

TOWN OF RIDGWAY, COLORADO

ORDINANCE NO. 06-2021

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Execution Page follows]

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

BY:

ATTEST:

John Clark, Mayor

Pam Kraft, Town Clerk

ADOPTED on September 8, 2021.

BY:

ATTEST:

John Clark, Mayor

Pam Kraft, Town Clerk

APPROVED AS TO FORM:

Bo James Nerlin, Town Attorney

EXHIBIT A

RIDGWAY MUNICIPAL CODE

Title 7

CHAPTER 7

Landscape Regulations

7-7-1 INTENT

(A) This purpose of this Section is to provide clear landscaping requirements that will contribute to high quality development and sustainable, water-saving practices. Landscaping is an important element of the character of the Town of Ridgway that is both functional and aesthetic and the Town's top objective is to prioritize low-water use and regionally appropriate design for materials and vegetation. These landscaping regulations will endeavor to achieve the following:

- (1) Preserve and enhance a well-maintained landscape that preserves the overall quality and character of the community.
- (2) Conserve water resources.
- (3) Provide visual buffers and screening.
- (4) Provide separation between pedestrian and vehicular uses.
- (5) Mitigate adverse effects of drainage and weeds.
- (6) Allow residents creativity and flexibility and landscape design.

(B) Drought-tolerant, water-wise plants are to be used whenever possible and appropriate. Water wise is a term used throughout this chapter to describe the method of planting which works to promote water conservation by minimizing the amount of native vegetation removed, limiting new vegetation to native and drought tolerant species, limiting the amount and type of irrigation, and other related measures to conserve water and create a native landscape.

(C) Landscaping should be used to promote the visual aesthetic of the development from main travel corridors, as well as the pedestrian experience within, through shade trees, plantings, context-appropriate public art and seating. Buffers and medians facilitate drainage during storm events and provide valuable areas for snow storage during the winter. Landscaping that is sustainable, visually appealing, and regionally appropriate is required for all new development.

7-7-2 DEFINITIONS

All terms defined in Section 7-3-2, Definitions, shall apply to the words and phrases used in this Chapter.

7-7-3 APPLICABILITY

(A) This chapter establishes minimum landscaping standards which apply to all residential and non-residential properties within the Town of Ridgway.

(B) The following projects shall comply with the landscaping standards set forth in this chapter:

- (1) Projects which require a site plan review;
- (2) New commercial, residential, or mixed use construction;
- (3) New landscape projects and rehabilitation projects that exceed 25% of the lot size;
- (4) Change of use; or
- (5) Public rights-of-way improvements.

(C) A building permit for new construction or landscape improvements shall not be issued until a conforming Landscape Plan is approved by the Town. A permanent Certificate of Occupancy will not be issued until the Town determines that the landscaping contemplated by the approved plan has been properly installed. A temporary Certificate of Occupancy may be issued if completion of landscaping improvements is delayed by winter weather.

(D) All standards and policies adopted within the Town of Ridgway Water Conservation and Management Plan, Master Plan, and Commercial Design Guidelines should be implemented with the landscape regulations of this chapter.

7-7-4 SITE AND LANDSCAPE PLAN DEVELOPMENT

(A) Landscape Plan Requirements

- (1) A landscape plan, as set forth in this Section, shall be required for all projects identified in 7-7-3(B) and shall be submitted to the Town for approval.
- (2) The landscape plan shall be drawn to scale of 1 inch = 40 feet, or larger, and may be included on the Site Plan. The landscape plan shall include the following information:
 - i. Property lines and dimensions;
 - ii. Building footprint, driveways, and vehicle circulation;
 - iii. Existing and finished grade;
 - iv. North arrow and scale;
 - v. Name of applicant and landscape consultant or architect (*if applicable*);
 - vi. Legend indicating all proposed plant materials with common and botanical names, indication of drought tolerant plants, sizes, maximum spacing, caliper size, and quantities;
 - vii. Method of establishing and maintaining plant materials;
 - viii. Surface drainage characteristics and any proposed structures, including, but not limited to, inlets, retention/detention ponds, swales, permeable surfaces, down spouts;
 - ix. Location of all plant material, other natural features, including but not limited to wetlands, water bodies, rock outcroppings, detention areas, retaining walls, and buildings and paved areas (*existing and proposed*);
 - x. Plantings should be shown as they would be at full maturity;

