | 225 feet |
| Vacant Office (former Black Hills Energy Office) | 240 feet |
| iSun Skin Care Office and Shop | 240 feet |
| San Juan Huts Office | 300 feet |

There are also numerous other habitable commercial structures within 500 feet of an existing lagoon including the Standing Mountain Professional Building, Colorado Boy Depot, and the Ridgway Business Center. There are also existing homes along Otto Street in Block 31 that would necessitate the mitigation for expanded lagoons. Therefore, all of these commercial and residential habitable structures already require the Town to provide for

smell mitigation. Adding housing to Parcel D or to Phase III does not change this fact or increase the Town costs and the proposed 500-foot setback should be eliminated.

We have previously provided a letter from a consulting sewer engineer on this topic to the Planning Commission and Town staff (Exhibit B). We do not understand why Town staff is proposing this setback based on the letter in Exhibit B and the really clear standards in the Guidance Document. Smell mitigation is already required and adding housing will not change that fact.

The location of the sewer plant relative to Parcel III and Parcel D is allowed by the State. Southwestern prevailing winds already help mitigate smells, and the Town does a good job on keeping the odors down as evidenced by a recreational path located right next to the sewer plant with limited odors on most days. The State Guidance Document asserts that "...it has been demonstrated that odors generated in a wastewater treatment works can be contained and minimized by proper design and by active odor control technologies." Locating housing within one of the setbacks does not present any housing obstacles or health issues, especially since the Town is already required to provide smell mitigation.

Please do not require a 500-foot setback to new housing since smell mitigation costs will be required for any new lagoons on the Public Works Property.

Thank you for your time and consideration.

Respectfully,

Chris Hawkins, AICP
Alpine Planning, LLC

EXHIBIT A

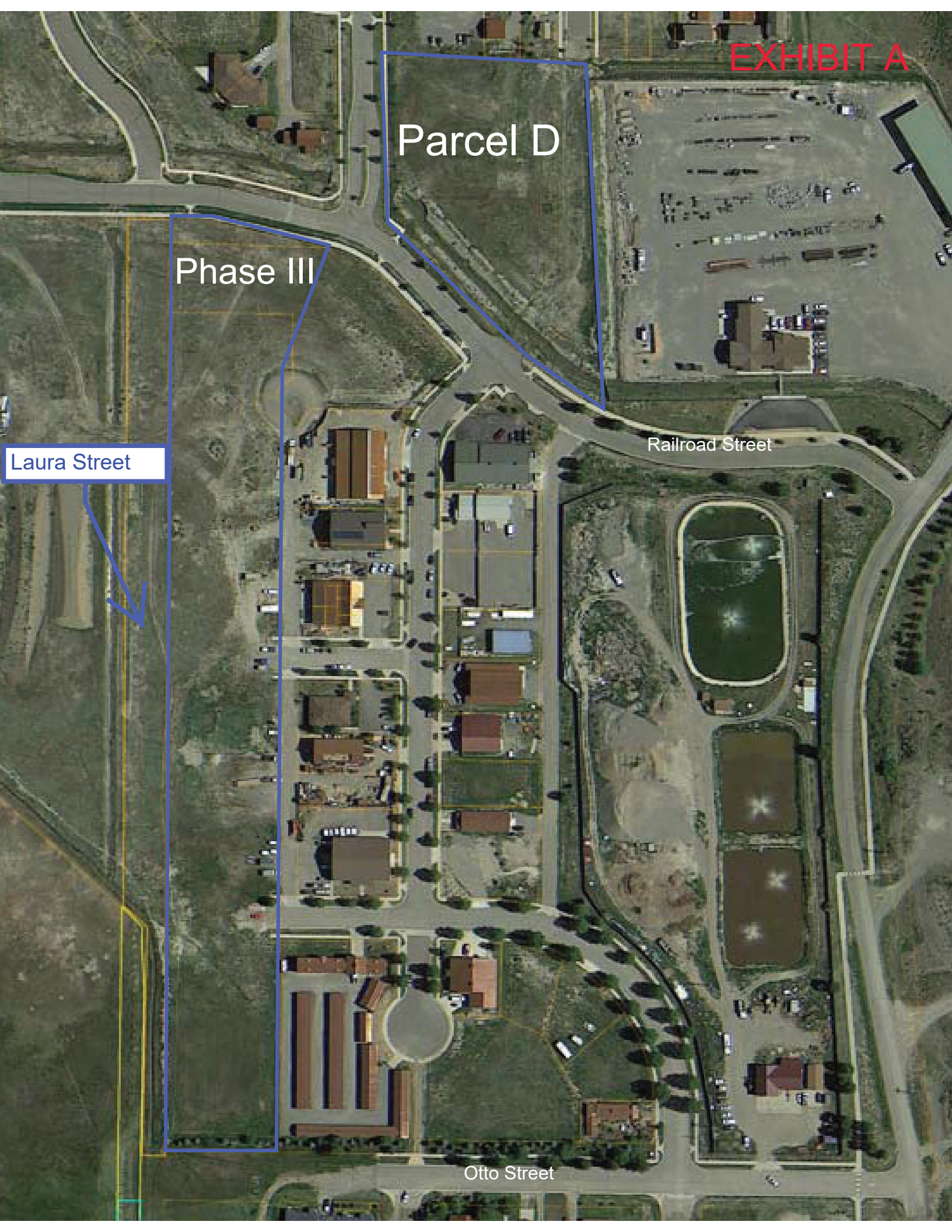
Parcel D

Phase III

Railroad Street

Laura Street

Otto Street





June 11, 2019

Chris Hawkins, AICP
Alpine Planning, LLC
527 Clinton Street, Ste. 2
Ridgeway, CO 81432

EXHIBIT B

JVA, Incorporated
817 Colorado Avenue
Suite 301
Glenwood Springs,
CO 81601
970.404.3100
info@jvajva.com

www.jvajva.com

RE: Lagoon Wastewater Treatment Facilities Residential Setback Requirements

Dear Chris:

The Colorado Department of Public Health and Environment (CDPHE/Division) Water Quality Control Division Regulation 22, *Site Location and Design Approval Regulation for Domestic Wastewater Treatment Works* (5 CCR 1002-22) provides the regulatory framework for the review of new and expanded wastewater treatment works. Section 22.3(2)e (Section) specifically pertains to Odor, Noise, and Aerosol Mitigation from Domestic Wastewater Treatment Works. Per the Regulation 22 Guidance Document (Guidance Document), this section was developed to provide a consistent approach to addressing potential neighbor concerns while still protecting public health and the environment.

The proposed setbacks for new wastewater treatment facilities from habitable structures, as stated within this Section are developed primarily for mitigation of odors. Habitable structures include residences, schools, and commercial structures. For new wastewater treatment facilities, the Guidance Document provides setbacks dependent on the type of facility/ technology employed. For new facilities, habitable structures are still permitted within the setback limits under the conditions that any new wastewater treatment works incorporate odor control mitigation techniques.

