

Ridgway Town Council  
Regular Meeting Agenda  
Wednesday, May 10, 2023

**Pursuant to the Town's Electronic Participation Policy, the meeting will be conducted both in person and via a virtual meeting portal. Members of the public may attend in person at the Community Center, located at 201 N. Railroad Street, Ridgway, Colorado 81432, or virtually using the meeting information below.**

**Join Zoom Meeting**

<https://us02web.zoom.us/j/89985447303?pwd=Z2hLVm9wbHRBWdJXYS2R1VWOhdkUT09>

Meeting ID: 899 8544 7303

Passcode: 266549

Dial by your location

+1 346 248 7799 US

+1 253 215 8782 US

**5:30 p.m.**

**ROLL CALL** Councilors Kevin Grambley, Polly Kroger, Beth Lakin, Terry Schuyler, JT Thomas, Mayor Pro Tem Russ Meyer and Mayor John Clark

**ADDITIONS & DELETIONS TO THE AGENDA**

**ADOPTION OF CONSENT CALENDAR** All matters listed under the consent calendar are considered to be routine by the Town Council and enacted by one motion. The Council has received and considered reports and recommendations prior to assigning consent calendar designations. Copies of the reports are on file in the Town Clerk's Office and are available to the public. There will be no separate discussion on these items. If discussion is requested, that item will be removed from the consent calendar and considered separately.

1. Minutes of the Regular Meeting of April 12, 2023.
2. Register of Demands for May 2023.
3. Renewal of brew pub liquor license for Colorado Boy Brewing Company.
4. Renewal of tavern liquor license for Steps.
5. Renewal of Tavern Liquor License for The Patio at Steps Tavern

**PUBLIC COMMENTS** Established time for the public to address the Council regarding any item not otherwise listed on the agenda. Comments will be limited to 5 minutes per person.

**POLICY MATTERS** Public comments will be limited to 5 minutes per person; discussion of each item may be limited to 20 minutes

6. Discussion and direction regarding design concept for new Ridgway Visitor Center building - Town Manager.
7. Action on request to close a portion of Clinton St. for the Ridgway Space to Create Grand Opening Celebration on June 22, 2023 - Community Initiatives Facilitator.
8. Review and direction on Ridgway Space to Create recognition plaque and Community Room dedication plaque - Community Initiatives Facilitator.

**PUBLIC REQUESTS AND PRESENTATIONS** Public comments will be limited to 5 minutes per person; discussion of each item may be limited to 20 minutes.

9. Presentation on Voyager Youth Program expansion and Communities That Care Coalition strategies - Alex Durham, Voyager Youth Program.
10. Proclamation declaring May 2023 as Mental Health Awareness Month - Mayor Clark.

**PUBLIC HEARINGS** Public comments will be limited to 5 minutes per person; overall discussion of each item may be limited to 20 minutes.

11. Application for Restaurant Liquor License from Ridgway Natural Foods, LLC; Members: Jessie Vaughn and Hyan Gyung Im; DBA: Lotus Root; Location: 618 Clinton Street - Town Clerk.
12. Application for Tavern Liquor License from Irwin Acker, LLC; Members: Jeffrey Kaplan and Neal Elinoff; DBA: Adobe Inn; Location: 251 Liddell - Town Clerk.

**POLICY MATTERS** Public comments will be limited to 5 minutes per person; overall discussion of each item may be limited to 20 minutes.

13. Ordinance No. 03-2023 Amending Chapter 6–Building Regulations; Amending Chapter 7–Planning and Zoning; and Amending Chapter 8–Licensing of the Ridgway Municipal Code; and Amending the Official Zoning Map - Katie Kent and TJ Dlubac, Community Planning Strategies.
14. Review and action on Workforce and Affordable Housing Committee Bylaws - Town Attorney.
15. Discussion regarding dedicated revenue source to address housing challenges - Town Manager
16. Update on annual Council scholarship to a local high school senior - Mayor Clark.

**WRITTEN AND VERBAL REPORTS** Written reports may be provided for informational purposes prior to the meeting updating Council on various matters that may or may not warrant discussion and action.

17. Town Manager's Report.

**EXECUTIVE SESSION** The Town Council will enter into a closed session pursuant to Colorado Revised Statutes 24-6-402(4)(b) for consultation with the Town Attorney and 24-6-402(4)(e) for matters subject to negotiation regarding the Town's possible purchase of water rights.

**COUNCIL COMMITTEE REPORTS** Informational verbal reports from Councilors pertaining to the following committees, commissions and organizations:

Committees & Commissions:

Ridgway Planning Commission - Councilor Meyer and Mayor Clark  
Ridgway Parks, Trails & Open Space Committee - Councilor Kroger  
Ridgway FUSE - Councilor Grambley  
Ridgway Sustainability Advisory Board - Councilor Thomas; alternate - Councilor Schuyler  
Ridgway Scholarship Committee - Councilor Lakin and Mayor Clark

Board Appointments:

Ouray County Weed Board - Councilor Lakin; alternate - Town Engineer  
Ouray County Joint Planning Board - Councilor Meyer, citizens Rod Fitzhugh & Tom McKenney; alternate - Councilor Schuyler  
Sneffels Energy Board - Councilor Thomas and Town Manager; alternate - Mayor Clark  
Region 10 Board - Mayor Clark  
WestCO Dispatch Board - Town Marshal; alternate - Town Manager  
Gunnison Valley Transportation Planning Region - Town Manager  
Ouray County Transit Committee - Town Manager  
Ouray County Water Users Association - Councilor Meyer; alternate - Councilor Thomas  
Water and Land Committee for the Uncompahgre Valley - Councilor Meyer; alternate - Town Manager  
Colorado Communities for Climate Action - Councilor Lakin; alternate - Town Manager  
Colorado Municipal League Policy Committee - Town Manager  
Home Trust of Ouray County - Town Manager

Liaisons:

Chamber of Commerce - Councilmember Lakin  
Communities That Care Coalition - Mayor Clark  
Ouray County Fairgrounds - Councilor Schuyler

**ADJOURNMENT**

Deadline for agenda items for next regular meeting, Wednesday, June 7, 2023 at 4:00 p.m., Town Clerk's Office, 201 N. Railroad Street, Ridgway, Colorado.

# Consent Agenda



TOWN COUNCIL OF RIDGWAY  
MINUTES OF REGULAR MEETING

APRIL 12, 2023

CALL TO ORDER

The meeting was held both in person and via virtual meeting portal Zoom Meeting, pursuant to the Town's Electronic Participation Policy.

The Mayor called the meeting to order at 5:30 p.m. at the Ridgway Community Center, 201 North Railroad Street, Ridgway, Colorado. Councilors Kroger, Lakin, Schuyler, Thomas, Mayor Pro Tem Meyer and Mayor Clark were in attendance. Councilor Grambley was absent.

CONSENT AGENDA

1. Minutes of the Regular Meeting of March 8, 2023.
2. Register of Demands for April 2023.
3. Renewal of Liquor Store license for Ridgway Liquors.
4. Request for water leak adjustment for Account 3690.2/Lee.

ACTION:

It was moved by Councilor Lakin, seconded by Mayor Pro Tem Meyer and unanimously carried to approve the consent agenda.

POLICY MATTERS

5. Ridgway Space to Create Update

Andrew Michaelson, Property Development Director for Artspace reported the Space to Create project is successfully completed with all thirty units fully leased. He said the project is in a stable position and will seek permanent financing. Michaelson further reported that the grand opening will be held on June 22, 4:00 p.m. – 7:00 p.m., at the Space to Create building. He commented that the tenants are a mix of workforce housing with half identifying as a creative tenant, though that was not a qualifying preference.

There was a discussion by the Council.

6. Proclamation for International Dark Sky Week

Mayor Clark said the Town of Ridgway is a formerly recognized Dark Skies community under the aspis of the International Dark Skies Association along with many towns in Colorado who are members or seeking membership such as Nucla and Montrose.

ACTION:

Councilor Kroeger moved to Proclaim the week of April 15-22, 2023, as International Dark Sky Week. Mayor Pro Tem Meyer seconded the motion, and it was carried unanimously.

#### 7. Request Regarding Infrastructure Work for the Riverfront Village Project

Staff Report dated April 5, 2023, from the Town Manager presenting background regarding infrastructure work related to the River Front Village project.

Jake Cantor, representative for the owner of the project reviewed the line items in Exhibit B of the Staff Report, and noted the water and sewer line installation, as well as the sewer line extension serving future developments has been completed. He requested infrastructure improvements 7 and 9 for signs and lighting listed in the Development Agreement be deferred to the Subdivisions Improvement Agreement (SIA) to make the construction sequencing more logical, avoid nuisances to neighbors, save costs and make the final plat process efficient. Cantor said a traffic sign would be placed at the intersection of Hwy 550 for safety reasons.

Colt Skidmore, Project Superintendent explained a change in the proposed sequencing for the dry wells related to drainage and landscaping, noting cost savings. He requested the dry wells for drainage be deferred to the SIA as well.

Mr. Cantor requested the building permit for the project be received prior to Final Plat to keep the project on track once the plat is approved.

The Town Manager said the building permit is currently being reviewed by staff and will try to have it issued by the time the plat is recorded, or shortly thereafter.

Manager Neill said staff would work with the development team regarding the deferral of signs and lighting but expressed concerns to defer the drainage requirements.

Engineer Joanne Fagan said the drywells, needed for water quality, treat the water that flows across a neighboring property. She said an alternative solution is needed so that staff can better understand how the Developer would provide the water quality treatment.

Mr. Skidmore explained the drainage solution currently in place which uses silt fencing to keep most of the drainage on the property with the Engineer and the Council. The Council directed Staff to work with the Development Team to find an equitable drainage solution.

#### ACTION:

Mayor Pro-Tem Meyer moved to approve the deferral of items 7.) Street signs, stop signs or similar traffic central devices, 8.) A storm drainage system and 9.) Streetlights, in Exhibit B of the Subdivisions Improvements Agreement, on the condition that item 8 be addressed with an interim drainage solution approved by Town Staff. Councilor Thomas seconded the motion, and it was carried unanimously.

#### 8. Presentation Regarding Chapter 7- Planning and Zoning Updates

Staff Report dated April 12, 2023 from Town Manger Preston Neill regarding Ridgway Municipal Code Chapter 7, Land Use Regulations Update; Power Point presentation dated April 12, 2023, reviewing the scope of the Chapter 7 updates, prepared by Katie Kent and TJ Dlubac of Planning Strategies, LLC

Planners Kent and Dlubac reviewed the scope of the updates for Chapter 7, which included a newly proposed layout and policy changes resulting from discussions with the Planning Commission. They reviewed the application types and updated the Council on the development review process. The timeline for approval and adoption was reviewed which included an undetermined date to provide a work session for the development community.

The Council discussed the updated process with the planners and staff and made a few recommendations. They agreed the Planners should proceed with the proposed updates and timeline.

9. Landlord Consent, Estoppel and Agreement with Artspace Projects, Inc. and Colorado Housing and Finance Authority

The Town Attorney said with respect to Artspace getting permanent financing in place and completion of the construction project, the agreement asks for the Town to subordinate its position.

ACTION:

Councilor Schuyler moved to approve the Landlord Consent, Estoppel and Agreement between the Town of Ridgway, Artspace Ridgway LP, and the Colorado Housing and Finance Authority. Mayor Pro Tem Meyer seconded the motion, and it was carried unanimously.

10. Subordination, Non-Disturbance and Attornment Agreement with Artspace Projects, Inc. and Colorado Housing and Finance Authority

ACTION:

Moved by Mayor Pro Tem Meyer, seconded by Councilor Schuyler, the motion carried unanimously to approve the Subordination, Non-Disturbance and Attorney Agreement between the Town of Ridgway, Artspace Properties, Inc. and the Colorado Housing and Finance Authority.

11. Resolution Releasing the Property Use Covenant Regarding the Energy Impact Assistance Funding #8389

Town Attorney Bo Nerlin reported the condition levied on the Town by the Department of Local Affairs for the original Space to Create funding has been met so the covenant against the project can be released.

ACTION:

Mayor Pro Tem Meyer moved to approve Resolution No. 2023-07, Release of Property Use Covenant, Town of Ridgway Energy Impact Assistance Funding #8389. Councilor Lakin seconded the motion, and it was unanimously carried.

12. Temporary Access Agreement with Echo Properties Corp., Railroad Depot Funding, LLC, Ridgway Railroad Museum and Ouray County Ranch History Museum

The Town Attorney explained the temporary agreement is a renewal of an existing agreement. The Town Council noted the agreement which provides access to the river trail easement will become a permanent agreement once all property owners have formally granted trail access.

There was further discussion by the Council.

ACTION:

Mayor Pro Tem Meyer moved to approve the Temporary Access Agreement with Echo Properties Corp., Railroad Depot Funding, LLC, Ridgway Railroad Museum and Ouray County Ranch History Museum. Councilor Lakin seconded the motion, and it was unanimously carried.

13. Agreement for Transportation System Grant Management with City of Ouray, County of Ouray and Montrose County Senior Citizen 's Transportation, Inc.

Memorandum dated April 6, 2023, from Town Manager Neill presenting the Agreement for Transportation System Grant Management.

Town Manager Neill noted the agreement for the pilot program sets forth the payment requirements, agreement terms, scope of the project and commits the participating entities for timely payment of 25% matching funds. Neill explained the Town will commit approximately \$28,000 for fiscal year '23, and up to \$15,000, for fiscal years '24 and '25.

There was a discussion by the Council.

ACTION:

Mayor Pro Tem Meyer moved to approve the Agreement for Transportation System Grant Management with City of Ouray, County of Ouray and Montrose County Senior Citizen's Transportation, Inc. Councilor Kroger seconded the motion, and it was carried unanimously.

14. Intergovernmental Agreement for Use of Ridgway Community Center for Emergencies with Ouray County

Manager Neill commented that the Community Center location is a second option for the County.

ACTION:

Councilor Lakin moved to approve the Intergovernmental Agreement for Use of Ridgway Community Center for Emergencies with Ouray County. Mayor Pro Tem Meyer seconded the motion, and it was carried unanimously.

15. Resolution Expressing Opposition to Statewide Land Use and Zoning Preemptions in Senate Bill 23-213.

Memorandum dated April 6, 2023, from The Town Manager presenting Resolution No. 23-05.

The Town Council discussed their opposition to the proposed bill.

SPEAKING FROM THE AUDIENCE:

Terese Seal said that while the Town is addressing housing needs, the single-family zoning regulations should be updated to encourage smaller homes for sustainable reasons, and the current area median income calculations are not capturing the middle-income families. Ms.

Seal encouraged smaller affordable housing developments and homes throughout town to meet the need for affordable units quicker.

The Council discussed the suggestions with Ms. Seal.

ACTION:

Mayor Pro Tem Meyer moved to approve Resolution No. 2023-05 Expressing Opposition to Statewide Land Use and Zoning Preemptions in Senate Bill 23-213. Councilor Schuyler seconded the motion, and it was carried unanimously.

16. Resolution Supporting Updates to the Colorado Communities for Climate Action Policy Statement

Memorandum dated April 6, 2023, from Town Manager Preston Neill presenting Resolution No. 23-06.

There was a discussion by the Council.

ACTION:

Mayor Pro Tem Meyer moved to approve Resolution No. 23-06 Supporting Updates to the Colorado Communities for Climate Action Policy Statement. Councilor Kroger seconded the motion, and it was carried unanimously.

17. Ratification of Letters Related to Ouray County Multi-Jurisdictional Hazard Mitigation Planning Effort

There was a discussion by the Council.

ACTION:

Councilor Lakin moved to approve the ratification of letters related to Ouray County Multi-Jurisdictional Hazard Mitigation Planning Effort. Mayor Pro Tem Meyer seconded the motion, and it was carried unanimously.

18. Annual Appointment of Mayor Pro Tem and Review of Council Representation on Commissions, Committees and Boards

Staff Report dated March 8, 2023, from Town Clerk, Pam Kraft regarding appointment of Mayor Pro Tem and Council representation on boards, committees and commissions.

The Council agreed the current people should retain their positions.

ACTION:

Councilor Lakin moved to appoint Russ Meyer for the annual term of Mayor Pro Tem. Councilor Kroger seconded the motion, and it was carried unanimously.

ACTION:

Mayor Pro Tem Meyer moved to approve the representation for Committees and Commissions, Board Appointments and Liaisons as currently appointed. Councilor Kroger seconded the motion, and it was carried unanimously.

The Town Council recognized and expressed congratulations for the marriage of Town employees Steven Schroeder and Jess Nunn who “tied-the-knot” in Hawaii during the meeting.

### TOWN MANAGERS REPORT

Town Manager’s Report dated April 7, 2023.

The Town Manager reviewed the Staff Report, and noted he attended a flood preparedness session provided by Glenn Boyd, Ouray County Emergency Manager. He noted the County is in a better position for the run-off season than most of the neighboring towns.

Town Manager Neill expressed his appreciation to the Public Works staff via “shout-out,” for their hard work getting the culvert finished at the intersection of Frederick and Cora Streets.

Mayor Clark reported Cottonwood Park Clean-Up Day is on April 22.

Manager Neill reported a Special Planning Commission Meeting regarding the Wetterhorn project will be held on April 17.

### COUNCIL REPORTS

Councilor Thomas reported the Sustainability Advisory Board is working on their website. He further reported the Ridgway Apiary is having trouble with bee mortality and an investigation is underway.

### EXECUTIVE SESSION

The Town Attorney suggested the Council enter a closed session pursuant to Colorado Revised Statutes (C.R.S.) 24-6-402(b) for the purpose of receiving legal advice pertaining to a specific legal question regarding the possible purchase and/or condemnation of 539 Marion Overlook, Ridgway, Colorado.

#### ACTION:

It was moved by Councilor Kroger, seconded by Mayor Pro Tem Meyer and unanimously carried to enter closed session.

The Council entered an executive session at 8:08 p.m.

The Town Council reconvened to open session at 8:11p.m.

### ADJOURNMENT

The regular meeting adjourned at 8:12 p.m.

Respectfully Submitted,

Karen Christian  
Deputy Clerk

**Town of Ridgway**  
**Register of Demands**  
**May 2023**

Name	Memo	Account	Paid Amount
<b>Pro Velocity</b>		<b>Alpine-Operating Account</b>	
	projector wifi access point	732PO1 · Supplies - c cntr/t hall	-270.00
	May 2023	556GOO · IT Services	-1,607.15
	May 2023	615GO2 · IT Services	-11.50
	May 2023	729POO · IT	-35.00
	May 2023	820GO3 · IT Services	-1,374.65
	May 2023	917WOO · IT Services	-818.15
	May 2023	917SOO · IT Services	-818.15
TOTAL			-4,934.60
<b>Hach Company</b>		<b>Alpine-Operating Account</b>	
	stablcal turbidity standard - plant	932WOO · Supplies & Materials	-272.22
TOTAL			-272.22
<b>InDesign Signs</b>		<b>Alpine-Operating Account</b>	
	political boundary signs (3)	639GO2 · Street Signs	-1,765.00
TOTAL			-1,765.00
<b>Montrose Ford-Nissan Inc</b>		<b>Alpine-Operating Account</b>	
	starter motor - F250	961WOO · Vehicle & Equip Maint & Repair	-155.77
	starter motor - F250	961SOO · Vehicle & Equip Maint & Repair	-155.78
	replace clock spring - F250	961WOO · Vehicle & Equip Maint & Repair	-276.27
	replace clock spring - F250	961SOO · Vehicle & Equip Maint & Repair	-276.27
	oil change; blinker bulb - Durango	861GO3 · Vehicle Maintenance & Repair	-164.75
TOTAL			-1,028.84
<b>Clear Networx, LLC</b>		<b>Alpine-Operating Account</b>	
	May 2023	543GOO · Telephone	-56.00
	May 2023	643GO2 · Telephone	-56.00
	May 2023	843GO3 · Telephone	-61.00
	May 2023	943WOO · Telephone	-56.00
	May 2023	943SOO · Telephone	-56.00
	May 2023	530GOO · Computer	-50.00
	May 2023	630GO2 · Computer	-50.00
	May 2023	730POO · Computer	-50.00
	May 2023	830GO3 · Computer	-50.00
	May 2023	930WOO · Computer	-50.00
	May 2023	930SOO · Computer	-50.00
	May 2023	930WOO · Computer	-50.00
	May 2023	930SOO · Computer	-25.00
	May 2023	630GO2 · Computer	-25.00
	May 2023	843GO3 · Telephone	-55.00
TOTAL			-740.00
<b>Maynes Tires LLC</b>		<b>Alpine-Operating Account</b>	
	tires (4) - dump	661GO2 · Vehicle & Equip Maint & Repair	-688.84
	tires (4) - dump	961WOO · Vehicle & Equip Maint & Repair	-688.84
	tires (4) - dump	961SOO · Vehicle & Equip Maint & Repair	-688.84
TOTAL			-2,066.52



**Town of Ridgway**  
**Register of Demands**  
May 2023

Name	Memo	Account	Paid Amount
<b>Mesa County HDR Laboratory</b>		<b>Alpine-Operating Account</b>	
		990WOO · Testing - water	-40.00
TOTAL			-40.00
<b>True Value</b>		<b>Alpine-Operating Account</b>	
		632GO2 · Supplies & Materials	-10.19
		732POO · Supplies & Materials	-153.03
		731PO1 · Maint & Repairs - c cntr/t hall	-9.35
		732PO1 · Supplies - c cntr/t hall	-16.68
		932SOO · Supplies & Materials	-10.19
		932WOO · Supplies & Materials	-286.03
TOTAL			-485.47
<b>Xerox Financial Services</b>		<b>Alpine-Operating Account</b>	
	Xerox lease - Apr 2023	948SOO · Office Equipment - Leases	-7.63
	Xerox lease - Apr 2023	948WOO · Office Equipment - Leases	-15.26
	Xerox lease - Apr 2023	548GOO · Office Equipment - Leases	-129.75
TOTAL			-152.64
<b>Black Hills Energy-PW Office</b>		<b>Alpine-Operating Account</b>	
		642GO2 · Utilities	-23.99
		942SOO · Utilities	-24.00
		942WOO · Utilities	-23.99
TOTAL			-71.98
<b>Black Hills Energy-Broadband</b>		<b>Alpine-Operating Account</b>	
		783PO1 · Broadband Station	-16.29
TOTAL			-16.29
<b>Black Hills Energy-PW Building</b>		<b>Alpine-Operating Account</b>	
		742POO · Utilities	-79.18
		642GO2 · Utilities	-79.18
		942SOO · Utilities	-79.18
		942WOO · Utilities	-79.18
TOTAL			-316.72
<b>Black Hills Energy-Hartwell Park</b>		<b>Alpine-Operating Account</b>	
		742POO · Utilities	-41.08
TOTAL			-41.08
<b>Black Hills Energy-Lift Station</b>		<b>Alpine-Operating Account</b>	
		942SOO · Utilities	-27.50
TOTAL			-27.50

**Town of Ridgway**  
**Register of Demands**  
May 2023

Name	Memo	Account	Paid Amount
<b>Black Hills Energy-Town Hall</b>		<b>Alpine-Operating Account</b>	
		742PO1 · Utilities - c cntr/t hall	-73.44
		842GO3 · Utilities	-73.43
		542GOO · Utilities	-73.44
TOTAL			-220.31
<b>Aqua-Aerobic Systems, Inc.</b>		<b>Alpine-Operating Account</b>	
	aerator	931SOO · Maintenance & Repairs	-11,115.80
TOTAL			-11,115.80
<b>FleetPride</b>		<b>Alpine-Operating Account</b>	
	filters - dump	661GO2 · Vehicle & Equip Maint & Repair	-28.99
	filters - dump	961WOO · Vehicle & Equip Maint & Repair	-28.98
	filters - dump	961SOO · Vehicle & Equip Maint & Repair	-28.98
TOTAL			-86.95
<b>Federal Express</b>		<b>Alpine-Operating Account</b>	
		990WOO · Testing - water	-68.76
TOTAL			-68.76
<b>UMB Bank, N.A.</b>		<b>Alpine-Operating Account</b>	
	interest	591GOO · RAMP Bond	-11,355.75
TOTAL			-11,355.75
<b>The Paper Clip LLC</b>		<b>Alpine-Operating Account</b>	
		541GOO · Office Supplies	-115.21
		941WOO · Office Supplies	-115.21
		941SOO · Office Supplies	-115.21
TOTAL			-345.63
<b>International Inst. of Municipal ...</b>		<b>Alpine-Operating Account</b>	
	IIMC 2023	522GOO · Dues & Memberships	-185.00
TOTAL			-185.00
<b>Evergreen Skateparks LLC</b>		<b>Alpine-Operating Account</b>	
	skatepark repairs	775POO · Park Improvements	-15,000.00
TOTAL			-15,000.00

**Town of Ridgway**  
**Register of Demands**  
May 2023

Name	Memo	Account	Paid Amount
<b>Ouray County Road &amp; Bridge</b>		<b>Alpine-Operating Account</b>	
	3/22/23-4/19/23	560GOO · Gas & Oil	-114.82
	3/22/23-4/19/23	660GO2 · Gas & Oil	-315.41
	3/22/23-4/19/23	760POO · Gas & Oil	-170.00
	3/22/23-4/19/23	960WOO · Gas & Oil	-362.97
	3/22/23-4/19/23	960SOO · Gas & Oil	-386.63
	3/22/23-4/19/23	860GO3 · Gas & Oil	-585.72
TOTAL			-1,935.55
<b>Taylor Fence Company</b>		<b>Alpine-Operating Account</b>	
	fence maint. & recalibration - plant	931WOO · Maintenance & Repairs	-740.00
TOTAL			-740.00
<b>UNCC</b>		<b>Alpine-Operating Account</b>	
		915WOO · Dues & memberships	-28.38
		915SOO · Dues & Memberships	-28.38
TOTAL			-56.76
<b>Uncompahgre Watershed Parte...</b>		<b>Alpine-Operating Account</b>	
		5110GO1 · UncompahgreWatershedPart...	-3,000.00
TOTAL			-3,000.00
<b>Hartman Brothers Inc</b>		<b>Alpine-Operating Account</b>	
		661GO2 · Vehicle & Equip Maint & Repair	-8.20
		961SOO · Vehicle & Equip Maint & Repair	-8.20
		961WOO · Vehicle & Equip Maint & Repair	-8.20
TOTAL			-24.60
<b>Honnen Equipment Company</b>		<b>Alpine-Operating Account</b>	
	3/22-4/18 loader	662GO2 · SnowRemoval Equip&Services	-4,640.50
TOTAL			-4,640.50
<b>Caselle Inc</b>		<b>Alpine-Operating Account</b>	
	June 2023	914SOO · Consulting & Engineering Servs	-164.50
	June 2023	914WOO · Consulting & Engineering Ser...	-164.50
TOTAL			-329.00
<b>Western Implement</b>		<b>Alpine-Operating Account</b>	
	belt - mower	761POO · Vehicle & Equip Maint & Repair	-32.99
TOTAL			-32.99

**Town of Ridgway**  
**Register of Demands**  
May 2023

Name	Memo	Account	Paid Amount
<b>Montrose Water Factory, LLC</b>		<b>Alpine-Operating Account</b>	
		632GO2 · Supplies & Materials	-5.94
		732POO · Supplies & Materials	-5.94
		932SOO · Supplies & Materials	-5.94
		932WOO · Supplies & Materials	-5.93
TOTAL			-23.75
<b>Sani Serv LLC</b>		<b>Alpine-Operating Account</b>	
	p.potties - Weaver - Apr & May 2023	732POO · Supplies & Materials	-241.50
TOTAL			-241.50
<b>Verizon Wireless</b>		<b>Alpine-Operating Account</b>	
		741POO · Telephone	-61.01
		943SOO · Telephone	-135.41
		943WOO · Telephone	-152.82
		843GO3 · Telephone	-203.35
		543GOO · Telephone	-91.59
		643GO2 · Telephone	-61.01
		552GOO · GIS Mapping - admin	-10.01
		952SOO · GIS Mapping - sewer	-10.01
		952WOO · GIS Mapping - water	-50.02
		830GO3 · Computer	-160.02
TOTAL			-935.25
<b>United States Postal Service</b>		<b>Alpine-Operating Account</b>	
	Apr 2023 billing	951SOO · Postage - sewer	-137.22
	Apr 2023 billing	951WOO · Postage - water	-137.22
TOTAL			-274.44

## AGENDA ITEM #6



DATE: APRIL 2023  
STATE FISCAL YEAR: 2022-2023  
PROJECT #: F23MS 008

# STAFF NOTES

## May 10, 2023 COUNCIL MEETING

### PROJECT INFORMATION

#### Title

Ridgway Visitor Center Design & Construction Documents

#### Project Concept Design Input

First of all, we would like to express our appreciation for the community engagement and design work that has gone into the completion of the Strategic Master Plan for Ridgway Visitor Center & Heritage Park (available on the Town's website and [HERE](#)). This work was funded by the Colorado Main Street Program (COMS) and has been approved by Town Council.

Recently, while drafting an RFP for Construction Documents for the project (also to be funded by COMS), the Colorado Main Street Architect had the opportunity to review the approved Master Plan. He realized that the use of shipping containers may not ultimately align with Ridgway's ethos of sustainability. In following the architect will elaborate and provide additional insight as to the use of shipping containers for human occupancy.

#### Architectural Considerations for shipping containers as buildings:

Over recent years, shipping containers have become an architectural statement. A person may first think that their use as a building invokes an essence of sustainability, as they are an adaption of a readily available structure that is composed of a highly recyclable material. This end-of-life recyclability of shipping container steel may be a highlight, as once they are modified for human occupancy there is no chance for them being sea-worthy again. Other pros include: unique aesthetics, ability to be moved/relocated, durable, weather-proof, and thought provoking. There may be other benefits, too. See appendix at end for some nice example conversions.

In following are some concerns over the following points:

- Space limitations and accessibility
- Physical and environmental concerns
- Complexity of retrofitting for occupancy
- Cost

The interior floor dimensions of a typical 8x40 foot shipping container are limited (7x39 feet, or less, once insulated - that is approx 273 square feet). As such, conceptual design ideas for use of these structures should demonstrate that containers can physically work for the intended use. This should be completed before Construction Documents begin. It is recommended that a conceptual floor plan should be prepared to illustrate ADA compliance, wall/insulation thickness, locations for windows and doors, furniture, and



occupant circulation areas. Similarly, a conceptual vertical building section should be prepared to illustrate the same, plus underfloor and roof insulation locations and thickness and horizontal utility routing areas.

Shipping containers can be purchased either new or used. Used containers are seldom used for the construction of inhabitable structures. However, if carefully curated, older containers could be reused, for some environmental advantage (i.e. reuse/recycling). Careful selection is important as imperfections in a used container may compromise or limit structural viability or some of the details called for in the design.

It is critical to investigate the previous use of each container. Was the cargo hazardous or toxic? It is also important to note the wood flooring found in shipping containers is typically made from tropical hardwoods and treated with crude pesticides. These harsh chemicals are dangerous to humans and so if these treatments exist it is not recommended to use the existing plywood flooring.

Additionally, insulating containers for cold climates is challenging. Considering the science of healthy building, an ideal design would locate the insulation over the exterior of the container on all sides, creating an unbroken thermal barrier. When we desire the exterior corrugated steel to be exposed (or portions of it), we have to make a major concession. If insulation is applied to the interior, then condensation can form between the exterior steel and the interior wall insulation, within the wall insulation itself, or behind the drywall. This can lead to air-quality issues and mold.

Further, specialized knowledge is required to understand container design capabilities, structural modification, transport, and on-site installation. As local building officials will have no basis for understanding the limitations and design of shipping containers (regarding the building code), a structural engineer shall be required for all portions of container design/modification, including the foundation/footings and design and construction of the rooftop patio. In other words, a structural engineer would need to work in concert with the architectural designer from day one. Once the final design's construction documents have cleared permitting - for best results shipping container-based modification and construction should be completed by a specialist experienced in retrofitting these containers.

With so much modification and shop fabrication, the final realized cost per square foot does not offer a substantial value.

Note: the Main Street Architect is familiar with shipping container modification to a single bedroom residence, as he assisted a private client in Oklahoma. In 2017 dollars, in Oklahoma, the final cost was just over \$60,000, with the owner doing much of the work himself. Estimating that the cost would be closer to \$80,000 if all work were completed by a general contractor, then the approximate cost per square foot would be at least  $(80,000/273) = \$220/\text{square foot}$  delivered. With escalation in the cost of construction from the time it was constructed of 33% this would bring the cost per square foot to  $(106,400/273) = \$389/\text{square foot}$ . Please note that this is a crude estimate, but the additional cost to build in Ridgway over Oklahoma City is not factored in. Also note that the OKC residence included a full bathroom and kitchen. See example floor plan in appendix below.

### **A more flexible and greener design may be considered:**

Given the space constraints and environmental challenges with a shipping container-based design, the required interior space program may better fit with occupant needs through a more flexible design approach. In addition to this need, and considering the budget, a more high-performance, green structure may lend itself to the Town's strong ethos of sustainability. Colorado Main Street would like to present a couple of ideas to consider which offer distinct advantages over shipping containers.

**Idea A:** It may be possible to construct a building by following "passive house" general principles. The passive house standard is the most energy efficient way of building today. With the budget presented in the Master Plan, investigation is encouraged.



Passive house buildings are all about saving energy, resilience/passive-survivability, human health and comfort. Passive house design principles include the following: 1. air-tight construction, 2. super insulated envelope, 3. high-performance windows/doors, 4. no/limited thermal bridging, and 6. continuous ventilation with heat recovery. Like LEED, certification (through PHIUS) is an option. [4-MIN VIDEO HERE.](#)

If designed for such they can also receive a large part of winter heating requirements through passive solar gain through windows. With a high-performance envelope, small (mini-split) air-source heat pumps can be implemented to heat/cool the space, and heat-recovery ventilation (HRV) with a dedicated outdoor air-source (DOAS) supply can be tuned to allow fresh, conditioned air at all times. HRVs exchange stale, warm indoor air for fresh outdoor air - required as the buildings are airtight. These systems together can save over 90% of any electric heating/cooling costs. With solar, these buildings can easily achieve net-zero energy status.

As a demonstration project, a high-performance building may align with current global environmental goals ethos and set a high bar for new building in the community. Given the incredible history of the site the building may serve as an example for overcoming our environmental plight and provide a look into the future.

If a passive house building(s) were constructed, a more flexible floor plan could be designed. The Town may wish to explore a building envelope constructed primarily from structurally insulated panels (SIPs). Refer to appendix for example images. A corrugated metal rain-screen/sheathing could be used to provide an aesthetic akin to a shipping container, if preferred.

SIPs can be manufactured in sizes that would allow the exterior envelope to be constructed from minimal component parts. SIPs can be engineered to bear loads and make spans with limited additional support. SIP building components are typically prefabricated offsite, and could potentially be prefitted with triple-pane/high-performance windows and air-tight doors in the shop - leading to more refined tolerances. Of course, a SIP building will require an engineer's design assistance and certification.

Through some anecdotal information, it is estimated that construction of a passive building can cost between 15-50% more per square foot than a typical stick built structure. This depends on availability of materials, local expertise, and efficiency of the design professionals. For such a small structure, and with the budget for shipping container construction noted in the Master Plan, it may be possible to build such a structure.

Consider beginning discussion with a Colorado SIP manufacturer ([EXAMPLE HERE](#)).

**Idea B:** Modular prefabricated buildings are typically available in 8 or 12-foot widths, and can be customized. Please see the images below. The 12-foot width or two 8-foot modules may be closer to ideal than the 8' overall dimension of a shipping container. There are companies that build to some standard module sizes and outfit them with windows, doors, space-conditioning, and other features. [EXAMPLE HERE](#) with offices in Denver and Colorado Springs. They actually built the Stapleton Visitor Center shown in appendix below.

**Idea C:** High-performance "stick built" structure could be built following passive house principles, and it would be the most flexible in the constructed dimensions. However, if in budget, a SIP built building would be a much more elegant solution.

~

Larry Lucas, Colorado Main Street Architect, AIA,  
Certified Passive House Consultant (CPHC), LEED AP



## APPENDIX:

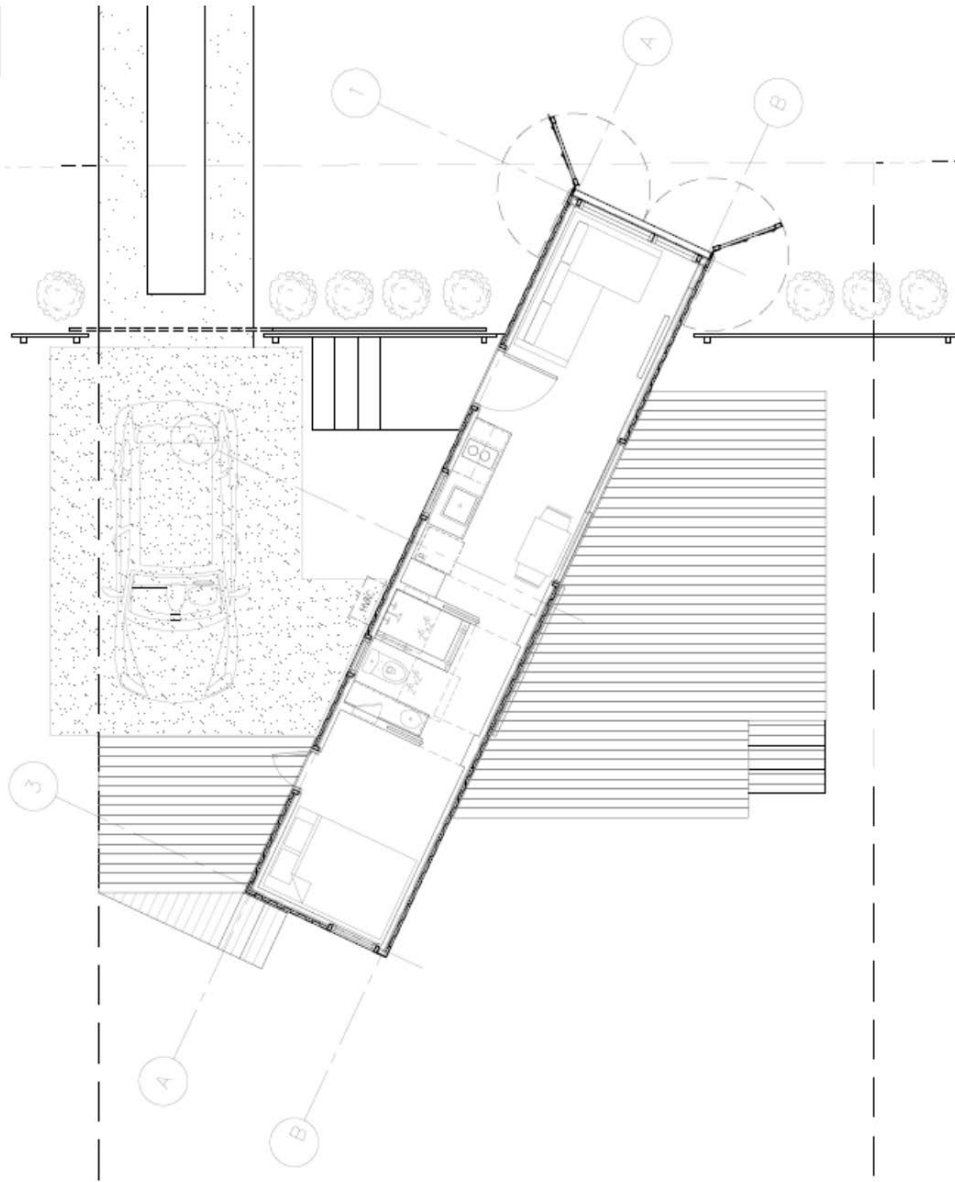
### Nice shipping container examples:



Small 2 container residence with connecting structure with lightwell in between.



Container construction used for coffee shop.



Single container residential conversion. Note that this was a preliminary design. In the end the owner chose to add more insulation thickness to the walls, moving from 2-1/2" wall framing to 3-1/2" wall framing. This framing should be set off the steel wall by an inch to avoid potential for thermal bridging. Once all wiring was in place, spray foam insulation was applied directly to the steel shell - filling the voids between each wall stud. As imperfections in the application exist, there is still condensation potential inside the insulation or behind the drywall. Oklahoma City is not as cold of a climate as Ridgway, so there will be more potential for interior condensation.



### Structurally Integrated Panel Info & Inspiration:

Note: General information & diagram from the web... If you are building a high performance building, SIPs will cost less than any equivalent system. At between \$12 and \$30 per square foot - depending on the sheathing materials specified, insulation thickness, and other details. SIP panel costs are more expensive than typical timber construction, however, the savings with choosing SIP panels comes in other ways. For example, labor costs are reduced by almost 55% in comparison to conventional construction, and construction time is reduced by as much as 50%. These panels fit tightly together, leading to greater energy savings, so a smaller HVAC system can be specified for the space. And finally, there is a reduction of almost 96% in on-site construction waste.

**OSB** is made from fast-growing, small-diameter trees that can be harvested from plantations, avoiding the need for cutting old-growth trees. Even the smallest scraps of wood can be turned into OSB, virtually eliminating waste.

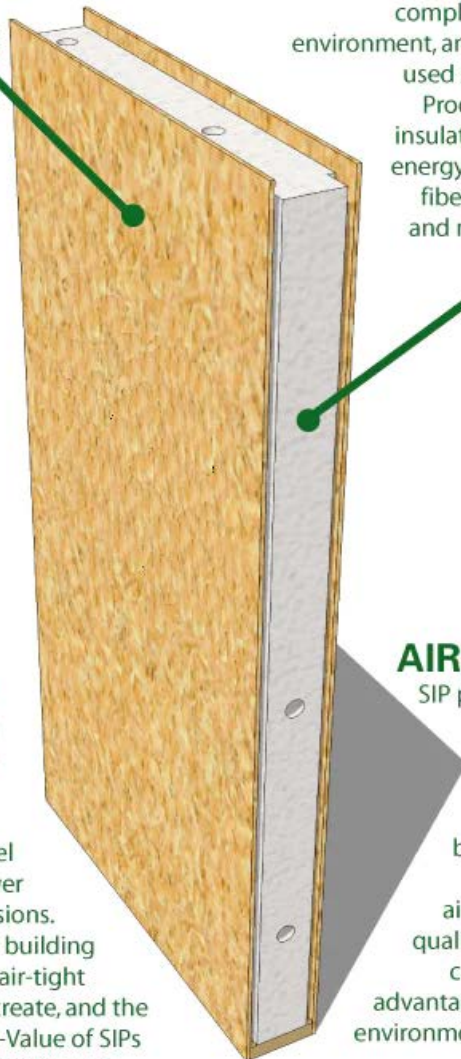
**EPS FOAM** is a recyclable material that is completely inert in the environment, and is in fact often used as a soil additive. Producing EPS foam insulation requires less energy than producing fiberglass insulation, and no CFCs are used in the process.

### ENERGY EFFICIENCY

SIP homes require up to 50% less energy to heat and cool than stick-framed homes, meaning less fossil fuel consumption and fewer greenhouse gas emissions. The efficiency of a SIP building is a result of both the air-tight envelope the panels create, and the substantially higher R-Value of SIPs when compared to stick-framed walls.

### AIR QUALITY

SIP panels release no volatile organic compounds (VOCs). Furthermore, because SIP-built structures are so air-tight, indoor air quality can be closely controlled, a huge advantage for those with environmental or chemical allergies.







Typical beam and panel construction



Raw, unfinished design of interior of residential bedroom (approx 10 feet wide)



Small SIP Panel building



Building green and eco-friendly. Large SIP panel roof/shade structure



### **Modular Building Info & Inspiration:**

Note: General information from the web... Modular buildings can cost anywhere between \$50 to more than \$400 per square foot. The structure type, size, and customization needs determine the price tag. Thus, the more changes involved per square foot results in higher cost.