- xii. Identification and percentage of ground surfaces and materials by types, such as paving, sod, mulch, edger, seed mixes, shrubs, and flower beds;
- xiii. Clearly labeled locations and calculations for amounts of required landscaping, including the square footage and percentage of required landscape area, living materials, and non-living materials as well as required and provided number of trees, drought tolerant plantings, and any required landscaping, including islands and trees, within parking areas;
- xiv. Identify any existing trees, shrubs, or live groundcover that will remain on the property and how they will be protected from damage during construction;
- xv. The location and square footage of all areas;
- xvi. Identify construction debris storage and staging areas; and
- xvii. Additional information as may be required by the Town.

7-7-5 WATER CONSERVATION

- (A) Water conservation planting: All landscaping should be designed to incorporate water conservation materials and techniques through application of water wise landscape principles. In general, water wise landscaping and drip irrigation are required while large irrigated areas requiring spray heads are strongly discouraged.
- (B) Regionally appropriate: All landscaping should be regionally appropriate and materials shall be suitable for local soil conditions and climate. To help guide plant selection, a list of recommended and prohibited species is included in Section 7-7-11, Species List.

7-7-6 LANDSCAPING REQUIRED

- (A) Purpose: The purpose of this section is to establish minimum landscaping requirements for residential, non-residential and mixed uses.
 - (1) All areas on a lot must be treated with landscaping.
 - (2) Landscaped area may include a combination of trees, shrubs, groundcovers (live and non-live), decorative landscape stone or rock, or other landscaping material that does not conflict with other provisions of this Chapter.
 - i. Live ground cover is considered to be material such as native grasses wildflowers, turf and planting beds.
 - ii. Non-live ground cover is considered to be material such as bark mulch, flagstone, rock, gravel, artificial turf or the like.
 - (3) The minimum live and non-live ground cover percentages, as seen in the landscaping requirements table, count as part of the overall minimum landscaped area, not in addition to.
- (B) At least 25% of the required landscape area shall be provided in the front yard of the property. The landscaping requirements table below demonstrates the required landscape area for all parcels in all zoning districts.

Landscaping Requirements					
Zoning District	Min. Required Landscaped Area ²	Min % of Required Landscaped Area Live Ground Cover	Min % of Required Landscaped Area Non-Live Ground Cover	Min. # of Trees for Required Landscape Area ³	Min. # of Shrubs for Required Landscape Area ⁴
Residential Uses					
R	50%	20%	30%	1 for every 2,000sqft	2 for every 3,000sqft
HR	40%	20%	20%	1 for every 2,000sqft	2 for every 3,000sqft
MR	30%	20%	20%	1 for every 2,000sqft	2 for every 3,000sqft
FD ¹	50%	20%	30%	1 for every 2,000sqft	2 for every 3,000sqft
DS	50%	20%	30%	1 for every 2,000sqft	2 for every 3,000sqft
Non-Residential or Mixed Uses					
HB	See 7-7-6(C) Below				
GC	30%	10%	20%	1 for every 2,000sqft	2 for every 3,500sqft
I-1	30%	5%	15%	1 for every 2,500sqft	2 for every 4,000sqft
I-2	30%	5%	15%	1 for every 2,500sqft	2 for every 4,000sqft

¹ See Section 7-7-8(B) for exemptions for uses that are non-residential in the FD zoning district.

² For all residential uses that are single-family and duplex dwellings, a maximum of one acre of area shall be used to calculate the minimum required landscape area.

³ The minimum number of trees are a sum total of all required trees. Any additional tree requirements (such as street trees) shall be counted as part of this minimum number of required trees.

⁴Four shrubs can be counted for one required tree. A minimum of one tree is always required per lot.

(C) Historic Business (HB) District: This district is intended to provide for zero lot lines and full lot coverage. Therefore, there is no minimum required landscaped area as defined in this chapter.

However, the following shall apply:

- (1) Right-of-way landscaping shall be required pursuant to Section 7-7-9.
- (2) If a parking lot is provided on-site, parking lot landscaping shall be required pursuant to Section 7-7-8.

- (3) Required landscaped area for properties zoned HB is required for any area not used for a building or parking lot.