For wastewater treatment works increasing treatment capacity, the setbacks required for new wastewater treatment works from habitable structures to reduce the need for odor control are not often feasible; as it is common for communities to grow towards the envelope of the wastewater treatment works site. The Guidance Document states “where a new habitable structure(s) has been built near the original approve site location boundary after the construction of the original domestic wastewater treatment works, the Division and the applicant shall consider whether the proposed changes will increase the already existing odor levels at those new habitable structures and whether the existing facility already impact public health, welfare, and safety as related to wastewater treatment and/or water quality.” Requirements for the expanded facility to provide odor control will depend on the results of this evaluation.

In no instance within the Site Location Regulatory Framework does the Division provide specific setbacks required for habitable structures or new developments in relation to an existing or proposed wastewater treatment works site. If there are questions regarding this regulation or the information provided above, please do not hesitate to contact me.

Sincerely,
JVA, INCORPORATED

By: 

Leanne Miller, P.E.
Project Manager

- b. Collection and transmission of wastewater to an existing treatment plant, or alternate plant site, downstream from the water supply intake;
- c. The potential for an alternate drinking water source (e.g. groundwater or connection to another existing water system) for the water supply agency; and,
- d. Relocation of the water supply intake to a point upstream from the wastewater treatment works discharge.

The Division recognizes that water rights issues may limit the feasibility of implementing such alternatives.

If no reasonable alternative to the discharge of wastewater treatment works effluent upstream and proximate to drinking water sources can be found, then additional considerations to reduce risk of impact to the water supply must be made in the design and management of the wastewater treatment plant to minimize public health risks.

The Division reviews such instances on a case-by-case basis. The Division suggests that entities involved with such potential circumstances contact the Division early in the planning process to arrange a meeting to set forth a detailed approach to facility siting and design. Where appropriate, the Division will participate in meetings between the entities involved.

3. Additionally, special design and operational issues may need to be considered to address emergency situations (such as an upset) at a wastewater treatment plant. These may include, but are not limited to:
 - a. Having the capability for flow equalization at the wastewater treatment plant
 - b. Having the capability for emergency storage at the wastewater treatment plant at a point prior to discharge.
 - c. Having the ability to temporarily divert the discharge to an alternate treatment facility or other location during the emergency situation.
 - d. Providing alarm systems to alert operator of upset conditions and/or equipment issues or failure.
 - e. Having adequate staffing at the wastewater treatment plan to facilitate a timely response to emergency situations.

22.3(2)(e) – Guidance Specific to Odor, Noise and Aerosol Mitigation from Domestic Wastewater Treatment Works (previously included in WOSA-7)

Concerns regarding impacts from a proposed domestic wastewater treatment works have been expressed by potential neighbors in some cases and it is necessary for the Division to implement a consistent approach to addressing those concerns while protecting public health and the environment.

Regulation No. 22 sections 22.3(2)(e) and 22.9(1)(e) requires that the Division review site applications to ensure that the proposed treatment works can be operated and managed at the proposed site location to minimize foreseeable potential adverse impacts on the public health, welfare, and safety as related to wastewater treatment and/or water quality. This policy provides guidance for reviewing those factors and to specifically:

1. Address potential concerns of neighboring property owners to proposed domestic wastewater treatment facility construction;

2. Reduce the likelihood of public nuisance complaints stemming from the operation and maintenance of domestic wastewater treatment facilities (including odors, noise and aerosols);
3. Minimize the potential for the airborne transmission of pathogens from wastewater treatment facilities to the occupants of nearby habitable structures; and
4. Provide guidance if setback requirements cannot be met and mitigating factors must be incorporated into the design to address potential concerns from odor, noise, and aerosols.

In considering the approval of new and expanded domestic wastewater treatment works, domestic wastewater treatment works where a change in capacity (expansion or reduction) is requested, or for domestic wastewater treatment works where other facility modifications are proposed (i.e. those requiring site location approval per Regulation 22), the Division shall consider distances to habitable structures and, if impacts to public health or the environment are projected, may deny approval of a site location application or, in its approval of a site location application, may impose reasonable conditions on the design of a facility to minimize public health impacts associated with odors and aerosols. Habitable structures include residences, schools, and commercial structures.

Incorporating certain design elements can prevent most potential odor, noise, or aerosol problems at a treatment works. Any mitigation techniques incorporated as a condition of a site location application approval must be included in the design for that facility. In order to obtain design approval, the applicant is then required to operate and maintain those mitigation elements or other comparable equipment or mitigation method. Applicants must consider potential odor, noise, and aerosol issues and the potential costs associated with mitigation elements in their site selection process. Should the responsible party for an existing domestic wastewater treatment works, allow mitigation elements required in a previous site approval to be operated incorrectly or deteriorate in their effectiveness, the Division may withhold approval of any request for plant expansion until the mitigation elements are improved to adequate operations.

Odors

Wastewater treatment works have the potential for odor generation simply based on the characteristics of wastewater and the processes used to treat wastewater. It has been demonstrated that odors generated in a wastewater treatment works can be contained and minimized by proper design and by active odor control technologies. Therefore, it is the applicant's responsibility to consider odor generation in choosing the location of the facility and selecting the processes to treat the wastewater and mitigate odors.

Odor emissions are addressed by Air Quality Control Commission, Regulation Number 2, *Odor Emission* (<http://www.cdphe.state.co.us/regulations/airregs/100104aqccodoremision.pdf>) Projected odor levels exceeding Air Quality Regulation Number 2 will not be approved.

It is difficult to predict where or under what conditions odors may travel; however, consideration of prevailing winds, localized inversion conditions and other physical characteristics of the proposed site and the treatment processes should be assessed by the applicant.

New Domestic Wastewater Treatment Works

Unless site specific factors exist which would tend to amplify odors, the Division will assume that the following setback distances from the treatment process location to habitable structures are adequate and that consideration of specific odor control requirements in the design is not necessary.

1. Non-aerated lagoons: ¼ mile
2. Aerated lagoons less than two (2) total surface acres (all basins combined) with no surface aeration: 250

feet

3. Aerated lagoons greater than two (2) total surface acres (all basins combined) with no surface aeration: 500 feet
4. Aerated lagoons less than or equal to two (2) total surface acres (all basins combined) with surface aeration: 500 feet
5. Aerated lagoons greater than or equal to two (2) total surface acres (all basins combined) with surface aeration: 1,000 feet
6. Mechanical plants 2,000 gpd maximum month capacity to less than 50,000 gpd capacity: 250 feet
7. Mechanical plants 50,000 gpd capacity to less than 100,000 gpd capacity: 500 feet
8. Mechanical plants 100,000 gpd or greater: 1,000 feet
9. All enclosed mechanical plants and lift stations: 100 feet
10. Lift stations 150,000 gpd capacity to less than 215,000 gpd capacity: 250 feet
11. Lift stations greater than 215,000 gpd capacity: 500 feet

For determining the appropriate setback distance above, surface aeration means aeration accomplished with equipment that generates splashing, i.e. throws the water into the air, not diffused aeration.