The average modular home costs \$50 to \$100 per square foot for delivering the base unit, or \$80 to \$160 per square foot total with site prep, installation, and finishing. Customized floor plans, designs, and finishes can add \$10 to \$150 per square foot or more to the total cost.



Premanufactured 60 x 12 foot modular building





Modular commercial space. This one appears to have been constructed with (6) 8' wide modules. They were interconnected and the front outside module were built as a window wall.



[Stapleton Modular Visitor Center](#) is a 24'x72' modular building.

## AGENDA ITEM #7





## Application for Special Event Permit

Applicant Name:	<u>Town of Ridgway</u>	Contact Person:	<u>Tera Wick</u>
Applicant Phone:	<u>970-626-5308 ext. 215</u>	Contact Phone:	<u>970-626-5308 ext. 215</u>
Applicant Email:	<u>twick@town.ridgway.co.us</u>	Event Date:	<u>twick@town.ridgway.co.us</u>
Event Name:	<u>Space to Create Grand Opening</u>	Event Time:	<u>June 22, 2023 4PM - 7PM</u>
Type of Event:	<u>Celebration</u>	# Attendees:	<u>approx. 100</u>

Specify park, facility and/or public right-of-way for the event (*check all that apply*):

<input type="checkbox"/> Hartwell Park	<input type="checkbox"/> Hartwell Park Stage	<input type="checkbox"/> Athletic Park
<input type="checkbox"/> Cottonwood Park	<input type="checkbox"/> Dennis Weaver Memorial Park	<input type="checkbox"/> Concession Area (Athletic Park)
<input type="checkbox"/> Rollans Park	<input checked="" type="checkbox"/> Right-of-Way (specify below)	<input type="checkbox"/> Community Center
<input checked="" type="checkbox"/> Other ( <i>specify</i> ): <u>Space to Create - Decker Community Room</u>		

For use of Rights-of-Ways (*streets, alleys, sidewalks*) specify the exact location(s):

Closing Clinton Street from N Laura to N Cora

Describe in detail the proposed use and activity for the park, facility and/or right-of-way:

This will be a celebration of the completion of the Space to Create project, honoring all of those who contributed to the project's success, dedicating the Decker Community Room, welcoming Space to Create residents, and celebrating 10 years as a certified Creative District. Will have an outdoor stage across Clinton at Laura St. There will be food, speakers, an art show in the Decker room, performance and a street party.

Event Type (*check all that apply*):

<input type="checkbox"/> Fundraising Event	<input checked="" type="checkbox"/> Outdoor Music Concert	<input type="checkbox"/> Filming/ Production
<input type="checkbox"/> Run/Walk Event	<input type="checkbox"/> Bicycling Event	<input checked="" type="checkbox"/> Art Show and Sales
<input type="checkbox"/> Outdoor Market	<input checked="" type="checkbox"/> Other ( <i>specify</i> ): <u>Town/civic event</u>	



**\*Selling of alcoholic beverages** requires an application for a State of Colorado Special Events Liquor License. Application must be made with the Town Clerk, and the license received prior to holding the event.

**\*\*All sponsors of events are required to provide proof of insurance** listing the Town of Ridgway, officers and employees as additional insured and indemnifying the Town of Ridgway.

Applicant Signature: J. Mick Date: May 5, 2023

**TOWN STAFF WILL COMPLETE THE FOLLOWING SCHEDULES:**

<b>Permit Application Fee (\$50):</b> (Due at time of application)	\$	Date Paid:	Check #:
<b>Large Event Fee (\$50 - if more than 100 people):</b>	\$	Date Paid:	
<b>Filming/ Production Fee (\$250 day):</b>	\$	Date Paid:	
<b>Parks Department Assistance (\$25 hour):</b>	\$	Date Paid:	
<b>Hartwell Park Stage Use Fee (\$50):</b>	\$	Date Paid:	
<b>Concession Area Use Fee (\$50):</b>	\$	Date Paid:	
<b>Community Center Fee: (\$25 hour):</b>	\$	Date Paid:	
<b>Electricity Use Fee: (\$15 day):</b>	\$	Date Paid:	
<b>Law Enforcement Fee: (\$35/hr/officer):</b>	\$	Date Paid:	
<b>Refundable Damage Deposit:</b> up to 100 people: \$100 101-500 people: \$150 >500 people: \$200 Community Center: \$100 Hartwell Park Stage: \$500 Concession Area \$150	\$	Date Paid:	
<b>Release of Damage Deposit:</b>	\$	Date Paid:	

Local government & Ouray County special districts  
and non-profits can apply for a fee reduction/waiver  
for use of the stage and concession area

**ADDITIONAL REQUIREMENTS** (check all that apply):

<input type="checkbox"/> Town Council Approval (Date: _____)	<input type="checkbox"/> Insurance/ Indemnity
<input type="checkbox"/> Sign Permit	<input type="checkbox"/> Special Event Liquor License
<input type="checkbox"/> Special Event Vendor License	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Sales Tax License(s)	<input type="checkbox"/> Other: _____



### Vicinity Map/Site Plan

Attach a vicinity map and site plan. List all parks, trails, open space, facilities, roadways, bridges and other Town property proposed for use with the event. The following questions include items which, if applicable, should be included on the site plan.

#### Checklist for Vicinity Map/ Site Plan:

- ☐ Event Site (park, trail, open space, facilities, sidewalk, street)
- ☐ Parking Plan and Traffic Flow
- ☐ Locations of security personnel
- ☐ Locations of first aid and emergency services
- ☐ Routes for EMS and fire department
- ☐ Water stations
- ☐ Location and number of sanitation facilities
- ☐ Food service booths
- ☐ Temporary road closures
- ☐ Liquor sales and consumption (must match special event license)
- ☐ Electrical and lighting sources
- ☐ Sound and amplification plan
- ☐ Trash receptacles
- ☐ Signage type and location
- ☐ Proposed locations for staking or any penetration of the ground

### Parking/Traffic Flow

Indicate the number of parking spaces, locations, traffic flow, personnel directing traffic, and traffic signage.

Name(s) authorized personnel to direct traffic: TBD

Are you planning event parking on-site? ☐ Yes ☒ No

Are you planning event parking off-site? ☒ Yes ☐ No

How will you be moving people to/from the event site?

We do not anticipate moving people - the plan is for street parking in the neighborhood

### Security/Law Enforcement

Describe the emergency communications plan [e.g.: radio channels, cell phones, etc.]:

We will make the Marshal's office aware of the event, and communicate via cell phone



Do you anticipate utilizing uniform deputy services for ground security or traffic direction?

If so, what are the plans to meet these needs?

☐ Yes ☐ No

Maybe. Will coordinate with Preston Neill to arrange for these needs.

Will a private security company be used?

☐ Yes ☒ No

How will the security personnel be identified? N/A

Phone number for security company/or personnel contact: N/A

Will event interrupt the normal traffic flow on any street?

☒ Yes ☐ No

Will event need authorization to park vehicles on any street?

☒ Yes ☐ No

Does event need Police or Sheriff or Fire Department services?

If yes, please list:

☐ Yes ☒ No

We will need authorization to park a flatbed car hauler/stage North/South across Clinton St and Cora  
Possible erection of a 20' x20' aerial silks dance rig in the middle of Cora St

### Emergency Medical Care

Describe emergency medical services arrangements/plan:

We will alert emergency service of the event and be in touch via cell phone as needed.

We will have water and indoor cooled space in the Decker room to manage exposure to heat.

### Potable Water

Will the event provide participants/vendors with drinking water?

☒ Yes ☐ No

If yes, describe water source, estimated amount and methods of distribution:

We will have a water and other refreshments in the Space to Create community room and  
possibly on the sidewalk on Cora St

### Sanitation

*Events up to 250 attendees do not need to provide portable restrooms*

*Between 250 - 350 attendees at least 1 portable restroom*

*Between 350-550 attendees at least 3 portable restrooms must be provided*



Will the event use Town restroom facilities?

☒ Yes ☐ No

Will portable sanitation facilities be supplied?

☒ Yes ☐ No

If yes, describe portable sanitation plan, including company name and phone number:

two restrooms are available in the lobby of Space to Create; two porta potties have been reserved  
Ken at Sani Serve 970-249-6847

Sanitation Drop Off/ Pick Up Dates and Times:

Drop Off:       /      /       TBD  
                  mm / dd / yy                   est. time

Pick Up:       /      /               
                  mm / dd / yy                   est. time

### Electricity

Will the Town be providing electricity for the event?

☒ Yes ☐ No

Describe electricity uses and locations:

Electricity for amplification on the stage, a cord will be run to the outside of Space to Create on the  
south wall

### Refuse Collection *Events with over 500 attendees with food vendors must provide a dumpster*

Will the event use Town trash receptacles?

☒ Yes ☐ No

Will the event have dumpsters on site?

☒ Yes ☐ No

Describe refuse removal plan; if dumpsters will be placed provide the company name and contact information:

We will use the dumpsters provided at Space to Create to dispose of waste.

We may use some additional trash cans from the Town for collecting waste during the event.

Refuse Container Drop Off/ Pick Up Dates and Times:

Drop Off:       /      /       NA  
                  mm / dd / yy                   est. time

Pick Up:       /      /               
                  mm / dd / yy                   est. time



### Sound and Amplification

Will sound or amplification be used for the event?

☒ Yes ☐ No

Describe type of amplification system to be used, and where it will be placed:

A single battery powered speaker with a mic will be used for speakers.

Any additional amplification for music is TBD.

### Street Closure

Are temporary street closures needed for the event?

☒ Yes ☐ No

Describe which streets would be impacted, proposed signage and the safety plan:

Clinton Street between N Laura and N Cora. Measurements need to be taken to determine of the stage/trailer will impact north/south traffic on N Laura st

Barricades and signage will be placed by Town Staff and/or volunteers on the day of the event.

Signage will be placed on the sidewalk the day before event to notify area residents and visitors. Prior verbal notification and fliers will be given to all residents and business owners at least 30 days in advance of the event.

### Signage

Will temporary signage be needed for event?

☒ Yes ☐ No

Describe the exact location for placement of signage:

At intersections of N Larua and N Cora and Clinton. On sidewalk between N Laura and N Cora on Clinton prior to the event, notifying people of street closure times.

Indicate the date and time the temporary signage will be placed and removed:

Signage Up:  $\frac{mm}{mm} / \frac{dd}{dd} / \frac{yy}{yy}$  06 / 22 / 2023 2PM  
*est. time*

Signage Down:  $\frac{mm}{mm} / \frac{dd}{dd} / \frac{yy}{yy}$  06 / 22 / 2023 7:30 PM  
*est. time*



**Staking** (*ground penetration for tents, signs, fencing, etc.*)

Will ground penetrations be needed for the event?

☐ Yes ☒ No

Describe location of where staking will be needed, and proposed types:

NA

**Food Service & Merchandise Vendors**

Will food service and/or merchandise vendors be present at the event?

☐ Yes ☒ No

*\* If yes, an application for a Special Event Vendor License must be submitted to the Town, along with a detailed list of all vendors must be provided 15 days prior to the event. The Town will prepare sales tax remittance forms and it will be the responsibility of the event organizer to collect all sales tax remittances and ensure they are remitted to the Town within 30 days after the event.*

Which types of vendors will be present: NA

What plan will be in place regarding removal of hot coals and grease generated by food vendors:

NA

**Alcohol Use**

*No alcoholic beverages may be possessed, consumed or provided on any public property unless the event organizer has been issued a Town of Ridgway Special Event Liquor License. All provisions of the Colorado Liquor Code and local law related to liquor apply to all public properties. Contact the Town Clerk at 970-626-5308 Ext 211 to obtain a license.*

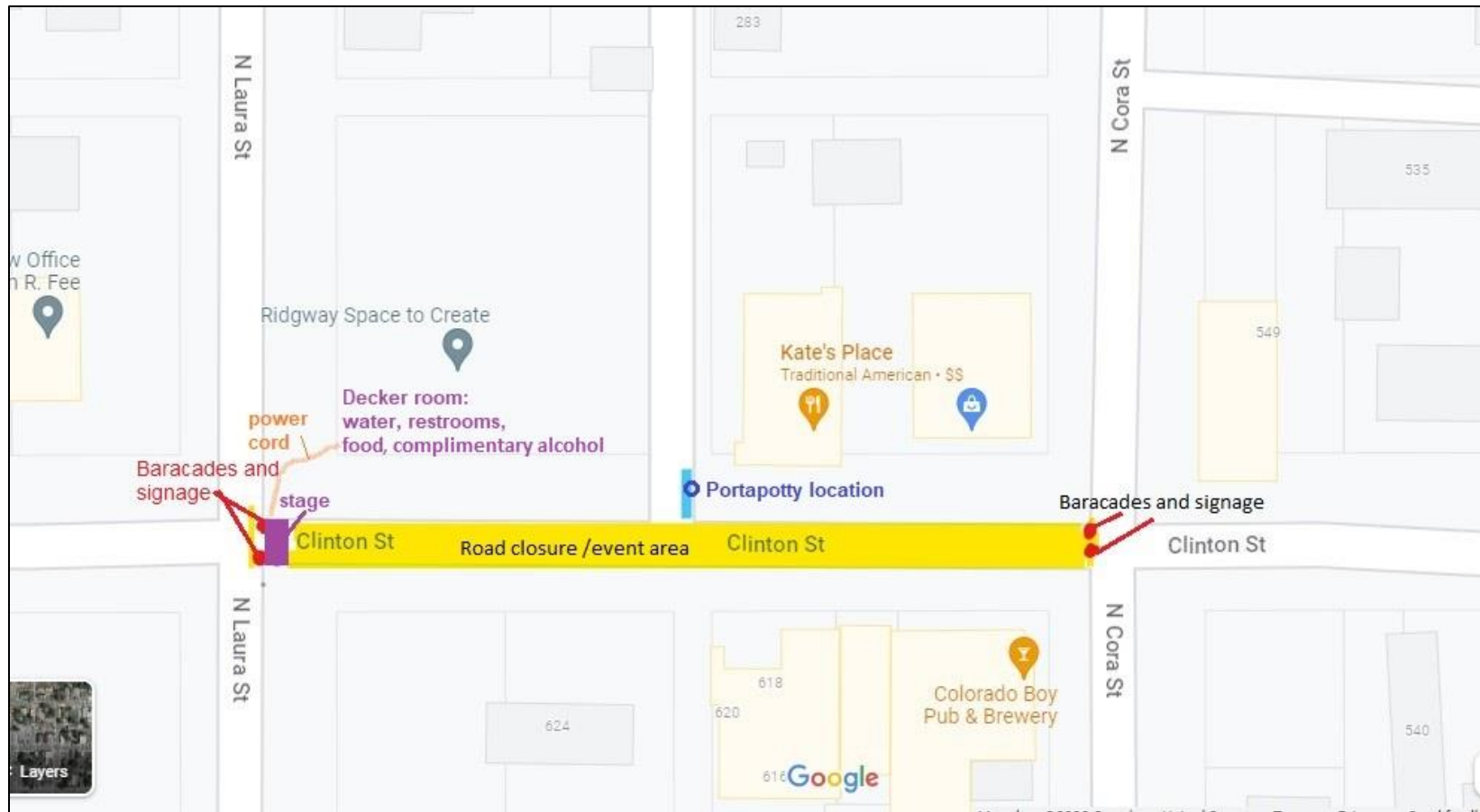
**Please list any special requirements or potential impacts of the event:**

We do plan to offer complementary alcoholic beverages at the event - beer and wine -

and will notify other liquor license holders in the impacted area.

**\*\* Town equipment and furnishings cannot be removed from Town Hall for use in parks or the stage**







## AGENDA ITEM #8

## AGENDA ITEM #9

## AGENDA ITEM #10



## **TOWN OF RIDGWAY, COLORADO OFFICAL PROCLAMATION**

### **A Proclamation Declaring May 2023 as Mental Health Awareness Month**

**WHEREAS**, mental health is essential to everyone's overall health and well-being; and

**WHEREAS**, all Americans experience times of difficulty and stress in their lives; and

**WHEREAS**, prevention is an effective way to reduce the burden of mental health conditions; and

**WHEREAS**, there are practical tools that all people can use to improve their mental health and increase resiliency; and

**WHEREAS**, mental health conditions are real and prevalent in our nation; and

**WHEREAS**, with effective treatment, those individuals with mental health and other chronic health conditions can recover and lead full, productive lives; and

**WHEREAS**, each business, school, government agency, healthcare provider, organization and citizen share the burden of mental health problems and have a responsibility to promote mental wellness and support prevention efforts; and

**WHEREAS**, organizations like Tri-County Health Network fight all year, not just in May, to bring mental health awareness to the forefront and offer programs and services to the community to address mental health needs.

**NOW THEREFORE**, we, the Ridgway Town Council, do hereby proclaim May 2023 as Mental Health Awareness Month in the Town of Ridgway, Colorado, and we call upon the citizens, government agencies, public and private institutions, businesses and schools in the Town of Ridgway to recommit our community to increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health, and the need for appropriate and accessible services for all people with mental health conditions.

**PROCLAIMED THIS 10<sup>th</sup> day of May 2023.**

TOWN OF RIDGWAY

BY:

ATTEST:

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John Clark, Mayor

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Pam Kraft, Town Clerk

## AGENDA ITEM #11

## **STAFF REPORT**

Subject: Application for Restaurant Liquor License - Lotus Root  
Initiated By: Pam Kraft, MMC, Town Clerk  
Date: April 4, 2023

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### **BACKGROUND:**

The Town has received an application for a Restaurant Liquor License from Ridgway Natural Foods, LLC, members Jessie Vaughn and Hyun Gyung Im, for the premises at 618 Clinton Street. The trade name of the business is Lotus Root.

State law requires a public hearing before the local jurisdiction for application of a new liquor license. A notice of hearing before the Town Council has been posted and published, and the premises posted, all in accordance with state statutes.

All requirements of license application have been met, all fees paid, and all forms received.

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### **ANALYSIS:**

The applicant leases the premises, which would be licensed to include within the building and the patio areas on the north and south sides.

State liquor law allows applicants to file for a concurrent review with State Liquor Enforcement while the application is being processed at the local level. This type of application allows the local jurisdiction to issue a temporary permit allowing the applicant to conduct business and sell alcohol, until approval is issued by the state licensing authority. The applicant is seeking issuance of a temporary operating permit from the Town, and has remitted the appropriate fee.

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### **FINANCIAL CONSIDERATIONS:**

The Town receives a fee for a new liquor license application, and annual renewals thereafter.

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### **LEGAL CONSIDERATIONS:**

None.

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### **STAFF RECOMMENDATION:**

Approve the application for a Restaurant Liquor License from Ridgway Natural Foods, LLC, sole members Jessie Vaughn and Hyun Gyung Im, dba Lotus Root.

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\*\*\*NOTE: Documents pertaining to liquor license applications are confidential in nature, and are on file in the Clerk's Office and open to inspection by the Council\*\*\*

# NOTICE OF PUBLIC HEARING FOR LIQUOR LICENSE

NOTICE IS HEREBY GIVEN that the Ridgway Town Council will hold a Public Hearing at 201 N. Railroad Street, Ridgway Colorado on Wednesday, May 10, 2023 at 5:30 p.m. to consider a **Restaurant Liquor License** application filed on April 4, 2023 for:

**Applicant: Ridgway Natural Foods LLC**

**Members & Shareholders: Jessie Vaughn and Hyun Gyung Im**

**DBA: Lotus Root**

**Location: 618 Clinton Street, Ridgway, CO**

All persons interested in the aforementioned application may appear before the Council either in person or represented by counsel, and present testimony, or may submit written correspondence to the Town Clerk, Town of Ridgway, Post Office Box 10, Ridgway, CO 81432.

DATED: April 4, 2023



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Pam Kraft, MMC, Town Clerk

## AGENDA ITEM #12



## **STAFF REPORT**

Subject: Application for Tavern Liquor License - Adobe Inn  
Initiated By: Pam Kraft, MMC, Town Clerk  
Date: April 3, 2023

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### **BACKGROUND:**

The Town has received an application for a Tavern Liquor License from Irwin Acker, LLC, members Jeffrey Kaplan and Neal Elinoff, for the premises at 251 Liddell Street. The trade name of the new establishment will be Adobe Inn.

State law requires a public hearing before the local jurisdiction for application of a new liquor license. A notice of hearing before the Town Council has been posted and published, and the premises posted, all in accordance with state statutes.

All requirements of license application have been met, all fees paid, and all forms received.

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### **ANALYSIS:**

The applicant owns the premises, which will be licensed encompassing from south property line, to east side at the edge of the building to the parking lot, to allow serving on the existing patio areas.

State liquor law allows applicants to file for a concurrent review with State Liquor Enforcement while the application is being processed at the local level. This type of application allows the local jurisdiction to issue a temporary permit allowing the applicant to conduct business and sell alcohol, until approval is issued by the state licensing authority. The applicant is seeking issuance of a temporary operating permit from the Town, and has remitted the appropriate fee.

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### **FINANCIAL CONSIDERATIONS:**

The Town receives a fee for a new liquor license application, and annual renewals thereafter.

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### **LEGAL CONSIDERATIONS:**

None.

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### **STAFF RECOMMENDATION:**

Approve the application for a Tavern Liquor License from Irwin Acker, LLC, sole members Jeffrey Kaplan and Neal Elinoff, dba Adobe Inn.

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\*\*\*NOTE: Documents pertaining to liquor license applications are confidential in nature, and are on file in the Clerk's Office and open to inspection by the Council\*\*\*

# **NOTICE OF PUBLIC HEARING FOR LIQUOR LICENSE**

NOTICE IS HEREBY GIVEN that the Ridgway Town Council will hold a Public Hearing at 201 N. Railroad Street, Ridgway Colorado on Wednesday, May 10, 2023 at 5:30 p.m. to consider a **Tavern Liquor License** application filed on March 27, 2023 for:

**Applicant: Irwin Acker LLC**

**Members & Shareholders: Jeffrey Kaplan and Neal Elinoff**

**DBA: Adobe Inn**

**Location: 251 Liddel Street, Ridgway, CO**

All persons interested in the aforementioned application may appear before the Council either in person or represented by counsel, and present testimony, or may submit written correspondence to the Town Clerk, Town of Ridgway, Post Office Box 10, Ridgway, CO 81432.

DATED: April 3, 2023

  
\_\_\_\_\_  
Pam Kraft, MMC, Town Clerk

## AGENDA ITEM #13

**To:** Ridgway Town Council

**From:** Katie Kent, *CPS, Contracted Town Planner*  
TJ Dlubac, *CPS, Contracted Town Planner*

**Cc:** Preston Neill, *Ridgway Town Manager*

**Date:** May 10, 2023

**Subject:** Ordinance No. 03-2023, Chapter 7, Land Use Regulations Update

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In response to Ordinance No. 01-2022 establishing a temporary moratorium, effective through July 31, 2023, Town staff, consultants, and the Planning Commission have spent the past several months updating Chapter 7 Planning and Zoning, of the Ridgway Municipal Code (RMC). On May 10, 2023, Staff is requesting the Town Council review the first reading of Ordinance No. 03-2023.

As a refresher, the proposed code amendments include:

- Deletion of sections within Chapter 6, Building Regulations which have been removed and inserted into Chapter 7
- Deletion of sections within Chapter 8, Licensing, which have been removed and inserted into Chapter 7
- Chapter 7 restructure to better delineate and separate the three main functions of development regulations: administration, procedures, and standards. The new layout is as follows:
  - Section 1, General Provisions
  - Section 2, Planning Commission
  - Section 3, Board of Adjustment
  - Section 4, Zoning Regulations
  - Section 5, Subdivision Regulations
  - Section 6, Planned Unit Development
  - Section 8, Annexations
  - Section 9, Definitions

There is no Chapter 7, Section 7 proposed at this time. A placeholder for affordable housing was created which the Town will discuss further over upcoming months.

#### **PROJECT OBJECTIVES:**

At the project kickoff, the following were identified as the primary objectives of this update:

- ✓ Clarify the zoning and subdivision review process
- ✓ Remove contradictions and duplication between Code sections
- ✓ Create a structure that can easily be updated to adapt to changing trends and needs

To reach these objectives, CPS provided a scope of work that included:

- ✓ Update land use application submittal, review, and approval procedures
- ✓ Evaluate ancillary sections of the RMC to ensure there are no contradictions
- ✓ Draft updates to Ch. 7 addressing the three objectives
- ✓ Provide the Town with a graphic illustrating the application process
- ✓ Develop internal guidelines for staff to use to process applications
- ✓ Identify standards and best practices for the Planning Commission and Town Council to consider addressing in the future.

#### WHAT'S HAPPENED SO FAR:

Project kickoff with PC	September 22, 2022
Ridgway Development Review Team meeting	November 4, 2022
Update to PC	November 29, 2022
Ridgway Development Review Team meeting	December 8, 2022
Scenarios workshop with PC and development community	January 10, 2023
Project Check-In with Town Manager	January 27, 2023
Updated Draft revisions presented to PC	January 31, 2023
Conversation with PC re. outstanding concerns/questions	February 28, 2023
Update and discussion with PC re. Industrial Uses	March 28, 2023
Work session with TC to review updates	April 12, 2023
Planning Commission recommendation	April 25, 2023
Town Council 1 <sup>st</sup> Reading of Ordinance 03-2023	May 10, 2023

#### PLANNING COMMISSION RECOMMENDATION:

At the Planning Commission meeting on April 25, 2023, the Commission provided final comments and discussed a few modifications. All of these modifications have been included in the final documents before the Town Council and are stated at the bottom of this memo.

The Planning Commission moved to recommend the Town Council adopt the proposed Code Amendments to Chapter 6 Building Regulations, Chapter 7 Planning and Zoning, and Chapter 8 Licensing, with the modifications to Chapter 7 Sections 4 and 5, as discussed.

The motion passed unanimously.

#### UPDATES SINCE APRIL 25, 2023:

The modifications requested by the Planning Commission at their April 25, 2023, meeting are within Chapter 7, Sections 4 and 5. To provide the Council a clean copy of Chapter 7 for final review on May 10<sup>th</sup>, they have been incorporated into the final documents and the changes that were made are summarized below.

- Table T-4.3, Land Use Table. Child Day Care Facility inserted as a conditional use within the HB District (*Section 4, pages 40-42*):

Table T-4.3 – Land Use Table

		R	HR	MR	FD	HB	DS	GC	LI	GI	Use-Specific Standards
		R – Allowed by Right C – Conditional Use Permit Required									
Agricultural Uses	Feed Storage and Sales							C			
	General Agriculture, Farming and Ranching				R						
	Nursery							C	R	R	
Animal Services	Veterinary Clinic							C		R	
	Kennel, Boarding Facility							C		R	
Childcare Facilities	Child Day Care Facility	C	C	C		C	C	C			
	Family Day Care	R	R	R	R	R	R	R	R	R	
Community and Cultural Facilities	Cemetery	C	C	C	C	C	C	C	C	C	

- Table T-4.3, Land Use Table. Laundromat, Commercial/Industrial inserted as a conditional use within the GC District (*Section 4, pages 40-42*):

		R	HR	MR	FD	HB	DS	GC	LI	GI	Use-Specific Standards
		R – Allowed by Right C – Conditional Use Permit Required									
Personal Services	Personal Services, General					R	C	R	R		
	Laundromat, Commercial/Industrial							C	R	R	
Public Utilities & Facilities	Public Utility Service Facility	R	R	R	R	R	R	R	R	R	

- Table T-4.3, Land Use Table. Manufactured Homes: Inserted as a permitted use within the R, MR, FD, and DS Districts to match where a “dwelling, single-family” is permitted (*Section 4, pages 40-42*):

		R	HR	MR	FD	HB	DS	GC	LI	GI	Use-Specific Standards
		R – Allowed by Right C – Conditional Use Permit Required									
	Employee Housing							R			
	Manufactured Homes	R	R	R	R		R				
	Manufactured Homes Park							C			

- Residential Design Standards, Section 7-4-9(E)(2)(c)(ii). Reworded language to allow up to 50% metal siding on building façade (*Section 4, page 75*):

- (ii) ~~Buildings may not incorporate Exterior metal siding for more than is not allowed as a primary material, yet it can be used as a secondary accent material. To be a secondary material, the material shall not cover more than twenty~~ 50 percent (250%) of the total building facade area; and

- Commercial Design Standards, Section 7-4-10(C)(3)(b)(ii). Reworded language to allow up to 50% metal siding on building façade (*Section 4. page 78*):

(ii) ~~Buildings may not incorporate E~~exterior metal siding ~~for more than is not allowed as a primary material yet it can be used as a secondary accent material. To be a secondary material, the material shall not cover more than twenty-fifty~~ percent (~~52~~0%) of the total building facade area' and

- Industrial Design Standards, Section 7-4-11(C)(3)(d)(ii). Reworded language to allow up to 50% metal siding on building façade (*Section 4. pages 82*):

(ii) ~~Buildings shall not incorporate E~~exterior metal siding ~~is not allowed as a primary material, yet it can be used as a secondary accent material. To be a secondary material, the material shall not cover for~~ more than ~~twenty-fifty~~ percent (~~25~~0%) of the total building facade area' and

- Table T-5.1, Subdivision Application Types and Processes. Right-of-Way Vacation: inserted that Planning Commission provides a recommendation to the Town Council. This is the way it is written in Sec. 7-5-2(L) and this insertion is correcting a discrepancy that was overlooked (*Section 5, page 2*):

Other Subdivision Types							
Amended Plat (§7-5-2(E))	R	R	R	R Posting	Rec	R PH / Rec	R PH / D
Boundary or Lot Line Adjustment (§7-5-2(F))	O	R	R	R Posting	Rec	R PH / D	
Building Footprint (§7-5-2(G))	O	R	R	R Posting	Rec	R PH / D	
Condominium (§7-5-2(H))	O	R	R	R Posting	Rec	R PH / D	
Lot Consolidation (§7-5-2(I))	O	R	R	R Posting	Rec	R PH / D	
<del>Resubdivision</del> Plat (§7-5-2(J))	R	R	R	R Posting	Rec	R PH / Rec	R PH / D
Townhouse (§7-5-2(K))	O	R	R	R Posting	Rec	R PH / D	
Right-of-Way Vacation (§7-5-2(L))	O	R	R	R Posting	Rec	<del>R</del> PH / Rec	R PH / D

**TOWN OF RIDGWAY, COLORADO  
ORDINANCE NO. 03-2023**

**AN ORDINANCE OF THE TOWN OF RIDGWAY, COLORADO  
AMENDING CHAPTER 6 – BUILDING REGULATIONS; AMENDING CHAPTER 7 –  
PLANNING AND ZONING; AND AMENDING CHAPTER 8 – LICENSING OF THE  
RIDGWAY MUNICIPAL CODE; AND AMENDING THE OFFICIAL ZONING MAP**

**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 of Ridgway currently regulates land uses within the Town limits in accordance with Chapter 7 “Planning and Zoning” of the Ridgway Municipal Code, 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**, during the summer of 2022, the Town had received an unprecedented number of applications for minor subdivisions, lot splits, replats, multi-site development, subdivision, and planned unit developments, placing a strain on the resources of Town staff; and

**WHEREAS**, in Emergency Ordinance No. 01-2022, the Ridgway Town Council by a vote of 7-0 approved a temporary moratorium on the acceptance, processing and approval of the following development applications:

- a. Minor Subdivisions pursuant to 7-4-8 of the Town Code.
- b. Lot Splits pursuant to 7-4-9 of the Town Code.
- c. Replats and Amended Plats pursuant to 7-4-10 of the Town Code.
- d. Multi-Site Developments pursuant to 7-4-11 of the Town Code.
- e. Planned Unit Developments pursuant to 7-3-16 of the Town Code.
- f. Amendments and Additions to the Official Zoning Map and Zoning Regulations pursuant to 7-3-22 of the Town Code.

**WHEREAS**, the temporary moratorium enacted by Emergency Ordinance No. 01-2022 on August 10, 2022 was scheduled to terminate upon the adoption of an updated Chapter 7 of the Ridgway Municipal Code, or March 31, 2023, unless terminated earlier by the Town Council or extended in its duration by enactment of another ordinance by the Town Council; and

**WHEREAS**, on March 8, 2023, the Ridgway Town Council by a vote of 6-0 approved Emergency Ordinance No. 01-2023 extending of the temporary moratorium through July 31, 2023; and

**WHEREAS**, in response to Town Council direction and approval, Town staff has engaged with the Town’s planning consultant, Community Planning Strategies, LLC; and

**WHEREAS**, throughout the duration of the moratorium, staff and the consultant team carried out an extensive public engagement effort to inform the public and receive input from stakeholders. A summary of these efforts was presented to the Town Council at a work session on April 12, 2023; and



**WHEREAS**, in response to Council direction, recommendations from the consultant team, and input from the community, staff has drafted proposed amendments throughout Chapter 7 “Planning and Zoning” in support of the Town Council’s desired outcomes of the temporary moratorium as identified in Emergency Ordinance No. 01-2022; 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**, these updates to the Town’s zoning and subdivision regulations will clarify the zoning and subdivision review process, remove contradictions and duplication between Ridgway Municipal Code sections, and create a structure that can easily be updated to adapt to changing trends and needs; and

**WHEREAS**, the restructure to Chapter 7 “Planning and Zoning” will better delineate and separate the three functions of the Code, which are administration, procedures and standards; 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 to Chapter 6 – Building Regulations.** Chapter 6 of the Ridgway Municipal Code is hereby amended to repeal *Section 6-1-11 – Landscaping*; to repeal *Section 6-3-1 – Definitions*; to repeal *Section 6-3-3 – Nonconforming Manufactured Homes and Structures*; to repeal *Section 6-4 – Fence, Hedge and Wall Regulations*; to repeal *Section 6-5 – Outdoor Lighting Regulations*; to repeal *Section 6-6 – Residential Design Standards*; to recodify Section 6-1-12 to Section 6-1-11; to recodify Section 6-3-2 to Section 6-3-1; and to recodify Section 6-3-4 to Section 6-3-2.

**Section 3. Amendment of Chapter 7 – Planning and Zoning.** Chapter 7 of the Ridgway Municipal Code is hereby amended to read as set forth in *Exhibit A: Chapter 7: Land Use Regulations*.

**Section 4. Amendment of Chapter 8 - Licensing.** Chapter 8 of the Ridgway Municipal Code is hereby amended to repeal *Section 8-1-4 – Manufactured Home Park Design*; to repeal *Section 8-1-5 – Travel Home Park Design Requirements*; to repeal *Section 8-1-6 – Maintenance of Manufactured Home and Travel Home Parks*; to repeal *Section 8-1-7 – Nonconforming Manufactured Home Parks and Travel Home Parks*; and to repeal *Section 8-1-8 – Administration and Enforcement*.

**Section 5. Amendment of Section 8-1-2 – Definitions.** Section 8-1-2 of the Ridgway Municipal Code are hereby amended to read as follows:

*“Manufactured Home, Dependent Manufactured Home, Manufactured Home Park, Travel Home and Travel Home Park shall be defined as set out in Section 7-9 of the Ridgway Municipal Code.”*

**Section 6. Amendment of Official Zoning Map.** The Official Zoning Map of the Town of Ridgway is hereby amended to change the “I-1” Light Industrial – 1 District to the “LI” Light Industrial District and to change the “I-2” Light Industrial – 2 District to the “GI” General Industrial District.

**Section 7. 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 8. 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 9. 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 10. 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 11. 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 12. 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 May 10, 2023 and setting such public hearing for June 14, 2023 at Ridgway Town Hall, located at 201 N. Railroad Street, Ridgway, Colorado.

BY:

ATTEST:

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John Clark, Mayor

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Pam Kraft, Town Clerk

**ADOPTED** on June 14, 2023.

BY:

ATTEST:

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John Clark, Mayor

---

Pam Kraft, Town Clerk

APPROVED AS TO FORM:

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Bo James Nerlin, Town Attorney

## Chapter 7: Land Use Regulations

### Section 1 General Provisions

#### 7-1-1 INTERPRETATION OF THE PROVISIONS OF THESE LAND USE REGULATIONS

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- (A) The provisions of these Land Use Regulations shall be regarded as the minimum requirements for the protection of the public health, safety, and general welfare.
- (B) These Land Use Regulations shall be interpreted in a manner to further its underlying purposes.
- (C) If a conflict occurs between provisions of these Land Use Regulations, or between other town regulations and a state statute or other applicable codes and regulations, the more restrictive provision controls unless otherwise specified by these Land Use Regulations, or preempted by a direct conflict with state statute.
- (D) Unless otherwise specified in these Land Use Regulations, the requirements of these Land Use Regulations are presumed to apply to actions related to a change in land use as defined herein.

#### 7-1-2 RULES OF CONSTRUCTION OF LANGUAGE

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- (A) Words and phrases shall be read in context and construed according to common usage. Words and phrases that have acquired a technical or particular meaning, by legislative definition or otherwise, shall be construed accordingly.
- (B) The particular controls the general.
- (C) The word “shall” is always mandatory.
- (D) The words “may” and “should” are permissive.
- (E) Unless the context clearly indicates otherwise, words used in the singular number include the plural and words used in the plural number include the singular.
- (F) If there is a conflict between figures and words expressing a number, the words govern.
- (G) The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”

#### 7-1-3 COMPUTATION OF TIME

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- (A) In computing a period of days, the first day is excluded and the last day is included unless the last day of any period is a Saturday, Sunday or legal holiday, in which case the last day shall be the next working day.
- (B) Unless otherwise specified in these Land Use Regulations, the term “days” shall refer to business days.

#### 7-1-4 TRANSITION FROM PENDING APPLICATIONS

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##### (A) Pending Applications

- (1) Generally. A development application that has been determined to be complete by the Town Manager or designee prior to the effective date of these regulations shall be decided under the regulations in effect when the application was determined to be complete unless the applicant requests review and approval under these regulations. Applications shall not be processed under a combination of prior regulations and current regulations except as stated in subsection 2 below.
- (2) Phased Approval. Final development plans for a planned development that were preliminarily approved prior to the effective date of these regulations, but with phases requiring final approval

# EXHIBIT A

after the effective date of these regulations may seek approval in accordance with the standards and procedures of these regulations upon applicant request.

## **(B) Prior Development Applications**

- (1) Any development approved under regulations in effect prior to the effective date of these regulations may be carried out under the terms and conditions of the approval and the development standards in effect at the time of approval, provided the approval has not expired and the development complies with any applicable standards of these regulations regarding ongoing operations and maintenance.
- (2) If the prior approval expires, is revoked, or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of these regulations.
- (3) Unless otherwise provided in the initial approval, any proposed amendment to a permit or other form of approval issued under prior regulations shall be reviewed based on the development standards in effect at the time of submission of a complete application for the amendment.

## **(C) Prior Violations.**

- (1) Any violations of previous versions of any code or ordinance of the Town shall continue to be a violation under these regulations and shall be subject to the penalties and enforcement set forth in Section 7-1-7, Enforcement and Administration.

## **7-1-5 STATUTORY VESTED PROPERTY RIGHTS**

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### **(A) Purpose**

The purpose of this Section is to provide procedures necessary to implement a program of legislated vested rights similar, but not necessarily identical, to that called for by the provisions of Article 68 of Title 24, C.R.S. The provisions of said Article 24-68, to the extent inconsistent with the provisions of this Chapter, including but not necessarily limited to the provisions of C.R.S. 24-68-102.5(1), are hereby superseded.

### **(B) General Provisions**

- (1) As used in this Section, "Site-Specific Development Plan" means a plan approved by the Town pursuant to this Section which has been submitted to the Town by a landowner or his representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may consist of one or more of the following:
  - (a) An approved Site Plan;
  - (b) An approved Final Planned Unit Development Plan;
  - (c) An approved Subdivision Final Plat;
  - (d) An approved Conditional Use;
  - (e) An approved change in a nonconforming use; or
  - (f) Annexation Agreements or Development Agreements executed by the Town which specifically provide that they should be part of a Site-Specific Development Plan.
- (2) Neither a Sketch Plan, a Preliminary Subdivision Plat nor a Preliminary PUD Plan may qualify as a Site-Specific Development Plan. An approved Zoning Variance, final architectural plans, public utility filings, or final construction drawings and related documents and methods for construction of improvements shall not, in and of itself constitute a Site-Specific Development Plan although it may be an additional element of a Site-Specific Development Plan which is specified in paragraph (1) above.
- (3) A Site-Specific Development Plan for any development shall include all of the items identified in paragraphs (1) and (2), above, to the extent applicable to the development.

# EXHIBIT A

- (4) None of the items identified in paragraphs (1) and (2) shall be considered a Site-Specific Development Plan until approved, pursuant to the procedures of this Section in addition to the procedures applicable to such individual items. Such procedures may be pursued contemporaneously.

## **(C) Procedures**

- (1) A landowner desiring approval of a Site-Specific Development Plan shall submit an application, therefore, on forms provided by the Town indicating each element of such plan and shall submit a copy of each element as approved by the Town together with any other information necessary to determine with reasonable certainty the type and intensity of use for the property.
- (2) Upon receipt of a properly completed application with fee, the Town shall schedule a public hearing and publish notice thereof.
- (3) Following the Hearing, the Town Council may approve the Site-Specific Development Plan if it is consistent with the requirements of this Section.
- (4) Following approval, the Town shall cause a Notice describing generally the type and intensity of the use approved, and the description of the property affected. Such notice shall be published not more than 14 days after approval.
- (5) The Site-Specific Development Plan shall be deemed approved upon the effective date of the Town Council's action. In the event amendments to any of the elements of the Site-Specific Development Plan are subsequently proposed and approved, the effective date of such amendments for purposes of the duration of vested property rights shall be the date of approval of the original Site-Specific Development Plan.

## **(D) Limitations**

- (1) Approval of a Site-Specific Development Plan pursuant to this Chapter shall be deemed to create a vested property right which shall be subject to the provisions and limitations of 24-68-103(1)(b) and (c), 104 and 105, C.R.S., when inconsistent with any provision of this Chapter.
- (2) Failure of any landowner to request a hearing and approval of various elements of the development plan as a Site-Specific Development Plan shall constitute a waiver and no vested right shall be deemed to have been created by the Town's approval of such elements.
- (3) Approval of a Site-Specific Development Plan may be revoked by the Town Council following notice and hearing on account of breach of any condition of approval of the various elements of the plan or any ordinance or regulations of the Town applicable to the various approvals or the various elements of the plan.
- (4) The provisions of all duly adopted zoning ordinances and other land use and development ordinances and regulations and master plans, as amended from time to time, shall apply in accordance with their terms, to all property and proceedings except to the extent otherwise specifically provided in the adopting legislation, and except to the extent otherwise provided for an approved Site-Specific Development Plan pursuant to paragraph (A) above.

## **7-1-6 ADEQUATE PUBLIC WATER SUPPLY**

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### **(A) Purpose**

The purpose of this Section is to provide procedures necessary to implement a program to ensure adequate public water supplies similar, but not necessarily identical, to that called for by the provisions of Part 3 of Article 20 of Title 31, C.R.S. The provisions of said C.R.S. 31-20-301 et seq., to the extent inconsistent with the provisions of this Section, are hereby superseded.

### **(B) General Provisions**

As used in this Section, "Development Permit" means any preliminary or final approval of an application for rezoning, conditional use permit, subdivision, PUD, building permit, site plan,

# EXHIBIT A

development plan or similar application for new construction; which includes new water use in an amount more than that used by 50 single-family equivalents.

## **(C) Procedures**

- (1) Unless the Town has authorized use of a water supply other than that of the Town, in a pre-annexation agreement or by other official action of the Town, a landowner desiring approval of a Development Permit shall submit with the application a report complying with C.R.S. 29-20-304(1) with respect to the Town's water supply, until such time as the Town has adopted a water supply plan conforming with C.R.S. 29-20-304(3).
- (2) If the Town has previously authorized Tri County Water Conservation District water or other source of supply, the applicant shall submit, the report, letter, or plan complying with C.R.S. 29-20-304(1). The Town shall have no obligation to approve any source of supply other than that of the Town.
- (3) No development permit shall be approved until the Town has determined in its sole discretion that the documents required by subsections (1) and (2) have been properly submitted and that the water supply for the proposed development, as such may be modified, will be adequate to meet its water supply requirements.

