

**TOWN OF RIDGWAY, COLORADO
ORDINANCE NO. 03-2024**

**AN ORDINANCE OF THE TOWN OF RIDGWAY, COLORADO
AMENDING SECTION 7-4 “ZONING REGULATIONS” OF THE RIDGWAY MUNICIPAL
CODE REGARDING ACCESSORY DWELLING UNITS**

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

WHEREAS, the zoning and land use powers conferred upon the Town by the State of Colorado as a Home Rule Municipality empower the Town to manage land use to ensure the public health, safety, and welfare; and

WHEREAS, the Town currently regulates land uses within the Town limits in accordance with Chapter 7 “Land Use Regulations” of the Ridgway Municipal Code (“RMC”), adopted pursuant to its Home Rule Constitutional authority and the Local Government Land Use Control Enabling Act of 1974, as amended, §§29-20-101, et seq. C.R.S; and

WHEREAS, Accessory Dwelling Units (“ADUs”) are a vital form of housing in the state of Colorado and in the Town of Ridgway, and is generally encouraged as an effective means to improve housing affordability, provided that each ADU complies with the Town’s ADU standards; and

WHEREAS, the Town has determined that ADU development is a potential solution to the housing affordability issue, and has made substantial efforts to evaluate the current ADU standards against lessons learned and best practices gleaned after years of the ADU movement; and

WHEREAS, the Town has determined that it is appropriate to amend RMC Subsection 7-4-6(A) “Accessory Dwelling Units” as the new standards will facilitate the development of ADUs within the Town and are necessary for maintaining orderly growth and development patterns; and

WHEREAS, modifications to the Town’s ADU regulations will help advance ***POLICY COM-2.2: HOUSING OPTIONS*** in the Town of Ridgway Master Plan; and

WHEREAS, Town staff and the consultant team provided public engagement opportunities, held a number of discussions with the Ridgway Planning Commission, and received recommendations from the Planning Commission; and

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

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

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

Section 2. Amendment of Subsection (A) of Section 7-4-6 “Accessory Dwelling Units”. Subsection (A) of Section 7-4-6 of the Ridgway Municipal Code is hereby repealed and reinstated to read as set forth in ***Exhibit A***.

Section 3. The definition of “ Dwelling Unit, Accessory”, within Section 7-9-2 General Definitions is amended to read as follows:

DWELLING UNIT, ACCESSORY: A dwelling unit located within, attached to, or detached from the principal ~~structuredwelling, that~~ The unit includes its own independent living facilities with provisions for sleeping, cooking, and sanitation, and is designed for residential occupancy independent of the primary use. contains no more than 800 square feet of gross floor area, ~~The use of which~~ is associated with and subordinate to the principal ~~dwelling structure~~ and ~~that~~ is located upon the same lot as the principal ~~dwellingstructure~~.

Section 4. The definition of “ Accessory Dwelling Unit” within Section 7-9-2 General Definitions, is repealed in its entirety.

Section 5. Amendment of Table T-4.3, Land Use Table, of Section 7-4-4. Amend the permitted uses for “ Accessory Dwelling Unit” in Table T-4.3, Land Use Table, hereby repealed and reinstated to read as set forth below:

Use Category	Land Use	R	HR	MR	FD	HB	DS	GC	LI	GI	Use-Specific Standards
Accessory Uses	Accessory Dwelling Unit (ADU)	R	R	R	R	R	R	R	R	R	7-4-6(A)

Section 6. Codification of Amendments. The Town Clerk, as the codifier of the Town’s Municipal Code, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Ridgway Municipal Code. The Town Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

Section 7. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Town Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 8. Effective Date. This Ordinance shall take effect thirty (30) days after the date of final passage in accordance with Article 3-7 of the Ridgway Charter.

Section 9. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Ridgway, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 10. No Existing Violation Affected. Nothing in this Ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision

hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended, repealed, or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right, and for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered, or made in such actions, suits or proceedings, or prosecutions imposing, inflicting, or declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings, and appeals pending before any court or administrative tribunal.

Section 11. Publication. The Town Clerk is ordered to publish this Ordinance in accordance with Article 3-7 of the Ridgway Charter.

INTRODUCED AND REFERRED TO PUBLIC HEARING on December 11, 2024, and setting such public hearing for January 8, 2025, at Ridgway Town Hall, located at 201 N. Railroad Street, Ridgway, Colorado.

BY:

ATTEST:

John Clark, Mayor

Pam Kraft, Town Clerk

ADOPTED on January 8, 2025.

BY:

ATTEST:

John Clark, Mayor

Pam Kraft, Town Clerk

APPROVED AS TO FORM:

Bo James Nerlin, Town Attorney

Exhibit A:

Amendment of Subsection (A) of Section 7-4-6 “Accessory Dwelling Units”.

7-4-6 SUPPLEMENTAL REGULATIONS

(A) Accessory Dwelling Units.