Absent site specific factors, if the proposed treatment works are far enough from habitable structures (as defined by the setback distances given above) then odor mitigating design features would not be required. However, if at the time of site location application action by the Division, habitable structures do exist within the setback distances listed above for a new domestic wastewater treatment works, the applicant must commit to incorporating reasonable and appropriate odor mitigation elements into the domestic wastewater treatment works design.

Incorporation of the odor control processes into the design, when appropriate, shall be a condition of the site location approval letter. Failure to construct the odor control processes would invalidate the site location approval, resulting in a violation to the Water Quality Control Act, 25-8-702 C.R.S.

Mitigating elements can include system features designed to prevent odor problems from occurring such as, but not limited to

1. Aeration system failure alarms with 24-hour autodialing to an appropriate responsible party;
2. Covering certain portions of the plant; and,
3. Enclosure and appropriate air handling treatment system (e.g. air filters) for certain processes that generate odors such as headworks and solids handling facilities.

The specific mitigating elements for a particular situation should be developed based on an analysis of the sequence of events that could lead to odor problems, Design features should then be developed to interrupt or control the generation of odors which would negatively affect nearby habitable structures.

Increase or Decrease of Capacity or Amendment of Existing Domestic Wastewater Treatment Works

Where the distances to habitable structures cited above in the New Domestic Wastewater Treatment Works section are not met for facilities being modified and required site location application approval, the applicant also has the obligation to consider odors. In the site location application, the applicant shall address the need for mitigation design elements to reduce the potential for odor from processes being added or modified. Reasonable odor mitigation facilities or strategies shall be proposed by the applicant to reduce the odor potential. Where a

new habitable structure(s) has been built near the original, approved site location boundary after the construction of the original domestic wastewater treatment works, the Division and the applicant shall consider whether the proposed changes will increase the already existing odor levels at those new habitable structures and whether the existing facility already impact public health, welfare, and safety as related to wastewater treatment and/or water quality.

Noise

Noise is generated by large, powered equipment at domestic wastewater treatment works including engine generators, blowers, fans, and mechanical aerators. The variation, pulse, and tone of the noise can affect the listener as much as or more than the decibel energy of the sound wave. Mitigation strategies must be employed consistent with State and Local Ordinances and should focus on equipment selection, acoustical architectural techniques, and the use of barriers or other sound-wave attenuation measures within buildings, surrounding structures, and plant grounds.

Aerosols

A plant site shall be of sufficient size that, under normally expected operating and climate conditions for the proposed processes, aerosols would not be expected to cross the property line of the plant. Aerosols shall be considered water droplets generated by active treatment processes in the plant. Aerosols do not include fog caused by temperature differences or odors carried through the movement of air across the property. Where aerosol drift may be reasonably expected to go off the plant site, the Division may deny site location approval or may impose appropriate design requirements as a condition of approval. Where the treatment processes are more than 250 feet away from the habitable structures, the Division will assume that aerosol drift is not an issue unless the treatment process proposed would create significant aerosols or the aerosols may create public health concerns.

Expectations Regarding Existing Domestic Wastewater Treatment Works and Appurtenances

For **existing** domestic wastewater treatment works and appurtenances where –

1. No facility modifications (requiring site location and design approval per Regulation 22) are requested or have been made without first obtaining site location and design approval and
2. Where the Division is not aware of any odor, noise or other related complaints or non-compliance with regard to Colorado statute or discharge permit requirements,

As long as conditions 1. and 2. above are applicable, the Division does not expect that these existing facilities will comply with the **Odor, Noise and Aerosol Mitigation** requirements that are described in this Section.

22.4 APPLICATION PROCEDURES FOR CONSTRUCTION OF NEW DOMESTIC WASTEWATER TREATMENT WORKS (ALSO INCLUDES NEW OR RELOCATED OUTFALL SEWERS AND VAULTS)

An application for ***New Domestic Wastewater Treatment Works*** is required for the following situations:

- Proposed domestic wastewater treatment works with a design capacity to received greater than 2,000 gallons of domestic wastewater per day including onsite wastewater systems;
- Addition of a new discharge location (outfall sewer) at a domestic wastewater treatment works;

From: [Tom McKenney](#)
To: [Shay Coburn](#)
Cc: [Tom McKenney](#)
Subject: Elephants in the Room
Date: Tuesday, April 28, 2020 1:13:36 PM

Shay - Sorry for being so late; lots happening right now. Please pass this on appropriately.

tm

____ _
Ridgway PC

In general I applaud the changes to the code for the purpose of creating more flexibility. Believing in the town/county IGA and following the concept that people belong in town and the county should remain rural with a working landscape, this new increased town density makes a lot of sense.

Specifically, there are three areas I find lacking.

1) Being a town with a clear vision, that we have not included a size/scale limit ordinance is beside me. The town should have maximum number of sq ft a single family dwelling can be. There should be a maximum size a lot also. Mixed density is good. Subdivisions of one acre or more lot size, full of single family houses seems contrary to the big picture.

2) The town dealing with growth: protection of valley and agricultural land right around the town seems to be missing. How far up the valley toward Ouray do we have to build before we legislate where the town expands ?

3) Definitions: I realize we are attempting to control the cost of living here through a market system; however, completely dropping the ball on Affordable Housing in the code to accommodate for a housing authority seems ridiculous to my way of thinking. Ridgway needs to define "affordable housing" to contain both words, "deed restricted" and "in perpetuity". Successful affordability rarely exists without a working housing authority.

Thanks for considering these observations/ recommendations for our medium size town.

tm

Tom McKenney
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PO Box# 340
Ridgway, Co
81432

(970) 729 1930



To: Ridgway Planning Commission
From: Chase Jones, Public Works; Shay Coburn, Town Planner; Joanne Fagan, Town Engineer
Date: April 24, 2020
Re: Stormwater Standard Guidance

ACTION BEFORE COMMISSION:

The Commission is asked to provide input and guidance to staff on developing stormwater standards that have the potential to impact building and development within Ridgway.

SUMMARY:

The Town recently adopted a Stormwater Master Plan and is beginning to implement the plan by creating standards and specifications. These standards and specifications are the first steps in a large and long endeavor to lowering the flood risk throughout our community. Creation of standards and specifications are challenging in that there is no clear answer or direction. However, without requirements, structures throughout Town may remain or become vulnerable to flooding. The Stormwater Master Plan estimates that the total cost of improvements Town-wide would cost nearly \$15,000,000. These improvements will take years to phase in and are extremely dependent on available funding, funding streams and development. Enacting standards and specifications are one way to begin to implement the plan by attempting to ensure that drainage within the Town does not get worse. Below are a few topics which staff is requesting input or direction from the Planning Commission.