## **(D) Applicability**

The provisions of this Section 7-1-6 shall apply to all new applications for a development permit, unless materially changed to increase water supply requirements. The determination of the adequacy of water supply for subdivisions or PUDs shall be made at the sketch plan stage unless material changes occur after sketch plan approval, in which case the determinations shall be made at the next stage of review and approval. The determination for other applications shall be made prior to approval of the application.

## **7-1-7 FEES AND COSTS**

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### **(A) Application Fees**

- (1) Any application must be accompanied by the appropriate fees. A schedule of fees is available through the Town of Ridgway.
- (2) 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.

### **(B) Reimbursement of Costs**

In addition to the application 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.

## **7-1-8 ENFORCEMENT AND ADMINISTRATION**

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- (A) The Town Manager or designee, 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.



## EXHIBIT A

- (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 Land Use Regulations, and any decision issued pursuant hereto.
- (C) Whenever necessary to make an inspection to enforce any of the provisions of these Land Use 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 Land Use Regulations, or of any decision issued, pursuant to this Section exists, the Marshal, Town Manager or designee, 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 entering the property, they shall provide 24-hour written or verbal notice. Prior to entry, they shall identify themselves 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, they 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 Land Use 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 Land Use 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 \$300.00. 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.

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## Section 2 Planning Commission

### 7-2-1 ESTABLISHMENT

---

- (A) The Ridgway Planning Commission is hereby created to consist of seven members. Five members shall be appointed by the Mayor to serve six-year terms, which will expire at one-year intervals. The Mayor and one member of the Town Council, appointed by the Mayor, shall be ex-officio members, and shall serve for the period of their incumbency. Any vacancy shall be filled by the Mayor for remaining term.
- (B) All members shall be qualified electors of the Town.
- (C) The Mayor may appoint an alternate who may serve and vote in the absence of any of the regular members. Such alternate shall serve a two-year term ending on December 31st of the odd-numbered years.

### 7-2-2 BY-LAWS AND RULES OF PROCEDURE

---

The Planning Commission may adopt By-Laws and Rules of Procedure as necessary for the conduct of business not in conflict with this Town Code, Town Charter, or State law.

### 7-2-3 POWERS AND DUTIES

---

The Planning Commission shall have the following powers and duties:

- (A) To discharge duties specified for a Planning Commission or Zoning Commission in any Town ordinance or Town Code.
- (B) To make recommendations to the Town Council upon referral or otherwise concerning matters related to planning, zoning and land use regulation.
- (C) To make recommendations for the adoption of, or amendments to, a master plan.

### 7-2-4 REMOVAL OF MEMBERS

---

Members may be removed for malfeasance in office by the Mayor. If any member, other than the Mayor, misses any more than five meetings in any calendar year, they shall be automatically removed and a replacement shall be appointed by the Mayor.

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## **Section 3     Board of Adjustment**

### **7-3-1     CREATION**

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- (A) The Board of Adjustment is hereby created to consist of seven members. Five members shall be appointed by the Mayor to serve six-year terms, expiring at two-year intervals. The Mayor and one member of the Town Council appointed by the Mayor shall be ex officio members and shall serve for the period of their incumbency. Any vacancy shall be filled by the Mayor for the remaining terms.
- (B) All members shall be qualified electors of the Town.
- (C) The members of the Board of Adjustment and Planning Commission may be the same.
- (D) The Mayor may appoint an alternate who may serve and vote in the absence of any of the regular members. Such alternate shall serve a two-year term ending on December 31st of the odd-numbered years.

### **7-3-2     BY-LAWS AND RULES OF PROCEDURE**

---

The Board of Adjustment may adopt By-Laws and Rules of Procedure, as necessary, for the conduct of its business not in conflict with this Section, other ordinances of the Town or State law.

### **7-3-3     POWERS AND DUTIES**

---

The Board of Adjustment shall discharge duties as specified for a Board of Adjustment in the Town Land Use Regulations, other Town ordinances and State law.

### **7-3-4     REMOVAL OF MEMBERS**

---

Members may be removed for malfeasance in office by the Mayor. If any member, other than the Mayor, misses any more than five meetings in any calendar year, they shall be automatically removed, and a replacement appointed by the Mayor.

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Annotation

Definitions

## Chapter 7: Land Use Regulations

### Section 4 Zoning Regulations

#### 7-4-1 GENERAL PROVISIONS

---

- (A) This Section, as amended from time to time, together with the Official Zoning Map as adopted and amended from time to time, may be cited as the Town's Zoning Regulations.
- (B) The purpose of these Zoning Regulations is to promote public health, safety and welfare.
- (C) Whenever there is any conflict between these Zoning Regulations and any other ordinance, code provision, regulation, or law, the more restrictive or higher standard shall apply.
- (D) These Zoning Regulations and the Official Zoning Map shall constitute a part of the Town's Comprehensive Master Plan. These Zoning Regulations are enforceable in accordance with Subsection 7-1-7, Enforcement and Administration. However, the Master Plan is advisory in nature.
- (E) This Section lays out the application types, requirements, and review procedures for requests associated with zoning changes and land use approvals within the Town of Ridgway. These common review procedures provide the foundation for specific review and approval procedures. See those specific sections to determine which of these common review procedures apply to individual applications for development review.
- (F) Multiple Applications
  - (1) Concurrent Review Permitted. Where multiple applications concern the same property, the Town Manager or designee, may permit concurrent review of applications for efficiency and practicality.
- (G) Continued Work on Application. Applicants shall continuously and diligently pursue their application(s). An applicant who fails to respond to staff comments or requests for a period of four (4) months shall be administratively withdrawn by the Town Manager or designee. An applicant may request, in writing, an extension to the Town Manager or designee. The Town Manager or designee may allow such extension if it is determined that good cause exists to extend the application time frame.

#### 7-4-2 ZONING MAP

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- (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) 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.
- (C) No single lot shall be divided by a district (i.e., zoning, sanitation, fire, etc.), municipal or county boundary line.

#### 7-4-3 ZONING APPLICATIONS AND REVIEW PROCEDURES

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##### (A) General Provisions

This Section outlines the review procedures that are common to all applications regulated within Section 7-4-3, Zoning Application and Review Procedures, unless otherwise stated in this Chapter. Table T-4.1 identifies the various application types and associated review procedures regulated by the Zoning Regulations. The submittal requirements, review procedures, and approval criteria for each application type are laid out in subsequent sections of this Chapter as identified in Table T-

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4.1. All documents and materials identified in this Section, and the particular application type section shall be required. Table T-4.1 - Zoning Application Types and Processes.

Table T-4.1 – Zoning Application Types and Processes

	Pre-Application Meeting (§7-4-3(B)(1))	Completeness Review (§7-4-3(B)(3))	Referrals (§7-4-3(B)(4))	Notice of Hearing (§7-4-3(B)(6))	Town Manager or designee	Planning Commission (§7-4-3(B)(7))	Town Council (§7-4-3(B)(7))	BOA (§7-4-3(B)(7))
R=Required; O=Optional; PH=Required Public Hearing; Rec=Recommendation; D=Decision								
Map Amendment (§7-4-3(C))	O	R	R	R Posting	Rec	R PH / Rec	R PH / D	
Text Amendment (§7-4-3(D))	O	R	R	R Posting Publication	Rec	R PH/Rec	R PH / D	
Conditional Use Permit (§7-4-3(E))	R	R	R	R Posting	Rec	R PH / D		
Minor Amendment to Conditional Use Permit (§7-4-3(F))	R	R	O		Rec	R PH/D		
Temporary Use Permit (§7-4-3(G))	O	R	O	R Posting	Rec	R D		
Site Plan (§7-4-3(H))	R	R	O	R Posting	Rec	R PH/Rec	R PH/D	
Administrative Adjustment (§7-4-3(I))	O	R	O		D			
Variance (§7-4-3(J))	R	R	R	R Posting	Rec	R PH / D		
Appeal (§7-4-3(K))	O	R	O	R Posting	Rec			R PH / D

## (B) General Application Review Procedures

The following procedures shall apply to all classifications of development applications which are required under this Chapter.

### (1) Pre-Application Meeting

If the applicant or Town Manager or designee, requests a pre-application meeting, the following process shall be followed:

- (a) Prior to the formal submission of the application, the applicant shall contact the Town Manager or designee to schedule and request a pre-application meeting. Following receipt of a request, the pre-application meeting should be set for a date within ten (10) days of the date of the applicant's request. The Town Manager or designee shall advise the applicant of the date and time of the pre-application meeting.

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- (b) The applicant shall be prepared to discuss the proposed application with the Town Manager or designee. The applicant is encouraged to present such plats, plans, diagrams, or other preliminary information sufficient to allow a conceptual review of the proposed application.
- (c) The purpose of the pre-application meeting is to assist the applicant in understanding the town's application review processes and to allow the Town Manager or designee to determine the applicable process(es) and regulations for the proposed application.

## (2) Application Submittal Requirements

All of the following information and materials shall be submitted to the Town of Ridgway in a form acceptable to the Town Manager or designee. Additional information and materials required to be submitted for each specific application type identified in Table T-4.1 are set forth in subsequent sections of this Chapter and shall also be submitted in order to receive a determination of completeness.

### (a) Basic Application Materials

The following materials are required for all applications regulated by Chapter 7, Section 4 Zoning Regulations, unless waived by the Town Manager or designee.

- (i) **Application Form.** An application form for the request shall be obtained from the Town. Completed application forms and accompanying materials shall be submitted to the Town by the owner or applicant.
  - a. **Authorized Agent.** If the applicant is not the owner of the land based on Ouray County Assessor records, the applicant shall submit a letter signed by the owner consenting to the submission of the application(s).
  - b. **Applicant is Not the Sole Owner.** If the applicant is not the sole owner of the land, the applicant shall submit a letter signed by all owners or an association representing all the owners, by which all owners consent to or join in the application.
- (ii) **Fees.** All application fees shall be in compliance with Section 7-1-6, Fees and Costs.
- (iii) **Proof of Ownership.** Proof of Ownership in the form of a copy of the property deed or a title commitment which has been issued within sixty (60) days of the application submittal along with copies of all documents listed in the exceptions.
- (iv) **Legal Description.** Legal description of the property subject to the development application.
- (v) **Mineral Interest Owners.** List of all mineral interest owners with interests severed from the subject property.
- (vi) **Vicinity Map.** A map locating the project limits, parcel(s), and property within Ridgway. The vicinity map shall clearly show the boundaries of the subject property and all property within a three-mile radius of the subject property.
- (vii) **General Written Narrative.** A general written narrative identifying the development team, existing conditions of the property, proposed uses, density, lot layout, end users, financing, public dedications (including rights-of-way, parks, open space, infrastructure), and describing the purpose of the project, how the request meets the applicable approval criteria, furthers the goals and objectives specified in the Master Plan, and identifying any potential impacts on adjacent properties and public infrastructure and how those impacts are proposed to be mitigated.

## (3) Completeness Review

When a completeness determination is required pursuant to Table T-4.1, the following shall apply:

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- (a) Within ten (10) days following receipt of an application, the Town Manager or designee shall administratively review the application and determine whether it includes all the application content requirements of the Ridgway Municipal Code for the requested application type.
- (b) All plans, reports, maps, and other information required for the application type must be complete and legible. A failure of the application to meet the requirements of the Zoning Regulations and this Ridgway Municipal Code may delay the processing of the application until the application is sufficient and deemed complete.
- (c) When the Town Manager or designee determines that the application is complete as submitted, the Town Manager or designee shall process the application for review in accordance with the provisions set forth in this Chapter 7, Land Use Regulations.
- (d) In the event the Town Manager or their designee determines that the application is incomplete, the Town Manager or designee shall inform the applicant in writing of the deficiencies in the application. No further processing of the incomplete application shall be undertaken until the Town Manager or designee, determines that the applicant has remedied the application's deficiencies.

## (4) Referral Agencies

In accordance with Table T-4.1, applications shall be referred to any of the below referral agencies the Town Manager or designee determines is necessary to the complete and comprehensive review of the request. Referral of applications to other agencies shall be for a minimum time frame of fourteen (14) days. However, the time frame for review and comment may be extended if the application presents technical issues which require additional review, additional information is provided by the applicant, or the application is modified. Referral agencies include, but are not limited to, the following:

- (a) Bureau of Land Management (BLM)
- (b) Colorado Department of Transportation (CDOT)
- (c) Colorado Division of Reclamation, Mining & Safety
- (d) Colorado Division of Water Resources
- (e) Colorado Parks and Wildlife
- (f) Colorado State Forest Service
- (g) Ditch companies
- (h) Fire Protection District(s) or department(s)
- (i) Ouray County Departments (Assessor, Clerk & Recorder, Attorney, Health Department, Building Department, Road & Bridge, Sheriff Office, etc.) as appropriate
- (j) Town of Ridgway Departments (Town Clerk, Town Attorney, Engineering Department, Building Department, Public Works Department, Police Department, etc.) as appropriate
- (k) Water Conservation District(s)
- (l) San Miguel Power Authority
- (m) School district(s)
- (n) Soil Conservation District
- (o) Utility service providers and districts
- (p) US Army Corp of Engineers
- (q) US Environmental Protection Agency (EPA)
- (r) US Forest Service



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(s) Any other entity or agency deemed necessary by the Town Manager or designee

## (5) Staff Report

The Town Manager or their designee shall review the application to determine if the proposal satisfies the applicable standards. Once all review comments have been adequately addressed by the applicant, the Town Manager or designee shall prepare a staff report discussing whether the applicable standards of the Ridgway Municipal Code have been satisfied. The staff report should identify issues raised through staff and referral agency review, potential mitigation requirements, any recommended conditions for approval, and any additional information pertinent to the review of the application.

## (6) Notice Requirements

All public notices of hearings required by these Zoning Regulations shall include the date, time, place, and purpose of the hearing, a general description of the property affected, and any other information deemed appropriate to apprise the public of the general nature of the action proposed. Errors or inaccuracies in the notice shall not be deemed sufficient cause to postpone or invalidate a hearing except where such errors are substantive in material and are found to have reasonably misled or misinformed the public.

### (a) Notice by Posting

When notice by posting is required for a public hearing by Table T-4.1, the Town shall be responsible for notice of the hearing which shall be posted at Town Hall ten (10) days before the hearing and posted on the subject property in a location that is visible from each street frontage abutting the property, for at least ten (10) days prior to the hearing in addition to any other notice required by Town regulations.

### (b) Notice by Publication

When notice by publication is required for a public hearing by Table T-4.1, the Town shall be responsible for notice of the hearing which shall be published in the designated newspaper of the Town of Ridgway at least ten (10) days before the date of the hearing.

### (c) Mineral Estates Notice.

Per 24-65.5-103, C.R.S. if the surface estate and mineral estate are severed, the owners of severed mineral estates shall be entitled to notification of not less than thirty (30) days before the date scheduled for the public hearing for the application. A copy of the notice shall be given to the Town along with the applicant's certification of compliance with said notification requirements. Provided this notice is not required if notice was previously sent and such certification previously provided with respect to the same surface development, or the application is only platting an additional single lot, unless a mineral estate owner has requested notice pursuant to 24-6-402(7), C.R.S.

## (7) Public Hearings

When an application requires a public hearing before the Planning Commission, the Town Council, or the Board of Adjustment in accordance with Table T-4.1, the following shall apply:

- (a) The Town shall set the date and time of a public hearing. Notice of the public hearing shall be issued in accordance with Table T-4.1 and Section 7-4-3(B)(6), Notice Requirements.
- (b) At the public hearing, the reviewing body shall review the application for conformance with the applicable review standards and approval criteria for the request.
- (c) Any public hearing or other action of the body may be continued or postponed at any time to a specified date and time in order to permit preparation of additional information for further review by the reviewing body.
- (d) When required, the Planning Commission recommendation shall be forwarded to the Town Council. Following a public hearing, the Town Council shall approve, approve with conditions, or deny the application or continue the matter to a date certain.

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- (e) The applicant shall bear the burden of presenting sufficient competent evidence at the public hearing to support the standards for approval set forth by this Ridgway Municipal Code. Any decision by the reviewing body to recommend, or to act to, approve, conditionally approve, or deny an application shall be based upon a consideration of all evidence presented during the public hearing. Where evidence presented is contradictory, the reviewing body shall weigh such evidence and judge the credibility and sufficiency of the evidence prior to rendering a decision.
- (8) Post Approval
  - (a) Review. Prior to recording of the approved documents, the applicant shall submit all final documents reflecting any conditions of approval to the Town Manager or designee for final review and acknowledgement.
  - (b) Recording. Ordinances, resolutions, plats, and other documents as stated throughout this section, shall be required to be recorded with the Ouray County Clerk and Recorder shall be fully executed by the applicant and filed for execution by the Town and recorded. Recording of all documents shall be completed within ninety (90) days from the date of approval by the approving body.
  - (c) Effective Upon Recording. The approval does not become effective until all approved documents have been properly recorded with the Ouray County Clerk and Recorder.

## **(C) Zoning Map Amendment**

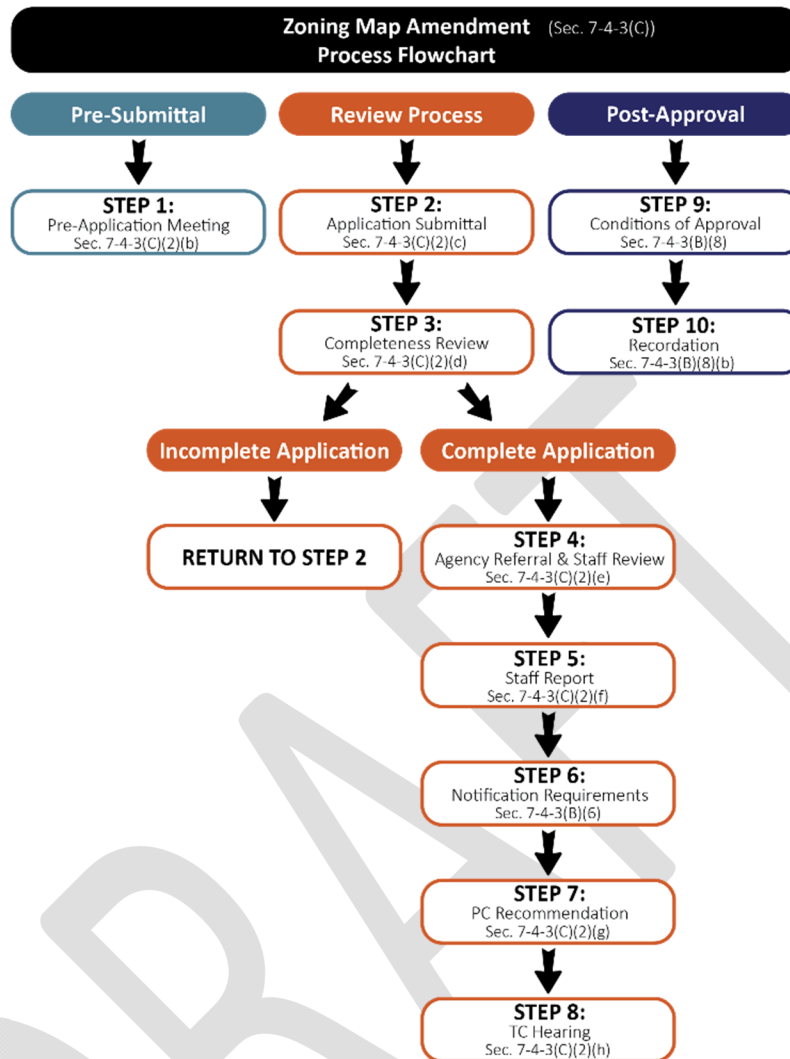
- (1) General Provisions.
  - (a) Amendments to the Official Zoning Map may be made by an ordinance enacting a revised map or by an ordinance amending portions of the Official Zoning Map by specifying the legal description of the property to be rezoned. A copy of the Official Zoning Map, as amended from 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.
  - (b) 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.
  - (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.
- (2) Review Procedures.
  - (a) Review Flowchart.

The flowchart F-4.1 depicts the zoning map amendment application review process described in greater detail in this section.

*Figure F-4.1, Zoning Map Amendment Flowchart*

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## (b) Pre-Application Meeting.

A pre-application meeting may be held in accordance with the provisions set forth in Section 7-4-3(B)(1), Pre-Application Meeting.

## (c) Application Submittal Requirements.

The following are the application materials required to be submitted for a zoning map amendment request. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

- (i) Basic Application Materials. All materials set forth in Section 7-4-3(B)(2), Application Material Requirements.
- (ii) Written Narrative. A written narrative shall be submitted addressing all of the following items and any other pertinent or necessary information.
  - a. A general written narrative describing the purpose of the project;
  - b. The source and quantity of water required for the proposed use(s) within the project;
  - c. The method of wastewater treatment and anticipated quantity of wastewater generated;

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- d. When water or wastewater service would be provided by a municipality or a water or sanitation district or other public entity, written confirmation that such entity is willing and able to provide such service;
- e. A description of any natural or man-made hazard within or in the vicinity of the land within the application and a statement describing how the anticipated impact of such hazards would be mitigated if the proposed request requires such mitigation;
- f. A vicinity map showing to scale the proposed project area in relationship to the surrounding municipal and unincorporated area;
- g. A description of any unique features, such as historical sites, unique landforms or scenic vistas, contained within the project area.

(iii) Site Improvement Plan.

- a. The size of the map shall be of a size that is legible for reasonable review and interpretation, as determined by the Town Manager or designee;
- b. A scale that is one (1) inch equals two hundred (200) feet or another suitable scale if approved by Town Manager or designee;
- c. Legal description of the parcel;
- d. North arrow, scale, and legend;
- e. A vicinity map at a suitable scale;
- f. Outline of the parcel boundary or the portion of the parcel that the application applies to;
- g. The location and name of any streams, ponds, waterways, and irrigation ditches within the property boundaries;
- h. The location and names of all roads and highways abutting the site;
- i. All existing and proposed structures and their dimensions;
- j. The location, dimensions and design of any existing signs on the site;
- k. All utility easements or rights-of-way for telephone, gas, electric, water and sewer lines;
- l. The location of vehicular drives, entrances, exits, acceleration and deceleration lanes; location and dimensions of pedestrian entrances, exits, walks and walkways;
- m. General location, arrangement and dimensions of parking spaces, aisles, bays and other similar information; and
- n. A notation on the site improvement plan of all existing or potential natural or manmade hazards on or adjacent to the site and a narrative description of an acceptable plan for the mitigation of the impact of such identified hazards.

(iv) Supplemental Materials. The following items are also required to be submitted to the Town:

- a. Proof of minimum guaranteed water supply.

(v) Additional Requirements.

- a. Any other information deemed necessary by the Town Manager or designee to assist in the review of the application.

(d) Completeness Review.

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The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section 7-4-3(B)(3), Completeness Review.

(e) Evaluation by Staff and Referral Agencies.

Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section 7-4-3(B)(4), Referral Agencies and review the application for conformance with the requirements and standards of this Chapter.

(f) Staff Report.

A staff report shall be prepared and provided to the reviewing body in accordance with Section 7-4-3(B)(5), Staff Report.

(g) Review and Recommendation by the Planning Commission.

(i) The Planning Commission shall review the zoning map amendment application in a manner consistent with Table T-4.1 to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission may provide either a recommendation to approve, approve with conditions, or deny the application to the Town Council based on the criteria set forth in Section 7-4-3(C)(3), Approval Criteria.

(ii) The Planning Commission may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to providing a recommendation to the Town Council.

(h) Review and Action by the Town Council.

(i) The final decision to approve, approve with conditions, or deny a zoning map amendment shall be made by the Town Council in a manner consistent with Table T-4.1 and be based upon the criteria set forth in Section 7-4-3(C)(3), Approval Criteria.

(ii) The Town Council may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Town Council prior to making a final decision.

(3) Approval Criteria.

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 general 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.

## **(D) Text Amendment**

(1) General Provisions.

Text amendments are changes to these Land Use Regulations. Such amendments may be submitted, reviewed, and approved pursuant to this section to respond to changed conditions, changes to public policy, or to advance the general welfare of the town. The review process for text amendments shall be reviewed as set forth in Section 7-4-3(D)(2), Review Procedures. A text amendment may only be initiated by the Planning Commission, Town Council, or the Town Manager or designee.

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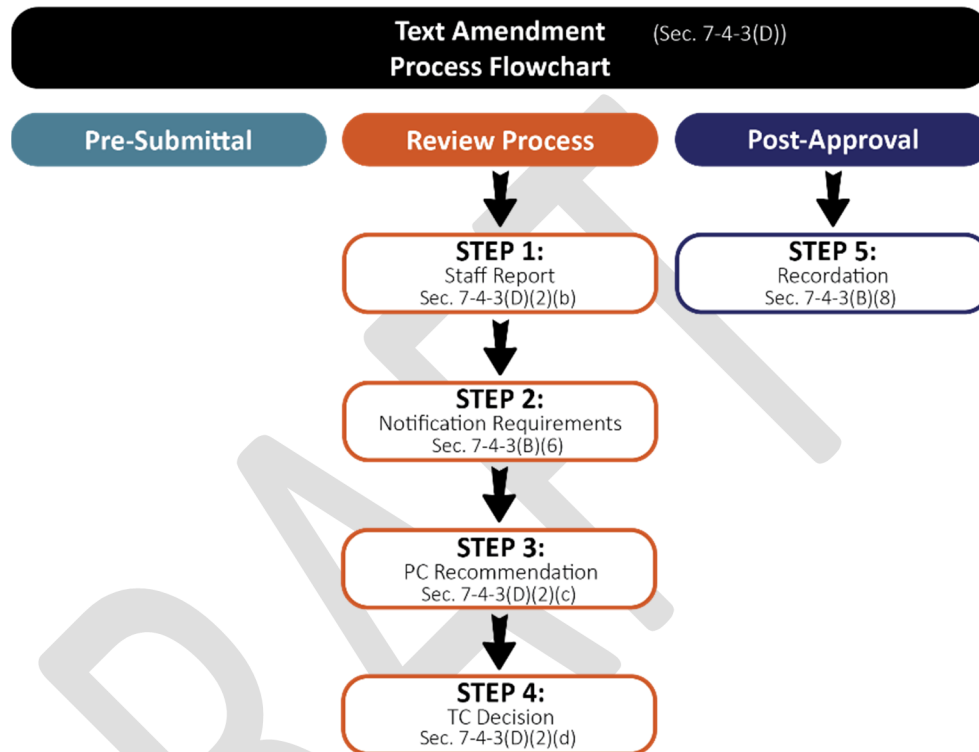
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## (2) Review Procedures

### (a) Review Flowchart

The flowchart F-4.2 depicts the text amendment application review process described in greater detail in this section.

Figure F-4.2, Text Amendment Flowchart



### (b) Staff Report.

A staff report shall be prepared and provided to the reviewing body in accordance with Section 7-4-3(B)(5), Staff Report.

### (c) Review and Recommendation by the Planning Commission.

- (i) The Planning Commission shall review the text amendment application in a manner consistent with Table T-4.1 to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission may provide either a recommendation to approve, approve with conditions, or deny the application to the Town Council based on the criteria set forth in Section 7-4-3(D)(3), Approval Criteria.
- (ii) The Planning Commission may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to providing a recommendation to the Town Council.

### (d) Review and Action by the Town Council.

- (i) The final decision to approve, approve with conditions, or deny a text amendment shall be made by the Town Council in a manner consistent with Table T-4.1 and be based upon the criteria set forth in Section 7-4-3(D)(3), Approval Criteria.

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- (ii) The Town Council may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Town Council prior to making a final decision.

## (3) Approval Criteria.

The following criteria shall be found to be met by the application and supplemental materials in order for the Planning Commission and/or Town Council to recommend approval or approve a text amendment.

- (a) The text amendment is consistent with the intent of applicable portions of the Master Plan in the reasonable judgement of the approving body; and
- (b) The proposed text amendment is necessary to correct an omission or error in the code; or
- (c) The proposed text amendment is necessary to adapt to a change in conditions within the town; or
- (d) Changes in public policy are needed to advance the general welfare of the town.

## **(E) Conditional Uses**

### (1) General Provisions

Conditional uses are land uses that have potential for causing adverse impacts on other uses due to such factors as location, method of operation, scale or intensity of activity, or traffic generated. Because of their unusual or special characteristics, conditional uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties and the Town of Ridgway at large. Conditional uses may be permitted subject to such conditions and limitations as the town may prescribe. The intent is to ensure that the location and operation of the conditional use is in accordance with the development objectives of the town and the Master Plan and will not be detrimental to other uses or properties. All conditional uses shall meet all applicable standards as detailed in this Chapter. The review process for conditional uses is set forth in Section 7-4-3(E)(2), Review Procedures.

- (a) Applicability. Conditional use approval is required for those uses listed as conditional uses in the Land Use Table in Section 7-4-4(O).
- (b) An application for conditional use approval is required and shall be submitted at the same time as site plan review if one is necessary.
- (c) Conditional use permits run with the land and approval may be revoked upon failure to comply with conditions associated with the original approval of the conditional use.
- (d) Conditional use permits issued prior to the effective date of these Land Development Regulations shall be allowed to continue as long as the use is consistent with the conditions of the permit and the provisions of Section 7-4-13, Nonconforming Uses and is renewed as required by the conditional use permit. If the conditions of approval are not maintained, it shall be considered a violation of these Land Development Regulations, punishable in a manner set forth in Section 7-1-7 Enforcement and Administration. In addition, the Town may revoke the permit.

### (2) Review and Revocation of a Conditional Use Permit

- (a) At such intervals as the Planning Commission may have specified in its original decision, or when there is an alleged violation of the provisions of a conditional use permit, the Town Manager or designee shall review the terms, conditions, and other provisions of conditional use permit(s) issued by Planning Commission.
- (b) Upon review of the permit terms, conditions, and provisions, the Town Manager or designee shall make recommendations to the Planning Commission at its next available meeting to remedy any violations, the reasons for such recommendations, and specific time period(s) in which violations of the provisions of the permit shall be corrected.

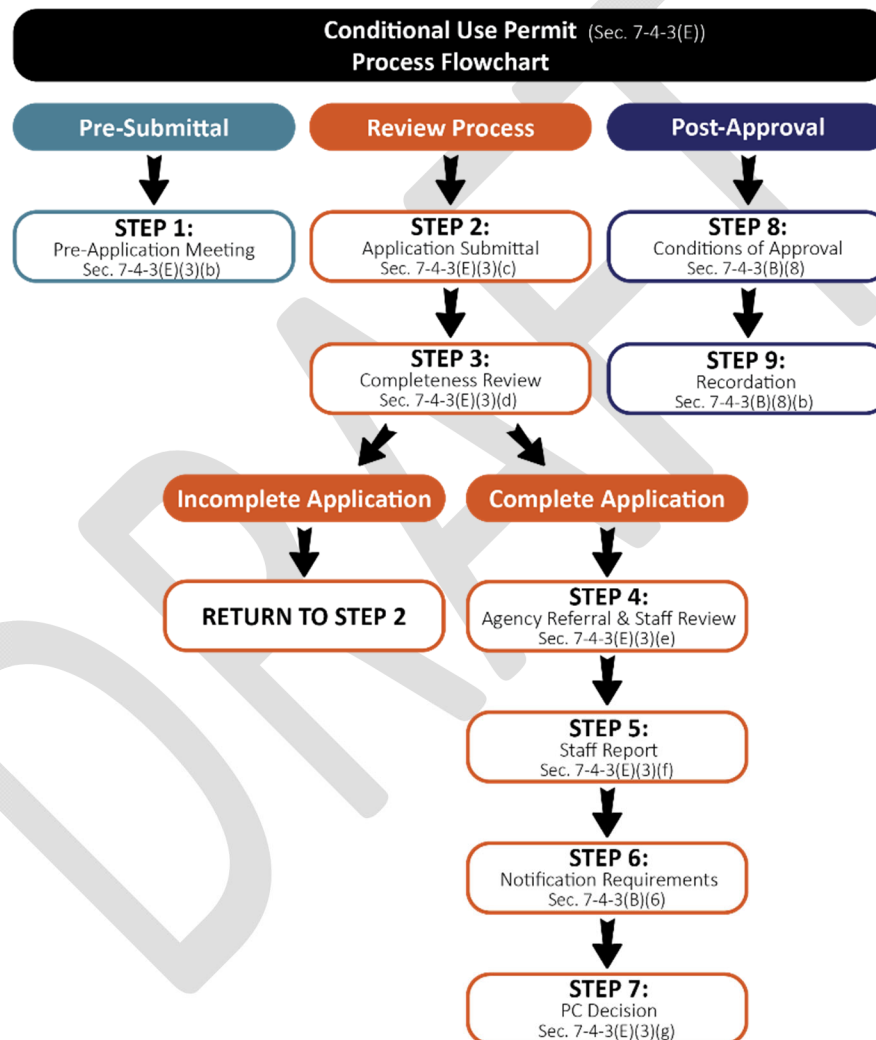


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- (c) The Planning Commission may apply any and all remedies and penalties set forth in the Municipal Code to correct violations of a conditional use permit.
  - (d) If the Town Council finds that terms, conditions, and/or provisions of a conditional use permit have been violated, the conditional permit shall be revoked, and such use shall be considered in violation of the Ridgway Municipal Code.
- (3) Review Procedures
- (a) Review Flowchart. Figure F-4.3, Conditional Use Permit Flowchart, depicts the conditional use permit application review process described in greater detail in this section.

Figure F-4.3, Conditional Use Permit Flowchart



- (b) Pre-Application Meeting.

A pre-application meeting may be held in accordance with the provisions set forth in Section 7-4-3(B)(1), Pre-Application Meeting.

- (c) Application Submittal Requirements.

The following are the application materials required to be submitted for conditional use requests. The Town Manager or designee may waive or alter any of the submittal



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requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

- (i) Basic Application Materials. All items set forth in Section 7-4-3(B)(2), Application Submittal Requirements.
- (ii) Written Narrative. A written narrative shall be submitted addressing all of the following items and any other information:
  - a. A general written narrative describing the purpose of the project;
  - b. Description of the current land use(s) on the property, the characteristics of the land within the property boundaries, and the current land use on all adjoining property;
  - c. A time schedule for construction and/or operation;
  - d. Description of how the use will be operated;
  - e. How ongoing maintenance of the use and site will be provided;
  - f. How the use's impacts on surrounding properties will be minimized and mitigated;
  - g. A statement describing how the proposed use would be in compliance with the provisions of the Master Plan;
  - h. The proposed sources of water and sanitary sewer; and
  - i. A listing of additional local, state and/or federal permits required prior to commencing the proposed land use and notation of which permits have been applied for and which, if any, have been granted.
- (iii) Site Improvement Plan.
  - a. The size of the map shall be of a size that is legible for reasonable review and interpretation, as determined by the Town Manager or designee;
  - b. A scale that is one (1) inch equals two hundred (200) feet or another suitable scale if approved by Town Manager or designee;
  - c. Legal description of the parcel;
  - d. North arrow; scale, and legend;
  - e. A vicinity map at a suitable scale;
  - f. Outline of the parcel boundary or the portion of the parcel that the conditional use applies to;
  - g. The location and name of any streams, ponds, waterways and irrigation ditches within the property boundaries;
  - h. Current and proposed grading and drainage patterns including:
    - i. Drainage arrows depicting surface flow;
    - ii. Drainage facilities and improvements; and
    - iii. A grading plan depicting existing and proposed site contours at two-foot intervals;
  - i. The location and names of all roads and highways abutting the site;
  - j. All existing and proposed structures and their dimensions;
  - k. The location, and dimensions of any existing and proposed signs on the site;
  - l. All utility easements or rights-of-way transmission and/or service lines;

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- m. The location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes; location and dimensions of pedestrian entrances, exits, walks and walkways;
- n. General location, arrangement and dimensions of parking spaces, width of aisles, width of bays, angle of parking and other similar information;
- o. A notation on the site improvement plan of all existing or potential natural or manmade hazards on or adjacent to the site and a narrative description of an acceptable plan for the mitigation of the impact of such identified hazards; and
- p. Any other information deemed necessary by the Town Manager or designee to assist in the review of the application.

(iv) Supplemental Materials.

The following items are required to be submitted to the Town of Ridgway:

- a. Drainage plan or study calculating historic and proposed surface and stormwater flows and how such flows will be managed.
- b. Traffic statement or study identifying current and proposed traffic counts and proposed trip generation along with any needed or anticipated improvements to mitigate the projects use on the public transportation network and infrastructure.
- c. Proof of minimum guaranteed water supply appropriate for the requested use.

(v) Additional Requirements.

- a. Where deemed required by the Town Manager or designee, applicants shall submit an Industrial Use Mitigation Report that details how the proposed use will conform to the criteria outlined in Section XXX, Performance Standards.
- b. Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.

(d) Completeness Review.

The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section 7-4-3(B)(3), Completeness Review.

(e) Evaluation by Staff and Referral Agencies.

Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section 7-4-3(B)(4), Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.

(f) Staff Report.

A staff report shall be prepared and provided to the reviewing body in accordance with Section 7-4-3(B)(5), Staff Report.

(g) Review and Action by the Planning Commission.

- (i) The Planning Commission shall review the conditional use application in a manner consistent with Table T-4.1 to evaluate compliance with applicable standards. The final decision to approve, approve with conditions, or deny a conditional use permit shall be made by the Planning Commission in a manner consistent with Table T-4.1 and be based upon the criteria set forth in Section 7-4-3(E)(4), Approval Criteria.
- (ii) The Planning Commission may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional

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information for further review by the Planning Commission prior to making a final decision.

## (4) Approval Criteria.

Uses listed as conditional uses for the various zoning districts provided in this Chapter shall be allowed only if the Planning Commission determines, following review pursuant to Subsection 7-4-3(3), that the following criteria are substantially met with respect to the type of use and its dimensions:

- (a) The use will not be contrary to public health, safety, or welfare.
- (b) The use is not materially adverse to the Town's Master Plan.
- (c) Streets, pedestrian facilities, and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.
- (d) The use is compatible with existing uses in the area and other allowed uses in the District.
- (e) The use will not have an adverse effect upon other property values.
- (f) The location of curb cuts and access to the premises will not create traffic hazards.
- (g) 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.
- (h) 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.

## **(F) Minor Amendment to a Conditional Use Permit**

### (1) General Provisions

- (a) Minor amendments to conditional use permits are those that do not alter the basic intent and character of the approved conditional use and are deemed necessary in light of technical or engineering considerations not first discovered during actual construction; or could not have been reasonably anticipated during the initial review process. Minor amendments shall not include changes in use.
- (b) Any change not qualifying as a minor amendment shall be processed as a new conditional use request.
- (c) No conditional use permit may receive more than one (1) minor amendment. For purposes of this subsection, a minor amendment may include multiple amendments consolidated and submitted as one minor amendment to a conditional use permit application. Any additional amendments, minor or otherwise, shall be processed as a new conditional use application pursuant to Section 7-4-3(E), Conditional Use Permit.
- (d) The review process for a minor amendment to conditional use permit is set forth in Section 7-4-3(F)(2), Review Procedures. These minor amendments may include, but are not limited to:
  - (i) Variations to the location of an approved building footprint of not more than five (5) feet;
  - (ii) Minor deviations in the location of infrastructure (roads and utilities);
  - (iii) Pedestrian or vehicular circulation throughout or adjacent to the project;
  - (iv) Changes to the gross floor area of not more than ten (10) percent of the approved square footage;
  - (v) Modifications to include necessary operations to enhance the area or clear the site;

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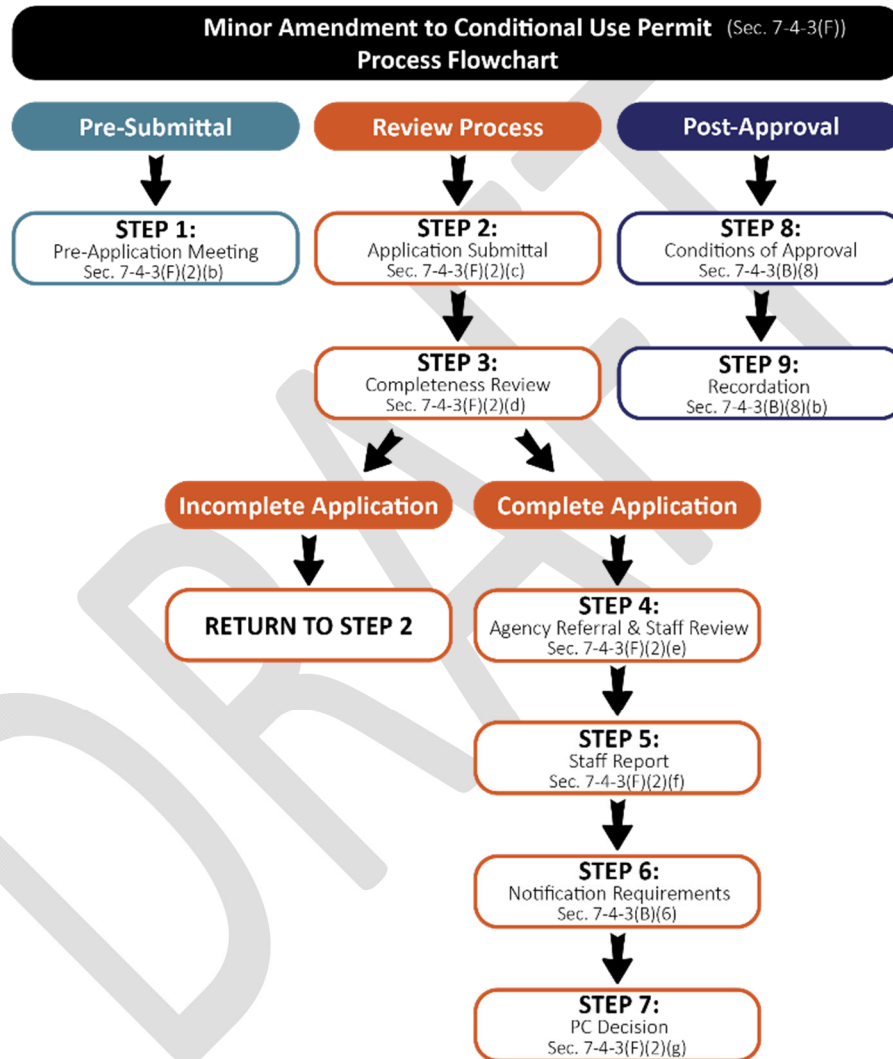
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- (vi) Modification to the day by which the conditional use permit is in operation;
- (vii) Other minor changes to a conditional use permit as determined by the Town Manager or designee.

### (2) Review Procedures

- (a) Review Flowchart. Figure F-4.4, Minor Amendment to a conditional use permit Flowchart, depicts the minor amendment to a conditional use permit application review process described in greater detail in this section.

Figure F-4.4, Minor Amendment to a Conditional Use Permit Flowchart



### (b) Pre-Application Meeting.

A pre-application meeting may be held in accordance with the provisions set forth in Section 7-4-3(B)(1), Pre-Application Meeting.