- (1) General Provisions.
 - (a) The creation of Accessory Dwelling Units (ADU) is generally encouraged as an effective means to improve housing affordability, provided that each ADU complies with the standards of these regulations.
 - (b) The goal of improving housing affordability requires flexibility with landscaping requirements, building typologies, and construction methods. Sustainable construction methods including, but not limited to, utilizing local resources and energy efficient designs are encouraged to increase long-term affordability.
 - (c) The burden shall be upon the owner of any ADU 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 an ADU.
 - (d) A dwelling unit constructed before a principal building, which meets these criteria, may be converted to an ADU following construction of a new principal dwelling unit.
 - (e) Plan review fees as calculated by the Building Official may be waived by the Town Manager for ADU(s) as set forth below.
 - (i) Plan review fees may be reduced by up to one-hundred (100) percent for attached ADU(s).
 - (ii) Plan review fees may be reduced by seventy-five (75) percent for detached ADU(s).
 - (iii) Permit fees may not be reduced for any ADU(s).
- (2) Dimensional and Design Standards.
 - (a) ADUs are only allowed as an accessory use to the following dwellings:
 - (i) Single-Family Dwelling;
 - (ii) Duplex Dwelling; or
 - (iii) Triplex Dwelling
 - (b) The quantity of ADUs on a single lot is permitted in accordance with the following:
 - (i) One (1) ADU may be allowed on a lot that is at least 3,000 square feet in area.
 - (ii) Two (2) ADUs may be allowed on a lot that is at least 7,500 square feet in area.
 - (c) ADUs may be located within a detached structure, attached to the principal structure, or converted room or rooms within the principal structure.
 - (d) The ADU(s) must be constructed in accordance with applicable requirements of Town Building Codes.
 - (e) All lots where an ADU is proposed shall comply with all dimensional standards applicable to the underlying zone district.
 - (i) Required setbacks may be reduced by up to fifty (50) percent, or two (2) feet, whichever is greater, when adjacent to open space. Such a reduction shall be approved in writing by the Town Manager or their designee.
 - (f) The ADU shall not be located within the sight triangle as determined by Section 7-4-8(F)(8), Sight Triangles.
 - (g) The architectural design of an ADU shall be compliant with the regulations set in RMC 7-4-9, Residential Design Standards.
 - (h) An ADU shall comply with the parking requirements as set out in subsection 7-4-6(M).

- (i) The maximum size of an ADU shall not exceed 1,000 square feet of gross floor area unless otherwise allowed by this section.
 - (i) For purposes of this Section, the calculation for the “gross floor area” shall be the total square footage of the ADU measured to the interior walls of the area comprising the dwelling unit excluding internal parking areas and stairways.
 - (j) The proposed property on which the ADU is located shall be compliant with an approved Landscape Plan, consistent with Section 7-4-8, Landscape Regulations, if one exists.
 - (i) If the property does not have an approved Landscape Plan, the Town Manager or their designee may determine if Section 7-4-8, Landscape Regulations, applies to the proposed improvements.
- (3) Incentives.
 - (a) ADU Affordable Housing Provisions. All single-family, duplex, or triplex dwellings may be allowed to construct one (1) additional ADU above the allowed quantity in subsection 7-4-6(A)(2)(b) when the ADU is income-restricted pursuant to this subsection.
 - (i) Affordable Housing Covenants and Restrictions. The property owner shall record a restrictive covenant with the Ouray County Clerk and Records’ office that includes the following provisions:
 - a. Area median income (AMI). The income range shall be equal to or less than 150 percent AMI for Ouray County as determined by the US Department of Housing and Development or US Census.
 - b. Income-restricted units. Describe the quantity of income-restricted units, their square footage, and bedroom count.
 - c. Compliance report and leasing period. The duration of the tenant’s lease. Upon reasonable request by the Town of Ridgway or Ouray County, the property owner shall submit a compliance report outlining how the restricted units comply with covenant requirements.
 - d. Income verification and rent limitations. Provide the method for determining tenant income and calculating the rent limitations for each income-restricted unit.
 - (ii) All dimensional standards of the underlying zone district shall still be met.
 - (iii) In no case shall there be more than two (2) ADU’s on any one parcel.
 - (b) Landscaping. When a property owner requesting an ADU meets one of the applicable water conservation standards below, the proposed ADU may increase its maximum gross floor area by up to ten (10) percent without an administrative adjustment.
 - (i) The proposed live ground cover does not include more than 750 square feet of turf or;
 - (ii) The proposed landscape area has a minimum of eighty (80) percent non-live ground cover.
 - (c) Sustainable construction methods. When an applicant meets the applicable sustainable construction standards as set forth below, the proposed ADU may exceed the maximum gross floor area by two hundred (200) square feet.
 - (i) The proposed construction is certified by a professional sustainable construction organization;
 - (ii) The applicant provides proof of energy efficient design that exceeds industry standards from a certified construction professional; and
 - (iii) The applicant sources fifty (50) percent of the construction materials from the State of Colorado.

- (4) Ownership and Occupancy. The following shall be met for any proposed or existing ADU within the Town of Ridgway:
 - (a) The ADU, principal residential unit(s), and the lot or parcel upon which they are located, shall remain in undivided ownership.
 - (b) An ADU may be used as a Short-Term Rental provided it complies with all provisions of RMC Section 7-4-6(N), Short Term Rental Regulations, and Section 8-5, Short-term Rentals.
 - (c) A minimum of a ninety (90) day rental period shall be required by written lease for an ADU, unless the ADU is owner-occupied.
- (5) Utilities
 - (a) The ADU(s) should be served off of the water and sewer tap for the principal residence, in which case it shall not be subject to additional tap fees.