- 1) Many communities require a building's entry height and lowest floor to be a specific height above the street's flow line to help prevent flood damage. This is primarily an issue on the historically platted town lots where one side of the street is typically lower than the driving surface. When discussing a requirement like this there are multiple mitigation techniques and things to consider in Ridgway. This particular item has the potential to have the largest long-term impacts on reducing a building's flood susceptibility. Regulations exist if one was to build within a designated flood plain but not for the typical residential home that is lower than a street. Staff found examples in Montrose and Ouray County. Both have requirements that a structures lowest floor must be above the adjacent grade and/or above a designated flood elevation for areas with shallow flooding. Below you can find a list of mitigation strategies and some of their associated pros and cons.
 - a. Building Entry or floor level – Require all new building entrances and/or main floors to be 12"-18" above the adjacent street's flowline
 - i. Pros – Reduces probability of flooding, helps protect structures during historic events.



- ii. Cons – Potential conflict with Town height restrictions, could increase variance requests, can increase building cost by raising building footprint, view obstruction, need to ensure altered flow paths don't flood neighboring property.
- b. Berming – Allow for berms at edge of street ROW and private property
 - i. Pros – Adds a level of defense to the property, cheaper than raising home, could also allow berming if unable to raise building footprint or height restriction is triggered.
 - ii. Cons – Feature may be removed, altered or damaged by owner, if overtopped the building may still flood, would likely have to extend the entire block to be effective

Staff Recommendation: Require the lowest floor to be 18" above gutter or barrow ditch flow line or the edge of roadway unless undue hardship or sufficient cause is demonstrated. If this is demonstrated then the property will be subject to portions of Section 6-2 Flood Plain Management Regulations of Ridgway's Municipal Code with a flood elevation of 12" above existing lot grade to help prevent potential flood damage. RMC Section 6-2 is attached to this memo. Sections of 6-2 have been highlighted which could apply or be referenced to properties located below street flowlines.

- 2) When a parcel is developed it often increases the impervious area and shortens the concentration time which increases the runoff and peak flow. Higher peak runoff requires larger system improvements, and it increases erosion and flooding potential. Mitigation tactics include:
 - a. Limit flows to historic – this is currently our practice with new subdivisions
 - i. Pros – does not increase demand on the Town's stormwater system, prevents creation of new downstream issues, expense is put on the builder/developer.
 - ii. Cons – Each parcel is responsible for maintenance and function of detention feature(s) which can easily be neglected, can be difficult to implement in the HB district where one can build from lot line to lot line, can reduce building density due to need for land to detain water.
 - b. Size public system to handle larger non-detained flows
 - i. Pros – the system would be prepared for the worst-case scenario, doesn't require land on site to deal with storm water (helps with higher densities).
 - ii. Cons – the Stormwater Master Plan estimate is in excess of 15 million dollars for complete buildout, creates high "sharp" peak flow that has high erosion potential, can reduce water quality, need to determine how and who pays for the improvements or portions thereof, need to ensure it is timed appropriately



with the peak river flow, puts burden on the Town to build and maintain a complex system.

Staff Recommendation: Require new development to match historic flows. However, if the subdivision was designed to accommodate a full build out and that drainage system was put into place, those lots are allowed to build to the anticipated lot coverage. Development that is unable to retain to historic flows or is being developed with an imperviousness in excess of its original design will be required to pay for the increase demand on the Town's system. This could be structured similar to the onsite parking requirements but be sure to cover actual costs as much as possible.

- 3) To be able to fairly regulate to "historic flows" or "pre-development conditions" the Town needs to define these terms. This has a great impact on potential detention requirements and required fees/improvements to the stormwater system. Staff sees three options for creating an unbiased determination:
 - a. 2005 Town aerial imagery
 - b. 2017 aerial from the National Agricultural Imagery Program
 - c. Utilizing the County Assessor's data to determine any recorded improvement's square footage before adoption of the Stormwater Standards (or another desired date)
 - i. Note: existing pavement would not be included in this number as the county only records building footprints.

Staff Recommendation: Utilize the County Assessors recorded square footage data. Utilizing the assessor puts a defined and recorded number to what was legally allowed on the lot in the past and estimations do not have to be delineated from aerials. Imperviousness related to pavement or concrete may be included if the property owner can display record of its prior presence and size.

ATTACHMENTS:

Ridgway Municipal Code 6-2 Flood Plain Management Regulations

Ridgway Municipal Code

CHAPTER 6

SECTION 2

Flood Plain Management Regulations

Subsections:

- 6-2-1 General Provisions.
- 6-2-2 Development Permits.
- 6-2-3 Duties Of Building Official.
- 6-2-4 Standards.
- 6-2-5 Variances.
- 6-2-6 Adoption Of Maps And Study.
- 6-2-7 Additional Restrictions In Floodway.
- 6-2-8 Enforcement.
- 6-2-9 Appeals.

6-2-1 GENERAL PROVISIONS.

(A) The regulations adopted by this Section shall be in addition to and supplementary to all other ordinances and regulations of the Town of Ridgway. Whenever any conflict exists between these regulations and any other ordinance or regulations, those providing the more stringent limitation or requirement shall apply.

(B) As used in this Section, DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(Ord 10-2013)

(C) As used in this Section, BASE FLOOD ELEVATION means the elevation of a flood having a 1% chance of being equaled or exceeded in any given year.

(D) As used in this Section, FLOOD or FLOODING means:

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters.

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(a) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical

levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (I)(a) of this Subsection.

(E) As used in this Section, FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community.

(F) As used in this Section, FLOOD INSURANCE STUDY or FLOOD ELEVATION STUDY means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

(G) As used in this Section, FLOODWAY or REGULATORY FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(H) As used in this Section, NEW CONSTRUCTION means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later. For flood plain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by a community.

(I) As used in this Section, START OF CONSTRUCTION (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure.

(J) As used in this Section, MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

(K) As used in this Section, MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(L) As used in this Section, SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, including structures that have incurred Substantial Damage, the cost of

which equals or exceeds 50% of the market value of the structure either:

- (1) before the improvement or repair is started, or
- (2) if the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimension of the structure.

The term does not, however, include either:

- (a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- (b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(Ord 10-2013)

(M) Unless another definition is specifically provided, the terms used in these Flood Plain Management Regulations shall have the same meaning provided by regulations issued by the Federal Emergency Management Agency for the National Flood Insurance Program as found in 44 CFR, 59.1.

(N) The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the Town, any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.

(O) Amendments to these regulations or the maps adopted herein shall be processed in accordance with procedures for amending the Ridgway Zoning Ordinance.

(P) As used in this Section, ADDITION means any activity that expands the enclosed footprint or increases the square footage of an existing structure. (Ord 10-2013)

(Q) As used in this Section BASEMENT means any area of a building having its floor sub-grade (below ground level) on all sides. (Ord 10-2013)

(R) As used in this Section, CONDITIONAL LETTER OF MAP REVISION (CLOMR) means FEMA's comment on a proposed project, which does not revise an effective floodplain map that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain. (Ord 10-2013)

(S) As used in this Section CRITICAL FACILITY means a structure or related infrastructure, but not the land on which it is situated, as specified in Subsection 6-2-4(P), that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. (Ord 10-2013)

(T) As used in this Section FLOODPROOFING means any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(Ord 10-2013)

(U) As used in this Section HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(Ord 10-2013)

(V) As used in this Section LETTER OF MAP REVISIONS BASED ON FILL (LOMR-F) means FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

(Ord 10-2013)

(W) As used in this Section LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

(Ord 10-2013)

(X) As used in this Section SPECIAL FLOOD HAZARD AREA means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

(Ord 10-2013)

(Y) As used in this Section SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure of its before damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

(Ord 10-2013)

(Z) As used in this Section VARIANCE means a grant of relief to a person from the requirement of this Section when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Section. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

(Ord 10-2013)

(AA) As used in this Section VIOLATION means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

(Ord 10-2013)

6-2-2 DEVELOPMENT PERMITS.