### (c) Application Submittal Requirements.

The following are the application materials required to be submitted for minor amendment to conditional use permit requests. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

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- (i) Basic Application Materials. All items set forth in Section 7-4-3(B)(2), Application Submittal Requirements.
  - (ii) Written Narrative. A written narrative shall be submitted addressing all of the following items and any other information.
    - a. A general narrative of the conditional use permit issued by the town and any conditions or provisions included in such permit;
    - b. A description of the minor amendment being requested and justification and rationale for such request; and
    - c. Any impacts the amendment may have on the use, adjacent properties, and/or public infrastructure.
  - (iii) Site Improvement Plan. The site improvement plan shall include all items required for a conditional use set forth in Section 7-4-3(E)(3)(c)(iii), Site Improvement Plan.
  - (iv) Supplemental Materials. The supplemental materials shall include all items required for a conditional use set forth in Section 7-4-3(E)(3)(c)(iv), Supplemental Materials.
  - (v) Additional Requirements. Any additional information deemed necessary by the Town Manager or designee to assist in the review of the application.
- (d) Completeness Review.
- The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section 7-4-3(B)(3), Completeness Review.
- (e) Evaluation by Staff and Referral Agencies.
- Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section 7-4-3(B)(4), Referral Agencies and review the application for conformance with the requirements and standards of these Land Use Regulations.
- (f) Staff Report.
- A staff report shall be prepared and provided to the reviewing body in accordance with Section 7-4-3(B)(5), Staff Report.
- (g) Review and Action by the Planning Commission.
- (i) The Planning Commission shall review the minor amendment to a conditional use application in a manner consistent with Table T-4.1 to evaluate compliance with applicable standards. The final decision to approve, approve with conditions, or deny a minor amendment to a conditional use permit shall be made by the Planning Commission in a manner consistent with Table T-4.1 and be based upon the criteria set forth in Section 7-4-3(E)(4), Approval Criteria.
  - (ii) The Planning Commission may, in its sole discretion, continue or postpone the meeting to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to making a final decision.

## (3) Approval Criteria

A minor amendment to a conditional use permit may be approved by the Planning Commission if the application is found to meet the approval criteria of a conditional use permit set forth in Section 7-4-3(E)(4), Approval Criteria.

## **(G) Temporary Use Permits**

### (1) General Provisions.

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Temporary uses or structures are uses and/or structures that will be used for a specified period of time, are not permanent, or are for a special event or purpose. The review process for a temporary use permit is set forth in Section 7-4-3(G)(2), Review Procedures.

- (a) 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:

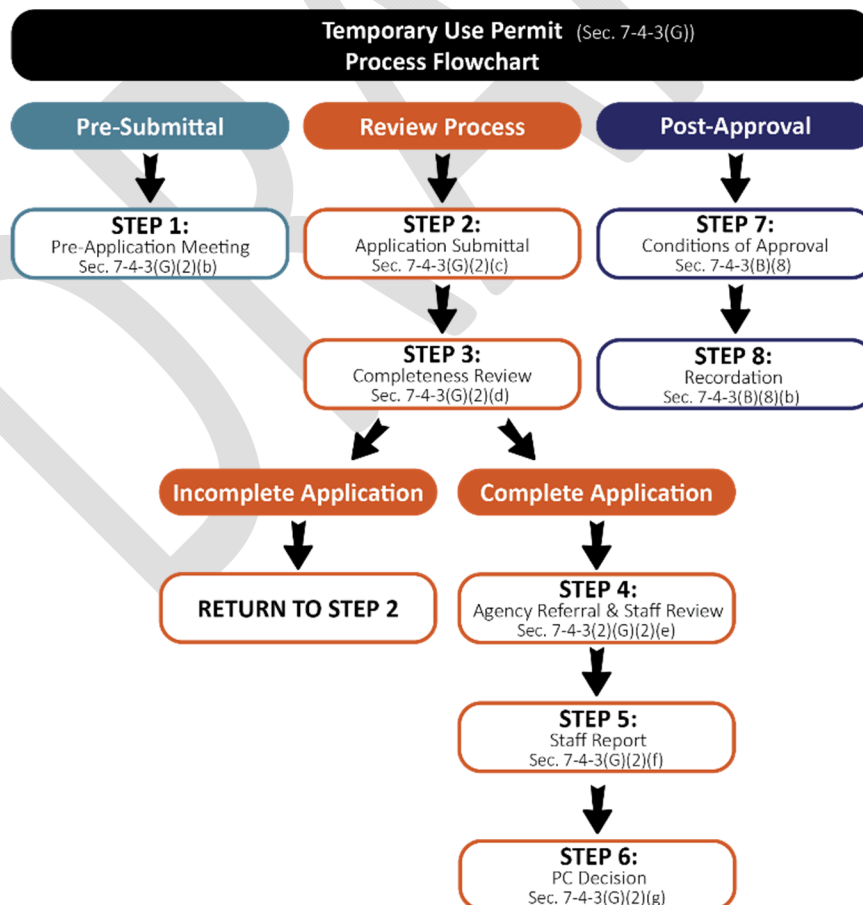
Use	Zoning District	Period
Construction office incidental to construction on premises	All districts	9 months
Carnival, circus, bazaar, fairs	Commercial	1 week
Tent meetings or crusades	Commercial	2 weeks

- (b) A permit for a period of up to one year may be issued under the following circumstances by the Planning Commission for temporary location or use of a manufactured home or travel home:
- (i) For fire protection or security purposes in the General Commercial District.
  - (ii) At a construction site during the construction period.

## (2) Review Procedures.

- (a) Review Flowchart. Figure F-4.5, Temporary Use Permit Flowchart, depicts the temporary use permit application review process described in greater detail in this section.

Figure F-4.5, Temporary Use Permit Flowchart



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- (b) Pre-Application Meeting. A pre-application meeting may be held in accordance with the provisions set forth in Section 7-4-3(B)(1), Pre-Application Meeting.
- (c) Application Submittal Requirements. The following are the application materials required to be submitted for temporary use requests. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.
  - (i) Basic Application Materials. All items set forth in Section 7-4-3(B)(2), Application Submittal Requirements.
  - (ii) Written Narrative. A written narrative shall be submitted addressing all of the following items and any other information:
    - a. A general written narrative describing the purpose of the project;
    - b. Description of the current land use(s) on the property, the characteristics of the land within the property boundaries, and the current land use on all adjoining property;
    - c. A time schedule for construction and/or operation;
    - d. Description of how the use will be operated;
    - e. How ongoing maintenance of the use and site will be provided;
    - f. How the use's impacts on surrounding properties will be minimized and mitigated;
    - g. A statement describing how the proposed use would be in compliance with the provisions of the Master Plan;
    - h. The proposed sources of water and sanitary sewer; and
    - i. A listing of additional local, state and/or federal permits required prior to commencing the proposed land use and notation of which permits have been applied for and which, if any, have been granted.
  - (iii) Site Improvement Plan
    - a. The size of the map shall be of a size that is legible for reasonable review and interpretation, as determined by the Town Manager or designee;
    - b. A scale that is one (1) inch equals two hundred (200) feet or another suitable scale if approved by Town Manager or designee;
    - c. Legal description of the parcel;
    - d. North arrow; scale, and legend;
    - e. A vicinity map at a suitable scale;
    - f. Outline of the parcel boundary or the portion of the parcel that the conditional use applies to;
    - g. The location and name of any streams, ponds, waterways and irrigation ditches within the property boundaries;
    - h. Current and proposed grading and drainage patterns including:
      - i. Drainage arrows depicting surface flow;
      - ii. Drainage facilities and improvements; and
      - iii. A grading plan depicting existing and proposed site contours at two-foot intervals;
    - i. The location and names of all roads and highways abutting the site;

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- j. All existing and proposed structures and their dimensions;
  - k. The location, and dimensions of any existing and proposed signs on the site;
  - l. All utility easements or rights-of-way transmission and/or service lines;
  - m. The location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes; location and dimensions of pedestrian entrances, exits, walks and walkways;
  - n. General location, arrangement and dimensions of parking spaces, width of aisles, width of bays, angle of parking and other similar information;
  - o. A notation on the site improvement plan of all existing or potential natural or manmade hazards on or adjacent to the site and a narrative description of an acceptable plan for the mitigation of the impact of such identified hazards; and
  - p. Any other information deemed necessary by the Town Manager or designee to assist in the review of the application.
- (iv) Additional Requirements. Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.
- (d) Completeness Review.
- The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section 7-4-3(B)(3), Completeness Review.
- (e) Evaluation by Staff and Referral Agencies.
- Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section 7-4-3(B)(4), Referral Agencies and review the application for conformance with the requirements and standards of these Land Use Regulations.
- (f) Staff Report.
- A staff report shall be prepared and provided to the reviewing body in accordance with Section 7-4-3(B)(5), Staff Report.
- (g) Review and Decision by Planning Commission.
- (i) The Planning Commission shall review the temporary use application to evaluate compliance with applicable standards. Following the review, the Planning Commission may approve, approve with conditions, or deny an application for a temporary use permit based on the criteria set forth in Section 7-4-3(G)(3), Approval Criteria.
  - (ii) The Planning Commission may, in its sole discretion, continue or postpone the meeting to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to making a final decision.
- (3) Approval Criteria. The following criteria shall be met by the application and supplemental materials in order for the Planning Commission or designee to issue a temporary use permit.
- (a) The owner of the property on which the temporary use, structure or event is proposed consents in writing to the issuance of the permit;
  - (b) Local governmental agencies have the resources to dedicate to the use, structure or event;
  - (c) The use, structure or event is not too intrusive or destructive to the community;
  - (d) The proposed use, structure or event is compatible with surrounding land users and uses;
  - (e) The use, structure or event complies with all requirements imposed by this code; and
  - (f) The use, structure or event complies with all applicable laws and regulations.



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## (H) Site Plan

### (1) General Provisions.

- (a) The purpose of a site plan is to ensure compliance with the town's development and design standards and the provisions of this code. It is designed to encourage quality development reflective of the goals, policies, and objectives of the town of Ridgway. The character and environment of the town for future years will be greatly affected by the design of development. Planning, layout, and design of sites are of the utmost concern. Safe mobility for pedestrians and motor vehicles is important. Lots should provide desirable settings for the buildings that are to be constructed, make use of natural contours, protect significant views, and afford privacy for residents. Natural features should be preserved when practicable.
- (b) The site plan shall ensure that all nonresidential and multifamily uses comply with access, parking, setbacks, signage, and other site design standards as required by the Ridgway Municipal Code. When site plan review is required, structures shall not be constructed or installed and uses may not begin until a site plan showing the proposed development has been approved in accordance with the procedures and provisions of this section. The review process for site plans is set forth in Section 7-4-3(H)(2), Review Procedures.
- (c) The following projects require site plan approval:
  - (i) All new uses and structures which are not exempted in Section 7-4-3(H)(1)(d);
  - (ii) Any modification of an existing use, structure, or site where, in the opinion of the Town Manager or designee, significant changes to the use, structure, or site are proposed; or
  - (iii) Any modification of an existing structure where the exemption limits set forth in Section 7-4-3(H)(1)(d)(ii) are exceeded.
- (d) The following projects are exempt from site plan approval:
  - (i) Single-family dwelling; or
  - (ii) Duplex dwelling; or
  - (iii) Any proposed modification of an existing structure where less than twenty (20) percent of gross floor footage of the existing structure is being modified, provided that the modification does not exceed one thousand (1,000) gross square feet.

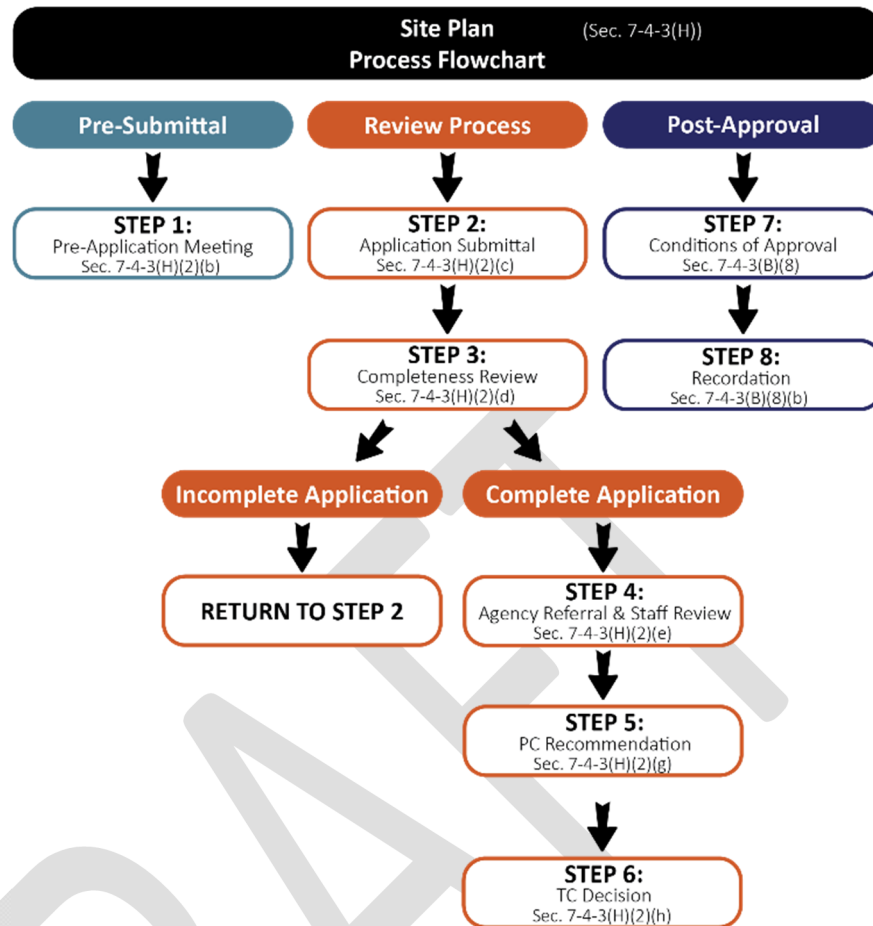
### (2) Review Procedures

- (a) Review Flowchart. Figure F-4.6, Site Plan Flowchart, depicts the site plan application review process described in greater detail in this section.

*Figure F-4.6, Site Plan Flowchart*

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(b) Pre-Application Meeting.

A pre-application meeting may be held in accordance with the provisions set forth in Section 7-4-3(B)(1), Pre-Application Meeting.

(c) Application Submittal Requirements.

The following are the application materials required to be submitted for site plan requests. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

- (i) Basic Application Materials. All items set forth in Section 7-4-3(B)(2), Application Submittal Requirements.
- (ii) Written Narrative. A written narrative shall be submitted addressing all of the following items and any other information:
  - a. A general written narrative describing the purpose of the project;
  - b. The proposed vehicular access including ingress, egress, internal circulation, and parking;
  - c. The source and quantity of water required for the proposed use(s) within the area to be developed;
  - d. The method of wastewater treatment and anticipated quantity of wastewater generated;

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- e. When water or wastewater service would be provided by a municipality or a water or sanitation district or other public entity, written confirmation that the public entity in question is willing and able to provide the service in question;
- f. A description of any natural or man-made hazard within or in the vicinity of the subject parcel and a statement describing how the anticipated impact of such hazards would be mitigated if the proposed development requires such mitigation;
- g. A description of any unique features, such as historical sites, unique landforms or scenic vistas, contained within the subject parcel.

## (iii) Site Improvement Plan

- a. The size of the map shall be of a size that is legible for reasonable review and interpretation, as determined by the Town Manager or designee;
- b. A scale that is one (1) inch equals two hundred (200) feet or another suitable scale if approved by Town Manager or designee;
- c. Legal description of the parcel;
- d. North arrow; scale, and legend;
- e. A vicinity map at a suitable scale;
- f. Outline of the parcel boundary or the portion of the parcel that the conditional use applies to;
- g. The location and name of any streams, ponds, waterways and irrigation ditches within the property boundaries;
- h. Current and proposed grading and drainage patterns including:
  - i. Drainage arrows depicting surface flow;
  - ii. Drainage facilities and improvements; and
  - iii. A grading plan depicting existing and proposed site contours at two-foot intervals.
- i. The location and names of all roads and highways abutting the site;
- j. All existing and proposed structures and their dimensions;
- k. The location, and dimensions of any existing and proposed signs on the site;
- l. All utility easements or rights-of-way transmission and/or service lines;
- m. The location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes; location and dimensions of pedestrian entrances, exits, walks and walkways;
- n. General location, arrangement and dimensions of parking spaces, width of aisles, width of bays, angle of parking and other similar information;
- o. A notation on the site improvement plan of all existing or potential natural or manmade hazards on or adjacent to the site and a narrative description of an acceptable plan for the mitigation of the impact of such identified hazards; and
- p. Any other information deemed necessary by the Town Manager or designee to assist in the review of the application.

## (iv) Supplemental Materials. The following items are required to be submitted to the Town of Ridgway:

- a. Drainage plan or study calculating historic and proposed surface and stormwater flows and how such flows will be managed.

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- b. Traffic statement or study identifying current and proposed traffic counts and proposed trip generation along with any needed or anticipated improvements to mitigate the projects use on the public transportation network and infrastructure.
- c. Proof of minimum guaranteed water supply appropriate for the requested use.
- d. Development Improvements Agreement Form (executed).

(v) Additional Requirements

- a. Where deemed required by the Town Manager or designee, applicants shall submit an Industrial Use Mitigation Report that details how the proposed use will conform to the criteria outlined in Section 7-4-5, Performance Standards.
- b. Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.

(d) Completeness Review.

The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section 7-4-3(B)(3), Completeness Review.

(e) Evaluation by Staff and Referral Agencies

- (i) Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section 7-4-3(B)(4), Referral Agencies and review the application for conformance with the requirements and standards of these Land Use Regulations.

(f) Staff Report.

A staff report shall be prepared and provided to the reviewing body in accordance with Section 7-4-3(B)(5), Staff Report.

(g) Review and Recommendation by the Planning Commission.

- (i) The Planning Commission shall review the site plan application in a manner consistent with Table T-4.1 to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission may provide either a recommendation to approve, approve with conditions, or deny the application to the Town Council based on the criteria set forth in Section 7-4-3(H)(3), Approval Criteria.
- (ii) The Planning Commission may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to providing a recommendation to the Town Council.

(h) Review and Action by the Town Council.

- (i) The final decision to approve, approve with conditions, or deny a site plan application shall be made by the Town Council in a manner consistent with Table T-4.1 and be based upon the criteria set forth in Section 7-4-3(H)(3), Approval Criteria.
- (ii) The Town Council may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Town Council prior to making a final decision.

(3) Approval Criteria.

Prior to making a decision on a site plan application, the Town Council shall consider the following review criteria and find that each criterion has been met or determined to be inapplicable:

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- (a) The application complies with all requirements imposed by these Land Development Regulations;
- (b) The application complies with all applicable laws and regulations;
- (c) The proposed use does not result in undue traffic congestion or traffic hazards.
- (4) Minor Changes allowed. Minor changes from an approved site plan may be authorized through written authorization from the Town Manager or designee provided that they determine that the proposed changes:
  - (a) Could be approved under the allowable administrative adjustments pursuant to Section 7-4-3(I), had they been requested with the original application; and
  - (b) Comply with the standards of this Section; and
  - (c) Are necessary to meet conditions of approval; and/or
  - (d) Would not significantly alter the function, form, intensity, character, demand on public facilities, or impact on adjacent properties as approved with the original site.

## **(I) Administrative Adjustment**

### **(1) General Provisions.**

An administrative adjustment may be requested by an applicant to adjust any dimensional standard set forth in Chapter 4, Zoning Regulations, by no more than ten (10) percent of the required dimensional standard. An administrative adjustment shall be submitted and reviewed in compliance with this Section 7-4-3(I), Administrative Adjustment.

- (a) The request for an administrative adjustment must be made in writing to Town Manager.
- (b) If an applicant desires over ten (10) percent relief from a dimensional standard set forth in Section 4, Zoning Regulations, the applicant must pursue a variance in accordance with Section 7-4-3(J), Variance.

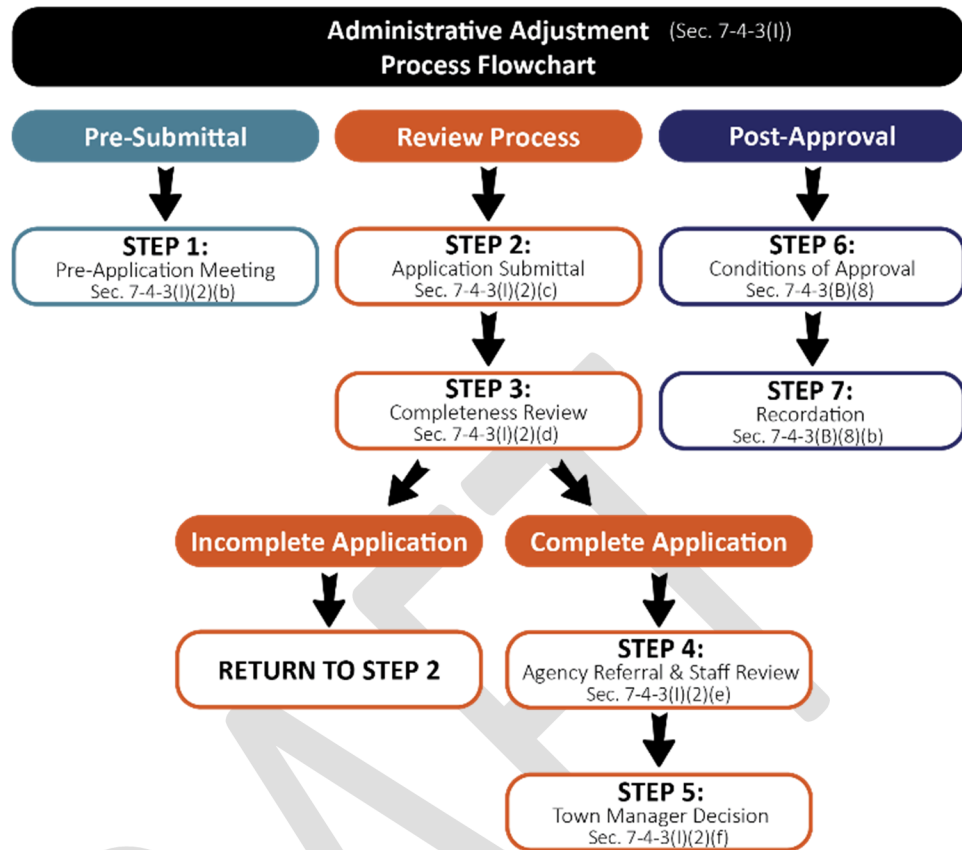
### **(2) Review Procedures**

- (a) Review Flowchart. Figure F-4.7, Administrative Adjustment Flowchart, depicts the administrative adjustment application review process described in greater detail in this section.

*Figure F-4.7, Administrative Adjustment Flowchart*

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(b) Pre-Application Meeting.

A pre-application meeting may be held in accordance with the provisions set forth in Section 7-4-3(B)(1), Pre-Application Meeting.

(c) Application Submittal Requirements.

The following are the application materials required to be submitted for administrative adjustment requests. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

- (i) Basic Application Materials. All items set forth in Section 7-4-3(B)(2), Application Submittal Requirements.
- (ii) Written Narrative. A written narrative shall be submitted addressing all of the following items and any other information:
  - a. A general written narrative describing the purpose of the project;
  - b. Explanation of the request(s) and justification for why the standard for which an adjustment is being requested is unable to be met;
  - c. Any efforts the applicant or property owner has made to meet the minimum standards;
  - d. Justification for the request and how the request is the minimum required standard(s); and
  - e. Description of how the request meets each of the criterion set forth in Section 7-4-3(I)(3), Approval Criteria.

(iii) Site Improvement Plan.

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- a. All existing, required, and proposed dimensional standards clearly depicting the location and increase of the administrative adjustment request.
- b. A table identifying the required standard(s) and the numerical value being requested by the administrative adjustment.

(iv) Additional Requirements

- a. Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.

(d) Completeness Review.

The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section 7-4-3(B)(3), Completeness Review.

(e) Evaluation by Staff and Referral Agencies.

Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section 7-4-3(B)(4), Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.

(f) Review and Decision by Town Manager or designee.

- (i) The Town Manager or designee shall review the administrative adjustment application to evaluate compliance with applicable standards. Following the review, the Town Manager or designee may approve, approve with conditions, or deny an administrative adjustment based on the criteria set forth in Section 7-4-3(I)(3), Approval Criteria.
- (ii) The decision of the Town Manager or designee may be appealed to the Board of Adjustment in accordance with Section 7-4-3(K), Appeal

(3) Approval Criteria.

The Town Manager or designee may approve an administrative adjustment upon a finding that:

- (a) The request is consistent with the intent, purpose, and goals of this Municipal Code;
- (b) The administrative adjustment is of a technical nature (i.e., relief from a dimensional or design standard), and is either:
  - (i) Required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;
  - (ii) Support by an objective or goal from the purpose and intent of the zoning district within which the project is located; or
  - (iii) Proposed to protect sensitive natural resources or better integrate development with the surrounding environment.

## **(J) Variance**

(1) General Provisions.

Variances are deviations from the zoning dimensional standards set forth in Chapter 7, Land Use Development Regulations, that would not be contrary to the public interest when, owing to special circumstances or conditions such as exceptional topographic conditions, narrowness, shallowness or the shape of a specific piece of property, the literal enforcement of the provisions of this Ridgway Municipal Code would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property. No variance from the provisions governing "Uses By Right", and "Conditional Uses" within any zoning district may be granted.

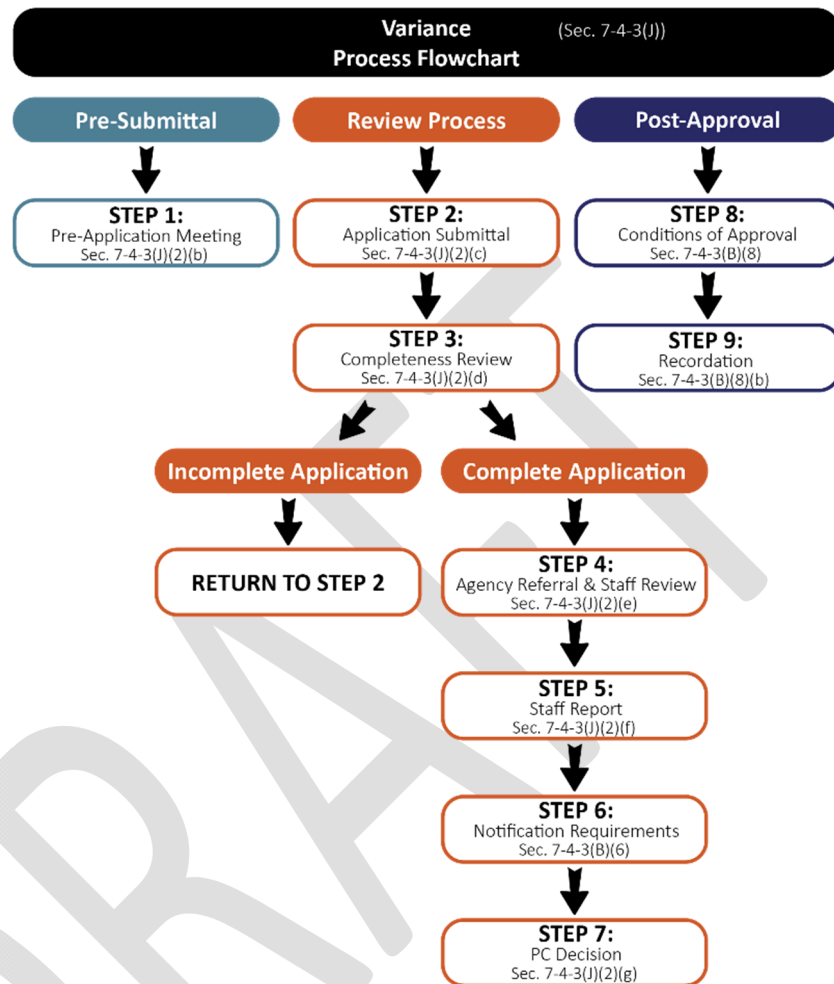
(2) Review Procedures.

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- (a) Review Flowchart. Figure F-4.8, Variance Flowchart, depicts the variance application review process described in greater detail in this section.

Figure F-4.8, Variance Flowchart



- (b) Pre-Application Meeting.

A pre-application meeting may be held in accordance with the provisions set forth in Section 7-4-3(B)(1), Pre-Application Meeting.

- (c) Application Submittal Requirements.

The following are the application materials required to be submitted for variance requests. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

- (i) Basic Application Materials. All items set forth in Section 7-4-3(B)(2), Application Submittal Requirements.
- (ii) Written Narrative. A written narrative shall be submitted addressing all of the following items and any other information:
  - a. Explanation of the request(s) and justification for why the standard for which the variance is being requested is unable to be met;
  - b. Any efforts the applicant or property owner has made to meet the minimum standards;



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- c. Justification for the request and how the request is the minimum required standard(s);
- d. Description of how the request meets each of the criterion set forth in Section 7-4-3(J)(3), Approval Criteria;

## (iii) Site Improvement Plan

- a. All existing, required, and proposed dimensional standards clearly depicting the location and increase of the variance request.
- b. A table identifying the required standard(s) and the numerical value being requested by the variance.

## (iv) Additional Requirements.

Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.

## (d) Completeness Review.

The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section 7-4-3(B)(3), Completeness Review.

## (e) Evaluation by Staff and Referral Agencies.

- (f) Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section 7-4-3(B)(4), Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.

## (g) Staff Report.

A staff report shall be prepared and provided to the reviewing body in accordance with Section 7-4-3(B)(5), Staff Report.

- (h) Review and Decision by Planning Commission. The Planning Commission shall review the variance application in a manner consistent with Table T-4.1 to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission shall approve, approve with conditions, or deny the application based on the criteria set forth in Section 7-4-3(J)(3), Approval Criteria.

- (i) No variance shall be granted with fewer than four (4) concurring votes of the Planning Commission regardless of number of Commissioners present.
- (ii) If there are only four (4) Commissioners present, the applicant may elect to, in their sole discretion, continue the hearing to a future meeting when more than four (4) Commissioners will be present.

## (3) Approval Criteria.

- (a) The Planning Commission may grant a variance for allowed deviations only upon the finding that the following criteria are met:
  - (i) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the zoning ordinance, and
  - (ii) 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 within the Historic Business Zoning District only upon the finding that the following criteria are met:

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- (i) 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,
- (ii) 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,
- (iii) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Off-Street Parking Requirements.

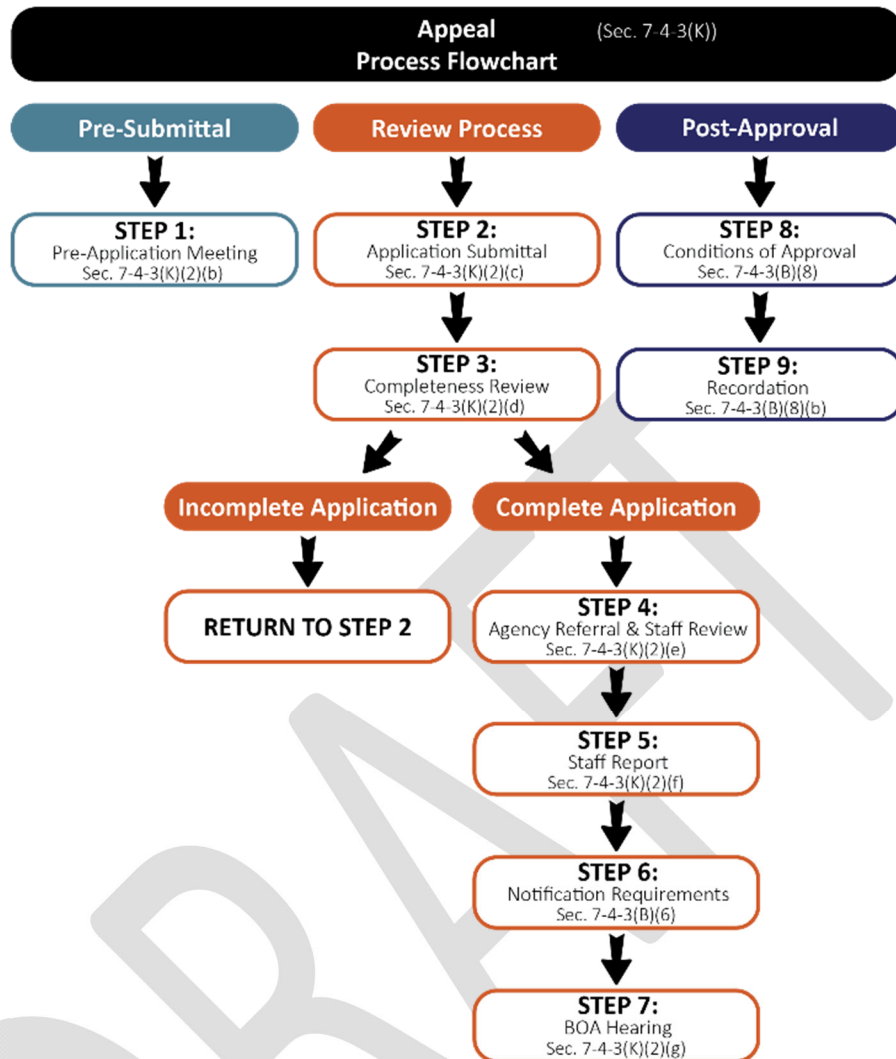
### **(K) Appeal**

- (1) General Provisions. Administrative interpretations and final decisions of the Town Manager or designee may be appealed to the Board of Adjustment. Recommendations to a decision-making authority are not subject to appeal pursuant to this Section 7-4-3(K), Appeal.
  - (a) Any person applying to the courts for a review of any decision made under the terms of this section shall apply for review within thirty (30) days after the date of decision and shall be required to pay the cost of preparing a transcript of proceedings and the application for review shall be in the nature of certiorari under Rule 106 (a) (4) of the Colorado Rules of Civil Procedure. The town shall be entitled to appeal any decision of the District Court under said Rule 106 proceedings.
  - (b) No appeal shall be granted with fewer than four (4) concurring votes of the Board of Adjustment members regardless of number of members present.
  - (c) If there are only four (4) members present, the applicant may elect to, in their sole discretion, continue the hearing to a future meeting when more than four (4) members will be present.
- (2) Review Procedures
  - (a) Review Flowchart. Figure F-4.9, Appeal Flowchart, depicts the appeal application review process described in greater detail in this section.

*Figure F-4.9, Appeal Flowchart*

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## (b) Pre-Application Meeting

A pre-application meeting may be held in accordance with the provisions set forth in Section 7-4-3(B)(1), Pre-Application Meeting.

## (c) Application Submittal Requirements.

The following are the application materials required to be submitted for appeal requests. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

- (i) Basic Application Materials. All items set forth in Section 7-4-3(B)(2), Application Submittal Requirements.
- (ii) Written Narrative. A written narrative shall be submitted addressing all of the following items and any other information:
  - a. Explanation of the request(s) and justification for why the standard for which the variance is being requested is unable to be met;
  - b. Any efforts the applicant or property owner has made to meet the minimum standards;

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- c. Justification for the request and how the request is the minimum required standard(s);
- d. Description of how the request meets each of the criterion set forth in Section 7-4-3(K)(3), Approval Criteria;

(d) Completeness Review

The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section 7-4-3(B)(3), Completeness Review.

(e) Evaluation by Staff and Referral Agencies

Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section 7-4-3(B)(4), Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.

(f) Staff Report

A staff report shall be prepared and provided to the reviewing body in accordance with Section 7-4-3(B)(5), Staff Report.

(g) Review and Decision by Board of Adjustment

The Board of Adjustment shall review the appeals application in a manner consistent with Table T-4.1 to evaluate compliance with applicable standards. Following its review of the application, the Board of Adjustment shall approve, approve with conditions, or deny the application based on the criteria set forth in Section 7-4-3(K)(3) Approval Criteria.

(3) Approval Criteria.

- (a) The Board of Adjustment may only approve an appeal upon a finding that the following criteria have been met:
  - (i) Literal enforcement of the standard or requirement would place an unnecessary and unreasonable hardship upon the applicant;
  - (ii) The granting of the appeal will not be materially detrimental to the public welfare or injurious to other property in the neighborhood and surrounding area;
  - (iii) The appeal will not have adverse effect on the intent, goals, and policies of the Town of Ridgway;
  - (iv) The appeal will not be averse to the intent of the applicable portions of the Master Plan in the reasonable judgement of the Board of Adjustment;
  - (v) Evidence of the manner in which the provision has been interpreted in the past, if applicable; and
  - (vi) The positive or negative impact of the requested appeal on the achievement of the purposes of the Municipal Code.

## 7-4-4 ZONING DISTRICTS

### (A) Establishment of Districts

The following districts are established to encourage the most appropriate use of land within the Town of Ridgway.

### (B) Residential Districts

The residential districts described in this Section 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.

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## (C) Commercial Districts

The commercial districts described in this section are established to support a diverse and sustainable local economy with a mix of retail and service uses meeting the needs of the Ridgway community.

## (D) Industrial Districts

The industrial districts described in this section are established to support a diverse mix of employment opportunities including manufacturing, warehousing, distribution, or office uses to meet the needs of the regional workforce.

Table T-4.2, Zone District Abbreviations

<b>District Regulations</b>	<b>Abbreviation</b>
Low Density Residential District	R
Historic Residential District	HR
Mixed Residential	MR
Future Development District	FD
Historic Business District	HB
Downtown Service District	DS
General Commercial District	GC
Light Industrial District	LI
General Industrial District	GI
Uncompahgre River Overlay District	UROD

## (E) "R" Low Density Residential District

- (1) Intent: This District is intended to accommodate low to moderate density development for single-family 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 cluster development to preserve environmentally sensitive lands, maintain common open space, and to provide recreational opportunities for residents.
- (2) District Standards
  - (a) Permitted uses are identified in Table T-4.3.
  - (b) Lot size and required setbacks are identified in Table T-4.4.

## (F) "HR" Historic Residential District

- (1) 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.
- (2) District Standards
  - (a) Permitted uses are identified in Table T-4.3.
  - (b) Lot size and required setbacks are identified in Table T-4.4.

## (G) "MR" Mixed Residential

- (1) 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.

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## (2) District Standards

- (a) Permitted uses are identified in Table T-4.3.
- (b) Lot size and required setbacks are identified in Table T-4.4
- (c) 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.
- (d) Parks, open spaces or common areas must be incorporated into the development.
- (e) Buildings with a gross floor area greater than 10,000 square feet shall be a conditional use.
- (f) Buildings containing more than 25,000 square feet of gross floor area are not permitted.

## **(H) "FD" Future Development District**

- (1) 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 detached dwellings and agriculture.
- (2) District Standards
  - (a) Permitted uses are identified in Table T-4.3.
  - (b) Lot size and required setbacks are identified in Table T-4.4.

## **(I) "HB" Historic Business District**

- (1) Intent: This District encompasses the historic commercial core of Town. Intended uses include a mix of retail, restaurants, office, lodging, residential, service, institutional and other uses that are compatible with the historic character of the Town Core and contribute to vibrant, pedestrian-friendly atmosphere. All residential development must comply with residential design standards in Section 7-4-9. Where short-term rentals are permitted, they must comply with subsection 7-4-6(N).
- (2) District Standards
  - (a) Permitted uses are identified in Table T-4.3.
  - (b) Lot size and required setbacks are identified in Table T-4.4.
  - (c) Buildings with a gross floor area greater than 7,500 square feet shall be a conditional use.
  - (d) Buildings containing more than 15,000 square feet of gross floor area shall not be allowed.
  - (e) No equipment, inventory, or supplies may be stored outside, except as authorized pursuant to subsection 7-4-6(L).

## **(J) "DS" Downtown Service District**

- (1) 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

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have limited and ancillary retail use. Home occupation of these business uses is permissible in accordance with subsection 7-4-6(H). 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 7-4-9.

### (2) District Standards

- (a) Permitted uses are identified in Table T-4.3.
- (b) Lot size and required setbacks are identified in Table T-4.4.
- (c) All professional offices and service businesses allowed as a conditional use shall have no more than five employees.
- (d) Business hours shall be between 7:30 a.m. and 5:30 p.m.
- (e) No semi-truck traffic shall be allowed upon residential streets or alley ways.

### **(K) "GC" General Commercial District**

- (1) Intent: This District encompasses lands along the river and Highways 550 and 62. Its purpose is to create areas for 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 7-4-6(N).

### (2) District Standards

- (a) Permitted uses are identified in Table T-4.3.
- (b) Lot size and required setbacks are identified in Table T-4.4.
- (c) Buildings 27 feet to 35 feet in height or containing more than 10,000 square feet of gross floor area shall be a conditional use.
- (d) 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.
- (e) Buildings containing more than 25,000 square feet of gross floor area shall not be allowed.
- (f) Residential development shall not be located along arterial street frontages to preserve these locations for commercial services and other businesses that rely upon visibility from Highways 550 and 62.
- (g) Gas Stations shall comply with the following criteria:
  - (i) All fuel storage shall be located underground.
  - (ii) All gasoline pumps, lubrication and service facilities shall be located at least 20 feet from any street right-of-way line.
  - (iii) No curb cut may be any closer than 30 feet from any street intersection.
  - (iv) A minimum lot frontage of 125 feet is required.
  - (v) The main building on the site shall be set back at least 40 feet from any property line.

### **(L) "LI" Light Industrial District**

- (1) 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



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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.

### (2) District Standards

(a) Permitted uses are identified in Table T-4.3.

(b) Lot size and required setbacks are identified in Table T-4.4.

Maximum building size without special review is 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.

### **(M) "GI" General Industrial District**

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

### (2) District Standards

(a) Permitted uses are identified in Table T-4.3.

(b) Lot size and required setbacks are identified in Table T-4.4.

(c) 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.

### **(N) Uncompahgre River Overlay District**

(1) Purpose and Intent: The purpose of the Uncompahgre River Overlay District (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.

(2) Applicability: The provisions and regulations of this Subsection 7-4-4(N) 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 Subsection 7-4-4(N) shall apply in addition to the applicable requirements of the underlying zoning district, the Flood Plain Management



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Regulations in Ridgway Municipal Code Chapter 6, Section 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 Subsection 7-4-4(N).

- (3) Uses by Right: Uses permitted by the underlying zoning district are allowed unless specifically prohibited, provided that the use complies with this Subsection 7-4-4(N), and provided any development complies with this Subsection 7-4-4(N).
- (4) Conditional Uses: All conditional uses allowed within the underlying zoning district may be permitted upon approval in accordance with Subsection 7-4-3(E), and provided any development complies with this Subsection 7-4-4(N).
- (5) Development between 25 and 75 feet:
  - (a) Development between 25 and 75 feet from the High-Water-Mark shall be reviewed in accordance with Subsection 7-4-4(N), as a conditional use. In addition to the review criteria under Subsection 7-4-3(E), the following shall also apply:
    - (i) All of this Subsection 7-4-4(N).
    - (ii) The applicant shall provide an Ecological Characterization Study in accordance with subsection 7-4-4(N)(7) 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.
    - (iii) Special consideration for development shall be given so as to not deprive reasonable use of any land within the UROD.
- (6) Performance Standards:
  - (a) 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 7-4-4(N)(4)(5).
  - (b) Public Access:
    - (i) 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 ten-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 ten-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.
    - (ii) 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

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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.

(c) Design Guidelines and Standards:

(i) These Design Guidelines and Standards under this subsection 7-4-4(N)(6)(c)) shall apply to all development within the UROD, with the exception of single-family and duplex residential buildings.

(ii) Site Planning:

- a. Existing or historic drainage ways shall be accommodated with the development plan.
- b. Discharge of stormwater 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.
- c. Outdoor common areas, seating and/or dining is recommended on the river side of the building.
- d. 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.

(iii) Parking and Loading:

- a. Parking and loading shall be sited to provide the least visual impact from public rights-of-way, including the Uncompahgre River corridor.
- b. Trees shall be incorporated to provide parking lot shading. Bollard and/or street lighting shall be used to provide lighting at critical access points.
- c. 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.

(iv) Mass, Scale, Architectural Design and Materials:

- a. Total building façade length shall be less than 50 feet in length parallel to the river.
- b. 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.
- c. 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.

(v) 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.

(vi) Exceptions to these Design Guidelines and Standards may be pursued through the variance process pursuant to Subsection 7-4-3(J).