7-7-7 GENERAL LANDSCAPE STANDARDS

- (A) Trees: Trees shall have a minimum caliper of 1 ½ inches for deciduous trees and a 5 foot minimum height for evergreens. In the case of fractional requirements for the number of trees, the number required shall be rounded up to the next whole number. Existing trees that are in good health, as determined by the Town Manager, shall be counted as 1 ½ trees for the minimum tree requirement.
- (B) Shrubs: Shrubs shall be a minimum 5 gallon size. Decorative grasses are to be counted as shrubs. In the case of fractional requirements for the number of shrubs, the number required shall be rounded up to the next whole number.
- (C) Groundcover: Area can be made up of vegetative materials, organic or inorganic mulch, flowerbeds, or other acceptable landscape material. 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, it must also remain free of noxious weeds as defined as Ouray County Weed Manager.
- (D) Turf: No more than 1500 square feet or 10% of the required landscaped area, whichever is less, can be high water turf. High water turf should only be used in areas of high use. Native, non-irrigated grass may be used in area of low use, low visibility areas.
- (E) Species Diversity: To prevent uniformity and insect or disease susceptibility, species diversity is required, and extensive monocultures of trees are prohibited. Species diversity does not apply to existing trees. The following requirements shall be met:

Number of required trees on site	Maximum percentage of any one species
1-5	No diversity
6-19	33%
20 or more	25%

- (F) Irrigation: To ensure best practices for water conservation, all new landscaping shall comply with the following irrigation standards:
 - (1) Irrigation should be limited to between the hours of 6:00 P.M. and 9:00 A.M.
 - (2) All irrigation systems shall be automatic and have moisture sensors installed.
 - (3) Where possible, non-potable irrigation systems should be used to irrigate landscape.
- (G) Screening and Buffering:
 - (1) Screening and landscape buffers soften the less desirable impacts of development and can provide a certain element of safety in commercial areas where significant pedestrian interactions are more likely to occur. Buffers should be constructed to mitigate the view, light pollution (including light trespass and glare), noise, heat, and odor impacts of

vehicles, pavement, and higher intensity uses, and other potential negative effects of development.

- (2) Buffering shall be provided when a non-residential use is adjacent to a residential use. It shall be the responsibility of the non-residential use to provide the adequate buffer from the residential use in a manner consistent with these regulations. The buffer should include a mix of trees, fencing, landscape berms, and other materials appropriate to mitigate visual, audible, and other impact the non-residential use may have on the residences.
 - (3) Mechanical Equipment: Ground mounted or rooftop equipment, shall be screened from public rights-of-way on all sides to its full height. Ground level mechanical equipment shall be screened with landscaping, berms, fences, or architectural walls. Rooftop units shall be screened with materials and colors to match the building.
 - (4) Storage Areas: All open storage areas shall be screened from public rights-of-way and adjacent property by use of landscaping, berms, fencing, or a combination of landscaping and other structural elements to a height of 6 feet.
 - (5) Fencing can be used as a method for screening and buffering, provided the fencing meets the requirements of Chapter 6-4.
 - (6) Additional landscape screening above the minimum requirements of this Section may be required when it is determined by the Town Manager, Town Manager's designee, Planning and Zoning Commission, or Town Council to be in the best interest of the affected properties.
- (H) Sight Triangles: All plant material, walls, fences, berms and/or structures shall not exceed 24 inches in height when located on any corner within a triangular area formed by the curb lines and a line connecting them at points 15 feet from the intersection of the curb lines.
- (I) Existing Plantings: Existing trees, shrubs, and live groundcover that are in good health should be retained and not destroyed during the construction process. The health of the trees shall be determined by the Town Manager. These plants will be counted towards the required landscaping.
- (J) Revegetation: Development activities should only disturb, clear, or grade the area necessary for construction. All areas disturbed by grading or construction, not being formally landscaped, shall be revegetated with native seeding and/or other approved plant materials in a method acceptable to the Town.
- (K) Slopes: Removal of existing vegetation, including ground cover and trees, is strongly discouraged on slopes greater than 30%. Development on slopes greater than 15% shall maintain the maximum vegetative cover possible to protect soils, prevent land slippage, and retain wildlife habitat and open space resources. A minimum of 50% of vegetation on slopes greater than 15% shall not be disturbed during development.