(A) Within the Special Flood Hazard Areas and areas removed from the floodplain by the

issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), as indicated on the Flood Insurance Rate Map adopted by Subsection 6-2-6, a development permit shall be obtained prior to commencing any construction or development. (Ord 10-2013)

(B) Application for a development permit shall be made on forms furnished by the Town which may require plans drawn to scale showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and their locations, and other information appropriate for the administration of these regulations.

(C) Submitted with the application for a development permit or other applicable permit for property within said Zones A and A-5 shall be the following information:

(1) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.

(2) Elevation in relation to mean sea level to which any structure has been floodproofed.

(3) Certification by a registered professional engineer or architect that the floodproofing methods of any non-residential structure meet the criteria of Subsection 6-2-4(M).

(4) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

(5) Other information required by the Town as necessary to administer and enforce the provision of these regulations.

(6) An application fee of \$250. (Ord 2-2019)

6-2-3 DUTIES OF BUILDING OFFICIAL.

The Building Official or other officer or employee designated by the Town Council shall administer and enforce the provisions of these regulations, including the performance of the following duties:

(A) Review all development and other permits to determine that all requirements of these regulations have been met prior to any permit being approved.

(B) Review all development and other permits to determine that all necessary permits have been obtained from those federal, state or local government agencies from which prior approval is required.

(C) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and record whether or not the structure contains a basement.

(D) For all new or substantially improved flood-proofed structures, verify and record the actual elevation (in relation to mean sea level); and maintain on file the flood-proofing certification required by Subsection 6-2-4(M).

(E) Maintain for public inspection all records pertaining to these regulations.

(F) Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(G) Require as a condition of permit approval that maintenance will be provided by the owner within an altered or relocated portion of any watercourse so that the flood carrying capacity is not diminished.

(H) Review all development permits and other permits and applications, including subdivision proposals and other new developments to determine whether such development will be reasonably safe from flooding.

(I) Require that an evacuation plan indicating alternate vehicular access and escape routes be filed with the Town and County of Ouray for mobile home parks and mobile home subdivisions located within Special Flood Hazard Areas, as indicated on the Flood Insurance Rate Map.

(Ord 10-2013)

(J) For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.

(Ord 10-2013)

(K) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases water surface elevation of the base flood by more than one-half foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12, and receives FEMA approval.

(Ord 10-2013)

6-2-4 STANDARDS.

(A) The standards provided in this Subsection shall apply within the Special Flood Hazard Areas designated on the Flood Insurance Rate Map.

(Ord 10-2013)

(B) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent floatation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

(C) All manufactured homes to be placed within such flood plains shall be installed using methods and practices which minimize flood damage and shall be elevated and anchored to resist floatation, collapse or lateral movement. Methods of anchoring may include, but are not limited to the use of over the top or frame ties to ground anchors. The requirements of this Paragraph (C) shall not apply when the grade of the ground itself has been elevated by compacted fill above the elevation of the base flood. Special requirements shall be that:

(1) Over the top ties be provided at each of the four (4) corners of the manufactured home,

with two (2) additional ties per side at intermediate locations; with manufactured homes less than fifty feet (50') long requiring one additional tie per side.

(2) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points; with manufactured homes less than fifty feet (50') long requiring four (4) additional ties per side.

(3) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds.

(4) Any additions to the manufactured home be similarly anchored.

(5) In lieu of the special requirements of Subsections 1, 2 and 3 above, an alternative anchoring system may be used if a licensed professional engineer certifies or technical evaluation demonstrates that such system will adequately anchor the manufactured home with respect to base flood discharge.

(D) All new construction and substantial improvements shall be constructed with materials resistant to flood damage and with electrical heating, ventilation, plumbing and air-conditions equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(E) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(F) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(G) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters.

(H) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(I) All subdivision proposals shall be consistent with the need to minimize flood damage, and shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(J) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(K) Base flood elevation data shall be provided with subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) which contain at least fifty (50) lots or five (5) acres whichever is less.

(L) New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above base flood elevation. (Ord 10-2013)

(M) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor (including basement) elevated to or above one foot above the level of the base flood elevation, or, together with the attendant utility and sanitary

facilities, shall:

(Ord 10-2013)

(1) Be flood proofed so that below a point one foot above the base flood level, the structure is watertight with walls substantially impermeable to the passage of water, (Ord 10-2013)

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, and (Ord 10-2013)

(3) Have structural design specifications and plans for the construction developed and/or reviewed by a registered professional engineer or architect who shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting applicable provisions of this Section. Such certification including elevations to which the structure is flood-proofed shall be provided to the Building Official. (Ord 10-2013)

(N) All manufactured homes to be placed within the floodplain or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one foot above the base flood elevation and shall be securely anchored to an adequately anchored foundation system according to Subsection 6-2-4(C). (Ord 10-2013)

(O) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than one (1) foot above grade.

(3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(P) Standards for Critical Facilities:

(1) A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the Town at any time before, during, or after a flood. Critical facilities are classified as essential services, hazardous materials, at risk populations and vital to restoring normal services. The Town shall identify Critical Facilities pursuant to the following criteria: (Ord 10-2013)

(2) (a) Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines. These facilities consist of: public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and emergency operation centers); emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions); designated emergency shelters; communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular

systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits); public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and Air Transportation lifelines (airports [municipal and larger], helicopter pads and structures serving emergency functions, and associated infrastructure [aviation control towers, air traffic control centers, and emergency equipment aircraft hangars]). (Ord 10-2013)

- (b) (i) Specific exemptions to this category include wastewater treatments plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances. (Ord 10-2013)

(ii) Public utility plant facilities may be exempted if it can be demonstrated that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Section, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Town on an as needed basis upon request. (Ord 10-2013)

- (3) (a) Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic or water-reactive materials. These facilities may include: chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing); laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials; refineries; hazardous waste storage and disposal sites; and aboveground gasoline or propane storage or sales centers. Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the workplace, AND the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either five hundred (500) pounds or the TPQ listed (whichever is lower) for the chemicals listed under 40 C.F.R., Section 302, as amended, also known as Extremely Hazardous Substances (EHS); or ten thousand (10,000) pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R., Section 1910, as amended. The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R., Section 302, as amended, and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R., Section 1910, as amended, are incorporated herein by reference. (Ord 10-2013)

- (b) Specific exemptions to this category include:

(i) Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use. (Ord 10-2013)

(ii) Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the Town by hazard assessment and certification by a qualified professional (as determined by the Town) that a release of the subject hazardous material does not pose a major threat to the public. (Ord 10-2013)