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- (7) 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:
- (a) A development plan showing compliance with the Performance Standards listed in subsection 7-4-4(N)(6).
  - (b) 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.
  - (c) In addition to the above, development applicants seeking a Conditional Use in accordance with subsection 7-4-3(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:
    - (i) The boundary of wetlands and riparian areas and a description of the ecological functions and characteristics provided by those wetlands and riparian areas;
    - (ii) The pattern, species and location of any significant native trees and other native site vegetation;
    - (iii) 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;
    - (iv) The top of bank, the 25-foot setback and High-Water-Mark of any perennial stream or body of water on the site;
    - (v) 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;
    - (vi) Special habitat features;
    - (vii) Wildlife movement corridors;
    - (viii) The general ecological functions provided by the site and its features;
    - (ix) Any issues regarding the timing of development related activities stemming from the ecological character of the area; and
    - (x) Any measures needed to mitigate the projected adverse impacts of the development project on natural habitats and features along the Uncompahgre River corridor.
- (8) Exempt Uses and Activities: The following uses and activities are exempt from these regulations, including the Performance Standards of subsection 7-4-4(N)(6) and the submittal requirements of subsection 7-4-4(N)(7), provided plans and specifications are approved by the Town, and all local, state and federal permitting is approved.
- (a) 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;
  - (b) Public improvements such as pedestrian and automobile bridges, trails and recreational amenities installed by, and/or approved by the Town;
  - (c) Irrigation, drainage, flood control or water diversion structures installed by, and/or approved by the Town; and

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- (d) Bank stabilization, river restoration and planting of native vegetation installed by, and/or approved by the Town.
- (e) Notwithstanding Subsection 7-4-13 of the Code, any development (as defined in subsection 7-4-4(N)(2) 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.

## (O) Land Use Table

Table T-4.3, Table of Land Uses, identifies allowed land uses within each of the established zone districts. The Town Manager or designee shall determine whether any use that is not specifically listed is allowed in a corresponding zone district and the level of review required, based upon the listed use which is most similar to the use not specifically listed.

### (1) Table of Land Uses Interpretation and Process

- (a) Site Plan Approval. Nonresidential and multi-family uses identified in Table T-4.3 shall receive approval of a site plan in accordance with Section 7-4-3(H), Site Plan, prior to commencing any development activity regardless of whether such use is allowed by right or requires an administrative approval or conditional use permit.
- (b) Conditional Uses. Any use identified as requiring a Conditional Use in Table T-4.3 shall receive a Conditional Use Permit in accordance with Section 7-4-3(E), Conditional Use Permit.
- (c) Uses not Allowed. If a particular use does not have a letter corresponding to a zone district, that use is prohibited in the respective zone district.

Table T-4.3 – Land Use Table

		R	HR	MR	FD	HB	DS	GC	LI	GI	Use-Specific Standards
		R – Allowed by Right C – Conditional Use Permit Required									
Agricultural Uses	Feed Storage and Sales							C			
	General Agriculture, Farming and Ranching				R						
	Nursery							C	R	R	
Animal Services	Veterinary Clinic							C		R	
	Kennel, Boarding Facility							C		R	
Childcare Facilities	Child Day Care Facility	C	C	C		C	C	C			
	Family Day Care	R	R	R	R	R	R	R	R	R	
Community and Cultural Facilities	Cemetery	C	C	C	C	C	C	C	C	C	
	Community Center		C			R	C	R			
	Church or place of worship and assembly	C	C			R	C	R			
	Library					R		R			
	Museums					R		R			
	Private and Fraternal Clubs					R		R			
Educational Facilities	Educational Facility	C	C	C		R	C	R	R	R	
Food and Beverage	Microbrewery, Distillery			C		R	C	R	R		

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		R	HR	MR	FD	HB	DS	GC	LI	GI	Use-Specific Standards
R – Allowed by Right C – Conditional Use Permit Required											
	Restaurants, Bars, Brewpubs, Restaurants, and Taverns			C		R		R			
Group Living	Group Homes	C	C	R		R		R			
	Board and Rooming House			C		C	C	C			
	Dormitory			C		C	C	C			
Household Living	Dwelling, Co-Housing Development		C	R							
	Dwellings, Duplex	R	R	R			R				
	Dwelling, Fourplex	C	R	R		R	R	C			
	Dwelling, Multiple-Family	C	C	R		R	C	R			
	Dwelling, Live-Work			C		R	R	R			
	Dwelling, Single-Family	R	R	R	R		R				
	Dwelling, Triplex	C	R	R		R	R	C			
	Dwellings, Cluster Development	R		R							
	Employee Housing							R			
	Manufactured Homes	R	R	R	R		R				
	Manufactured Homes Park							C			
Industrial Service and Research	Research and Development								R	R	
Lodging Facilities	Bed & Breakfast	C	C	C			C				7-4-6(C)
	Nursing Homes			C							
	Hotels, Motels, Lodges					R		R			
	Travel Homes Park							C			
	Campgrounds							C			
Offices	Office, General					R	C	R	R	R	
	Office, Medical					R	C	R	R	R	
Manufacturing & Production	Brewery								R	R	
	Gravel Extraction				C			C			
	Manufacturing, Light					C		C	R	R	
	Manufacturing, Medium							C	C	R	
	Manufacturing, Heavy								C	C	
Parks and Open Space	All Park and Open Space Uses	R	R	R		R	R	R			
Personal Services	Personal Services, General					R	C	R	R		
	Laundromat, Commercial/Industrial							C	R	R	
Public Utilities & Facilities	Public Utility Service Facility	R	R	R	R	R	R	R	R	R	
	Government Buildings & Facilities	R	R	R		R	R	R	R	R	
	Electric Power Substations								C		

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		R	HR	MR	FD	HB	DS	GC	LI	GI	Use-Specific Standards
		R – Allowed by Right C – Conditional Use Permit Required									
	Recycling Facility									R	
	Telecommunication Facilities	C	C	C	C	C	C	C	C	C	7-4-6(O)
Recreation and Entertainment	Arts and Craft Studio					R		R	R		
	Health, Recreation, and Exercise Establishment	R	R	R							
	Arts and Entertainment Center, Indoor					R		R	R	R	
	Outdoor Amusement and Entertainment Facilities										
	Outdoor Guiding			R		R		R			
Retail	Building Supplies and Material Sales							C	R	R	
	Medical Marijuana Dispensary							R	R	R	7-4-6(J)
	Retail, Marijuana							R	R	R	7-4-6(J)
	Retail Store			C		R		R		C	
Storage	Cold Storage Plants								R	R	
	Contractor Construction Yards								C	R	
	Mini-Storage Warehouse								R	R	
	Outdoor storage of supplies, machinery, equipment, or products								C	C	
Vehicles and Equipment	Auto, Boat, and recreational vehicle sales or leasing							C		R	
	Auto Service or Wash							C		R	
	Auto Fuel Sales							C			
	Parking Facility					R		R			
	Truck Repair Shop									R	
Warehousing & Freight	Warehouse Facility							C	C	R	
	Wholesale establishment and/or distribution								R	R	
Accessory Uses	Accessory Dwelling Unit (ADU)	R	R	R	R	R	R				7-4-6(A)
	Accessory Structure and Use	R	R	R	R	R	R	R	R	R	7-4-6(B)
	Home Occupation	R	R	R	R	R	R	R			7-4-6(H)
	Outdoor Storage	R	R	R	R	R	R	R	R	R	7-4-6(L)

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## (P) Zone District Dimensional Standards

### (1) Dimensional Standard Requirements

Dimensional standards for lot size, setbacks, and maximum height are summarized for each zone district in Table T- T-4.4, Dimensional Standard Requirements, below.

Table T-4.4- Dimensional Standard Requirements:

District	Min. Lot			Max. Lot Coverage (%)	Min. Setbacks (ft)				Structure Height <sup>(f)</sup> (ft)
	Use	Width (ft) <sup>(g)</sup>	Size (sf)		Front	Rear <sup>(c)</sup>	Side <sup>(c)</sup>	Side on Corner Lot	
R	Single-Family and Duplex <sup>(a)</sup>	50	6,000	50	15	8	5	7.5	27
	All others <sup>(b)</sup>	50	10,000	40	15	8	8	7.5	27
HR	Single Family and Duplex <sup>(a)</sup>	25	3,000	60	15	8	3	7.5	27
	Residential uses with three or four dwelling units <sup>(b)</sup>	35	5,000	60	15	8	3	7.5	35
	All others <sup>(b)</sup>	70	10,000	50	15	8	5	7.5	35
MR	Single Family and Duplex <sup>(a)</sup>	25	3,000	60	10	8	3	7.5	35
	Residential uses with three or four dwelling units <sup>(b)</sup>	35	4,000	60	10	8	3	7.5	35
	All other residential and mixed uses <sup>(b)</sup>	50	5,000	60	10	8	5	7.5	35
	Nonresidential uses	N/A	N/A	70	15	8	5	7.5	35
HB	All	25	NA	NA		8	(d)	(d)	35
GC	All	30	5,000	60	15	8	8	7.5	27
FD	All	50	35 ac.	NA	15	8	8	7.5	27
LI	All	50	6,000	50	15	8	8	8	30
GI	All	50	6,000	50	15	8	8	8	30
DS	All	50	5,000	50	15	8	8	7.5	27

### (2) Additional Dimensional Standards and Exceptions

(a) Duplex Resubdivision Exception. A duplex dwelling on a lot that meets the requirements set forth in Section 7-4-4(P) above may be resubdivided, provided that the resulting two lots and the building meet the following minimum requirements:

- (i) The minimum lot size requirement shall be divided in half for a duplex lot that is resubdivided.
- (ii) The party wall in all such duplex dwellings shall run along and upon the lot line common to the resulting two lots.
- (iii) A zero (0') setback exists at the party wall lot line.

(b) Townhouse and Condominium Exception.

- (i) There is no lot coverage requirement for individual townhouse or condominium lots, only for the project site.

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- (ii) The minimum side yard setbacks are measured from the property line of the townhome and condominium project site and not from individual townhome or condominium lots.
- (c) When the rear or side lot line abuts an alley, the setback shall be a minimum of two feet.
- (d) HB Setbacks shall be determined as follows:
  - (i) The setback shall be eight 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 four feet.
  - (ii) In those instances where snow and drainage are 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.
  - (iii) In buildings with three stories above ground, the third story shall be subject to a 15-foot front setback, and an eight-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.
- (e) Any reduction of the setbacks as specifically provided in these paragraphs (c) and (d) 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 7-4-3.
- (f) "Structure Height" shall be determined as follows for application of the limitations as set forth herein:
  - (i) 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.
  - (ii) The height of each separate terrace or step for terraced or stepped buildings shall be considered for purpose of application of these limits.
  - (iii) Allowable building height may be increased by six inches if the roof design includes raised heel trusses.
  - (iv) Within the General Industrial District, commercial telecommunication antennae or towers that are located on Town owned property, and that are in compliance with subsection 7-4-6(O), may have a structure height of up to 40 feet.
- (g) Lot width shall be measured at the frontage of that abutting public street which provides actual access to the lot.

### 7-4-5 GENERAL PERFORMANCE STANDARDS

#### (A) Purpose, Applicability, and Related Provisions

- (1) Purpose. These performance standards are designed to limit, restrict, and prohibit, the effects of certain uses outside their premises or district.



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- (2) **Applicability.** No structure, land, or water shall be used except in compliance with the district regulations and with the environmental performance standards of this Section.
- (3) **Responsibility.** It shall be the responsibility of the owner, operator, or proprietor of any use or property to provide evidence and technical data to demonstrate that the use or development of the property will be in compliance with the requirements and standards of this Section. Failure of the Town Manager, or designee, to require such information shall not be construed as relieving the owner, operator, or proprietor from compliance with the requirements and environmental performance standards of this Code.
- (4) **State and Federal Regulations.** All uses shall comply with applicable state and federal regulations related to environmental protection, including those pertaining to air or water pollution.
- (5) **Measurements.** Accurate and representative measurements, as necessary, shall be made according to accepted engineering practice. 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.
- (6) **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.
- (7) 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 7-4-13 of these regulations, and all other applicable regulations of the Town.

### **(B) Air Pollution, Dust and Fly Ash**

- (1) 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**

- (1) No use shall:
  - (a) Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or
  - (b) 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) Fire and Explosion**

- (1) No fire or explosive hazard shall exist such as to produce dangerous exposure to adjacent property.

### **(E) Glare**

- (1) No direct or reflected glare shall be detectable at any property boundary.

### **(F) Hazardous Waste**

- (1) 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 shall be permitted only when such waste is generated within the Town. Any such treatment shall be prohibited except in

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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. 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.

### (G) Heat

- (1) No direct or reflected heat that is dangerous or discomforting shall be detectable at any property boundary.

### (H) Noise

- (1) In addition to RMC 10-3-24, Unreasonable Noise, the following shall be followed within the Town of Ridgway. No persistent noise shall be detectable beyond the property line in excess of the values identified in the following table:

Table T-4.5 Noise

Zoning of lot where use is located	Zoning of Adjacent Lot			
	All Residential Zone Districts	General Commercial District	Light Industrial District	General Industrial 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).

- (a) 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 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 p.m. to 7:00 a.m. when the adjacent lot is zoned residential. The impact noise shall be measured using the fast response of the sound level meter.
- (b) Noise resulting from temporary construction activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this Section.
- (c) 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.
- (d) No use in the 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.
- (e) The table above establishes the maximum permissible noise levels for the LI and the GI 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.

### (I) Odor

- (1) 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.
- (2) No use in the Town of Ridgway may generate any odor that reaches the odor threshold measured at the outside boundary of the immediate space occupied by the enterprise

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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).

## **(J) Radioactivity**

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

## **(K) Smoke**

- (1) For purposes of determining the density of equivalent opacity of smoke, the 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 IGI 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.

## **(L) Vibration**

- (1) 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.

## **(M) Waste Disposal**

- (1) Liquid and solid waste disposal and water service shall comply with all pertinent Federal, State and local regulations.
- (2) Storage is not allowed in the front or side setbacks along any street.

## **7-4-6 SUPPLEMENTAL REGULATIONS**

### **(A) Accessory Dwelling Units**

- (1) 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 following standards.
- (2) ADUs are only allowed as accessory to a single-family detached dwelling. 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 subsection 7-3-15(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 gross floor area.
- (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 (12) 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.

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- (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 Section 9, 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 percent pursuant to Ridgway Municipal Code subsection 9-1-9(c)(2); and
  - (b) One hundred percent 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 6,000 square feet.

### **(B) Accessory Uses and Structures**

The purpose of this section is to authorize the establishment and continuation of land uses and structures that are incidental and customarily subordinate to principal uses. This section is intended to allow a broad range of accessory uses and structures, so long as they are listed in the table of allowed uses and comply with the standards set forth in this section to reduce potentially negative impacts on adjacent properties.

- (1) Accessory uses and structures are allowed pursuant to the following provisions:
  - (a) Table T-4.3 Table of Land Uses identifies allowed accessory uses and structures within each zone district.
  - (b) All principal uses allowed in a zoning district shall be deemed to include those accessory uses, structures, and activities typically associated with the principal use, unless specifically prohibited in this section.
  - (c) All accessory uses are subject to the provisions of this Section 7-4-6(B), Accessory Uses and Structures.
- (2) Relationship to principal use or structure.
  - (a) Except as otherwise expressly allowed in the Ridgway Municipal Code, an accessory use or structure shall not be established or constructed before the establishment of the principal use or structure.
  - (b) If the principal use or structure is destroyed or removed, the accessory use or structure shall no longer be allowed.
  - (c) Accessory uses shall not be permitted as the exclusive use of any property.
- (3) Location of accessory uses and structures.
  - (a) No accessory use or structure shall be located within any platted or recorded easement or over any known utility, or in any areas designated as a fire lane or emergency access route.
  - (b) No accessory structure shall impede the access to, or function of an area required for the circulation or parking of vehicles.
  - (c) Accessory uses and structures shall comply with the minimum applicable zone district setbacks.

### **(C) Bed and Breakfast Operations**

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- (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 Section 7-4-3(E), 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; and
  - (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.

### **(D) Drive-Up Window Establishments**

- (1) The purpose of this section is to regulate fast food, drive-in and drive-up window commercial uses in order to limit the potential for impairment of traffic flow on roads providing access to the use; to ensure adequate off street queuing and ingress/egress; and to limit the noise and other negative impacts on adjacent land uses.
- (2) Drive-up window establishments are permitted as an accessory use where the principal use is permitted by right, or by conditional use, in the zone district as described in Table T-41.
- (3) Drive-Through Lanes: Drive-through lanes shall be separated from circulation lanes required to enter or exit the property. Drive-through lanes shall be marked by special striping, pavement markings or barriers. Drive-through lanes shall not cross or intersect the principal pedestrian access route to such establishment. Drive-through lanes shall be designed and located in such a manner as to minimize impacts on adjoining properties and shall be screened and buffered in such a manner as to minimize noise impacts. An opaque screening treatment shall be provided on all sides of the site that are located adjacent to residentially zoned property.
- (4) Parking: 5 stacking spaces per drive-up window shall be required in addition to required parking spaces for principal use.

### **(E) Employee Housing**

- (1) 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.
- (2) Employee housing units are only allowed as accessory to a nonresidential use.
- (3) One employee housing unit is allowed for the first 2,500 square feet of gross floor area in the structure. Structures that exceed 2,500 square feet of gross floor area are allowed one additional unit per 2,500 square feet, up to a maximum of three units per nonresidential use.
- (4) The employee housing unit must be constructed in accordance with all applicable building and safety codes.



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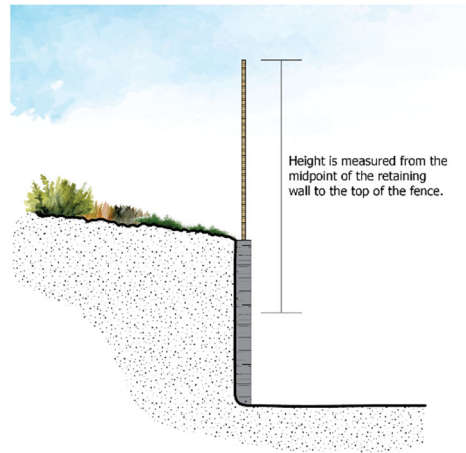
- (5) The employee housing unit must be owned together with the structure occupied by the nonresidential use, and the lot or parcel upon which they are located, in undivided ownership.
- (6) The employee housing unit must be served off of the water or sewer tap for the principal structure, in which case it shall not be subject to additional tap fees.
- (7) If the employee housing unit has been offered to current and prospective employees of the nonresidential 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.
- (8) Short-term rental of employee housing is not permitted.
- (9) 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.

### **(F) Fence, Hedge, and Wall Regulations**

- (1) No fence, rail or freestanding wall shall exceed six feet in height within the Town.
- (2) In the Residential and Historic Residential Zoning Districts, fences, rails or freestanding walls located within the area between the property line and the front set back line may not exceed four feet in height, except for fences designed and intended to exclude deer may be up to six feet high if they are substantially transparent at sight angles up to 45 degrees from perpendicular to the faces of the fence, and are constructed out of a:
  - (a) Mesh;
  - (b) Woven wire;
  - (c) Rails and pickets or similar components which have a width no greater than their depth.
- (3) No fence, freestanding wall or hedge or other plantings shall be constructed or maintained on corner lots in a place or at a height which unreasonably creates a traffic hazard by obstructing vision from vehicles on abutting streets.
- (4) Electrically charged fences are not allowed within the Town unless their location is made inaccessible to persons who would not know that the fence is electrified by virtue of another fence or structure.
- (5) Barbed wire fences may be allowed only GLI and GI Districts, and only if the barbed wire is a minimum of six feet above the ground. No barbed wire fence may be maintained in other districts unless necessary to confine livestock lawfully kept within the Town.
- (6) All fences shall be maintained in good and safe condition.
- (7) Exceptions within the Light Industrial, General Industrial, and General Commercial Districts
  - (a) Fencing is not allowed in the front or side setbacks along any street.
  - (b) No fence, rail or freestanding wall shall exceed eight feet in height.
- (8) Measuring Fence Height.
  - (a) Fences and walls shall be measured from the existing natural grade at the base to the highest point of the fence or wall within any yard. No fence or wall may be artificially elevated by means of a berm or other method for purposes of height calculation with the exception of fences constructed on top of retaining walls as stated in Section 7-4-6(F)(8)(b).
  - (b) When a fence is constructed on top of the face of an above-ground retaining wall, and located in a required yard, the height of the fence shall be measured from the top of the fence to the midpoint height of the retaining wall.

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## **(G) 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.

## **(H) 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, family day care facilities shall be limited to eight 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.

## **(I) Manufactured Homes**

- (1) Manufactured homes, as defined in Subsection 7-9, 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

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- (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 subsection (I)(1) above prior to June 9, 1993, in Ordinance 02-1993 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 Manufactured Homes, Travel Homes, and Other Factory-Built Housing.
- (4) Manufactured Home Parks are subject to the provisions of Section 8-1, Manufactured Home Park and Travel Home Park Regulations.

## **(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 (2).
- (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 C.R.S. 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 LI and GI 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 LI and GI 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 the licensed premises.
  - (h) The building in which the licensed activities take place may not be located within 1,000 feet of a school, an alcohol or drug treatment facility, the principal campus of a college, university or seminary, or a residential childcare 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) Cultivation.
  - (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 the premises.
  - (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



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other applicable state law, including the requirement that the growing take place in an enclosed locked place, is not conducted publicly or openly and is not made available for sale.

- (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.
- (d) Co-op or collective grow operations are not allowed without a state license.
- (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.
- (5) The below listed terms shall be defined as indicated for purposes of this subsection (J):
  - (a) "Medical Marijuana", "Medical Marijuana Center", "Optional Premises Cultivation Operation", and "Medical Marijuana-Infused Products, Manufacturing", shall have meanings as defined in CRS, Title 12, Article 43.3.
  - (b) "Primary Care Giver" shall have the meaning as defined in C.R.S. 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, C.R.S. 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.
- (6) Storage of Marijuana off of the licensed premises is not permitted in the Town.
- (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.

## **(K) Outdoor Lighting Regulations**

- (1) General Provisions
  - (a) All non-exempt outdoor light fixtures and illuminating devices permanently or temporarily installed outdoors, including, but not limited to, devices to illuminate signs, shall meet the following requirements:
    - (i) They shall be shielded so no light rays are emitted at angles which will allow the light to pass directly off of the premises appurtenant to the fixture.
    - (ii) They shall be shielded so that no light rays are emitted by the installed fixture at angles below the horizontal plane.
    - (iii) All fixtures designed to illuminate signs or structures shall be mounted above the area of the sign or structure to be illuminated.
    - (iv) Blinking, flashing, rotating or moving lights are prohibited.
    - (v) Correlated color temperature (CCT) is limited to 3,000 kelvin per fixture.

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- (vi) The following lumen limits are established to prevent over lighting and are not intended to be achieved. Each site should use the lowest number of lumens needed for the site to provide safety and functionality.
  - a. Single-Family Residential Sites shall be limited to 5,100 lumens. Single Family Residential Sites that include an accessory dwelling unit shall be limited to 6,500 lumens. Each lighting fixture shall be limited to 850 lumens.
  - b. Multifamily Residential Sites, Mixed Use Sites and Nonresidential Sites shall be limited to 25,000 lumens per net acre plus 2,000 lumens per unit beyond the first. Each lighting fixture shall be limited to 1,500 lumens.
- (vii) Lighting for all nonresidential uses shall be extinguished one hour after close of business unless there is a public safety hazard that is best mitigated by the use of lighting. Lighting intended for security purposes shall use Adaptive Controls.
- (viii) If any of the above are in conflict with the Town building codes adopted pursuant to Municipal Code Section 6-1, the regulations of the adopted building code shall apply.
- (b) The following are exempt from the provisions of subsection (1).
  - (i) Lights used to illuminate athletic fields of other community special event areas. Such lights shall be turned off one hour after the conclusion of the event and should be designed or placed to minimize light falling beyond the area in use.
  - (ii) Signs which are illuminated by interior light sources, such as neon signs, provided such signs are lit only during the property owner's business hours.
  - (iii) Official traffic control devices and lights owned and operated by or pursuant to proper authority of the United States of America, the state of Colorado or any of their agencies, and such other lights as are specifically required by federal or state law.
  - (iv) Official traffic control lights owned and operated by the Town of Ridgway.
  - (v) Repealed by Ordinance 16-2006.
  - (vi) Lawful vehicle lights.
  - (vii) Repealed by Ordinance 10-2007.
  - (viii) Holiday lights. Holiday lights should only be in use from November 15 to January 31.
  - (ix) Artwork that is outdoors and on public property. Such artwork shall receive a permit by the Town of Ridgway prior to installation. Such artwork shall be public and accessible to all people and may be illuminated, pursuant to the following:
    - a. Artwork shall not contain lighting that exceeds 500 lumens within the entire structure, nor more than 2,500 degrees kelvin.
    - b. All public art that is illuminated shall include a dimmer and timer to aid the compliance with the Dark Skies Association's Outdoor Lighting Requirements and shall have the ability to be automatically turned off. In any event such lighting shall be automatically turned off by 10:00 p.m. nightly.
    - c. No structure may contain lighting that is cast upward or outward but may be diffused in a way such that the lighting emits a soft glow.
    - d. All structures shall be lit internally.
    - e. All illuminated public art is subject to review and approval by Town staff for compliance with these regulations.
- (c) Public Outdoor Lighting.
  - (i) New public lighting owned and operated by the Town of Ridgway, including street lights, walkway lights, external building lights, holiday lights and other lights to ensure

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safety, shall be allowed as recommended by the Town Manager or designee in situations where a public health hazard exists which can only be mitigated by artificial light at night and shall be in compliance with subsection (A).

(ii) Adaptive controls or curfews shall be employed in all new public outdoor lighting installations.

(iii) All Town owned lighting shall comply with the requirements of Section 6-5 within five years from the effective date of this Section.

## (2) Noncompliant Lights

(a) Lights which were lawfully existing and in use at the time they became nonconforming with the requirements of this Section 7-4-6(K) by virtue of the initial adoption of this Section, subsequent amendment to this Section or by annexation into the Town, may continue to be used and operated subject to the limitations of this Section.

(b) The right to operate a lawful nonconforming light shall terminate upon any of the following:

(i) Replacement of the light fixture.

(ii) Non-use of the light fixture for a period of six months.

(iii) Damage to the light fixture so that the cost of repair is 50 percent or more of the cost to replace it with a conforming fixture.

(c) The right to exceed the lumen limits established in Subsection 7-4-6(K) as a lawful nonconforming site shall terminate upon any of the following:

(i) Replacement of 50 percent or more of the light fixtures on the site.

(ii) Damage to the light fixtures so that the cost of repair is 50 percent or more of the cost to replace them with conforming fixtures.

(d) No alteration may be made to lighting on a site which would increase the amount or degree of the nonconformity.

## (L) Outdoor Storage

(1) Materials and Wastes Contained on Property. No materials or wastes shall be deposited on any property in a form or manner that may be transferred off the property by any reasonably foreseeable natural cause or force.

(2) Outdoor Storage Enclosed or Concealed.

(a) Outdoor storage areas shall be enclosed or have adequate provisions to conceal these facilities from adjacent properties.

(b) No storage of any item(s) shall be allowed in a front yard in any residential zone district.

(c) Storage of any item located in a side street setback shall be screened from view of public rights-of-way with a minimum of a six (6) foot opaque, solid wood or masonry fence in any residential zone district, or any residential use in any zone district.

## (M) Parking Standards

(1) Off-Street Parking Requirements. The following off street parking requirements shall apply unless otherwise indicated in all districts.

Use	Required parking spaces
(a) Residences	Single-Family and Duplex: 2 spaces per dwelling unit. All Other Residential: 1 space per dwelling unit
(b) Medical offices and clinics	3 spaces per examination room
(c) Hospitals	1 space for each 3 beds
(d) Pharmacies	1 space per 200 sq. ft. of customer floor space
(e) Bus stations	1 space per 400 sq. ft. gross floor area

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(f) Funeral homes and mortuaries	1 space for each 6 seats in main chapel
(g) Restaurants and Lounges	1 space per 100 sq. ft. customer floor area
(h) Hotels and Motels	1 space per guest room
(i) Walk-up restaurants	1 space per 50 sq. ft. customer floor area
(j) Bowling alleys	3 spaces per lane
(k) Gas stations	4 spaces, plus 2 spaces for each enclosed auto space
(l) Beauty shops	2 spaces for each chair
(m) Industrial uses	1 space for every 2 employees on shift plus adequate visitor parking
(n) Churches	1 space for each 6 seats in main chapel
(o) Nursing homes	1 space for each 3 beds
(p) Professional office space	1 space per 300 sq. ft. gross floor area
(q) Retail establishments	1 space per 250 sq. ft. gross floor area
(r) Studio residence	1 space per unit (600 sq. ft. total living area)
(s) Day care facilities not qualifying as an accessory use	1 space for each 10 children plus 1 drop off space, plus one space per staff person
(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 eight 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 area"; "customer floor area" is the aggregate amount of internal floor area generally used by the public, or 15 percent of the total floor area, whichever is greater.
- (5) Parking exceptions within the DS District:
  - (a) 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) Parking exceptions within the MR District:
  - (a) 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 onsite non-motorized access routes.
  - (b) 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.
- (7) Parking exceptions within the HB District:
  - (a) All nonresidential uses must provide a minimum of one off-street parking space per 1,650 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 nonresidential 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.

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- (b) In cases where mixed residential and nonresidential uses occur within the same property, the residential parking requirements of paragraph (a) shall be in addition to the nonresidential parking space requirement set forth in paragraph (b).
  - (c) In lieu of nonresidential off-street parking requirements in excess of three spaces and pursuant to paragraph (b) above, a money payment of \$3,000.00 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.
- (8) Parking exceptions within the Limited Industrial (LI) and General Industrial (GI) Districts
- (a) Parking and storage is not allowed in the front or side setbacks along any street.

### **(N) Short-Term Rental Regulations**

- (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. It is the Town'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) Short-term rentals shall comply with the provisions of this subsection (I) and shall be licensed per Chapter 8, Section 5 of the Municipal Code.
- (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 one of the dwelling structures may be used as a short-term rental as long as the second dwelling unit is owner occupied; and
    - (iv) Shall not be a multiple family 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 Section 9 shall not have more than five bedrooms, nor be leased or used to any group containing more than ten people over the age of 18.
  - (b) The unit shall have a minimum of two off street parking spaces available and any additional spaces necessary to accommodate the tenant's vehicles off street.
  - (c) There shall be an owner's agent available to be at the unit within 20 minutes, who is on call full time to manage the property during any period the unit is rented. The name, address and phone number of the agent must be kept current on file with the Town and posted in the short-term rental.
  - (d) Adequate animal resistant trash and recycle containers shall be provided, and information on placement for collection shall be provided, in the short-term rental as stated in Ridgway Municipal Code Section 9-2.
  - (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.

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

## **(O) Telecommunication Antenna and Tower Regulations**

- (1) Telecommunication towers and antennae shall be located, and comply with the following provisions:
  - (a) Noncommercial television and telecommunications receivers and amateur radio antennae, which qualify as an accessory use to the main use on the premises, may be located on such premises.
  - (b) Antennae for "personal wireless services" as defined in 97 USC 332(c)(2) shall be limited to the GC Zoning District, or upon Town owned property in other zoning districts pursuant to leases or permits with the Town, with terms and conditions adequate to 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 telecommunications 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 Table T-4.4, Dimensional Standard Requirements, unless a variance is obtained pursuant to Section 7-4-3(J), 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 7-4-3 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; and
    - (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 Subsection 7-4-3 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;
    - (ii) No adverse effect on property values in the area will be caused, and no safety hazard will be created; and
    - (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 40 feet in height may be installed upon Town owned property within the "GI" General Industrial Zoning District.
- (3) A final decision to deny a variance shall be in writing and supported by a substantial written record.



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- (4) All towers and structures shall be subject to the building setback requirements of Table T-4.4, Dimensional Standard Requirements and applicable provisions of Town building codes and other ordinances and regulations.

## **(P) 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 six 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 7-4-3(G), Temporary Use Permits.
- (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.

## **7-4-7 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 ten 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 three square feet.
- (9) One or more temporary signs with an aggregate sign face area of no more than four 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. Signs identifying a project and contractors involved therein shall only be allowed during the construction period. All "for sale" signs shall be taken down when the sale of the premises is closed.
- (10) 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.

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- (11) 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.
- (12) Signs upon vending machines, gasoline pumps, or packages of goods which relate to the contents thereof.
- (13) 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.
- (14) Signs within buildings which are located no closer than six inches to any window or which are not legible from distances of five feet or more.
- (15) 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.
- (16) Signs devoted to noncommercial speech which do not exceed ten square feet in area.

## **(C) Prohibited Signs and Devices**

The following are hereby prohibited within the Town:

- (1) Animated or flashing signs visible outside any building.
- (2) Balloons, or pennants, or other wind-powered devices designed to attract attention, except they may be used for civic events up to a maximum of seven days.
- (3) The operation of search lights to promote business activities.

## **(D) Off-Premises 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 7-4-7(G).
- (3) Signs allowed by paragraphs (B)(1), (4), (10), and (13).
- (4) Signs with a message devoted solely to non-commercial 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 paragraph (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 7-4-7(E) shall be submitted to the Town on forms supplied by the Town accompanied by an application fee in compliance with Section 7-1-6, Fees and Costs.. Applications for permits issued pursuant to subsection 7-4-7(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 in compliance with Section 7-1-6, Fees and Costs..
- (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 property, other than those restricted by subsection (6), shall not exceed the lesser of one square foot per foot of lineal street frontage of the property abutting Town streets or 150 square feet. When more than one



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building/and or business is on the property, the property street frontage shall be allocated among the buildings and/or businesses accordingly, unless otherwise approved through a Master Sign Plan. Total sign face area in excess of 150 square feet shall not be allowed for any property unless approved through a Master Sign Plan applicable to that property.

- (4) A Building Permit is also required for any sign with a cost or value over \$1,000.00.
- (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 two sign faces.
- (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 subsection 7-4-7(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 percent 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.
- (12) Within the DS District, signage shall be non-illuminated and attached to the building.

### **(G) Signs in Public Rights-of-Way**

Signs, other than signs belonging to the Town or sponsored by the Town, conforming to size limits of this Subsection 7-4-7, 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:

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## (1) Projecting signs:

- (a) The sign must be supported and attached to a building.
- (b) The sign may extend no more than five feet from the building. If the sign is printed on a retractable awning, the awning may extend no more than ten feet from the building. A sign may extend no more than five feet across Town owned right-of-way. If the sign is printed on a retractable awning, the awning may extend no more than ten feet across Town owned right-of-way.
- (c) No part of the sign may be less than ten feet above the ground over Town right-of-way, except for a sign printed on an awning, the awning shall be at least seven 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

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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 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 six 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 nonresidential tenants or businesses are present.
  - (b) Any property with multiple-tenant buildings or multiple buildings in which three or more nonresidential 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 nonresidential tenants or businesses are present, may apply for a Master Sign Plan.
- (3) General Regulations:
  - (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 Subsection 7-4-3. At a minimum the applicant shall submit the following information to the Town:

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- (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 Subsection 7-4-7 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; and
  - (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 percent larger than the 56 square feet limitation of subsection 7-4-7(F)(7).
  - (ii) Up to 30 percent more than the allocated square footage per subsection 7-4-7(E)(3) of sign area may be allowed.
  - (iii) Deviations shall not be considered for any other sign regulations in the Ridgway Municipal Code.
- (4) Criteria for Approval of 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; and
  - (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 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 paragraph (5)(b) of this subsection. Such appeal shall be in writing and submitted within seven days of the Towns 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:

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- (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 seven 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 seven-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, 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 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 ten days before the hearing and posted visibly for each street frontage abutting the property for at least ten 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 applicant's 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:
    - (i) Changes in the location of a sign;
    - (ii) Replacement of existing signs that are the same size or smaller than the existing sign; and

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- (iii) 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:
  - (i) Changes in the total square footage of the Master Sign Plan; and
  - (ii) Requests for deviations per subsection 7-4-7.

## 7-4-8 LANDSCAPE REGULATIONS

### (A) Intent

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

### (B) Applicability

- (1) This chapter establishes minimum landscaping standards which apply to all residential and nonresidential properties within the Town of Ridgway.
- (2) The following projects shall comply with the landscaping standards set forth in this chapter:
  - (a) Projects which require a site plan review;
  - (b) New commercial, residential, or mixed use construction;
  - (c) New landscape projects and rehabilitation projects that exceed 25 percent of the lot size;
  - (d) Change of use; or
  - (e) Public rights-of-way improvements.
- (3) 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



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plan has been properly installed. A temporary Certificate of Occupancy may be issued if completion of landscaping improvements is delayed by winter weather.

- (4) All standards and policies adopted within the Town of Ridgway Water Conservation and Management Plan, Master Plan, and Land Use Regulations should be implemented with the landscape regulations of this chapter.

## **(C) Site and Landscape Plan Development**

### **(1) Landscape Plan Requirements.**

- (a) A landscape plan, as set forth in this Section, shall be required for all projects identified in subsection and shall be submitted to the Town for approval.
- (b) The landscape plan shall be drawn to scale of one-inch equals 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;
  - (xi) Identification and percentage of ground surfaces and materials by types, such as paving, sod, mulch, edger, seed mixes, shrubs, and flower beds;
  - (xii) 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;
  - (xiii) Identify any existing trees, shrubs, or live groundcover that will remain on the property and how they will be protected from damage during construction;
  - (xiv) The location and square footage of all areas;
  - (xv) Identify construction debris storage and staging areas; and
  - (xvi) Additional information as may be required by the Town.

## **(D) Water Conservation**

- (1) 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.

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- (2) 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 Subsection 7-4-8(J), Species List.

## (E) Landscaping Required

- (1) Purpose: The purpose of this section is to establish minimum landscaping requirements for residential, non-residential and mixed uses.
- (a) All areas on a lot must be treated with landscaping.
- (b) 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.
- (iii) 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.
- (2) At least 25 percent 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.

<b>Landscaping Requirements</b>					
Zoning District	Min. Required Landscaped Area <sup>2</sup>	Min % of Required Landscaped Area Live Ground Cover	Min. % of Required Landscaped Area Non-Live Ground Cover	Min. # of Trees for Required Landscaped Area <sup>3</sup>	Min. # of Shrubs for Required Landscaped Area <sup>4</sup>
<b>Residential Uses</b>					
R	50%	20%	30%	1 for every 2,000 sq. ft.	2 for every 3,000 sq. ft.
HR	40%	20%	20%	1 for every 2,000 sq. ft.	2 for every 3,000 sq. ft.
MR	30%	20%	20%	1 for every 2,000 sq. ft.	2 for every 3,000 sq. ft.
FD <sup>1</sup>	50%	20%	30%	1 for every 2,000 sq. ft.	2 for every 3,000 sq. ft.
DS	50%	20%	30%	1 for every 2,000 sq. ft.	2 for every 3,000 sq. ft.
<b>Non-Residential or Mixed Uses</b>					
HB	See 7-4-8(C) Below				



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<b>Landscaping Requirements</b>					
Zoning District	Min. Required Landscaped Area <sup>2</sup>	Min % of Required Landscaped Area Live Ground Cover	Min. % of Required Landscaped Area Non-Live Ground Cover	Min. # of Trees for Required Landscaped Area <sup>3</sup>	Min. # of Shrubs for Required Landscaped Area <sup>4</sup>
GC	30%	10%	20%	1 for every 2,000 sq. ft.	2 for every 3,500 sq. ft.
LI	30%	5%	15%	1 for every 2,500 sq. ft.	2 for every 4,000 sq. ft.
GI	30%	5%	15%	1 for every 2,500 sq. ft.	2 for every 4,000 sq. ft.

<sup>1</sup> See subsection 7-4-8(I)(2) for exemptions for uses that are non-residential in the FD zoning district.

<sup>2</sup> 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.

<sup>3</sup> 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.

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

## (3) Historic Business (HB) District Exceptions.

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:

- (a) Right-of-way landscaping shall be required pursuant to Subsection 7-4-8(H).
- (b) If a parking lot is provided on-site, parking lot landscaping shall be required pursuant to Subsection 7-4-8(G)
- (c) Required landscaped area for properties zoned HB is required for any area not used for a building or parking lot.

## (F) General Landscape Standards

- (1) Trees: Trees shall have a minimum caliper of one and one-half inches for deciduous trees and a five-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 or designee, shall be counted as one and one-half trees for the minimum tree requirement.
- (2) Shrubs: Shrubs shall be a minimum five-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.
- (3) 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.
- (4) Turf: No more than 1,500 square feet or ten percent 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.

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- (5) **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:

<b><i>Number of required trees on site</i></b>	<b><i>Maximum percentage of any one species</i></b>
1—5	No diversity
6—19	33%
20 or more	25%

- (6) **Irrigation:** To ensure best practices for water conservation, all new landscaping shall comply with the following irrigation standards:
- (a) Irrigation should be limited to between the hours of 6:00 P.M. and 9:00 A.M.
  - (b) All irrigation systems shall be automatic and have moisture sensors installed.
  - (c) Where possible, non-potable irrigation systems should be used to irrigate landscape.
- (7) **Screening and Buffering:**
- (a) 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.
  - (b) 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.
  - (c) **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.
  - (d) **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 six feet.
  - (e) Fencing can be used as a method for screening and buffering, provided the fencing meets the requirements of Section 7-4-6(F).
  - (f) 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 Commission, or Town Council to be in the best interest of the affected properties.
- (8) **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.
- (9) **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

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determined by the Town Manager or designee. These plants will be counted towards the required landscaping.

- (10) **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.
- (11) **Slopes:** Removal of existing vegetation, including ground cover and trees, is strongly discouraged on slopes greater than 30 percent. Development on slopes greater than 15 percent 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 percent of vegetation on slopes greater than 15 percent shall not be disturbed during development.

## **(G) Parking Lot Landscape Standards**

- (1) **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 six or more parking spaces and shall include a minimum of one tree. For nonresidential uses, islands shall be used to separate rows of 12 or more parking spaces and shall include a minimum of two trees. Islands shall be a minimum of six feet wide and as long as the adjacent parking space(s).
- (2) **Trees** shall be incorporated with parking lot design as to provide parking lot shading.
- (3) **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.

## **(H) Right-of-Way Landscape Standards**

- (1) **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 five 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 two and one-half inches for deciduous trees and a six-foot minimum height for evergreens.

## **(I) Exceptions or Deviations**

- (1) **Affordable Housing:** Landscaping requirements for affordable housing projects may be reduced, based on the determination of the Town Manager or designee. 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.
- (2) **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 or designee may waive these requirements until such time the property redevelops. Such decision is the sole discretion of the Town Manager.
- (3) **High-Water Turf:** High-water turf may be allowed in areas of high-water use such as drainages, swales, or downspout locations.
- (4) **Administrative approval for deviations from a required standard:** Deviations from the landscape requirements for up to ten percent 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 or designee for approval.

## **(J) Species List**

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- (1) Preferred Species: A list of recommended species for use in Colorado is available from the Ouray County 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.
- (2) Prohibited Species.
  - (a) 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.
  - (b) The Town Manager or designee is authorized to prohibit additional species with similar nuisance properties.

## **(K) Installation Standards**

- (1) Living materials shall be adequately watered and maintained to become established. Once established watering requirements should be minimized.
- (2) 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.
- (3) Easements shall remain clear of all obstacles which may prevent such easement from operating within its intended purpose.
  - (a) Retaining walls are prohibited from being located in any established easement.
  - (b) Trees may only be permitted in utility easements upon written approval of the easement holder.

## **(L) Maintenance Requirements**

- (1) 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.
- (2) 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.

## **7-4-9 RESIDENTIAL DESIGN STANDARDS**

### **(A) Legislative Declaration**

Ridgway is defined in part by 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.

### **(B) Applicability**

- (1) Unless otherwise excepted, the regulations set out in this Section shall apply to:

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- (a) Construction of any residential building, including without limitation construction of Single-Family, Duplex, Townhouse, Triplex, Fourplex, Cluster Housing, Co-Housing, Multiple-Family structures, and Accessory Dwelling Units;
  - (b) New residential subdivisions;
  - (c) Major additions or renovations to an existing residential structure;
  - (d) Structures that contain only residential uses that are included as part of a mixed-use development.
- (2) Once subjected to these requirements, all residential development and appurtenant sites shall thereafter be maintained in conformity with these requirements.