7-7-8 PARKING LOT LANDSCAPE STANDARDS

- (A) Islands or Rain Gardens: A landscape island and/or rain garden shall be provided in parking lots along the ends of the parking rows. Islands for parking lots in residential uses shall be used to separate rows of 6 or more parking spaces and shall include a minimum of one tree. For non-

residential uses, islands shall be used to separate rows of 12 or more parking spaces and shall include a minimum of 2 trees. Islands shall be a minimum of 6 feet wide and as long as the adjacent parking space(s).

- (B) Trees shall be incorporated with parking lot design as to provide parking lot shading.
- (C) Catchment areas: Landscaped or grassed catchments areas and similar designs should be used for managing, controlling and filtering parking lot and site drainage and should be included as part of an overall site drainage plan.

7-7-9 RIGHT-OF-WAY LANDSCAPE STANDARDS

- (A) Street trees: A landscape area shall be established along the public right-of-way for all non-residential uses and shall be a minimum of 5 feet wide. Such trees shall be placed in the center of the landscape area, not within the site triangle, and 20 feet away from any streetlight. A minimum of one tree per 50 linear feet of right-of-way is required. Street trees shall have a minimum caliper of 2 ½ inches for deciduous trees and a 6 foot minimum height for evergreens.

7-7-10 EXCEPTIONS OR DEVIATIONS

- (A) Affordable Housing: Landscaping requirements for affordable housing projects may be reduced, based on the determination of the Town Manager. Whenever possible, deviations from these standards for the purpose of preserving affordable housing or deed restricted housing should be identified and provided for in the appropriate document establishing the affordability and/or deed restricted provisions for the projects.
- (B) Non-Residential Uses on Properties Zoned FD: If the proposed use in the FD zone district is intended to be permanent, these landscape standards shall apply. If, however, an existing use is intended to be redeveloped, the Town Manager may waive these requirements until such time the property redevelops. Such decision is the sole discretion of the Town Manager.
- (C) High-Water Turf: High-water turf may be allowed in areas of high-water use such as drainages, swales, or downspout locations.
- (D) Administrative approval for deviations from a required standard: Deviations from the landscape requirements for up to 10% may be considered for administrative approval by the Town. To request a deviation, a letter explaining the unique situation or hardship preventing the project from meeting the minimum landscape requirements shall be submitted to the Town Clerk and will be at the sole discretion of the Town Manager for approval.

7-7-11 SPECIES LIST

- (A) Preferred Species: A list of recommended species for use in Colorado is available from the Ouray Country Weed Manager and the Colorado State University Extension Service. The lists are not all inclusive but do recommend a variety of plants known to do well in our region of Colorado. In general, plants that are not recognized as hardy or suited to the local climate should be kept to a minimum. Water wise, drought-tolerant plants are to be used whenever possible and appropriate and regionally appropriate species are preferred.

(B) Prohibited Species

- (1) Siberian elm and Chinese elm (Ulmus); Cottonwoods that bear cotton (Populus); Purple Loosestrife (Lythrum slaicaria); Russian Olive (Elaeagnus angustifolia); and Kentucky Blue Grass (Poa pratensis) are prohibited.
- (2) The Town Manager is authorized to prohibit additional species with similar nuisance properties.

7-7-12 INSTALLATION STANDARDS

- (A) Living materials shall be adequately watered and maintained to become established. Once established watering requirements should be minimized.
- (B) Trees should also be installed in such a way that they will not infringe on solar access, views from the adjoining properties, or block a sight distance triangle.
- (C) Easements shall remain clear of all obstacles which may prevent such easement from operating within its intended purpose.
 - (1) Retaining walls are prohibited from being located in any established easement.
 - (2) Trees may only be permitted in utility easements upon written approval of the easement holder.

7-7-13 MAINTENANCE REQUIREMENTS

- (A) Following completion of the landscaping, the owner or occupant of the property shall maintain it in good condition thereafter. Failure to so maintain the landscaping is unlawful and is hereby declared to create a nuisance.
- (B) Where approved trees, shrubs, or other landscaping materials die or are removed, it shall be the responsibility of the property owner to replace them with materials of a comparable nature and size to those originally approved. This continuing obligation shall continue until the property is redeveloped at which time the redeveloper shall comply with the requirements of this Chapter as they apply to the proposed development at that time.

7-7-14 ENFORCEMENT

- (A) Any violation of this Chapter shall be a violation of the Ridgway Municipal Code and shall be enforced pursuant to Chapter 2 Section 4, Administrative Enforcement of the Ridgway Municipal Code.