(iii) Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products. (Ord 10-2013)

(iv) These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this Subsection. (Ord 10-2013)

(4) At risk population facilities include medical care, congregate care, and schools. These facilities consist of: elder care (nursing homes); congregate care serving twelve (12) or more individuals (daycare and assisted living); public and private schools (pre-schools, K-12 schools), before-school and after-school care serving twelve (12) or more children. (Ord 10-2013)

(5) (a) Facilities vital to restoring normal services including government operations. These facilities consist of: essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers); essential structures for public colleges and universities (dormitories, offices, and classrooms only). (Ord 10-2013)

(b) These facilities may be exempted if it is demonstrated to the satisfaction of the Town that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with Section, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Town on an as needed basis upon request. (Ord 10-2013)

(6) New Construction and Substantial Improvement of any Critical Facility shall comply with the provisions of Subsection (M) above, except that the required elevation or flood proofing shall be to at least two feet above the base flood elevation. (Ord 10-2013)

(7) New Critical Facilities shall, when practicable as determined by the Town, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100 year flood event. (Ord 10-2013)

(Q) New construction of any structure on property removed from the floodplain by issuance of a FEMA Letter of Map Revision based on Fill (LOMR-F) shall have the lowest floor (including basement) elevated to or above one foot above the base flood elevation which existed prior to placement of fill. (Ord 10-2013)

(R) All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM shall either: (Ord 10-2013)

(1) Be on the site for fewer than 180 consecutive days, (Ord 10-2013)

- (2) Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices, and has no permanently attached additions. (Ord 10-2013)
- (3) Meet the permit requirements of Subsection 6-2-2, and the elevation and anchoring requirements for “manufactured homes” in subsection 6-2-4(C) of this section. (Ord 10-2013)

6-2-5 VARIANCES.

(A) The Building Official is hereby authorized to grant a variance from these regulations for the reconstruction, rehabilitation, or restoration of structures listed on the National Register or State Inventory of Historic Places upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. (Ord. 10-2013)

(B) The Board of Zoning Adjustment shall have authority to grant a variance from the provisions of these regulations in accordance with the criteria provided in this Subsection following a hearing of which reasonable notice has been published, and has been posted visible from each street frontage abutting the property for at least 10 days prior to the hearing. (Ord 14-1998)

(C) Application for a variance shall be accompanied by an application fee of \$150 and by all information necessary to show that the variance is justified in accordance with the criteria of this Subsection. (Ord 2-2019)

(D) Generally, variances shall be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that all relevant technical considerations have been fully considered. As lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(E) In considering any variance, all technical considerations, all relevant factors, and the standards provided in these regulations shall be considered.

(F) A variance shall be issued only upon the determination that all of the following exist:

- (1) The variance is a minimum necessary considering the flood hazards to afford relief.
- (2) There is good and sufficient cause.
- (3) Failure to grant the variance would result in exceptional hardship to the applicant, and

(4) The granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing laws.

(G) A variance shall be disallowed within the floodway if any increase in flood levels during the base flood discharge would result.

(H) The applicant for any variance shall have the burden of proof to show that the above criteria are met. Any technical or engineering data or information shall be prepared and certified by a registered professional engineer or other qualified professional.

(I) Records shall be maintained of all variance actions, including justification of their issuance, and shall be included in the annual report submitted to the Federal Emergency Management Agency. The applicant for a variance which is granted shall be given written notice that (i) the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be increased commensurate with the increased risk resulting from the reduced lowest floor elevation; and (ii) that such construction increases risk to life and property. Copies of such notice shall be kept by the Town. (Ord 10-2013)

6-2-6 ADOPTION OF MAPS AND STUDY.

(A) The Flood Insurance Study for the Town of Ridgway, Colorado, dated September 27, 1985, together with the Flood Insurance Rate Map, dated September 27, 1985, and any revisions hereto, as prepared and promulgated by the Federal Emergency Management Agency is hereby adopted and designated for use in the enforcement and administration of these regulations. Such studies and maps reflect the floodplain developed by the "Floodplain Information Report" prepared by A&S Consultants, Inc., dated April 1978, for the Uncompahgre River – Ouray to Dallas Creek, which has been designated and approved by the Colorado Water Conservation Board in December 1981. Said Flood Insurance Study, related maps, and Floodplain Information Report including Plates 4 through 6 thereof, shall be and are hereby adopted and designated for use in the enforcement and administration of these regulations. (Ord 10-2013)

(B) The Building Official shall interpret the exact locations of the boundary of the flood-way, flood-fringe, and high hazard areas and of base flood elevations as provided in the Report, study and maps referenced above. Elevations determined from the profiles shall take precedence over plates or maps.

(C) In interpreting the boundaries of the flood-way, flood-fringe, high hazard areas and determining base flood elevation, the building official shall obtain, review and reasonably utilize any base flood elevation or flood-way data and other data available from other federal sources or sources officially approved by the Colorado Water Conservation Board.

6-2-7 ADDITIONAL RESTRICTIONS IN FLOODWAY.

(A) In addition to the other requirements of these Flood Plain Management Regulations, the restrictions of this Section shall apply within the floodway as designated on the Floodplain Information Report which is adopted in Section 6-2-6.

(B) No encroachments, including fill, new construction, substantial improvements, and other development shall be allowed within the boundaries of the floodway unless a technical evaluation demonstrates that the encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

6-2-8 ENFORCEMENT.

(A) It shall be unlawful for any person to violate any of the provisions of this Section. Any person convicted of such a violation may be punished by a fine of up to \$300. Each day any violation

continues shall be considered a separate offense.

(Ord 1-2017)

(B) The Town may maintain an action in any court of competent jurisdiction to enjoin or abate any violation of the requirements of this Section.

(C) Any property, building or structure existing or maintained in violation of the requirements of this Section is hereby declared to be a nuisance which may be abated in accordance with law.

6-2-9 APPEALS.

(A) The Board of Adjustment shall hear and decide appeals of any requirement, decision, or determination made by the building official in the enforcement or administration of this ordinance.

(B) Appeals shall be submitted accompanied by a \$25.00 application fee and all necessary information.

(C) The Board shall hold a hearing with reasonable notice to the applicant, notice of which shall be posted visible from each street frontage abutting the property for at least 10 days prior to the hearing. The Board of Adjustment's decision shall be final.

(Ord 14-1998)

PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING

MARCH 31, 2020

CALL TO ORDER

The Chairperson called the meeting to order at 5:35 p.m. with Commissioners Emilson, Falk, Liske, Nelson, Councilor Cheek, Mayor Clark and Chairperson Canright in attendance.

PUBLIC HEARINGS

1. Application for Deviation to Single Family Home Design Standards for Roof Pitch; Location: Hirsch Subdivision, Parcel A, Block 4; Address: 202 North Amelia Street; Zone: Historic Residential (HR); Applicant: Nicholas Wasser; Owner: Nicholas Wasser

Staff Report dated March 31, 2020 presenting background, analysis and staff recommendation prepared by the Town Planner.