## **(C) Exceptions**

These regulations shall not be applicable to manufactured homes, as defined in Section 9 and subject to supplemental standards in subsection 7-4-6.

## **(D) Development Standards**

- (1) Foundations:
- (a) The foundation must enclose the space beneath the perimeter of the structure. Foundations may be constructed of masonry or concrete.
  - (b) Perimeter foundations and all supports under the structure must meet the frost depth as required in Section 6-1.
  - (c) All foundations and interior supports shall be poured on undisturbed or compacted soil.
  - (d) All portions of foundations that are above the adjacent finished grade by more than six 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.
  - (e) Unfinished masonry blocks, plywood, other materials or earth backfill that exceeds a grade of two-foot horizontal for each one foot of raise are not permitted.
  - (f) 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) Exterior Siding:
- (a) 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.
  - (b) Materials intended to be painted or finished in any manner, such as wood products or stucco, shall not be accepted until painted or finished.
- (3) Roof Structure:
- (a) Provide varied roof forms or roof forms that are compatible with those used on adjacent homes.
  - (b) 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 percent of the length of the façade on which they are located. Flatter roofs are permitted only if any equipment on the 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.



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- (c) A-frame designs are not permitted.
- (d) Mansard roofs are only permitted if the base of the roof is above the second story of the structure.
- (4) 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 covenant to participate in an assessment district, in cases where immediate construction is not practical.
- (5) Mechanical Equipment:
  - (a) 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.
  - (b) 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.
- (6) Street Address Number: Each residence shall display the street address number in a location that is easily visible from the street with each character not less than four inches nor more than eight inches in height.
- (7) A landscaping plan pursuant to RMC 7-4-8(C) shall be submitted for all new residential plans as required by Subsection 7-4-8(B).
- (8) 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.

## **(E) Architectural Standards**

- (1) 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.
- (2) The design of all new residential development and major additions shall meet each of the following architectural design objectives. Corner lots shall meet these objectives on both the front and side street elevations.
  - (a) Provide relief and contrast to the building's front and side street elevations incorporating solids and voids to break up plain wall surfaces.
  - (b) Provide variation of building mass and height, responding to the existing development context and adjacent zoning districts.
  - (i) Uninterrupted wall areas exceeding twenty-five feet in length shall incorporate a minimum of two (2) architectural features or propose other similar techniques. Such techniques shall include:
    - a. Changes in color, pattern, texture or material;
    - b. Projections, recesses and reveals;
    - c. Horizontal/vertical breaks;
    - d. Pilasters, columns, quoined edges;
    - e. Windows or faux windows; or

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- f. Other method approved by the Town Manager, or designee.
- (c) Building materials. Building materials should be consistent with the materials currently or historically used in Town. A list of encouraged exterior materials are: brick, wood, stone, stucco, decorative block, aluminum, steel, and fiber cement siding. Additionally:
  - (i) Synthetic exterior materials, which have an appearance or similarity to standard dimensional building materials, may be acceptable;
  - (ii) Buildings shall not incorporate exterior metal siding for more than fifty percent (50%) of the total building façade area; and,
  - (iii) Glass may be used for display and at allow visual access to interior spaces. Buildings may not incorporate glass for more than seventy percent (70%) of the total building façade area.
- (d) Garage doors shall not be more than fifty percent (50%) of the front elevation.
- (e) 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.
- (3) The Town Manager or designee shall promulgate design guidelines to provide assistance in meeting these requirements.

## **(F) Deviations**

- (1) The Planning Commission may approve deviations from one or more of the requirements of this Section 7-4-9 on the basis of finding that:
  - (a) The proposed structure will be compatible and harmonious with structures in the immediate vicinity; and either
  - (b) The proposed architecture or construction standards provide compensating features that meet the intent and objectives of these standards; or
  - (c) The proposed structure(s) support(s) the expansion of workforce housing options within the Town of Ridgway.
- (2) Requests for deviations shall be reviewed pursuant to the procedures of Subsection 7-4-3(J), subject to the fees set in Section 7-1-6, Fees and Costs.
- (3) Approval criteria.
  - (a) The Planning Commission may grant a deviation to the Residential Design Standards only upon the finding that the following criteria are met:
    - (i) The proposed structure will be compatible and harmonious with structures in the immediate vicinity; and either
    - (ii) The proposed architecture or construction standards provide compensating features that meet the intent and objectives of these standards; or
    - (iii) The proposed structure(s) support(s) the expansion of workforce housing options within the Town of Ridgway.

## **7-4-10 COMMERCIAL DESIGN STANDARDS**

### **(A) Purpose**

- (1) These Commercial Design Standards intended to document a community's design objectives so that developers and consultants can visualize how their projects work towards the goals stated in the Town Plan. They are intended to assist property owners, developers and town review boards with the preliminary planning, design, and evaluation of proposals and approval

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of projects. By incorporating the Guidelines in the early phases of design, time consuming and costly changes can be avoided. Additionally, they are intended to reduce or eliminate the more common architectural characteristics of sprawl development, keeping with the Town of Ridgway's vision for the future.

- (2) The goal of these Guidelines is to ensure that, over time, the Guidelines will nurture the character and natural beauty of the community, making it an even more appealing and prosperous place.

## **(B) Applicability**

- (1) Unless otherwise excepted, the regulations set out in this Section 7-4-10, shall apply to new construction and exterior alterations of properties within the Town of Ridgway's two primary commercial districts, the Historic Business District (HBD) and the General Commercial District (GCD) district as located on the most updated District Boundaries Map provided at Town Hall. Specifically, the following shall require compliance with these regulations:
  - (a) Structures containing commercial use(s);
  - (b) Structures designated as mixed-use, containing a combination of both commercial and residential uses.
  - (c) Developments with more than 20 parking spaces within the GC District shall incorporate the mitigation and site planning improvements.

## **(C) General Commercial District Development Standards**

The General Commercial District is equally important to Ridgway's economic sustainability but provides a different facet of retail and business opportunities than the Historic Business District. Commercial development within this District is encouraged to be pedestrian-oriented within the development; however, it is geared more towards the drive-up customer as the main point of arrival. Furthermore, with no historic buildings on-site to influence the architectural style or ambiance of new commercial developments within the General Commercial District, close attention must be paid to site planning and design elements to promote an experience that is still complementary to Ridgway as a whole.

In general, unique and variable architectural design is encouraged, while large, uniform and generic-looking buildings should be avoided. 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. As described in the Land Use Plan, the community desires to carry the character and distinct charm of Ridgway forward in all new commercial developments.

With such a small developable land area, nearly all of which is within view of travelers driving on Highways 550 and 62, every development makes a difference in the overall impression and experience of Ridgway. Thus, the Commercial Design Guidelines play an ever-important role in promoting the historic, rural landscape that the community desires to maintain in the future.

- (1) Site Planning and Parking
  - (a) Site plans for new commercial development within the General Commercial District are encouraged to place buildings towards the front of the lot, with parking in the rear or the sides of the building where practical. Windows and entrances may be located on both the front and the rear, emphasizing access for patrons who may be arriving via automobile, or those who may be walking or biking via sidewalks and bike lanes from other areas of town. Some buildings may front more than one street, in which case there will be multiple building "fronts" instead of front and rear building aspects.
  - (b) Parking should be provided to the greatest extent possible at the rear or sides of buildings (except when prevented by building orientation) and parking should be sited to provide the least visual impact from public rights of way.



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- (i) Parking and driveway areas and primary access to parking facilities should be surfaced with asphalt or concrete, or alternative materials and systems approved by the Town. Hard-surface alternatives to concrete and asphalt are encouraged. Improvements shall not impede drainage on street or public rights-of-way.
  - (ii) Parking lots should not dominate the frontage of pedestrian-oriented streets, interfere with designated pedestrian routes, or negatively impact surrounding areas.
  - (iii) Where feasible, parking lots are encouraged to share access drives with adjacent property with similar land uses. Shared access should include cross-access easements and/or similar shared use and maintenance agreements.
  - (iv) Off-street parking areas should be designed so that vehicles may exit without backing onto a public street unless no other practical alternative is available. Off-street parking areas should be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility or other structure.
  - (v) Circulation areas should be designed to facilitate the safe movement of vehicles without posing a danger to pedestrians or impeding the function of the parking area.
  - (vi) Parking area lighting shall comply with Town Outdoor Lighting Regulations.
  - (vii) Where possible, shared off-street parking for compatible uses should be considered and should include a shared parking agreement including substantiation that parking will be available during the times it is needed.
  - (viii) Bollard and/or street lighting should, where appropriate, be used to provide lighting at critical points in the parking lot without over lighting, glare or lighting trespass.
  - (ix) Use of landscape/grassed catchment areas shall follow the requirements of Ridgway Municipal Code 7-7-8(C).
  - (x) Site parking should 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.
- (2) Mass and Scale:
- (a) While the mass and scale of buildings within the General Commercial District might be larger as compared to other areas of the community, development should take steps to minimize the impact of this type of commercial development on the distinct character of Ridgway. Large, featureless “big box” retail structures are out of context in Ridgway.
- (3) Architectural Design and Materials:
- (a) Architectural design within the General Commercial District has the opportunity to be modern and streamlined, yet still must uphold the character and distinct qualities of Ridgway as a whole. Developments should incorporate architectural features and techniques to avoid monolithic shapes and surfaces. Changes in color, pattern, texture and material are encouraged on the primary facade as well as all other visible building elevations.
  - (i) Uninterrupted wall areas exceeding fifty feet in length shall incorporate a minimum of two (2) architectural features or propose other similar techniques. Such techniques shall include:
    - a. Changes in color, pattern, texture or material;
    - b. Projections, recesses and reveals;
    - c. Horizontal/vertical breaks;
    - d. Pilasters, columns, quoined edges;

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- e. Windows or faux windows; or
  - f. Other method approved by the Town Manager, or designee.
- (b) Building materials. Building materials should be consistent with the materials currently or historically used in Town. A list of encouraged exterior materials are: brick, wood, stone, stucco, decorative block, aluminum, steel, and fiber cement siding. Additionally:
- (i) Synthetic exterior materials, which have an appearance or similarity to standard dimensional building materials, may be acceptable;
  - (ii) Buildings shall not incorporate exterior metal siding for more than fifty percent (50%) of the total building façade area; and,
  - (iii) Glass may be used for display and to allow visual access to interior spaces. Buildings may not incorporate glass for more than seventy percent (70%) of the total building façade area.
- (4) Screening and Buffers:
- (a) Screening and landscape buffers shall follow the screening and buffering requirements as described in Section 7-4-8.
  - (b) Parking areas, outside trash receptacles, large utility boxes, open storage areas, conflicting land uses, mechanical systems and other unattractive views should be screened from the street and public right of way.
  - (c) Screening of utility boxes, trash enclosures, and similar uses should be around all sides except for those required for access, which will be screened with a gate on the access side.

### **(D) Historic Business District Design Guidelines**

Ridgway's Historic Town Core is the heart of the community. It is home to the original Ridgway Townsite and is comprised of a walkable grid pattern, historic structures, local businesses, and the historic Hartwell Park. It is a place where the community gathers and residents and visitors alike shop, dine, relax and enjoy town. As recognized in the Land Use Plan, maintaining its charming, rustic character is important to the quality of life and sustainability of the greater Ridgway community. To this end, the Town is participating in two statewide economic development efforts, the Creative District Program and the Main Street Program, whereby the existing assets of the Ridgway community and its built environment in this historic downtown location are the focal point of current and future development.

Many of Ridgway's historic buildings were destroyed by fire in the early years, and a number of new buildings were constructed in the 1980's and 1990's. Despite the forces of nature and development influences, the Town retains a characteristic historic feel in its downtown area, with a number of historic buildings remaining from the late 1800's and early 1900's and including historically platted secondary roads and alleyways.

There are approximately 10 significant, historic, commercial structures in the downtown Historic Business District / Main Street area. This represents roughly 20% of the commercial building stock downtown where the location and key uses of these historic buildings are significant for the Ridgway community, including the Old Stone Town Hall and Jail ("the Firehouse"), the Ridgway Train Depot, the Bank Building, and the Sherbino Theater. Most of these buildings have taken on modern businesses or uses and provide the design foundation upon which the Historic Business District is built.

In general, new commercial construction and renovation in the Historic Business District should complement rather than overpower the historic buildings.

#### **(1) Site Planning**

- (a) The way in which a building is placed on its lot and relates to the neighboring buildings contributes to the visual unity and character of the Historic Business District. New

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construction should complement the size, height and arrangement of surrounding buildings.

- (b) Buildings within the Historic Business District were traditionally placed at the front of the lot, facing the public right of way, to provide ready pedestrian access. Many were fronted by sidewalk or boardwalks and had shed-roofed porches. Horse and wagon hitchers were found on railings in front of the buildings. Today, that same model promotes a pedestrian-friendly and aesthetically- pleasing environment.
  - (c) New development should place any new building to the front of the lot with the entrance at the front of the building in order to define the street edge and promote a pedestrian scale experience.
  - (d) For new buildings or renovations on corner lots, both street-facing walls should be treated as primary facades.
  - (e) Place less-public areas such as storage, manufacturing spaces, and loading docks toward the rear of the building, shielded from the street view.
- (2) Architectural Design.
- (a) A new commercial building in the Historic Business District should blend in with its historic counterparts in terms of architectural design. Features that need to be considered include roof, storefront, windows and decorative elements.
  - (b) 25' x 142' is a typical width and length for historic lots in this region, which creates the visual pattern for which towns such as Ridgway are known. Multi-story structures often have a visual distinction between the ground floor and the upper floor(s). Porches and sidewalks are also characteristic of the historic era in which many of Ridgway's buildings were constructed. They allowed people to walk along the street edge without being marred by mud or dust. Similarly, porches provided shelter and shade. Today, porches and sidewalks would add an element of historic character while also enhancing the pedestrian movement throughout the Historic Business District.
  - (c) Exterior building elevations and roof lines should maintain the scale and integrity of nearby architectural character and detailing.
  - (d) Uninterrupted wall areas exceeding twenty-five feet in length shall incorporate a minimum of two (2) architectural features or propose other similar techniques. Such techniques shall include:
    - (i) Changes in color, pattern, texture or material;
    - (ii) Projections, recesses and reveals;
    - (iii) Horizontal/vertical breaks;
    - (iv) Pilasters, columns, quoined edges;
    - (v) Windows or faux windows; or
    - (vi) Other method approved by the Town Manager, or designee.
  - (e) The architectural treatment of the front facade should be continued, in its major features, around all visibly exposed sides of a building, except in the Historic Business District where side setbacks have been legally addressed in accordance with Ridgway Municipal Code Section 7-3-10(A) and a future building may directly abut the structure.
  - (f) Entrances should be clearly defined to orient customers and give dimensional character to the building. Each principal entrance should have clearly defined features such as canopies, overhangs, arches or peaked roof forms. Covered, functional front porches or boardwalks are strongly encouraged.

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- (g) Roof forms should complement the historic character of the District. This may include a variety of textures and forms, but should be in keeping with the scale of the structure itself, adjacent buildings, and avoid overly large or bold designs.
  - (h) Flat roof structures should be capped by an articulated parapet design which acts as a structural expression of the building façade and its materials.
  - (i) Historic architectural features, such as brick cornices with dentil molding or corbelling on masonry buildings, should be incorporated where appropriate.
  - (j) Recessed entries, kick plates and transoms are encouraged to be incorporated into the architectural design.
  - (k) Provide a shed-roofed porch on new buildings, when appropriate to the architectural design of the building.
  - (l) Large areas of blank wall should be avoided, unless required by the Town-adopted Fire Code. If blank walls cannot be avoided, design accents such as pilasters or other façade articulations should be utilized to reduce the overall wall mass.
- (3) Materials.
- (a) Traditional materials used in the Historic Business District included brick, log, milled wood, stone and metal. It is desirable to continue these historic uses in an innovative and sustainable manner.
  - (b) Materials similar in texture and finish to those used traditionally and that complement nearby buildings should be selected and used.
  - (c) New buildings must use materials that are compatible with historic materials and, when possible, are sustainably and/or locally-sourced. Examples of these materials include brick, stone, rusted metal, stucco, milled wood, log and composite siding.
- (4) Screening and Buffers
- (a) Screening and landscape buffers shall follow the screening and buffering requirements as described in Ridgway Municipal Code 7-4-8.
  - (b) Parking areas, outside trash receptacles, large utility boxes, open storage areas, conflicting land uses, mechanical systems and other unattractive views should be screened from the street and public right of way.
  - (c) Screening of utility boxes, trash enclosures, and similar uses should be around all sides except for those required for access, which will be screened with a gate on the access side.

### **(E) Deviations**

- (1) The Planning Commission may approve deviations from one or more of the requirements of this Section 7-4-10 on the basis of finding that an exception is justified on the basis of finding that:
  - (a) The proposed structure will be compatible and harmonious with structures in the immediate vicinity; and
  - (b) The proposed architecture or construction standards provide compensating features that meet the intent and objectives of these standards.
- (2) Requests for deviations shall be reviewed pursuant to the procedures of Subsection 7-4-3(J), subject to the fees set in Section 7-1-6, Fees and Costs.
- (3) Approval criteria.
  - (a) The Planning Commission may grant a deviation to the Commercial Design Standards only upon the finding that the following criteria are met:

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- (i) The proposed structure will be compatible and harmonious with structures in the immediate vicinity; and
- (ii) The proposed architecture or construction standards provide compensating features that meet the intent and objectives of these standards.

## 7-4-11 INDUSTRIAL DESIGN STANDARDS

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### (A) Legislative Declaration

These standards have been adopted to require industrial buildings to implement design solutions which are sensitive to those nearby buildings and developments.

### (B) Applicability

- (1) Unless otherwise excepted, the regulations set out in this Section shall apply to new construction and exterior alterations of properties within the Town of Ridgway's two primary commercial districts, the Light Industrial (LI) District and the General Industrial (GI) District as located on the most updated District Boundaries Map provided at Town Hall. Specifically, the following shall require compliance with these regulations:
  - (a) Structures containing industrial use(s).

### (C) Development Standards

- (1) Site Planning and Parking:
  - (a) If adjacent to a residential use, an additional building setback of ten feet (10') shall be provided adjacent to the residential use to reduce the visual impact of large-scale industrial buildings. The additional ten feet shall be landscaped with trees to provide buffering and shall not include parking or storage areas for equipment or mechanical systems. Vehicle and pedestrian access is permitted within the ten feet buffer.
  - (b) 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.
  - (c) 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.
  - (d) Parking should be sited to provide the least visual impact from public rights of way.
    - (i) Parking and driveway areas and primary access to parking facilities should be surfaced with asphalt or concrete, or alternative materials and systems approved by the Town. Hard-surface alternatives to concrete and asphalt are encouraged. Improvements shall not impede drainage on street or public rights-of-way.
    - (ii) Parking lots should not dominate the frontage of pedestrian-oriented streets, interfere with designated pedestrian routes, or negatively impact surrounding areas.
    - (iii) Where feasible, parking lots are encouraged to share access drives with adjacent property with similar land uses. Shared access should include cross-access easements and/or similar shared use and maintenance agreements.
    - (iv) Off-street parking areas should be designed so that vehicles may exit without backing onto a public street unless no other practical alternative is available. Off-street parking areas should be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility or other structure.
    - (v) Circulation areas should be designed to facilitate the safe movement of vehicles without posing a danger to pedestrians or impeding the function of the parking area.

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- (vi) Site parking should include bike racks near the main entrance to the primary building(s) and should have a logical connection to on-site non-motorized access routes.

## (2) Mass and Scale:

- (a) While the mass and scale of buildings within the Industrial Districts might be larger as compared to other areas of the community, development should take steps to minimize the impact of this type of industrial development on the distinct character of Ridgway. Large, featureless industrial structures are out of context in Ridgway.
- (b) Uninterrupted wall areas exceeding fifty feet in length shall incorporate a minimum of two (2) architectural features or propose other similar techniques. Such techniques shall include:
  - (i) Changes in color, pattern, texture or material;
  - (ii) Projections, recesses and reveals;
  - (iii) Horizontal/vertical breaks;
  - (iv) Pilasters, columns, quoined edges;
  - (v) Windows or faux windows; or
  - (vi) Other method approved by the Town Manager, or designee.

## (3) Architectural Design and Materials:

- (a) Architectural design within the Industrial Districts has the opportunity to be functional and streamlined, yet still must uphold the character and distinct qualities of Ridgway as a whole.
- (b) Naturally-derived materials are always desirable, such as stone or wood; and innovative materials such as metal, or high quality and environmentally friendly wood-alternative decking and siding are also encouraged. Whenever possible, local and regionally produced materials are preferred.
- (c) Developments should incorporate architectural features and techniques to avoid monolithic shapes and surfaces. Changes in color, pattern, texture and material are encouraged on the primary facade as well as all other visible building elevations.
- (d) Materials within the Industrial Districts should emphasize quality, durability, innovation, and variation. A broad array of materials is acceptable, but those that leave an impression of a poor quality, low durability and generic character are not permitted. Building materials should be consistent with the materials currently or historically used in Town. A list of encouraged exterior materials are: brick, wood, stone, stucco, decorative block, aluminum, steel, and fiber cement siding. Additionally:
  - (i) Synthetic exterior materials, which have an appearance or similarity to standard dimensional building materials, may be acceptable;
  - (ii) Buildings shall not incorporate exterior metal siding for more than fifty percent (50%) of the total building façade area; and,
  - (iii) Glass may be used for display and at allow visual access to interior spaces. Buildings may not incorporate glass for more than seventy percent (70%) of the total building façade area.

## (4) Screening and Buffers:

- (a) Screening and landscape buffers shall follow the screening and buffering requirements as described in Section 7-4-8.
- (b) Parking areas, outside trash receptacles, large utility boxes, open storage areas, conflicting land uses, mechanical systems and other unattractive views should be screened from the street and public right of way.

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- (c) Screening of utility boxes, trash enclosures, and similar uses should be around all sides except for those required for access, which will be screened with a gate on the access side.

### **(D) Deviations**

- (1) The Planning Commission may approve deviations from one or more of the requirements of this Section on the basis of finding that:
  - (a) The proposed structure will be compatible and harmonious with structures in the immediate vicinity; and
  - (b) The proposed architecture or construction standards provide compensating features that meet the intent and objectives of these standards.
- (2) Requests for deviations shall be reviewed pursuant to the procedures of Subsection 7-4-3(J), subject to the fees set in Section 7-1-6, Fees and Costs.
- (3) Approval criteria.
  - (a) The Planning Commission may grant a deviation to the Industrial Design Standards only upon the finding that the following criteria are met:
    - (i) The proposed structure will be compatible and harmonious with structures in the immediate vicinity; and
    - (ii) The proposed architecture or construction standards provide compensating features that meet the intent and objectives of these standards.

## **7-4-12 REGULATIONS FOR MANUFACTURED HOMES, TRAVEL HOMES, AND OTHER FACTORY-BUILT HOUSING.**

### **(A) Manufactured Home Park Design Requirements.**

- (1) Manufactured home parks may be located only where allowed by Town Zoning Regulations, and shall be a minimum of two acres.
- (2) All manufactured home parks shall, as a minimum, comply with the regulations for manufactured home parks issued by the State of Colorado and the requirements of this Section 7-4-12. In the event of any conflict between the State regulations and the requirements of this Section or other ordinances and regulations of the Town, those regulations which are more stringent shall apply.
- (3) Each manufactured home space may have only one manufactured home located on it and shall comply with the dimensional requirements of this Subsection. All spaces shall be adequately identified by a number or letter.
  - (a) Minimum Lot area: 2,500 square feet.
  - (b) Minimum Setbacks:
    - (i) Front: Ten feet.
    - (ii) Rear: Eight feet.
    - (iii) Side on Corner Space: Seven and one-half feet.
    - (iv) Side: Five feet.
  - (c) Accessory structures which are not attached to the manufactured home are not subject to the rear and side yard setbacks, but shall be set back a minimum of two feet.
- (4) The manufactured home park developer shall provide the following improvements:
  - (a) A Town water system to serve each lot, including fire hydrants and fire mains;
  - (b) A sanitary sewer system;
  - (c) Fifty-foot-wide streets with a minimum paved width of 30 feet;



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- (d) A storm drainage system;
  - (e) Street signs, streetlights;
  - (f) Concrete valley pans four feet in width, or curbs, gutters and four-foot-wide sidewalks shall be installed on each side of each street; and
  - (g) A park or playground occupying at least five percent of the area of the manufactured home park to be maintained by the manufactured home park owner.
- (5) Arrangements to provide public utilities, including, if available, gas, electricity, telephone and cable television, shall be made with the utility companies for service to each space.

### **(B) Travel Home Park Design Requirements**

- (1) Size and Location: Travel home parks may be located only where allowed by Town Zoning Regulations and shall be a minimum of two acres in area.
- (2) All travel home parks shall, as a minimum, comply with applicable State of Colorado Regulations for campgrounds and recreation areas and the requirements of this Subsection. In the event of any conflict between State Regulations and the requirements of this Section or other Town ordinances or regulations, those regulations which are more stringent shall apply.
- (3) Dimensional Requirements:
  - (a) All travel homes and any accessory structures shall be at least ten feet from any other travel home and accessory structure.
  - (b) The number of travel homes in the park shall not exceed 25 travel homes per acre.
- (4) Eight percent of the gross area of the travel home park, or 2,500 square feet, whichever is greater, shall be developed and maintained as a park or playground by the park owner.
- (5) The travel home park developer shall provide the following improvements:
  - (a) A water system, including fire hydrants and fire mains.
  - (b) A sanitary sewer system.
  - (c) Paved streets with a minimum paved width as follows:
    - (i) One-way/no parking: 11 feet
    - (ii) One-way/parking on one side: 18 feet;
    - (iii) Two-way/no parking: 24 feet;
    - (iv) Two-way/parking on one side: 27 feet;
    - (v) Two-way/parking on both sides: 34 feet.
  - (d) A storm drainage system.
  - (e) Street signs and security lights.
  - (f) A service building meeting the requirements of applicable State and Town regulations.
- (6) Plans for all improvements shall be submitted with the site plan and shall be approved by the Town prior to the approval of any licenses by the Town Council. All required improvements shall comply with Town design and construction standards and specifications.
- (7) Easements: The Town may require reasonable utility easements to be dedicated to the public for the purpose of public and Town utilities.

### **(C) Maintenance of Manufactured Homes and Travel Home Parks**

- (1) All manufactured home parks and travel home parks shall be maintained in accordance with the requirements of this Section, applicable State of Colorado Department of Public Health and Environment Regulations, and other applicable regulations of the Town or State.



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- (2) The Town Manager or designee shall have the right to enter upon any manufactured home park or travel home park at any reasonable time for the purpose of inspecting the premises to determine compliance with this Section or other applicable ordinances and Town and State regulations.

## 7-4-13 NONCONFORMING USES

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### (A) General Provisions

- (1) 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.
- (2) 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 7-4-3(E), the following shall apply:
  - (a) If the building, 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 50 percent of the fair market value of the building, manufactured home or structure after repair, it shall no longer be lawful to use the building, manufactured home or premises except in compliance with the Use Regulations for the District within which it is located.
  - (b) If the nonconforming use is abandoned or discontinued for a period of six months, then the premises may only be used in compliance with the Use Regulations for the District within which it is located.
  - (c) 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 7-4-3, that the criteria set out in Subsection 7-4-3(E) 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.
  - (d) 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 Subsection 7-4-3, that the criteria set out in Subsection 7-4-3(E) will be met.
- (3) 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:
  - (a) If the nonconformity of the building, use, or structure is abandoned, removed, or corrected, such nonconformity may not be reestablished.
  - (b) If the building, manufactured home or structure is damaged so that the cost of replacing or restoring it is greater than 50 percent of its fair market value after replacement, the building, manufactured home or structure may be repaired or replaced only in compliance with these Zoning Regulations.
  - (c) 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.

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- (d) 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.
- (4) This Subsection shall not apply to signs. Nonconforming signs shall be governed by the provisions of Subsection 7-4-7.

### **(B) Nonconforming Manufactured Home Parks and Travel Home Parks**

- (1) Any manufactured home park or travel home park which at the effective date of this Section, or at the time of annexation, if annexed subsequent to the effective date of this Section, which was lawfully existing and maintained in accordance with previously applicable County or Town regulations and ordinances, but which does not conform or comply with all of the regulations provided for in this Section, may be continued to be maintained and used only in compliance with the provisions and limitations imposed by this Subsection in addition to the limitations of Sections 7-4-3 and 7-4-3(E). Manufactured home parks, or travel home parks which were unlawful or illegal and not in compliance with previously applicable regulations shall remain unlawful and illegal and subject to abatement or other enforcement action. All manufactured home parks and travel home parks shall comply with applicable State regulations immediately.
- (2) If the manufactured home park or travel home park is nonconforming with respect to dimensional requirements or other general requirements of the design standards of this Section, the following provisions shall apply:
  - (a) If the nonconformity is abandoned, removed or corrected for any length of time, such nonconformity may not be reestablished.
  - (b) No alteration may be made which would increase the amount or degree of the nonconforming feature. Changes may be made which would decrease the degree or amount of deviation from the requirements of this Section.
  - (c) If any existing manufactured home is removed from a site or space within or without a manufactured home park, no manufactured home may be moved onto such site or space which would have the effect of increasing the degree or amount of the nonconformity with this Section.

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Annotation

Definitions

Table

## Chapter 7: Land Use Regulations

### Section 5 Subdivision Regulations

#### 7-5-1 GENERAL PROVISIONS.

##### (A) Purpose.

- (1) These Regulations shall be known and may be cited as the Town's "Subdivision Regulations".
- (2) These Regulations shall apply within the corporate limits of the Town.
- (3) The purposes of these Regulations are to:
  - (a) Promote and protect the public health, safety and welfare.
  - (b) To ensure that new development bears its fair share of the cost of providing improvements and services resulting from the development of subdivisions.
  - (c) To set forth uniform procedures and standards for the handling of subdivisions.
  - (d) To ensure adequate and safe public services such as water, sewer, fire protection, streets and storm drainage.
  - (e) To ensure compatibility, and implement the Town's Master Plan and Land Use Regulations.
  - (f) To encourage development which limits hazards due to erosion, flood, soil conditions, and excessive slopes.
  - (g) To obtain land for parks, schools, affordable housing, and other public purposes.
  - (h) To protect the quality of the water, air and environment.
  - (i) To encourage energy conservation, use of solar energy, clustered development, and infilling.
  - (j) To encourage development which will not adversely affect adjacent property, or historical or recreational values.
  - (k) To discourage development inconsistent with existing services and infrastructures.
  - (l) To provide for safe and efficient flow of pedestrians, bicycles, and vehicles.
- (4) These Regulations shall not create any liability on the part of the Town or any officer or employee thereof arising from reliance upon these regulations or any administrative act or failure to act pursuant to these regulations.

##### (B) Interpretation

- (1) In interpreting and applying provisions of these Subdivision Regulations they shall be regarded as a minimum required for the protection of the public health, safety and welfare. They shall be liberally construed to further the purposes specified in Subsection 7-5-1(A) above.
- (2) Whenever a provision of these Regulations and any other provision found in another Town ordinance or applicable law contains any restrictions or regulations covering the same subject matter, the restriction or regulation which is more restrictive or imposes a higher standard or requirement shall govern.

#### 7-5-2 SUBDIVISION APPLICATIONS AND REVIEW PROCEDURES

This Section outlines the review procedures that are common to all applications regulated within Section 5, Subdivision Regulations, unless otherwise stated in these Land Development Regulations. Table T-5.1 identifies the various application types and associated review procedures regulated by this article. The submittal requirements, review procedures, and approval criteria for each application type are laid out in

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subsequent sections of this article as identified in Table T-5.1. All documents and materials identified in this Section, and the particular application type section shall be required.

## (A) Table T-5.1 – Subdivision Application Types and Processes

Table T-5.1, Subdivision Application Types and Processes

	Pre-Application Meeting (\$7-5-2(B)(1))	Completeness Review (\$7-5-2(B)(3))	Referrals (\$7-5-2(B)(4))	Notice of Hearing (\$7-5-2(B)(6))	Town Manager or designee	Planning Commission (\$7-5-2(B)(7))	Town Council (\$7-5-2(B)(7))
R=Required; O=Optional; PH=Required Public Hearing; Rec=Recommendation; D=Decision							
Minor Subdivision Plat (\$7-5-2(D))	R	R	R	R Posting	Rec	R PH / Rec	R PH / D
Major Subdivision (Section 7-5-2(C))							
Sketch Plan (\$7-5-2(C)(2)(a))	R	R	R	R Posting		R PH / D	
Preliminary Plat (\$7-5-2(C)(2)(b))	R	R	R	R Posting	Rec	R PH / Rec	R PH / D
Final Plat (\$7-5-2(C)(2)(c))	O	R	R	R Posting	Rec	R PH / Rec	R PH / D
Other Subdivision Types							
Amended Plat (\$7-5-2(E))	R	R	R	R Posting	Rec	R PH / Rec	R PH / D
Boundary or Lot Line Adjustment (\$7-5-2(F))	O	R	R	R Posting	Rec	R PH / D	
Building Footprint (\$7-5-2(G))	O	R	R	R Posting	Rec	R PH / D	
Condominium (\$7-5-2(H))	O	R	R	R Posting	Rec	R PH / D	
Lot Consolidation (\$7-5-2(I))	O	R	R	R Posting	Rec	R PH / D	
Resubdivision Plat (\$7-5-2(J))	R	R	R	R Posting	Rec	R PH / Rec	R PH / D
Townhouse (\$7-5-2(K))	O	R	R	R Posting	Rec	R PH / D	
Right-of-Way Vacation (\$7-5-2(L))	O	R	R	R Posting	Rec	R PH / Rec	R PH / D

## (B) General Application Review Procedures

The following procedures shall apply to all classifications of development applications which are required under this Chapter.

- (1) Pre-Application Meeting.

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If the applicant or Town Manager or designee, requests a pre-application meeting, or it is required as stated in the table above, the following process shall be followed:

- (a) Prior to the formal submission of the application, the applicant shall contact the Town Manager or designee to schedule and request an informal pre-application meeting. Following receipt of a request, the pre-application meeting should be set for a date within thirty (30) days of the date of the applicant's request. The Town Manager or designee shall advise the applicant of the date and time of the pre-application meeting.
- (b) The applicant shall be prepared to discuss the proposed application with the Town Manager or designee. The applicant is encouraged to present such plats, plans, diagrams, or other preliminary information sufficient to permit the conceptual review of the proposed application.
- (c) The purpose of the pre-application meeting is to assist the applicant in understanding the town's application review processes and to permit the Town Manager or designee to determine the applicable process(es) and regulations for the proposed application.

(2) Application Submittal Requirements.

All of the following information and materials shall be submitted to the Town of Ridgway in a form acceptable to the Town Manager or designee. Additional information and materials required to be submitted for specific application types identified in Table T-5.1 are specified in subsequent sections of this Section and shall also be submitted in order to receive a determination of completeness.

(a) Basic Application Materials.

The following materials are required for all applications regulated by Chapter 7, Section 5, Subdivision Regulations, unless waived by the Town Manager or designee.

- (i) Application Form. An application form for the request shall be obtained from the Town of Ridgway. Completed application forms and accompanying materials shall be submitted to the Town by the owner or applicant.
  - a. Authorized Agent. If the applicant is not the owner of the land based on Ouray County Assessor records, the applicant shall submit a letter signed by the owner consenting to the submission of the application.
  - b. Applicant is Not the Sole Owner. If the applicant is not the sole owner of the land, the applicant shall submit a letter signed by all owners or an association representing all the owners, by which all owners consent to or join in the application.
- (ii) Fees. All application fees shall be in compliance with Section 7-1-6, Fees and Costs.
- (iii) Proof of Ownership. Proof of Ownership in the form of a copy of the property deed or a title commitment which has been issued within sixty (60) days of the application submittal along with copies of all documents listed in the exceptions.
- (iv) Legal Description. Legal description of the property subject to the development application.
- (v) Mineral Interest Owners. List of all mineral interest owners with interests severed from the subject property.
- (vi) Vicinity Map. A map locating the project limits, parcel(s), and property within Ridgway. The vicinity map shall clearly show the boundaries of the subject property and all property within a three-mile radius of the subject property.
- (vii) General Written Narrative. A general written narrative identifying the development team, existing conditions of the property, proposed uses, density, lot layout, end users, financing, public dedications (including rights-of-way, parks, open space,

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infrastructure), and describing the purpose of the project, how the request meets the applicable approval criteria, furthers the goals and objectives specified in the Master Plan, and identifying any potential impacts on adjacent properties and public infrastructure and how those impacts are proposed to be mitigated.

## (3) Completeness Review.

When a completeness determination is required pursuant to Table T-5.1, Subdivision Application Types and Processes, the following shall apply:

- (a) Within fourteen (14) days following receipt of an application, the Town Manager or designee shall administratively review the application and determine whether it includes all the application content requirements of the Ridgway Municipal Code for the requested application type.
- (b) All plans, reports, maps and other information required for the application must be complete and legible. A failure of the application to meet the requirements of the zoning regulations and this Ridgway Municipal Code may delay the processing of the application until the application is sufficient and complete.
- (c) When the Town Manager or designee determines that the application is complete as submitted, the Town Manager or designee shall schedule the application for review in accordance with the provisions set forth in this Section.
- (d) In the event the Town Manager or designee determines that the application is incomplete, the Town Manager or designee shall inform the applicant in writing of the deficiencies in the application. No further processing of the incomplete application shall be undertaken until the Town Manager or designee determines that the applicant has remedied the application's deficiencies.

## (4) Referral Agencies.

In accordance with Table T-5.1, Subdivision Application Types and Processes, applications shall be referred to any of the below referral agencies the Town Manager or designee determines is necessary to the complete and comprehensive review of the request. Referral of applications to other agencies shall be for a time frame of twenty-one (21) days. However, the time frame for review and comment may be extended if the application presents technical issues which require additional review, additional information is provided by the applicant, or the application is modified. Referral agencies include, but are not limited to, the following:

- (a) Bureau of Land Management (BLM)
- (b) Colorado Department of Transportation (CDOT)
- (c) Colorado Division of Reclamation, Mining & Safety
- (d) Colorado Division of Water Resources
- (e) Colorado Parks and Wildlife
- (f) Colorado State Forest Service
- (g) Ditch companies
- (h) Fire Protection District(s) or department(s)
- (i) Ouray County Departments (Assessor, Clerk & Recorder, Attorney, Health Department, Building Department, Road & Bridge, Sheriff Office, etc.) as appropriate
- (j) Town of Ridgway Departments (Town Clerk, Town Attorney, Engineering Department, Building Department, Public Works Department, Police Department, etc.) as appropriate
- (k) Water Conservation District(s)
- (l) San Miguel Power Authority

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- (m) School district(s)
  - (n) Soil Conservation District
  - (o) Utility service providers and districts
  - (p) US Army Corp of Engineers
  - (q) US Environmental Protection Agency (EPA)
  - (r) US Forest Service
  - (s) Any other entity or agency deemed necessary by the Town Manager or designee
- (5) Staff Report.

The Town Manager or designee shall review the application to determine if the proposal satisfies the applicable standards. Once all review comments have been adequately addressed by the applicant, the Town Manager or designee shall prepare a staff report discussing whether the applicable standards of the Ridgway Municipal Code have been satisfied. The staff report should identify issues raised through staff and referral agency review, potential mitigation requirements, any recommended conditions for approval, and any additional information pertinent to the review of the application.

(6) Notice Requirements.

All public notices of hearings required by these Subdivision Regulations shall include the date, time, place, and purpose of the hearing, a general description of the property affected, and any other information deemed appropriate to apprise the public of the general nature of the action proposed. Errors or inaccuracies in the notice shall not be deemed sufficient cause to postpone or invalidate a hearing except where such errors are substantive in material and are found to have reasonably misled or misinformed the public.

(a) Notice by Posting

When notice by posting is required for a public hearing by Table T-5.1, Subdivision Application Types and Processes, notice of the hearing shall be posted at Town Hall ten (10) days before the hearing and posted on the subject property in a location that is visible from each street frontage abutting the property, for at least ten (10) days prior to the hearing in addition to any other notice required by Town regulations.

- (i) Mineral Estates Notice. Per 24-65.5-103, C.R.S. if the surface estate and mineral estate are severed, the owners of severed mineral estates shall be entitled to notification of not less than thirty (30) days before the date scheduled for the public hearing for the application. A copy of the notice shall be given to the Town along with the applicant's certification of compliance with said notification requirements. Provided this notice is not required if notice was previously sent and such certification previously provided with respect to the same surface development, or the application is only platting an additional single lot, unless a mineral estate owner has requested notice pursuant to 24-6-402(7), C.R.S.

(7) Public Hearings.

When an application requires a public hearing before the Planning Commission or the Town Council, in accordance with Table T-5.1, Subdivision Application Types and Processes, the following shall apply:

- (a) The Town shall set the date and time of a public hearing. Notice of the public hearing shall be issued in accordance with Table T-5.1, Subdivision Application Types and Processes and Section 7-5-2(B)(6), Notice Requirements.
- (b) At the public hearing, the reviewing body shall review the application for conformance with the applicable review standards and approval criteria for the request.



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- (c) Any public hearing or other action of the body may be continued or postponed at any time to a specified date and time in order to permit preparation of additional information for further review by the reviewing body.
  - (d) When required, the Planning Commission recommendation shall be forwarded to the Town Council. Following a public hearing, the Town Council shall approve, approve with conditions, or deny the application or continue the matter to a date certain.
  - (e) The applicant shall bear the burden of presenting sufficient competent evidence at the public hearing to support the standards for approval set forth by this Ridgway Municipal Code and other governing documents. Any decision by the reviewing body to recommend, or to act to, approve, conditionally approve, or deny an application shall be based upon a consideration of all evidence presented during the public hearing. Where evidence presented is contradictory, the reviewing body shall weigh such evidence and judge the credibility and sufficiency of the evidence prior to rendering a decision.
- (8) Post Approval.
- (a) Review. Prior to recording of the approved documents, the applicant shall submit all final documents reflecting any conditions of approval to the Town Manager or designee for final review and acknowledgement.
  - (b) Recording. Ordinances, resolutions, plats, and other documents as stated throughout this section, shall be required to be recorded with the Ouray County Clerk and Recorder shall be fully executed by the applicant and filed for execution by the town and recorded. Recording of all documents shall be completed within ninety (90) days from the date of approval by the approving body.
  - (c) Approval of Subdivision Improvement Agreement. A final plat shall not be filed for recording until the Board has approved an Improvement Agreement pursuant to this article.
  - (d) Effective Upon Recording. A plat does not become effective until it is properly filed for recording with the Ouray County Clerk and Recorder.
  - (e) Public Sale of Lots. A division of land becomes complete and eligible for public sale of lots and development only after the final plat and associated approved documents have been properly recorded with the Ouray County Clerk and Recorder.

## **(C) Major Subdivision**

### **(1) General Provisions.**

Division of land applications which are defined as a major subdivision in Chapter 7-9, Definitions, shall be reviewed in compliance with the provisions of this Section 7-5-2(C)(2), Review Procedures. Major subdivisions require three separate stages of approval:

- (a) Sketch Plan Review. The process for sketch plan review is set forth in Section 7-5-2(C)(2)(a), Sketch Plan Review.
- (b) Preliminary Plat. The process for preliminary plat review is set forth in Section 7-5-2(C)(2)(b), Preliminary Plat Review.
- (c) Final Plat. The process for final plat review is set forth in Section 7-5-2(C)(2)(c), Final Plat Review.