Town Planner Shay Coburn presented an application for a roof pitch of 1:12 which is a deviation from the required 3:12 roof pitch. The deviation would apply to most of the roof planes she explained. Coburn noted the proposed architecture provides compensating features and it will be compatible with other structures in the vicinity, as required in order for the request to be considered. The Applicant's letter submitted with the request disclosed the sun exposure will improve for the neighbor to the north, the view from the proposed structure will improve, and the 1:12 roof pitch will make a proposed solar system more feasible and cost effective she concluded.

The Chairperson opened the hearing for public comment and there was none.

ACTION:

Commissioner Nelson moved to approve the Application for Deviation for Roof Pitch; Hirsh Subdivision Parcel A, Block 4; Address: 202 North Amelia Street because criteria has been met. Commissioner Liske seconded the motion and it carried unanimously.

2. Application for Variance to Building Height; Location: Block 34, east 92 ft. of Lots 11-12, Lots 13-15; Address: 185 North Lena and TBD North Lena /Clinton Streets; Zone: Historic Business (HB); Applicant: Conterra Workshop; Owners: Catherine and Steven Chevalier and Firehouse Investment Real Estate LLC

Staff Report dated March 31, 2020 presenting background, analysis and staff recommendation prepared by the Town Planner; *Elevation Showing Parking* and *Diagram of 3-Story Street Sections* depicting setbacks verses no setback, submitted by the Applicant as an addition to the Hearing Packet.

Planner Coburn presented an application for a variance to build up to 6 ft. above the allowed building height in the Historic Business District. She explained the request is for specific portions of buildings within the proposed culinary arts complex. Coburn noted this hearing is a continuation of the Planning Commission's December 3, 2019 Regular Meeting in which the applicant received

approval for other variance and conditional use requests. However the Commission determined the Applicant did not provide enough information at that hearing for this variance to be considered. The Planner noted the original request was for building height of 39 ft., and the request has changed to 41 ft., so the applicant will need to better explain how the criteria of practical difficulty or unnecessary hardship has been met.

John Baskfield of Conterra Workshop said the Owner's priorities for the project are to preserve the Town's historic Firehouse and Lucy's Garden. The building placement in the project is designed to celebrate that preservation. He noted the floor thicknesses have structural and mechanical components engaged within the floor systems, and they are down to the minimum requirement. Baskfield said the practical difficulty is because the site slopes about 8.5 ft. from the southwest to the northeast. The first floor is designed to step, to meet the elevation, creating short ceilings in some of the garages along the alley. This will allow a consistent height for the 2nd floor. In addition, the project requires an elevator and the elevator shaft needs twelve feet of clearance above the roof to function correctly. Commercial units require 9 ft. of floor-to-floor height, and the condominium units should have 9 ft. ceilings to make them marketable for sale. The sale of the condominium units will help the project to be financially viable he continued. Mr. Baskfield also explained substantial justice is done by preserving the Firehouse in its location and the new construction is pulled back in a way that really celebrates it. There is abundant architecture, and the project will have public spaces at the street level, namely Lucy's Garden as well as other amenities to be provided with the development. The areas where the buildings portions are over 35 ft. have been set back from the lot line allowing sunlight to the street, thereby creating a pedestrian presence that is more in scale with a small town, and the project aligns with the Master Plan Baskfield concluded.

The Chairperson opened the hearing for public comment.

Tammy Tuttle, Owner of True Grit Café, expressed her concerns about how the project will impact future development in town. Tuttle said she has issue with the overall project because it does not fit with the town's personality; the gargantuan building will change the height and variance requirements for future structures; the complex dominates the corner of the block and it will take away from the old western feel in that corner because it does not fit in with the existing buildings on Lena and Clinton streets. She asked what the next step in the process would entail and if there be another opportunity to voice her concerns.

Chris Hawkins of Alpine Planning spoke in favor of the project noting height and mass of the Bank Building, and referenced a historic hotel from the 1800's that was a much larger building than proposed in this request. Mr. Hawkins said the project was appropriate because adding density in the core of town makes sense.

Resident Terese Seal said she supports the height variance and noted other tall buildings in town such as the Silver San Juan. She said she is in favor of the project because she supports density in town as well.

The Chairperson closed the hearing for public comment.

The Planning Commission discussed the request with the applicant. Mr. Baskfield clarified that the site elevations had not been surveyed prior to the December Planning Commission Meeting. The elevation in the northeast corner of the lot was more than anticipated, and an additional 1'6" was added to the 3rd floor plate thickness which was needed for the mechanical system.

Planner Coburn addressed the public comments and explained that the Town Council empowers the Planning Commission to make final decisions for requests such as variances and conditional uses. Many of the elements in the project are a use by right in the HB District. This request will receive a final decision from the Planning Commission and no other decisions will be made unless the applicant applies for additional variances or conditional uses. The building permit process is the next step and it will be processed in accordance to Ridgway's Municipal Code.

ACTION:

Mayor Clark moved to approve the Application for Variance to Building Height; Location: Block 34, east 92 ft. of Lots 11-12, Lots 13-15; Address: 185 North Lena and TBD North Lena /Clinton Streets; Zone: Historic Business; Owners: Catherine and Steven Chevalier and Firehouse Investment Real Estate LLC. The approval is based on the understanding that practical difficulty has been met, applicable to the strict letter of the height limitation; the specific physical characteristics of the lot, the ground starting point being determined by the sidewalk, the Firehouse, back alley, the 8 ft. elevation change between the highest and lowest point on the parcel, as well as the setback for the condominiums at the northeast corner of the project. Substantial justice is done based on the points presented in the hearing by the Applicant. The approval is for a deviation up to 41 ft. and it must be in substantial compliance with the drawings, elevations and perspectives presented in the hearing packet for the March 31, 2020 Planning Commission Regular Meeting. Councilor Cheek seconded the motion and it carried with six Commissioners in favor and one Commissioner opposing.

3. Application for Sketch Plan; Location: Triangle Subdivision Lot 1; Address: TBD Highway 550; Zone: General Commercial; Applicant: John Simone; Owner: Alpine Homes-Ridgway LLC.

Staff Report dated March 31, 2020 presenting background, analysis and staff recommendation prepared by the Town Planner. Revised *Architectural Site Plan, Triangle Parcel, Lot 1, Triangle Subdivision, Ridgway, Colorado* submitted by the Applicant as a late addition the Packet.

The Town Planner presented an application for Sketch Plan for a planned unit development. The Sketch Plan is for a mixed use development that would include thirty eight residential units, commercial buildings, shared amenities and shared parking. She reviewed the requirements pursuant to the Municipal Code and noted a conditional use approval is required for the proposed residential units and the proposed buildings encroaching within the setback of the Uncompahgre River Overlay District (UROD). Coburn noted the runoff and drainage calculations need to be included with the preliminary plat submittal, easements need to be reconciled and the project must comply with the Town's updated Storm Water Master Plan. She further explained the applicant should clarify why fourteen individual lots are proposed in the development and the lot layout and access to the development will need to be adjusted to meet code. Planner Coburn commented the applicant should also clarify the placement for the public access easement along the river trail and from Highway 550 on the Site Plan. The applicant has proposed four deed restricted units, and restricting short term rentals should be discussed with this application she concluded.