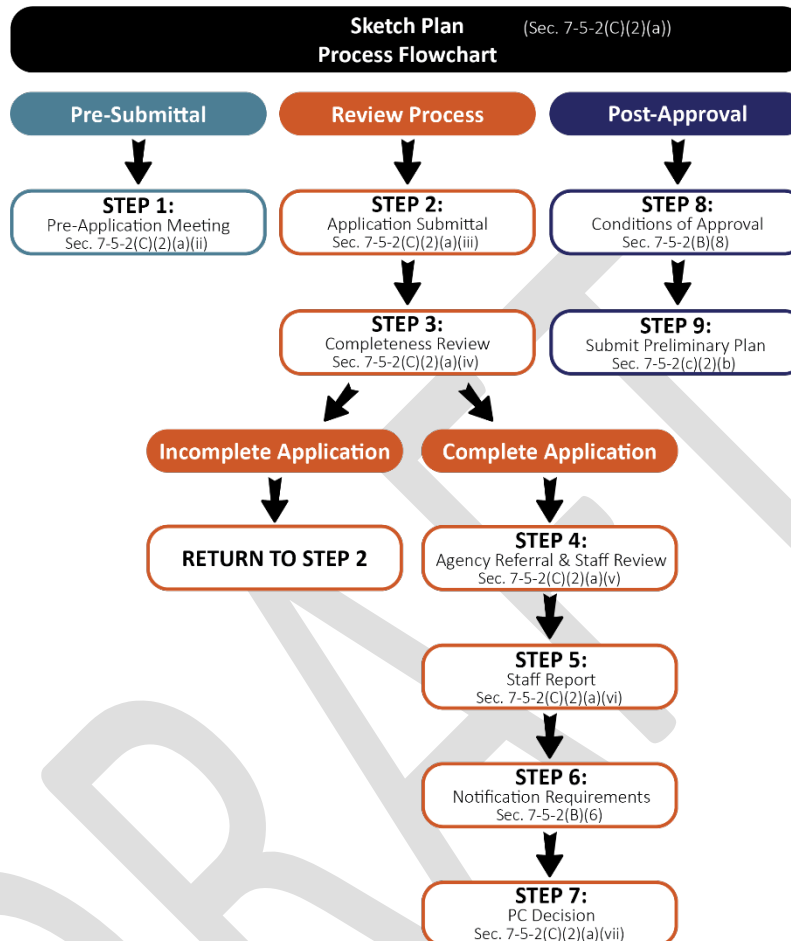
### **(2) Review Procedures**

- (a) Sketch plan Review. The sketch plan review process is intended to review at a conceptual level the feasibility and design characteristics of the proposed subdivision based on the applicable standards set forth in this Section 5, Subdivision Regulations, and Section 4, Zoning Regulations. The sketch plan review process is set forth in Section 7-5-2(C)(2)(a), Sketch Plan Review, and requires the following:

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- (i) Review Flowchart. Figure F-5.1, Sketch Plan Flowchart, depicts the sketch plan application review process described in greater detail in this section.

Figure F-5.1, Sketch Plan Flowchart



- (ii) Pre-Application Meeting. A pre-application meeting may be held in accordance with the provisions set forth in Section 7-5-2(B)(1), Pre-Application Meeting.
- (iii) Application Submittal Requirements. The following are the application materials required to be submitted for a sketch plan request. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.
- Basic Application Materials. All materials set forth in Section 7-5-2(B)(2), Basic Application Materials.
  - Sketch Plan. The applicant shall submit a copy of the sketch plan map at a size and scale legible and suitable for non-technical review of the proposal. The sketch plan map shall include the following information and supplemental materials. The Town Manager or designee may require, or the applicant may wish to submit, a more detailed version of all or part of the sketch plan map.
    - A title clearly identifying the plat as a "Sketch Plan";
    - Standard certificate blocks as provided by the town;
    - Legal description of the property;

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- iv. North arrow, scale, and legend;
- v. A vicinity map at a suitable scale;
- vi. Boundary lines, corner pins, and dimensions of the subject property, including land survey data to identify the parcel with section corners, distance and bearing to corners, quarter corners, township and range;
- vii. Existing and proposed topographic contours at vertical intervals sufficient to show the topography affecting the development and storm drainage;
- viii. Significant on-site features including: natural and artificial drainage ways, streams, ponds, waterways, wetland areas, irrigation ditches, hydrologic features and aquatic habitat; geologic features and hazards including slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic hazard areas, soil types and landslide areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development;
- ix. Existing and proposed parking areas, driveways, emergency turn-outs and emergency turnarounds, sidewalks, and paths and their dimensions;
- x. Existing and proposed roads, railroad tracks, irrigation ditches, fences and utility lines on or adjacent to the parcel and their dimensions;
- xi. Uses and grantees of all existing and proposed easements and rights-of way on or adjacent to the property and their dimensions; and
- xii. Schematic and narrative representation of the proposed land use(s) including:
  - 1. Existing and proposed zoning of land to be subdivided;
  - 2. Total proposed subdivision area in acres and a percentage breakdown of areas devoted to specific land uses, with acreage and square footage, (e.g. percentage and area of residential development and/or nonresidential development; percentage and area of open space; percentage and area of parking and driveways, and so forth);
  - 3. Approximate lot sizes;
  - 4. Total number, size, general location, and type of proposed dwelling units;
  - 5. Location, size, and use of major improvements;
  - 6. Total number of square feet of proposed nonresidential floor space;
  - 7. Off-street parking areas and anticipated number of spaces;
  - 8. Recreation areas and open space;
  - 9. School sites;
  - 10. Approximate location of wastewater treatment system, including location and size of leach field, service lines, and treatment facilities to serve the proposed use;
  - 11. Source and capacity of the water supply, including approximate location and size of well(s) and/or water lines to serve the proposed use;
  - 12. Location and size of existing and proposed utilities and service facilities; and

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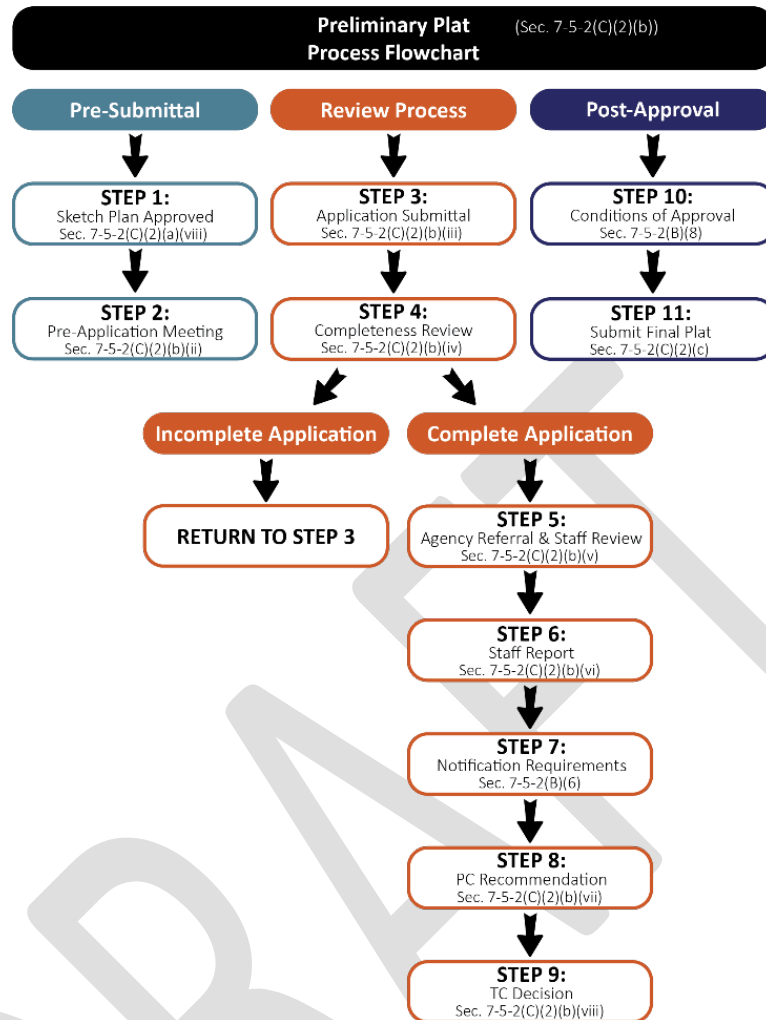
- xiii. Current and proposed grading and drainage patterns including:
  - 1. Drainage arrows depicting surface flow;
  - 2. Drainage facilities and improvements; and
  - 3. A grading plan depicting existing and proposed site contours at two-foot intervals.
- c. Land Suitability Analysis. The land suitability analysis is a written analysis of conditions on-site and off-site which have an influence on the proposed use of the land. The land suitability analysis shall include the following information:
  - i. A description of site features such as streams, areas subject to flooding, lakes, high ground water areas, vegetative cover, and other significant natural and man-made features;
  - ii. A description of the existing drainages and impoundments, natural and manmade;
  - iii. A description of soil characteristics of the site;
  - iv. A description of the geologic characteristics of the area including any potential natural or man-made hazards;
  - v. A description of the topography and the slope determination;
  - vi. A description of the source of water supply, the existing and future domestic and agricultural requirements, and the capacity of the source of water supply to meet existing and future requirements. The description shall include detail of historic irrigation, tailwater issues, and water demands;
  - vii. A description of the relationship of the subject parcel to floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal, the slope of the land, the effect of sewage effluents, and the pollution of surface runoff, stream flow and groundwater;
  - viii. A description of the Floodplain and Flood Fringe designations affecting the subject property;
  - ix. A description of the existing environmental conditions:
    - 1. Existing flora and fauna habitat, wetlands, migration routes;
    - 2. Significant archaeological, cultural, paleontological, and historic resource areas; and
    - 3. Potential radiation hazard that may have been identified by the state or the Ouray County Public Health Department.
  - x. A description of the existing and historic use of adjacent property and neighboring properties within a 300' radius;
  - xi. A description of all easements defining, limiting or allowing use types and access;
  - xii. Access:
    - 1. A description of historic public access to or through the site; and
    - 2. A description of access to adjoining roads and sight distance and intersection constraints.
- d. Conceptual Landscape Plan. The landscape plan shall comply with all requirements in Section 7-4-8, Landscape Regulations.

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- e. Supplemental Materials. The following items are required to be submitted to the Town of Ridgway:
    - i. Conceptual drainage plan or study calculating historic and proposed surface and stormwater flows and how such flows will be managed.
    - ii. Conceptual traffic statement or study identifying current and proposed traffic counts and proposed trip generation along with any needed or anticipated improvements to mitigate the projects use on the public transportation network and infrastructure.
    - iii. Proof of minimum guaranteed water supply appropriate for the requested use.
  - f. Additional Requirements
    - i. Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.
- (iv) Completeness Review.
- The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section 7-5-2(B)(3), Completeness Review.
- (v) Evaluation by Staff and Review Agencies.
- Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section 7-5-2(B)(4), Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.
- (vi) Staff Report.
- A staff report shall be prepared and provided to the reviewing body in accordance with Section 7-5-2(B)(5), Staff Report.
- (vii) Review and Action by the Planning Commission.
- a. The Planning Commission shall review the sketch plan application in a manner consistent with Table T-5.1, Subdivision Application Types and Processes to evaluate compliance with applicable standards. The final decision to approve, approve with conditions, or deny a sketch plan shall be made by the Planning Commission in a manner consistent with Table T-5.1, Subdivision Application Types and Processes and be based upon the criteria set forth in Section 7-5-2(C)(3), Approval Criteria.
  - b. The Planning Commission may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to making a final decision.
- (b) Preliminary Plat Review. The preliminary plat review process will consider the feasibility and design characteristics of the proposed subdivision based on the applicable standards set forth in Section 7-5-4, Design Standards. The preliminary plat process will also evaluate preliminary engineering documents.
- (i) Review Flowchart. Figure F-5.2, Preliminary Plat Flowchart, depicts the preliminary plat application review process described in greater detail in this section.

*Figure F-5.2, Preliminary Plat Flowchart*

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- (ii) Pre-Application Meeting. A pre-application meeting may be held in accordance with the provisions set forth in Section 7-5-2(B)(1), Pre-Application Meeting.
- (iii) Application Submittal Requirements. The following are the application materials required to be submitted for a preliminary plat request. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.
  - a. Basic Application Materials. All materials set forth in Section 7-5-1(B)(2), Basic Application Materials.
  - b. Preliminary Subdivision Plat. The preliminary subdivision plat shall contain the following information submitted to the Town of Ridgway on 24" x 36" sheets at a scale suitable for technical review of the application.
    - i. A title clearly identifying the plat as a "Preliminary Subdivision Plat";
    - ii. Standard certificate blocks as provided by the town;
    - iii. Legal description of the property;
    - iv. North arrow, scale, and legend;
    - v. A vicinity map at a suitable scale;

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- vi. The name and address of the owner(s) of record of the land being platted and the same information for the applicant(s), if other than the owners;
- vii. The name, address, and seal of the certifying registered land surveyor and the other individuals preparing the preliminary plat;
- viii. The township, range, section and quarter section(s);
- ix. Location and full description of all monuments as required by this article and by Title 38, Article 51, C.R.S.:
  - 1. Permanent monuments shall be set on the external boundary of the subdivision pursuant to §38- 51-101, C.R.S. and
  - 2. Block and lot monuments shall be set pursuant to §38-51-101, C.R.S.
- x. Information adequate to locate all monuments shall be noted on the plat;
- xi. The location, layout, dimensions, areas, and uses of all lots and blocks numbered consecutively;
- xii. The location, layout, dimensions, areas and uses of all outlots and tracts labeled consecutively by letters and include a table identifying ownership and maintenance responsibilities;
- xiii. Site data in chart form presenting:
  - 1. Total area of the proposed subdivision; total area of the developed buildings, driveways and parking areas; total area of non-residential floor space;
  - 2. Total number of proposed lots; breakdown of the lot total by number of lots per use (i.e. residential use, business or commercial and industrial use, and other public and nonpublic uses);
  - 3. Total number of proposed off-street parking spaces;
  - 4. Total number of dwelling units; total number of dwelling units per structure proposed; and
  - 5. Total gross density proposed.
- xiv. Boundary lines, corner pins, and dimensions of the subject property, including land survey data to identify the parcel with section corners, distance and bearing to corners, quarter corners, township and range;
- xv. Topography at the following minimum contour intervals:
  - 1. Subdivision with one or more lots less than two (2) acres in size, topography shown at two (2) foot contour intervals.
  - 2. Subdivision with all lots two (2) acres or greater in size, topography shown at five (5) foot contour intervals.
  - 3. Areas having slopes thirty (30) percent or more, or other significant topographic conditions, topography shown at five (5) foot contour intervals.
- xvi. Significant on-site features including: natural and artificial drainage ways, streams, ponds, waterways, wetland areas, irrigation ditches, hydrologic features and aquatic habitat; geologic features and hazards including slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic hazard areas, soil types and landslide areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development;

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- xvii. Known, identified or designated one hundred (100) year flood plains and localized areas subject to periodic flooding. The distance between the mean identifiable high water mark of any creeks, streams or rivers and the nearest proposed development within the site shall also be shown;
- xviii. Existing and proposed parking areas, driveways, emergency turn-outs and emergency turnarounds, sidewalks, and paths and their dimensions;
- xix. Public Access to the site, and internal circulation. Location, dimension, alignment and names of all existing and proposed streets, drives, alleys and roads on or adjoining the property. The general location and right-of-way width for all arterials and collectors shall be shown;
- xx. The location of any preliminary engineering for any existing or proposed wastewater systems, water mains, culverts, storm drains, sidewalks, gutters, fire hydrants along with the width and depth of pavement or subgrading to be provided, the depth of burial of all underground lines, pipes and tubing and typical cross sections of the proposed grading of roadways and sidewalks;
- xxi. Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the property and their dimensions; and
- xxii. The location, use and gross square footage of proposed structures within the subdivision;
  - 1. Anticipated number of employees for proposed commercial or industrial uses.
- xxiii. Building envelopes in hazardous areas to protect trees and other natural resources, if deemed appropriate by planning staff;
- xxiv. Location and layout of lots and blocks, with lots and blocks numbered consecutively, and the dimensions and acreage of each lot;
- xxv. Areas for landscaping, and delineation of the type and extent of vegetative cover on the site;
- xxvi. Zoning districts on the site and any zoning changes to be requested;
- xxvii. Existing land uses and zoning on adjoining properties;
- xxviii. Public or private sources of utility services and facilities; and
- xxix. Location and dimension of land to be held in common, open space devoted to community use, and land to be dedicated to town.
- c. Preliminary Landscape Plan. The landscape plan shall comply with all requirements in Section 7-4-7, Landscape Regulations.
- d. Land Suitability Analysis. If updates, amendments, or modifications are needed pursuant on the review and approval of a sketch plan, an updated land suitability analysis may be required. The components which shall be included in such an analysis are set forth in Section 7-5-2(C)(2)(A)(iii)c, Land Suitability Analysis.
- e. Final Construction Documents as outlined in the Town of Ridgway Standard Specification and Typical Drawings for Infrastructure Construction.
- f. Supplemental Materials.
  - i. Final drainage plan or study calculating historic and proposed surface and stormwater flows and how such flows will be managed.



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- ii. Final traffic statement or study identifying current and proposed traffic counts and proposed trip generation along with any needed or anticipated improvements to mitigate the projects use on the public transportation network and infrastructure.
  - iii. Draft covenants, restrictions, and by-laws, if applicable.
  - iv. Proof of minimum guaranteed water supply appropriate for the requested use.
  - v. Land located within the Uncompahgre River Overlay District. For all parcels located in the Uncompahgre River Overlay District, excluding subdivisions of existing structures that do not include any additional site development, 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:
    - 1. The boundary of wetlands and riparian areas and a description of the ecological functions and characteristics provided by those wetlands and riparian areas;
    - 2. The pattern, species and location of any significant native trees and other native site vegetation;
    - 3. 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;
    - 4. The top of bank and High-Water Mark of any perennial stream or body of water on the site;
    - 5. 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;
    - 6. Special habitat features;
    - 7. Wildlife movement corridors;
    - 8. The general ecological functions provided by the site and its features;
    - 9. Any issues regarding the timing of development-related activities stemming from the ecological character of the area;
    - 10. Any measures needed to mitigate the projected adverse impacts of the development project on natural habitats and features along the Uncompahgre River corridor; and
    - 11. Twenty-five-foot and 75-foot development setback area from the High-Water Mark.
  - g. Additional Requirements.

Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.
- (iv) Completeness Review.

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The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section 7-5-2(B)(3), Completeness Review.

(v) Evaluation by Staff and Review Agencies.

Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section 7-5-2(B)(4), Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.

(vi) Staff Report. A staff report shall be prepared and provided to the reviewing body in accordance with Section 7-5-2(B)(5), Staff Report.

(vii) Review and Recommendation by Planning Commission.

a. The Planning Commission shall review the preliminary plat application in a manner consistent with Table T-5.1 to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission shall provide a recommendation to approve, approve with conditions, or deny the application to the Town Council based on the review criteria set forth in Section 7-5-2(C)(3), Approval Criteria.

b. The Planning Commission may, in its sole discretion, continue or postpone the meeting to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to making a final decision.

(viii) Review and Action by Town Council.

a. The final decision to approve, approve with conditions, or deny a Preliminary Plat shall be made by the Town Council in a manner consistent with Table T-5.1 based upon the review criteria set forth in Section 7-5(C)(3), Approval Criteria.

b. The Town Council may, in its sole discretion, continue or postpone the meeting to a specified date and time in order to permit preparation of additional information for further review by the Town Council prior to making a final decision.

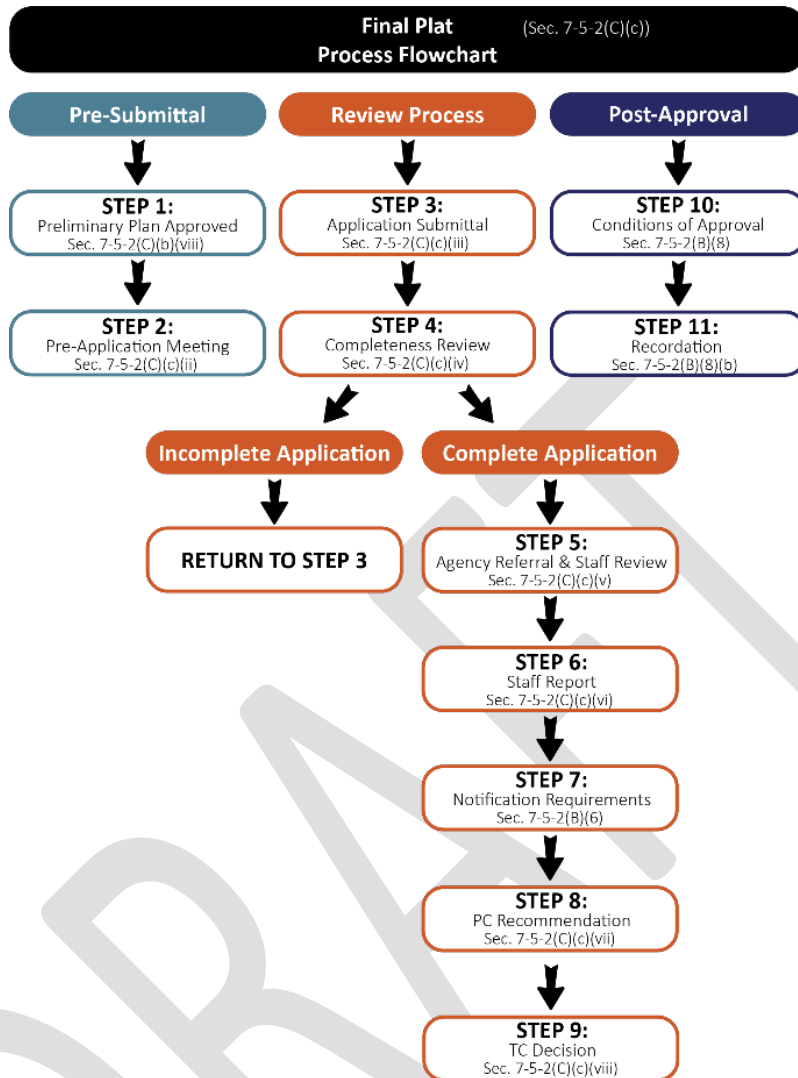
(ix) Construction of Public Improvements. The Town of Ridgway Standard Specification and Typical Drawings for infrastructure Construction shall be followed, including but not limited to a pre-construction meeting. The street base, lights and traffic control devices, and water, sewer, electricity, gas, telephone and drainage systems shall be completed, inspected, approved, and accepted by the Town.

(c) Final Plat Review. Unless otherwise provided by this Ridgway Municipal Code, the applicant must receive preliminary plat approval before beginning the final plat process. Additionally, the street base, lights and traffic control devices, and water, sewer, electricity, gas, telephone and drainage systems, shall have been completed, inspected, approved and accepted by the Town, and received written sign-off from the Town Engineer, prior to submitting a final plat application. The final plat review process will evaluate the final plat to be recorded and associated covenants, bylaws, and restrictions if applicable.

(i) Review Flowchart. Figure F-5.3, Final Plat Flowchart, depicts the final plat application review process described in greater detail in this section.

*Figure F-5.3, Final Plat Flowchart*

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- (ii) Pre-Application Meeting. A pre-application meeting may be held in accordance with the provisions set forth in Section 7-5-2(B)(1), Pre-Application Meeting.
- (iii) Application Submittal Requirements. The following are the application materials required to be submitted for a final plat request. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.
  - a. Basic Application Materials. All materials set forth in Section 7-5-2(B)(2), Basic Application Materials.
  - b. Final Subdivision Plat. The final subdivision plat shall contain the following information submitted to the Town of Ridgway, in a format prescribed by the Town. The final plat shall be prepared in a clear and legible manner measuring 24" x 36" with clear margins of two (2) inches on the left-hand side and one-half (1/2) inch on the remaining sides at a scale suitable for technical review of the application.
    - i. A title clearly identifying the plat as a "Final Subdivision Plat";
    - ii. Legal description of the property;
    - iii. North arrow, scale, and legend;

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- iv. A vicinity map at a suitable scale;
- v. Scaled at one (1) inch to two-hundred (200) feet;
- vi. The name and address of the owner(s) of record of the land being platted and the same information for the applicant(s), if other than the owners;
- vii. The name, address, and seal of the certifying registered land surveyor and the other individuals preparing the final plat;
- viii. The township, range, section and quarter section(s);
- ix. Location and full description of all monuments as required by this article and by Title 38, Article 51, C.R.S.;
- x. Permanent monuments shall be set on the external boundary of the subdivision pursuant to §38- 51-101, C.R.S.;
- xi. Block and lot monuments shall be set pursuant to §38-51-101, C.R.S.;
- xii. Information adequate to locate all monuments shall be noted on the plat;
- xiii. Boundary lines, corner pins, and dimensions of the subject parcel(s), including land survey data to identify the subject parcel by section corners, distance and bearing to these corners, quarter corner and township and range;
- xiv. The lengths of all arcs, radii and tangents. Sufficient data shall be shown for all curved lines on the plat to enable reestablishment of the curves in the field;
- xv. Lot location and layout;
- xvi. All lots and blocks shall be numbered consecutively;
- xvii. The dimensions of all lots and acreage of each lot shown to two decimal places;
- xviii. No ditto marks shall be used for dimensions;
- xix. All unidentified angles will be presumed to equal ninety (90) degrees;
- xx. Location and width of existing and proposed roadways, road rights-of-way and parking areas within the site;
- xxi. All street and road names shall be shown;
- xxii. If any road in the subdivision is a continuation or approximately a continuation of an existing public road, the conformity or the amount of conformity of the new road to the existing roads shall be accurately shown;
- xxiii. Names and widths of all existing or recorded streets and roads intersecting the plat boundaries or paralleling them within two hundred (200) feet, the names and map numbers of all bordering subdivisions, and any municipal limits within two hundred (200) feet of the boundaries of the plat;  
Area of the site, area of individual parcels, and areas of all development including developed driveways, parking and buildings;
- xxiv. The boundary lines and dimensions, shown accurately, of all easements, alleyways, sidewalks or paths, and similar features, including all other rights-of-way not otherwise or explicitly mentioned;
- xxv. The purpose and owner(s) of all easements and statements from all utility companies, as applicable, that the stated services will be provided to the

# EXHIBIT A

- proposed development after platting. A plat note may be necessary to provide complete information regarding the purpose of the easement;
- xxvi. The boundary lines and dimensions, shown accurately, of all property to be reserved and dedicated, with the means of access to such property clearly shown and its intended uses noted;
  - xxvii. A legally acceptable land description and dedication block placed on the plat by the applicant dedicating streets, rights-of-way, utility easements, public sites and other such features. The transfer to the town of dedicated land shall take place by a legally acceptable instrument prior to or concurrent with Final Plat acceptance, but before recording of the final plat;
  - xxviii. The names of abutting subdivisions or, in the case of abutting unplatted property, the notation “unplatted” shall appear;
  - xxix. All lands within the boundary of the subdivision shall be accounted for as a lot, tract, parcel, open space, street, right-of-way, alley and so forth, and all areas of such lands shall be shown on the plat to the nearest one hundredth of an acre;
  - xxx. All plat notes required by the town under preliminary plan approval or as a condition of final plat approval;
  - xxxi. Standard certificate blocks as provided by the town.
- c. Final Landscape Plan. The landscape plan shall comply with all requirements in Section 7-4-7, Landscape Regulations.
  - d. As-built plans containing information as required by the Town specifications and regulations, for water, sewer, electricity, gas, telephone and drainage systems, along with any other available as built plans. "As-built" plans for any other required improvements not completed at the time the final plat is submitted shall be submitted, reviewed and approved by the Town prior to final acceptance of the improvements by the Town.
  - e. Supplemental Materials. The following items are required to be submitted to the Town of Ridgway:
    - i. Final Subdivision Improvement Agreement meeting all standards and requirements set forth in Section 7-5-3(B), Improvement Agreement.
    - ii. Covenants, restrictions, and by-laws, if applicable.
    - iii. Proof of minimum guaranteed water supply appropriate for the requested use.
  - f. Additional Requirements. Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.
- (iv) Completeness Review. The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section 7-5-2(B)(3), Completeness Review.
  - (v) Evaluation by Staff and Review Agencies. Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section 7-5-2(B)(4), Referral Agencies, and review the application for conformance with the requirements and standards of this Municipal Code.
  - (vi) Staff Report. A staff report shall be prepared and provided to the reviewing body in accordance with Section 7-5-2(B)(5), Staff Report.

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(vii) Review and Recommendation by Planning Commission.

- i. The Planning Commission shall review the final plat application in a manner consistent with Table T-5.1, Subdivision Application Types and Processes to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission shall provide a recommendation to approve, approve with conditions, or deny the application to the Town Council based on the review criteria set forth in Section 7-5-2(C)(3), Approval Criteria.
- ii. The Planning Commission may, in its sole discretion, continue or postpone the meeting to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to making a final decision.

(viii) Review and Action by Town Council.

- i. The final decision to approve, approve with conditions, or deny a Final Plat shall be made by the Town Council in a manner consistent with Table T-5.1 based upon the review criteria set forth in Section 7-5-2(C)(3), Approval Criteria.
- ii. The Town Council may, in its sole discretion, continue or postpone the meeting to a specified date and time in order to permit preparation of additional information for further review by the Town Council prior to making a final decision.

(ix) Post Approval. The applicant shall follow the post approval procedures in accordance with Section 7-5-2(B)(8), Post Approval, including recording the final plat with the Ouray County Clerk and Recorder.

(3) Approval Criteria.

The following criteria shall be found to be met by the application and submittal materials in order for the Planning Commission and/or Town Council to recommend approval or approve each stage of a major subdivision:

- (a) All of the required prior approvals for the subdivision and development were issued and remain valid and effective;
  - (i) For a sketch plan, no prior approval is required.
  - (ii) For a preliminary plat, a finding must be made that a sketch plan was approved or conditionally approved by the Town Council not more than twelve (12) months prior to the date of submission of an application for preliminary plat approval or that the sketch plan is currently valid and effective as the result of the approval of an extension of the effective date of the sketch plan.
  - (iii) For a final plat, a finding must be made that a preliminary plat for the subdivision was approved or conditionally approved by the Town Council not more than twelve (12) months prior to the date of submission of an application for final plat approval or that the preliminary plat is currently valid and effective as the result of the approval of an extension of the effective date of the preliminary plat.
- (b) The proposed subdivision complies with all applicable requirements for the zone district(s) in which the property is located;
- (c) The proposed subdivision substantially complies with all other applicable requirements of this code, regulations, standards, and resolutions;
- (d) Adequate capacity of water and wastewater utilities are currently available to serve the entire subdivision and development;

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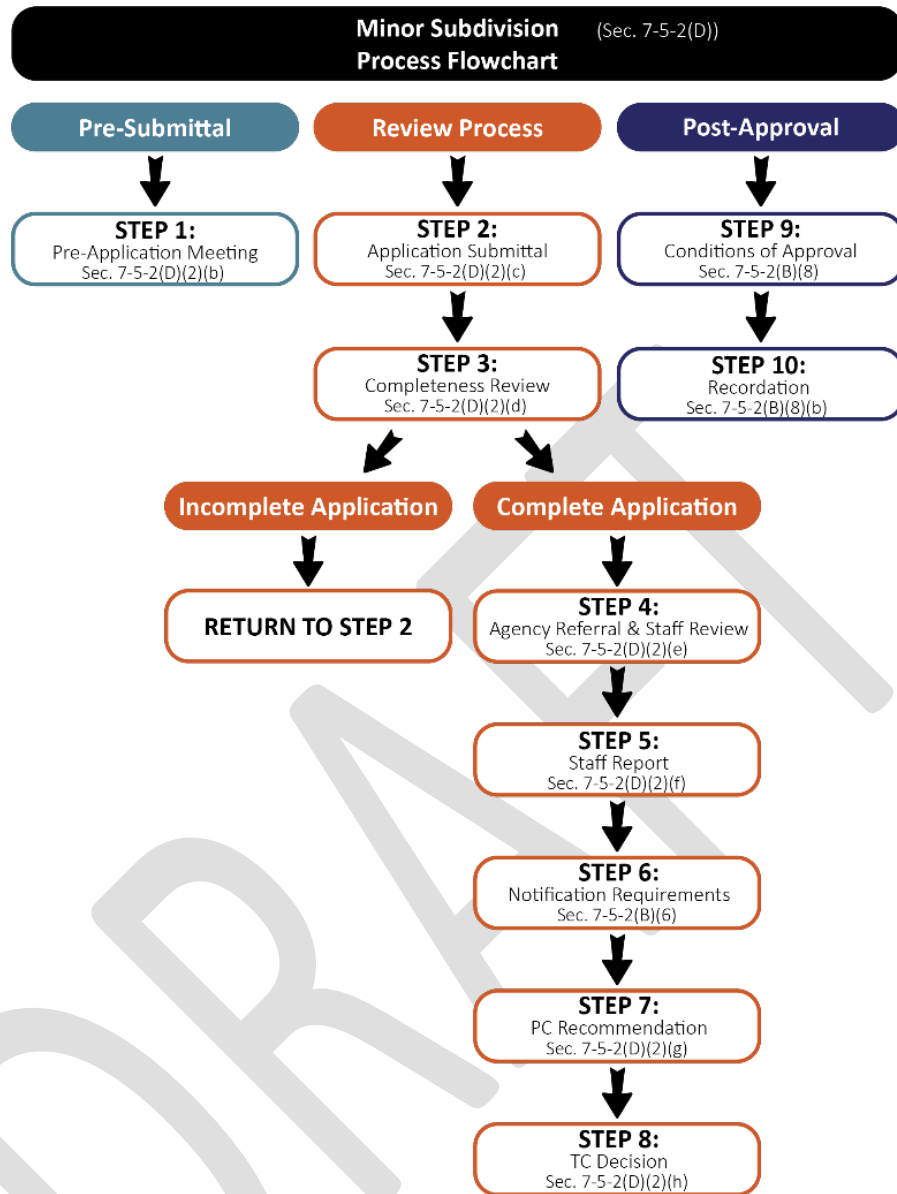
- (e) The proposed subdivision is consistent with the applicable portions of the Master Plan in the reasonable judgement of the approving body; and
- (f) The application:
  - (i) For sketch plan approval, meets or satisfies all applicable requirements of the subdivision regulations;
  - (ii) For preliminary plat approval, is in substantial conformance with the approved sketch plan and the preliminary plat meets or satisfies all applicable requirements of the subdivision regulations; or
  - (iii) For final plat approval, is in substantial conformance with the approved preliminary plat and the final plat meets or satisfies all applicable requirements of the subdivision regulations.

### **(D) Minor Subdivision**

- (1) General Provisions. The minor subdivision review process is a procedure used to evaluate proposed subdivisions for divisions of land meeting the definition of minor subdivision as set forth in Section 9, Definitions. A minor subdivision is:
  - (a) A subdivision that creates four lots or less; and
  - (b) Does not include any proposed public improvements.
- (2) Review Procedures.
  - (a) Review Flowchart. Figure F-5.4, Minor Subdivision flowchart, depicts the Minor Subdivision application review process described in greater detail in this section.

*Figure F-5.4, Minor Subdivision Flowchart*

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(b) Pre-Application Meeting

A pre-application meeting may be held in accordance with the provisions set forth in Section 7-5-2(B)(1), Pre-Application Meeting.

(c) Application Submittal Requirements.

The following are the application materials required to be submitted for minor subdivision requests. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

- (i) Basic Application Materials. All items set forth in Section 7-5-2(B)(2), Basic Application Materials.
- (ii) Minor Subdivision Plat. The plat shall contain the following information submitted to the Town of Ridgway on 24" x 36" sheets at a scale suitable for technical review of the application.



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- a. A title clearly identifying the plat as a “Minor Subdivision Plat”;
- b. Standard certificate blocks as provided by the town;
- c. Legal description of the property;
- d. North arrow, scale, and legend;
- e. A vicinity map at a suitable scale;
- f. The name and address of the owner(s) of record of the land being platted and the same information for the applicant(s), if other than the owners;
- g. The name, address, and seal of the certifying registered land surveyor and the other individuals preparing the preliminary plat;
- h. The township, range, section and quarter section(s);
- i. Location and full description of all monuments as required by this article and by Title 38, Article 51, C.R.S.:
  - i. Permanent monuments shall be set on the external boundary of the subdivision pursuant to §38- 51-101, C.R.S.; and
  - ii. Block and lot monuments shall be set pursuant to §38-51-101, C.R.S.
- j. Information adequate to locate all monuments shall be noted on the plat;
- k. The location, layout, dimensions, areas, and uses of all lots and blocks numbered consecutively;
- l. The location, layout, dimensions, areas and uses of all outlots and tracts labeled consecutively by letters and include a table identifying ownership and maintenance responsibilities.
- m. Site data in chart form presenting:
  - i. Total area of the proposed subdivision; total area of the developed buildings, driveways and parking areas; total area of non-residential floor space;
  - ii. Total number of proposed lots; breakdown of the lot total by number of lots per use (i.e. residential use, business or commercial and industrial use, and other public and nonpublic uses);
  - iii. Total number of proposed off-street parking spaces;
  - iv. Total number of dwelling units; total number of dwelling units per structure proposed; and
  - v. Total gross density proposed;
- n. Boundary lines, corner pins, and dimensions of the subject property, including land survey data to identify the parcel with section corners, distance and bearing to corners, quarter corners, township and range;
- o. Topography at the following minimum contour intervals:
  - i. Subdivision with one or more lots less than two (2) acres in size, topography shown at two (2) foot contour intervals.
  - ii. Subdivision with all lots two (2) acres or greater in size, topography shown at five (5) foot contour intervals.
  - iii. Areas having slopes thirty (30) percent or more, or other significant topographic conditions, topography shown at two (2) foot contour intervals.

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- p. Significant on-site features including: natural and artificial drainage ways, streams, ponds, waterways, wetland areas, irrigation ditches, hydrologic features and aquatic habitat; geologic features and hazards including slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic hazard areas, soil types and landslide areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development;
  - q. Known, identified or designated one hundred (100) year flood plains and localized areas subject to periodic flooding. The distance between the mean identifiable high water mark of any creeks, streams or rivers and the nearest proposed development within the site shall also be shown;
  - r. Existing and proposed parking areas, driveways, emergency turn-outs and emergency turnarounds, sidewalks, and paths and their dimensions;
  - s. Public Access to the site, and internal circulation. Location, dimension, alignment and names of all existing and proposed streets, drives, alleys and roads on or adjoining the property. The general location and right-of-way width for all arterials and collectors shall be shown;
  - t. The location of any preliminary engineering for any existing or proposed wastewater systems, water mains, culverts, storm drains, sidewalks, gutters, fire hydrants along with the width and depth of pavement or subgrading to be provided, the depth of burial of all underground lines, pipes and tubing and typical cross sections of the proposed grading of roadways and sidewalks;
  - u. Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the property and their dimensions;
  - v. The location, use and gross square footage of proposed structures within the subdivision;
  - w. Anticipated number of employees for proposed commercial or industrial uses.
  - x. Building envelopes in hazardous areas to protect trees and other natural resources, if deemed appropriate by planning staff;
  - y. Location and layout of lots and blocks, with lots and blocks numbered consecutively, and the dimensions and acreage of each lot;
  - z. Areas for landscaping, and delineation of the type and extent of vegetative cover on the site;
  - aa. Existing land uses and zoning on adjoining properties;
  - bb. Public or private sources of utility services and facilities; and
  - cc. Location and dimension of land to be held in common, open space devoted to community use, and land to be dedicated to town.
- (iii) Land Suitability Analysis
- a. A description of site features such as streams, areas subject to flooding, lakes, high ground water areas, vegetative cover, and other significant natural and man-made features;
  - b. A description of the existing drainages and impoundments, natural and manmade;
  - c. A description of soil characteristics of the site;
  - d. A description of the geologic characteristics of the area including any potential natural or man-made hazards;

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- e. A description of the topography and the slope determination;
  - f. A description of the source of water supply, the existing and future domestic and agricultural requirements, and the capacity of the source of water supply to meet existing and future requirements. The description shall include detail of historic irrigation, tailwater issues, and water demands;
  - g. A description of the relationship of the subject parcel to floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal, the slope of the land, the effect of sewage effluents, and the pollution of surface runoff, stream flow and groundwater;
  - h. A description of the Floodplain and Flood Fringe designations affecting the subject property;
  - i. A description of the existing environmental conditions:
    - i. Existing flora and fauna habitat, wetlands, migration routes; and
    - ii. Significant archaeological, cultural, paleontological, and historic resource areas.
  - j. A description of the existing and historic use of adjacent property and neighboring properties within a 300' radius;
  - k. A description of all easements defining, limiting or allowing use types and access; and
  - l. Access:
    - i. A description of historic public access to or through the site; and
    - ii. A description of access to adjoining roads and sight distance and intersection constraints.
- (iv) Final Landscape Plan. The landscape plan shall not include any plants or species identified as noxious weeds or invasive species by the Ouray County Weed District or on the USDA Colorado State Noxious Weed list. When landscaping is proposed, the landscape plan shall include the following elements:
- a. Topographic information at two (2) foot contour intervals;
  - b. Location of all lot lines and improvements to the property and location of any easements of record;
  - c. Location of all existing and proposed buildings, driveways, parking lots, walkways, sidewalks, and other impervious surfaces to remain or exist on the property;
  - d. A plant schedule which identifies plants, species, and minimum size to be installed on the property;
  - e. Identification of areas where existing vegetation will be preserved;
  - f. Identification of areas where landscaping will be installed; and
  - g. If an irrigation system is proposed, an irrigation plan depicting the location of irrigation lines and spray heads, irrigation zones, spray areas of each head, and make and model of irrigation system and sprinkler heads.
- (v) Final Engineering Reports and Plans
- a. Final plan and profile design of all proposed streets, sidewalks, trails, walkways, and bikeways;
  - b. Final plan and profile design of all surface drainage and storm sewer conveyance facilities including, but not limited to, inlet locations, size and location of pipes,

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retention or detention facilities, and required water quality and erosion control measures;

- c. Final engineering design and construction features for any bridges, culverts, or other drainage structures to be constructed;
- d. Mitigation of any geologic hazard(s) impacting the project site;
- e. Final plan and profile design of all wastewater collection and water supply and distribution system improvements necessary;
- f. Final cost estimates for all public improvements.

(vi) Supplemental Materials

The following items may be required to be submitted to the Town of Ridgway:

- a. Final improvements agreement meeting all standards and requirements set forth in Section 7-5-3(B), Improvement Agreement;
- b. Final drainage plan or study calculating historic and proposed surface and stormwater flows and how such flows will be managed;
- c. Final traffic statement or study identifying current and proposed traffic counts and proposed trip generation along with any needed or anticipated improvements to mitigate the projects use on the public transportation network and infrastructure;
- d. Covenants, restrictions, and by-laws, if applicable;
- e. Proof of minimum guaranteed water supply appropriate for the requested use;
- f. Traffic statement or study identifying current and proposed traffic counts and proposed trip generation along with any needed or anticipated improvements to mitigate the projects use on the public transportation network and infrastructure.

(vii) Additional Requirements

- a. Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.

(d) Completeness Review.

The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section 7-5-2(B)(3), Completeness Review.

(e) Evaluation by Staff and Referral Agencies.

Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section 7-5-2(B)(4), Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.

(f) Staff Report.

A staff report shall be prepared and provided to the reviewing body in accordance with Section 7-5-2(B)(5), Staff Report.

(g) Review and Recommendation by the Planning Commission.

- (i) The Planning Commission shall review the minor subdivision application in a manner consistent with Table T-5.1 to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission may provide either a recommendation to approve, approve with conditions, or deny the application to the Town Council based on the criteria set forth in Section 7-5-2(D)(3), Approval Criteria.