John Simone, Developer with the Project Team reviewed the revised Architectural Site Plan that addressed proposed changes to the application. Simone explained there will be one large lot to simplify the review process regarding setbacks, easements, building orientation, and there will be one Home Owner's Association. Primary access to the lot will be to the northern aspect of the lot along Highway 550 as recommended by the Colorado Division of Transportation (CDOT). CDOT has recommended closure of the driveway to neighboring Mountain Annie's (Triangle Subdivision Lot 2) for safety issues. However that driveway will still have limited access, remain gated, unpaved

and signed for emergency use only. The building encroaching into UROD has been architecturally reconfigured to reduce the encroachment area, and he addressed the comments in the Staff Report regarding parking, building height and deed restricted units.

The Town Planner and Project Team member David Schieldt, discussed his letter submitted with the Hearing Packet regarding the *Floodplain Research Summary*. He explained how the 30-year old Federal Emergency Management Administration (FEMA) Map was reconciled to the current survey and lot topography. Mr. Schieldt assured that a surveyor or engineer could issue an elevation certificate preventing problems for future home owners because the project will be constructed well above the floodplain elevation line.

The Owner for Alpine Homes-Ridgway LLC said his intent is to create a development for locals with connectivity to town and explained how the residential units will be marketed for sale to the local community.

Team member Walker Christensen said the ecological study reveals little to no habitat value on the upper portion of the lot, though wetlands exist below the lot on the river, which is on Town property. The existing river bank will be enhanced to increase the buffer between the river and the development and that will provide an opportunity to improve the ecology of the site he concluded.

Jim Kehoe, Architect for the project said the 2-story building on Lot 3 of the development will be revised to comply with the 50' length requirement. He commented the access drive's width is based on conversations with CDOT and asked for clarification regarding the Town's requirements. Planner Coburn referred him to subdivision design standards in RMC 7.4.7(C)13 and noted the Town will default to the CDOT requirements for highway access.

The Chairperson opened the hearing for public comment and there was none.

The Commissioners discussed the application with the Owner and the Development Team. The Owner agreed short term rentals should be limited; a retail sign for that part of the corridor would include signage for Mountain Annie's (currently located on Triangle Lot 2) to prevent a non-conforming sign issue, and an easement to accommodate future access across the highway would be provided.

The Planning Commission confirmed with Planner Coburn that the residential use in the General Commercial Zone is a good strategy for this parcel; the conditional use request for building height regarding the two central buildings is supported; more information will be needed to determine if setbacks are okay; the conditional use for the UROD setback will need to be reconsidered with the changes proposed by the Applicant at this meeting; the Drainage Plan should be reviewed with staff before further design; existing easements will be reconciled along with other updates to the Topographic Survey and Existing Conditions Map; the proposed project budget should be reviewed by the Town Engineer; the lot layout should be revised as proposed by the Applicant at the meeting; the current measurement of 36 ft. for the primary driveway access would be better at 40 ft., at least for the drive in the commercial areas; a drive narrower than 40' may be considered for the residential area; one established access point is adequate as recommended by CDOT but a secondary emergency access is also needed; the fire truck access diagram will need to be reviewed once the access locations and drive widths are determined; parking appears adequate as further explained by the Applicant at this meeting; floodplain issues need to be worked out with staff, it appears as if the Town's Flood Plain Development Regulations will need to be followed; the utility plan should be discussed with Town staff before moving forward; the proposed pedestrian trail through the parcel

and along the river way should be a public access easement; an access easement should be provided at the north end of the property to accommodate future access from across the highway; an easement should be provided for a Town sign at the north end of the property; short-term rentals should be restricted in some way; the development will provide 4 deed restricted affordable units in a variety of units types and locations; and staff will work with the Applicant on posted notice requirements of the code.

ACTION:

Mayor Clark moved to approve the Application for Sketch Plan; Location: Triangle Subdivision, Lot 1; Address TBD Highway 550; Zone: General Commercial; Applicant: John Simone; Owner: Alpine Homes-Ridgway, LLC, with the affirmations made by the Planning Commission during this hearing's discussion as well as the previous hearing's discussion; including the comments and recommendations listed in the Staff Report dated March 31, 2020. Commissioner Nelson seconded the motion and it carried unanimously.

OTHER BUSINESS

4. Master Plan Implementation: Land Use Code Updates Phase 1, Address Housing

Staff Report dated March 31, 2020 presenting background, analysis and staff recommendation prepared by the Town Planner.

The Planner reviewed the proposed updates to the Land Use Code. She explained comments received from the public after the second public hearing in February have been incorporated for this public meeting, and noted the public comments from this meeting should be emailed to her at scoburn@town.ridgway.co.us by April 14, 2020.

The Chairperson opened the hearing for public comment.

Resident Chris Hawkins asked for clarification regarding the definition of a dwelling verses a dwelling unit, size restriction on employee units, building floor area limits in various districts; allowances for smaller lot sizes in the Downtown Services District, consideration to allow Ouray County employees for employee housing, and asked that subdivision right of way requirements for subdivisions to be reconsidered.

Ben Jackson said people living and or working in Ouray County should be considered for employees housing, the employer's waiting period between marketing vacant employee units should be reduced to 45 days, and a minimum of 650 sq. ft. should be allowed for employee housing.

Don Elliot of Clarion Associates, contracted by the Town to lead the project addressed the public questions. He clarified there is a definitions for "dwelling" because of how it is used to identify different types of structures and a definition for "dwelling unit" to be used to describe where one household resides. He said square footage is limited for employee housing because it is not intended to be affordable housing but an incentive to assist Ridgway employers in recruitment of employees that cannot find housing in town, not the county.

The Commissioners discussed employer housing requirements. They also discussed rental units created within one residential dwelling unit, or "lock-off." Don Elliott suggested the number of

kitchens within a single dwelling unit should clarify the difference between a lock off unit and an accessory dwelling unit.

The Chairperson closed the hearing for public comment.

The Planning Commission agreed that for employee housing, the 90 day requirement to be able to rent to a non-employee should be reduced to 45 days; 450 sq. ft. is adequate for employee housing; and employers should be allowed to rent employee units to people employed in Ouray County after the 45 day period if they are unable to rent it to their own employee first. They also agreed that staff should incorporate the changes discussed at the hearing and what has been received from the public by April 14. The updated draft will be reviewed at the April Planning Commission Regular Meeting.

APPROVAL OF THE MINUTES

5. Approval of the Minutes from the Meeting of February 25, 2020

ACTION:

Councilor Liske moved to approve the Minutes from February 25, 2020. Commissioner Nelson seconded the motion, with Commissioner Faulk abstaining, and it carried unanimously.

ADJOURNMENT

The meeting adjourned at 9:45 p.m.

Respectfully submitted,

Karen Christian
Deputy Clerk