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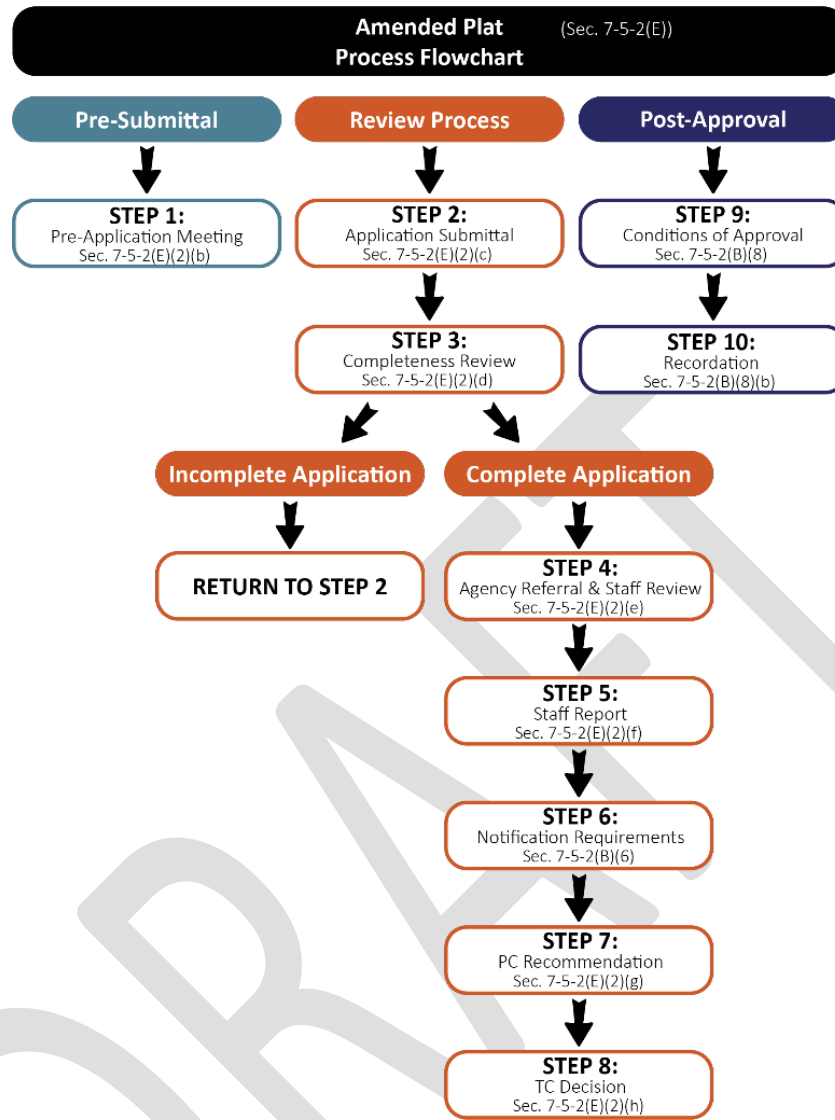
- (ii) The Planning Commission may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to providing a recommendation to the Town Council.
- (h) Review and Action by the Town Council.
  - (i) The final decision to approve, approve with conditions, or deny a minor subdivision application shall be made by the Town Council in a manner consistent with Table T-5.1 and be based upon the criteria set forth in Section 7-5-2(D)(3), Approval Criteria.
  - (ii) The Town Council may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Town Council prior to making a final decision.
  - (i) Post Approval. The applicant shall follow the post approval procedures in accordance with Section 7-5-2(B)(8), Post Approval, including recording the resubdivision with the Ouray County Clerk and Recorder.
- (3) Approval Criteria. A minor subdivision may be approved and accepted by the Town Council if the application is found to meet the following criteria:
  - (a) The proposed subdivision conforms to all applicable requirements for the zone district(s) in which the property is located.
  - (b) The proposed subdivision substantially conforms to all other applicable requirements of this code, ordinances, and resolutions; and
  - (c) The proposed subdivision is consistent with the applicable portions of the Master Plan in the reasonable judgement of the approving body.

## **(E) Amended Plats.**

- (1) General Provisions. Amended Plats of subdivision plats previously approved by the Town, or parts of such plats, which do not require a substantial change to the density, development pattern, public improvements, or easements, and are consistent with the Design Standards of these Regulations as determined by the Town Manager, or designee.
- (2) Review Procedures.
  - (a) Review Flowchart. Figure F-5.5, Amended Plat flowchart, depicts the application review process described in greater detail in this section.

*Figure F-5.5, Amended Plat Flowchart*

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(b) Pre-Application Meeting

A pre-application meeting may be held in accordance with the provisions set forth in Section 7-5-2(B)(1), Pre-Application Meeting.

(c) Application Submittal Requirements.

The following are the application materials required to be submitted for amended plat requests. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

- (i) Basic Application Materials. All items set forth in Section 7-5-2(B)(2), Basic Application Materials.
- (ii) Amended Plat shall contain the following information submitted to the Town of Ridgway on 24" x 36" sheets at a scale suitable for technical review of the application.
  - a. A title clearly identifying this as a "Amended Plat";
  - b. Legal description of the property;

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- c. North arrow, scale, and legend;
- d. A vicinity map at a suitable scale;
- e. The name and address of the owner(s) of record of all properties being modified and the same information for the applicant(s), if other than the owners,
- f. The name, address and seal of the certifying registered land surveyor and the other individuals preparing the survey plat;
- g. The township, range, section and quarter section(s);
- h. Location and full description of all monuments as required by this Land Development Code and by Title 38, Article 51, C.R.S:
- i. Permanent monuments shall be set pursuant to Section 38- 51-101, C.R.S.
- j. Block and lot monuments shall be set pursuant to Section 38-51-101, C.R.S.
- k. Information adequate to locate all monuments shall be noted on the plat;
- l. The location, layout, dimensions, areas, and uses of all lots and blocks numbered consecutive.
- m. The location, layout, dimensions, areas and uses of all outlots and tracts labeled consecutively by letters and include a table identifying ownership and maintenance responsibilities.
- n. Boundary lines, corner pins, and dimensions of the subject parcel(s), including land survey data to identify the subject parcel by section corners, distance and bearing to these corners, quarter corner and township and range;
- o. The lengths of all arcs, radii and tangents. Sufficient data shall be shown for all curved lines on the plat to enable reestablishment of the curves in the field;
- p. The dimensions of all lots and the acreage of each lot shown to two decimal places;
- q. Location and width of existing roadways, road rights-of-way and parking areas within the site:
- r. All street and road names shall be shown.
- s. Area of the entire area the revision covers and the current and proposed area of each individual lot;
- t. The boundary lines and dimensions, shown accurately, of all easements, alleyways, sidewalks or paths, and similar features, including all other rights-of-way not otherwise or explicitly mentioned;
- u. The names of abutting subdivisions or, in the case of abutting unplatted property, the notation "unplatted" shall appear;
- v. Delineation of all known, identified or designated one hundred (100) year floodplains and localized areas subject to periodic inundation along the required stream setback lines, if any;
- w. Standard certificate blocks as provided by the Town.

(iii) Additional Requirements

Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.

(d) Completeness Review.

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The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section 7-5-2(B)(3), Completeness Review.

(e) Evaluation by Staff and Referral Agencies.

- (i) Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section 7-5-2(B)(4), Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.

(f) Staff Report.

- (i) A staff report shall be prepared and provided to the reviewing body in accordance with Section 7-5-2(B)(5), Staff Report.

(g) Review and Recommendation by the Planning Commission.

- (i) The Planning Commission shall review the amended plat application in a manner consistent with Table T-5.1 to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission may provide either a recommendation to approve, approve with conditions, or deny the application to the Town Council based on the criteria set forth in Section 7-5-2(E)(3), Approval Criteria.
- (ii) The Planning Commission may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to providing a recommendation to the Town Council.

(h) Review and Action by the Town Council.

- (i) The final decision to approve, approve with conditions, or deny an amended plat application shall be made by the Town Council in a manner consistent with Table T-5.1 and be based upon the criteria set forth in Section 7-5-2(E)(3), Approval Criteria.
- (ii) The Town Council may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Town Council prior to making a final decision.

(i) Post Approval.

The applicant shall follow the post approval procedurals in accordance with Section 7-5-2(B)(8), Post Approval, including recording the survey plat with the Ouray County Clerk and Recorder.

(3) Approval Criteria. An amended plat application may be approved and accepted by the Town Council if the application is found to meet the following criteria:

- (i) The proposed revision conforms to all applicable requirements for the zone district(s) in which the property is located.
- (ii) The proposed revision substantially conforms to all other applicable requirements of this code and town resolutions; and
- (iii) The proposed revision is consistent with the applicable portions of the Master Plan in the reasonable judgement of the approving body.

## **(F) Boundary or Lot Line Adjustment.**

(1) General Provisions. Boundary or lot line revisions are minor amendments to platted or unplatted property which do not result in any of the following:

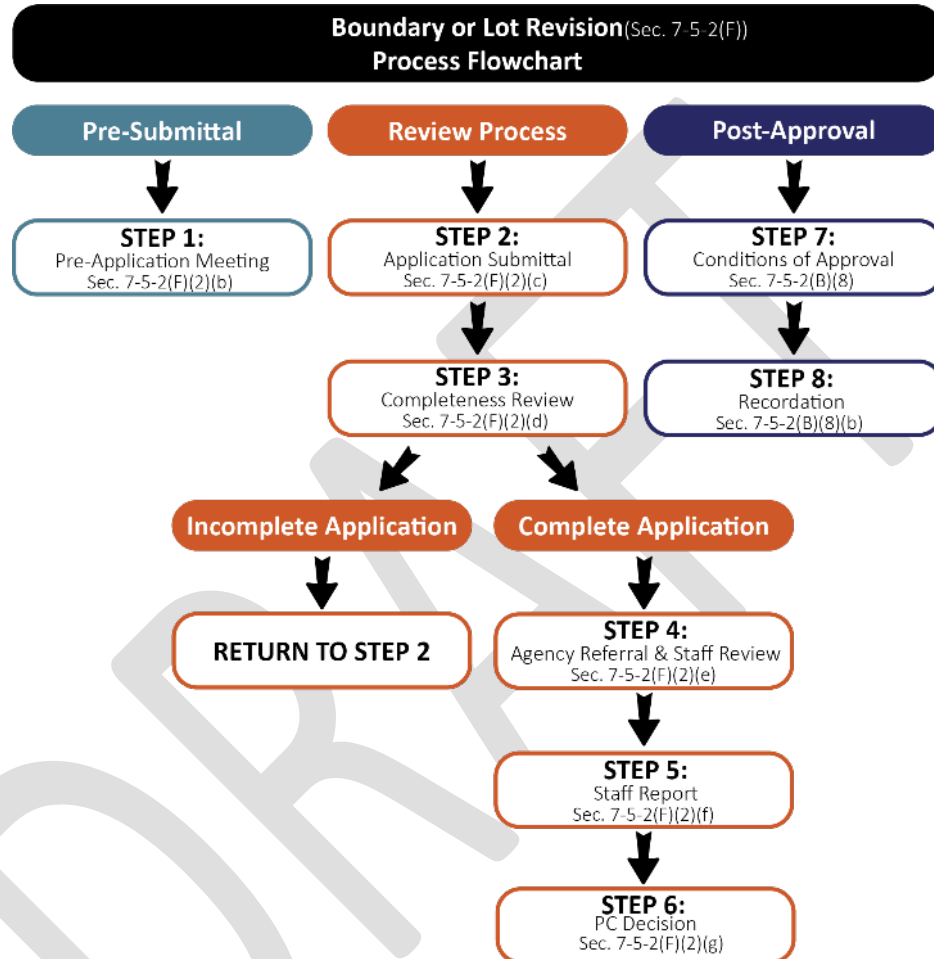
- a. The creation of any additional lot(s);
- b. The consolidation of any lots;
- c. The creation of an unbuildable lot; or



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- d. The creation of a lot that does not have legal access from a public right-of-way or perpetual easement.
- (2) Review Procedures.
- (a) Review Flowchart. Figure F-5.6, Boundary or Lot Line Adjustment flowchart, depicts the application review process described in greater detail in this section.

Figure F-5.6, Boundary or Lot Line Adjustment Flowchart



- (b) Pre-Application Meeting.

A pre-application meeting may be held in accordance with the provisions set forth in Section 7-5-2(B)(1), Pre-Application Meeting.

- (c) Application Submittal Requirements.

The following are the application materials required to be submitted for boundary or lot line revision requests. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

- (i) Basic Application Materials. All items set forth in Section 7-5-2(B)(2), Basic Application Materials.
- (ii) Boundary or Lot Line Adjustment Plat shall contain the following information submitted to the Town of Ridgway on 24" x 36" sheets at a scale suitable for technical review of the application.

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- a. A title clearly identifying this as a “Boundary Line Revision Survey Plat”;
- b. Legal description of the property;
- c. North arrow, scale, and legend;
- d. A vicinity map at a suitable scale;
- e. The name and address of the owner(s) of record of all properties being modified and the same information for the applicant(s), if other than the owners;
- f. The name, address and seal of the certifying registered land surveyor and the other individuals preparing the survey plat;
- g. The township, range, section and quarter section(s);
- h. Location and full description of all monuments as required by this Land Development Code and by Title 38, Article 51, C.R.S.:
  - i. Permanent monuments shall be set pursuant to Section 38- 51-101, C.R.S.
  - ii. Block and lot monuments shall be set pursuant to Section 38-51-101, C.R.S.
- i. Information adequate to locate all monuments shall be noted on the plat;
- j. The location, layout, dimensions, areas, and uses of all lots and blocks numbered consecutively;
- k. The location, layout, dimensions, areas and uses of all outlots and tracts labeled consecutively by letters and include a table identifying ownership and maintenance responsibilities,
- l. Boundary lines, corner pins, and dimensions of the subject parcel(s), including land survey data to identify the subject parcel by section corners, distance and bearing to these corners, quarter corner and township and range;
- m. The lengths of all arcs, radii and tangents. Sufficient data shall be shown for all curved lines on the plat to enable reestablishment of the curves in the field;
- n. The dimensions of all lots and the acreage of each lot shown to two decimal places;
- o. Location and width of existing roadways, road rights-of-way and parking areas within the site;
- p. All street and road names shall be shown;
- q. Area of the entire area the revision covers and the current and proposed area of each individual lot;
- r. The boundary lines and dimensions, shown accurately, of all easements, alleyways, sidewalks or paths, and similar features, including all other rights-of-way not otherwise or explicitly mentioned;
- s. The names of abutting subdivisions or, in the case of abutting unplatted property, the notation “unplatted” shall appear;
- t. Delineation of all known, identified or designated one hundred (100) year floodplains and localized areas subject to periodic inundation along the required stream setback lines, if any;
- u. Standard certificate blocks as provided by the Town.

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- (iii) Additional Requirements. Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.
- (d) Completeness Review. The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section 7-5-2(B)(3), Completeness Review.
- (e) Evaluation by Staff and Referral Agencies. Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section 7-5-2(B)(4), Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.
- (f) Staff Report. A staff report shall be prepared and provided to the reviewing body in accordance with Section 7-5-2(B)(5), Staff Report.
- (g) Review and Action by the Planning Commission.
  - (i) The Planning Commission shall review the boundary or lot line adjustment application in a manner consistent with Table T-5.1 to evaluate compliance with applicable standards. The final decision to approve, approve with conditions, or deny the application shall be made by the Planning Commission in a manner consistent with Table T-5.1 and be based upon the criteria set forth in Section 7-5-2(F)(3), Approval Criteria.
  - (ii) The Planning Commission may, in its sole discretion, continue or postpone the meeting to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to making a final decision.
  - (iii) Post Approval. The applicant shall follow the post approval procedurals in accordance with Section 7-5-2(B)(8), Post Approval, including recording the survey plat with the Ouray County Clerk and Recorder.
- (3) Approval Criteria. A boundary or lot line revision may be approved and accepted by the Planning Commission if the application is found to meet the following criteria:
  - i. The proposed revision conforms to all applicable requirements for the zone district(s) in which the property is located;
  - ii. The proposed revision substantially conforms to all other applicable requirements of this code and town resolutions; and
  - iii. The proposed revision is consistent with the applicable portions of the Master Plan in the reasonable judgement of the approving body.

### **(G) Building Footprint Subdivision**

- (1) General Provisions. The platting of building footprints shall require review and approval of a building footprint subdivision in accordance with the provisions of this Section 7-5.2(G), Building Footprint Subdivision. A building footprint may be resubdivided per the Town-approved foundation line shown on the site plan at the risk of the subdivider, or it may be resubdivided once the foundation has been poured.
- (a) Notwithstanding the definition of a “Subdivision, Building Footprint” in Chapter 7, Article 9, a building footprint may be subdivided prior to the construction of the foundation for the structure provided that:
  - (i) The final plat of any such building footprint shall contain a plat note that provides as follows:
    - a. The building footprint identified hereon as “\_\_\_\_\_” has been subdivided prior to the construction of the building, or foundation of the building, to be located on the pad. Pursuant to said section, the owner(s) of the building, as

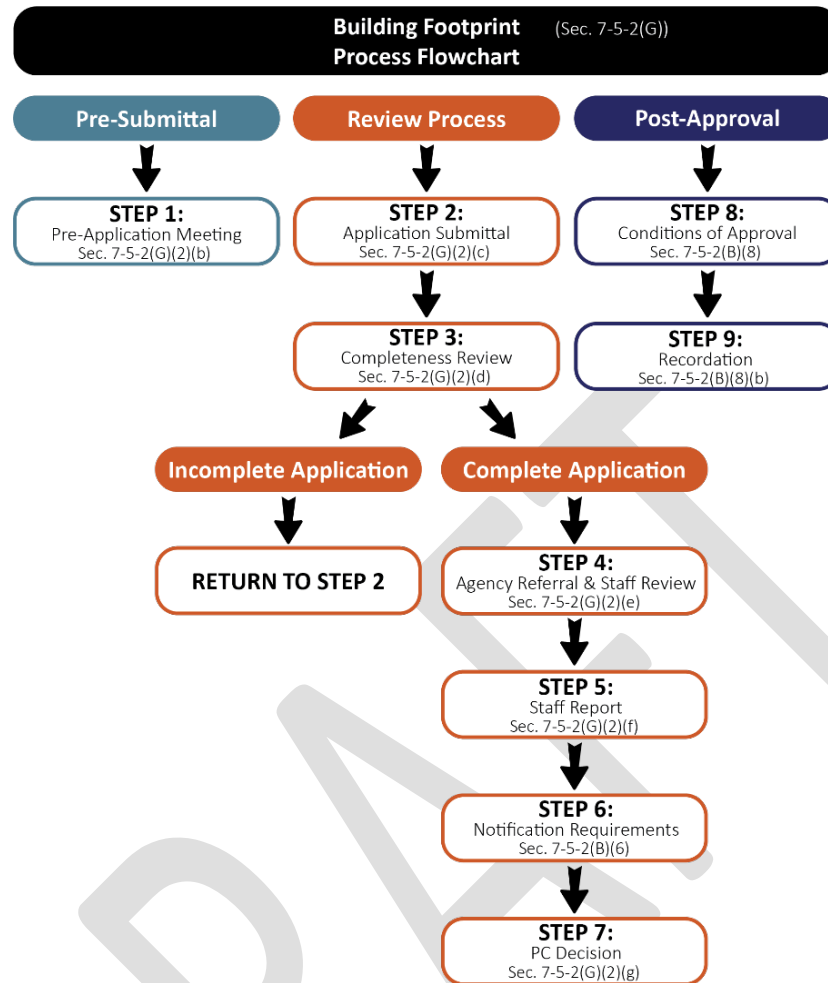
# EXHIBIT A

well as the owner(s) of any property that abuts the building must, within ninety (90) days after the construction of the foundation for the building to be located on the pad, have a survey of the foundation prepared and make a subdivision amended plat application to the Town that shall cause the building footprint depicted on the amended plat to be coterminous with the foundation of the building as constructed.

- (ii) Within ninety (90) days after the construction of the foundation for the building to be located on the pad, the owner(s) of the building shall have a survey of the foundation prepared and, along with the owner(s) of any property that abuts the building footprint, shall make and pursue to completion an application to the Town to amend the plat of the building footprint to cause the building footprint depicted on the amended plat to be coterminous with the foundation of the building as constructed.
- (b) With respect to a building footprint that has been subdivided prior to the construction of the building to be constructed on the pad, or its foundation, it is unlawful:
  - (i) For the owner(s) of the building to fail to, within ninety (90) days after the construction of the foundation, have a survey of the location of the foundation prepared; and
  - (ii) For the owner(s) of the building and the owner(s) of any property that abuts the commercial pad, to fail to, within ninety (90) days after the construction of the foundation, make and pursue to completion an application to the Town to amend the plat of the building footprint to cause the pad to be coterminous with the foundation of the building as constructed.
- (2) Review Procedures.
  - (a) Review Flowchart. Figure F-5.7, Building Footprint Subdivision flowchart, depicts the building footprint review process described in greater detail in this section.

*Figure F-5.7, Building Footprint Subdivision Flowchart*

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(b) Pre-Application Meeting.

- (i) A pre-application meeting may be held in accordance with the provisions set forth in Section 7-5-2(B)(1), Pre-Application Meeting.

(c) Application Submittal Requirements.

The following are the application materials required to be submitted for building footprint requests. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

- (i) Basic Application Materials. All items set forth in Section 7-5-2(B)(2), Basic Application Materials.
- (ii) Building Footprint Plat shall contain the following information submitted to the Town of Ridgway on 24" x 36" sheets at a scale suitable for technical review of the application.
  - a. A title clearly identifying the plat as a "Building Footprint Plat";
  - b. Standard certificate blocks as provided by the town;
  - c. Legal description of the property;
  - d. North arrow, scale, and legend;
  - e. A vicinity map at a suitable scale;

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- f. The name and address of the owner(s) of record of the land being platted and the same information for the applicant(s), if other than the owners;
- g. The name, address, and seal of the certifying registered land surveyor and the other individuals preparing the preliminary plat;
- h. The township, range, section and quarter section(s);
- i. Location and full description of all monuments as required by this article and by Title 38, Article 51, C.R.S.;
- j. Permanent monuments shall be set on the external boundary of the subdivision pursuant to §38- 51-101, C.R.S. and
- k. Block and lot monuments shall be set pursuant to §38-51-101, C.R.S.;
- l. Information adequate to locate all monuments shall be noted on the plat;
- m. The location, layout, dimensions, areas, and uses of all lots and blocks numbered consecutively;
- n. The location, layout, dimensions, areas and uses of all outlots and tracts labeled consecutively by letters and include a table identifying ownership and maintenance responsibilities;
- o. Site data in chart form presenting:
  - i. Total area of the proposed subdivision; total area of the developed buildings, driveways and parking areas; total area of non-residential floor space;
  - ii. Total number of proposed lots; breakdown of the lot total by number of lots per use (i.e. residential use, business or commercial and industrial use, and other public and nonpublic uses);
  - iii. Total number of proposed off-street parking spaces;
  - iv. Total number of dwelling units; total number of dwelling units per structure proposed; and
  - v. Total gross density proposed.
- p. Boundary lines, corner pins, and dimensions of the subject property, including land survey data to identify the parcel with section corners, distance and bearing to corners, quarter corners, township and range;
- q. Topography shown at a minimum of two (2) foot contour intervals;
- r. Significant on-site features including: natural and artificial drainage ways, streams, ponds, waterways, wetland areas, irrigation ditches, hydrologic features and aquatic habitat; geologic features and hazards including slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic hazard areas, soil types and landslide areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development;
- s. Known, identified or designated one hundred (100) year flood plains and localized areas subject to periodic flooding. The distance between the mean identifiable high water mark of any creeks, streams or rivers and the nearest proposed development within the site shall also be shown;
- t. Existing and proposed parking areas, driveways, emergency turn-outs and emergency turnarounds, sidewalks, and paths and their dimensions;

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- u. Public Access to the site, and internal circulation. Location, dimension, alignment and names of all existing and proposed streets, drives, alleys and roads on or adjoining the property. The general location and right-of-way width for all arterials and collectors shall be shown;
  - v. The location of any engineering for any existing or proposed wastewater systems, water mains, culverts, storm drains, sidewalks, gutters, fire hydrants along with the width and depth of pavement or subgrading to be provided, the depth of burial of all underground lines, pipes and tubing and typical cross sections of the proposed grading of roadways and sidewalks;
  - w. Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the property and their dimensions; and
  - x. The location, use and gross square footage of proposed structures within the subdivision;
  - y. Building envelopes in hazardous areas to protect trees and other natural resources, if deemed appropriate by planning staff;
  - z. Location and layout of lots and blocks, with lots and blocks numbered consecutively, and the dimensions and acreage of each lot;
  - aa. Areas for landscaping, and delineation of the type and extent of vegetative cover on the site;
  - bb. Existing land uses and zoning on adjoining properties;
  - cc. Public or private sources of utility services and facilities; and
  - dd. Location and dimension of land to be held in common, open space devoted to community use, and land to be dedicated to town.
- (iii) Supplemental Materials
- a. The following items may be required to be submitted to the Town of Ridgway:
    - i. Drainage plan or study calculating historic and proposed surface and stormwater flows and how such flows will be managed.
    - ii. Traffic statement or study identifying current and proposed traffic counts and proposed trip generation along with any needed or anticipated improvements to mitigate the projects use on the public transportation network and infrastructure.
    - iii. Proof of minimum guaranteed water supply appropriate for the requested use.
- (iv) Additional Requirements. The following shall be submitted with a condominium subdivision application:
- a. A map showing all common areas (general and limited common elements) and usages of the building and grounds, for the interior division of the building showing horizontal and vertical boundaries of all units, including a distance from a building corner to a property corner or other survey reference.
  - b. A copy of the articles of incorporation and bylaws of the owners association for the project and of the declaration of covenants applicable to the building footprint.
  - c. A management plan that states:
    - i. The responsible party for managing the common area, lodging reservations, etc.;
    - ii. Provisions for selecting, appointing, and securing management; and

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- iii. Responsibilities and duties of the management entity.
  - d. A maintenance plan that states:
    - i. The responsible entity for repair and maintenance of common areas;
    - ii. What will be included in the maintenance program, including but not limited to provisions for snow removal, trash removal, maintenance of pools, hot tubs, common areas, and other amenities; and
    - iii. The mechanism used to fund the management and maintenance activities of the development.
  - e. In addition, if there are any restrictive covenants, conditions, or restrictions other than specified in the declaration, they shall be filed concurrently with the filing of the condominium plat.
  - f. Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.
- (d) Completeness Review. The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section 7-5-2(B)(3), Completeness Review.
- (e) Evaluation by Staff and Referral Agencies. Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section 7-5-2(B)(4), Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.
- (f) Staff Report. A staff report shall be prepared and provided to the reviewing body in accordance with Section 7-5-2(B)(5), Staff Report.
- (g) Review and Action by the Planning Commission.
- (i) The Planning Commission shall review the building foundation application in a manner consistent with Table T-5.1 to evaluate compliance with applicable standards. The final decision to approve, approve with conditions, or deny the application shall be made by the Planning Commission in a manner consistent with Table T-5.1 and be based upon the criteria set forth in Section 7-5-2(G)(3), Approval Criteria.
  - (ii) The Planning Commission may, in its sole discretion, continue or postpone the meeting to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to making a final decision.
- (h) Post Approval.
- (i) The applicant shall follow the post approval procedurals in accordance with Section 7-5-2(B)(8), Post Approval, including recording the survey plat with the Ouray County Clerk and Recorder.
- (3) Approval Criteria. A building footprint plat may be approved and accepted by the Planning Commission if the application is found to meet the following criteria:
- (a) The proposed revision conforms to all applicable requirements for the zone district(s) in which the property is located.
  - (b) The proposed revision substantially conforms to all other applicable requirements of this code and town resolutions; and
  - (c) The proposed revision is consistent with the applicable portions of the Master Plan in the reasonable judgement of the approving body.

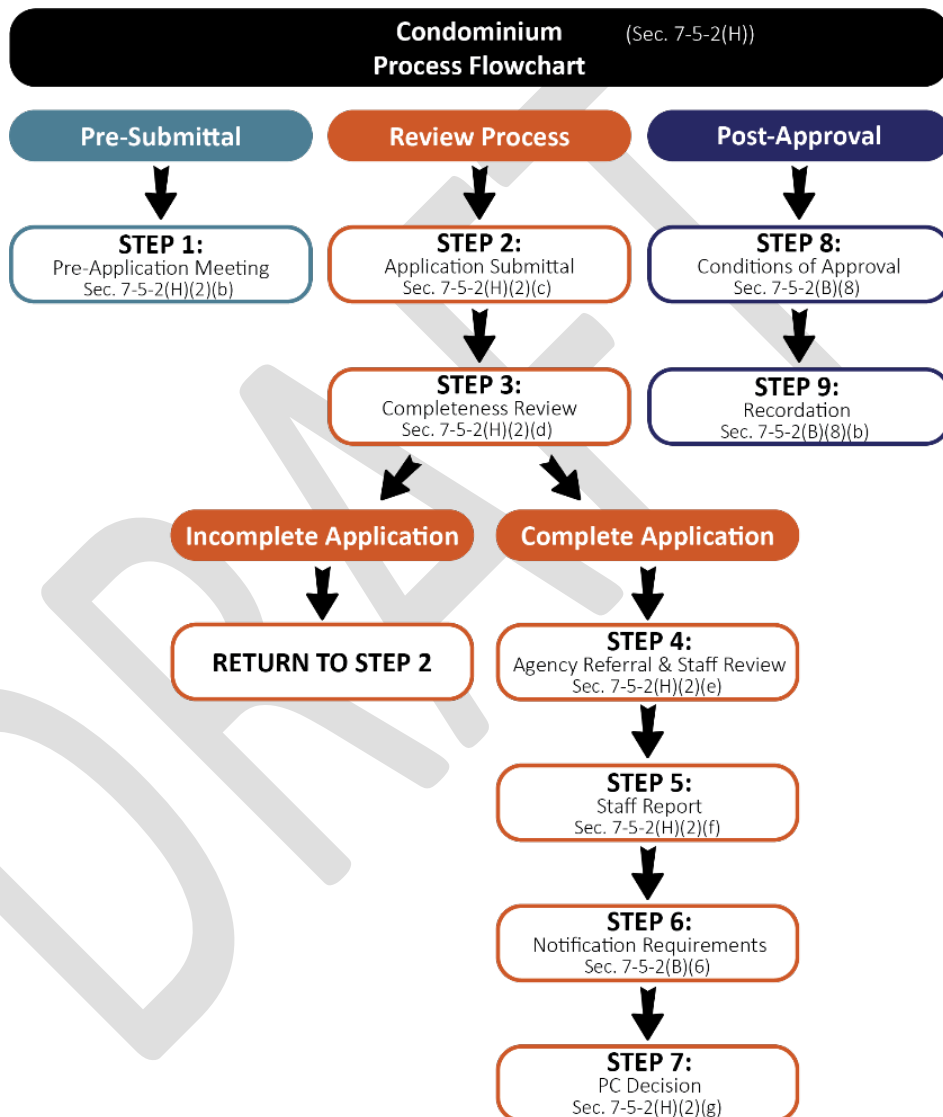
## **(H) Condominium Subdivision**



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- (1) General Provisions. The condominiumization of buildings shall require review and approval of a condominium subdivision in accordance with the provisions of this Section 7-5.2(H), Condominium Subdivision. This section shall apply to all new condominium projects and conversions of existing buildings to condominiums.
- (2) Review Procedures.
  - (a) Review Flowchart. Figure F-5.8, Condominium Subdivision flowchart, depicts the condominium application review process described in greater detail in this section.

Figure F-5.8, Condominium Flowchart



- (b) Pre-Application Meeting.
  - (i) A pre-application meeting may be held in accordance with the provisions set forth in Section 7-5-2(B)(1), Pre-Application Meeting.
- (c) Application Submittal Requirements. The following are the application materials required to be submitted for condominium subdivision requests. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be

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inappropriate or unnecessary to determining if the application satisfies applicable standards.

- (i) Basic Application Materials. All items set forth in Section 7-5-2(B)(2), Basic Application Materials;
- (ii) Condominium Subdivision Plat shall contain the following information submitted to the Town of Ridgway on 24" x 36" sheets at a scale suitable for technical review of the application:
  - a. A title clearly identifying the plat as a "Condominium Subdivision Plat";
  - b. Standard certificate blocks as provided by the town;
  - c. Legal description of the property;
  - d. North arrow, scale, and legend;
  - e. A vicinity map at a suitable scale;
  - f. The name and address of the owner(s) of record of the land being platted and the same information for the applicant(s), if other than the owners;
  - g. The name, address, and seal of the certifying registered land surveyor and the other individuals preparing the preliminary plat;
  - h. The township, range, section and quarter section(s);
  - i. Location and full description of all monuments as required by this article and by Title 38, Article 51, C.R.S.;
  - j. Permanent monuments shall be set on the external boundary of the subdivision pursuant to §38- 51-101, C.R.S.;
  - k. Block and lot monuments shall be set pursuant to §38-51-101, C.R.S.;
  - l. Information adequate to locate all monuments shall be noted on the plat;
  - m. The location, layout, dimensions, areas, and uses of all lots and blocks numbered consecutively;
  - n. The location, layout, dimensions, areas and uses of all outlots and tracts labeled consecutively by letters and include a table identifying ownership and maintenance responsibilities;
  - o. Site data in chart form presenting:
    - i. Total area of the proposed subdivision; total area of the developed buildings, driveways and parking areas; total area of non-residential floor space;
    - ii. Total number of proposed lots; breakdown of the lot total by number of lots per use (i.e. residential use, business or commercial and industrial use, and other public and nonpublic uses);
    - iii. Total number of proposed off-street parking spaces;
    - iv. Total number of dwelling units; total number of dwelling units per structure proposed; and
    - v. Total gross density proposed.
  - p. Boundary lines, corner pins, and dimensions of the subject property, including land survey data to identify the parcel with section corners, distance and bearing to corners, quarter corners, township and range;
  - q. Topography shown at a minimum of two (2) foot contour intervals;

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- r. Significant on-site features including: natural and artificial drainage ways, streams, ponds, waterways, wetland areas, irrigation ditches, hydrologic features and aquatic habitat; geologic features and hazards including slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic hazard areas, soil types and landslide areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development;
- s. Known, identified or designated one hundred (100) year flood plains and localized areas subject to periodic flooding. The distance between the mean identifiable high water mark of any creeks, streams or rivers and the nearest proposed development within the site shall also be shown;
- t. Existing and proposed parking areas, driveways, emergency turn-outs and emergency turnarounds, sidewalks, and paths and their dimensions;
- u. Public Access to the site, and internal circulation. Location, dimension, alignment and names of all existing and proposed streets, drives, alleys and roads on or adjoining the property. The general location and right-of-way widths for all arterials and collectors shall be shown;
- v. The location of any engineering for any existing or proposed wastewater systems, water mains, culverts, storm drains, sidewalks, gutters, fire hydrants along with the width and depth of pavement or subgrading to be provided, the depth of burial of all underground lines, pipes and tubing and typical cross sections of the proposed grading of roadways and sidewalks;
- w. Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the property and their dimensions;
- x. The location, use and gross square footage of proposed structures within the subdivision;
- y. Building envelopes in hazardous areas to protect trees and other natural resources, if deemed appropriate by planning staff;
- z. Location and layout of lots and blocks, with lots and blocks numbered consecutively, and the dimensions and acreage of each lot;
- aa. Areas for landscaping, and delineation of the type and extent of vegetative cover on the site;
- bb. Existing land uses and zoning on adjoining properties;
- cc. Public or private sources of utility services and facilities; and
- dd. Location and dimension of land to be held in common, open space devoted to community use, and land to be dedicated to town.

## (iii) Supplemental Materials

The following items may be required to be submitted to the Town of Ridgway:

- a. Drainage plan or study calculating historic and proposed surface and stormwater flows and how such flows will be managed;
- b. Traffic statement or study identifying current and proposed traffic counts and proposed trip generation along with any needed or anticipated improvements to mitigate the projects use on the public transportation network and infrastructure;
- c. Proof of minimum guaranteed water supply appropriate for the requested use.

## (iv) Additional Requirements

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The following shall be submitted with a condominium subdivision application:

- a. A map showing all common areas (general and limited common elements) and usages of the building and grounds, for the interior division of the building showing horizontal and vertical boundaries of all units, including a distance from a building corner to a property corner or other survey reference;
  - b. A copy of the declaration applicable to the condominium project, as defined in Section 38-33-105, C.R.S. 1973, as amended and/or as may be required pursuant to the Colorado Common Interest Ownership Act, C.R.S. 38-33.3-101 et. seq. as amended;
  - c. A copy of the condominium association's Articles of Incorporation, bylaws, and covenants. The bylaws and declaration of covenants shall contain the information required by the Condominium Ownership Act of the State of Colorado and the Colorado Common Interest Ownership Act, if applicable. All condominium projects shall comply with this requirement;
  - d. A management plan that states:
    - i. The responsible party for managing the common area, lodging reservations, etc.;
    - ii. Provisions for selecting, appointing, and securing management;
    - iii. Responsibilities and duties of the management entity;
    - iv. The responsible party for coordinating the use and rental unit occupancy of those units that are used for short-term lodging.
  - e. A maintenance plan that states:
    - i. The responsible entity for repair and maintenance of common areas;
    - ii. What will be included in the maintenance program, including but not limited to provisions for snow removal, trash removal, maintenance of pools, hot tubs, common areas, and other amenities;
    - iii. The mechanism used to fund the management and maintenance activities of the development.
  - f. In addition, if there are any restrictive covenants, conditions, or restrictions other than specified in the declaration, they shall be filed concurrently with the filing of the condominium plat;
  - g. Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.
- (d) Completeness Review. The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section 7-5-2(B)(3), Completeness Review.
- (e) Evaluation by Staff and Referral Agencies. Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section 7-5-2(B)(4), Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.
- (f) Staff Report. A staff report shall be prepared and provided to the reviewing body in accordance with Section 7-5-2(B)(5), Staff Report.
- (g) Review and Action by the Planning Commission.

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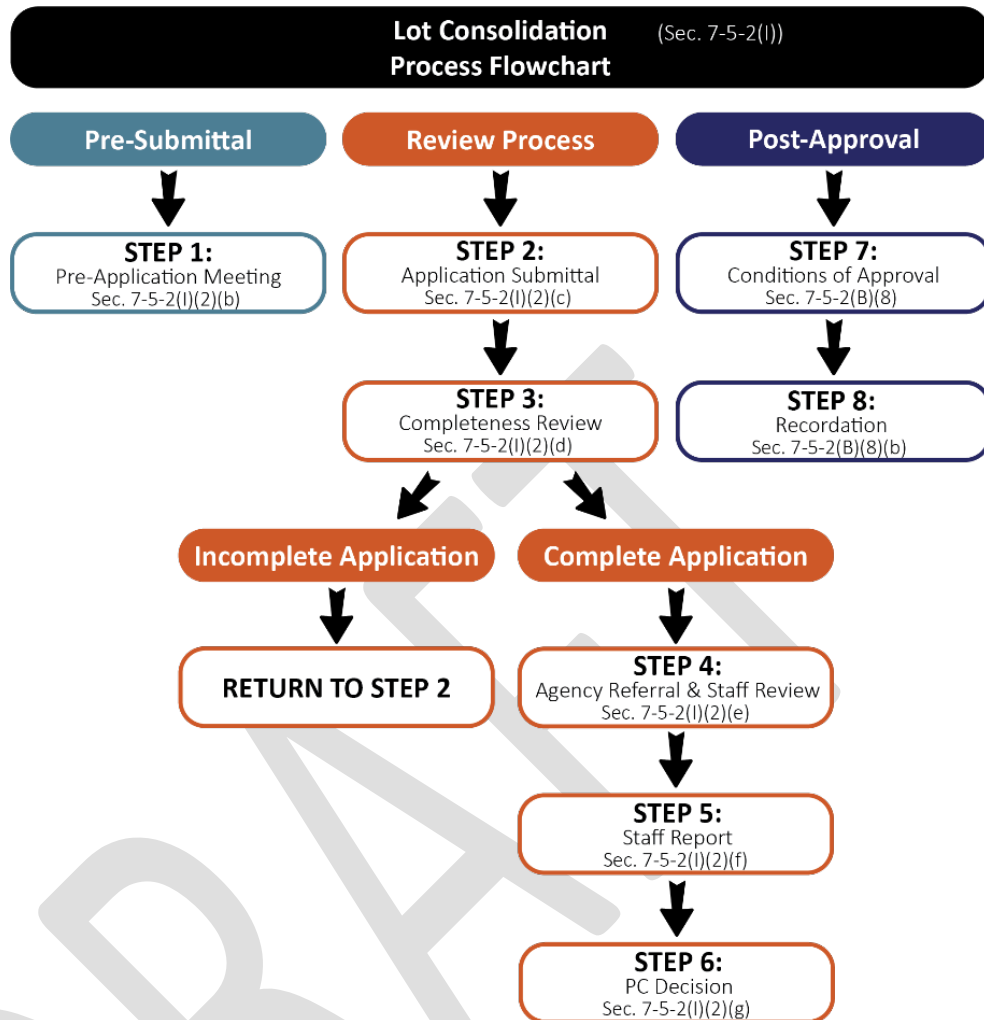
- (i) The Planning Commission shall review the condominium plat application in a manner consistent with Table T-5.1 to evaluate compliance with applicable standards. The final decision to approve, approve with conditions, or deny the application shall be made by the Planning Commission in a manner consistent with Table T-5.1 and be based upon the criteria set forth in Section 7-5-2(H)(3), Approval Criteria.
  - (ii) The Planning Commission may, in its sole discretion, continue or postpone the meeting to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to making a final decision.
- (h) Post Approval.
  - (i) The applicant shall follow the post approval procedurals in accordance with Section 7-5-2(B)(8), Post Approval, including recording the survey plat with the Ouray County Clerk and Recorder
- (3) Approval Criteria. A condominium subdivision plat may be approved and accepted by the Planning Commission if the application is found to meet the following criteria:
  - (a) The proposed revision conforms to all applicable requirements for the zone district(s) in which the property is located;
  - (b) The proposed revision substantially conforms to all other applicable requirements of this code and town resolutions; and
  - (c) The proposed revision is consistent with the applicable portions of the Master Plan in the reasonable judgement of the approving body.

### **(I) Lot Consolidation.**

- (1) General Provisions. A lot consolidation is when two or more lots, tracts, or parcels are consolidated into one lot deleting the common boundary line and resulting in one lot. A lot consolidation shall not be allowed for any lot, tract, or parcel more than one time. Furthermore, a lot consolidation shall not result in any of the following:
  - (a) The modification or alteration of any public right-of-way;
  - (b) The creation of any additional lots;
  - (c) The creation of an unbuildable lot; or
  - (d) The creation of a lot that does not have legal access from a public right-of-way or perpetual easement.
- (2) Review Procedures.
  - (a) Review Flowchart. Figure F-5.9, Lot Consolidation flowchart, depicts the Lot Consolidation application review process described in greater detail in this section.

*Figure F-5.9, Lot Consolidation Flowchart*

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- (b) Pre-Application Meeting. A pre-application meeting may be held in accordance with the provisions set forth in Section 7-5-2(B)(1), Pre-Application Meeting.
- (c) Application Submittal Requirements. The following are the application materials required to be submitted for lot consolidation requests. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.
- (i) Basic Application Materials. All items set forth in Section 7-5-2(B)(2), Basic Application Materials.
  - (ii) Lot Consolidation Plat. The plat shall contain the following information submitted to the Town of Ridgway on 24" x 36" sheets at a scale suitable for technical review of the application.
    - a. A title clearly identifying the plat as a "Lot Consolidation Plat";
    - b. Legal description of the property;
    - c. North arrow, scale, and legend;
    - d. A vicinity map at a suitable scale;
    - e. The name and address of the owner(s) of record of all properties being modified and the same information for the applicant(s), if other than the owners,

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- f. The name, address and seal of the certifying registered land surveyor and the other individuals preparing the survey plat;
- g. The township, range, section and quarter section(s);
- h. Location and full description of all monuments as required by this Land Development Code and by Title 38, Article 51, C.R.S.;
- i. Permanent monuments shall be set pursuant to Section 38- 51-101, C.R.S.;
- j. Block and lot monuments shall be set pursuant to Section 38-51-101, C.R.S.;
- k. Information adequate to locate all monuments shall be noted on the plat;
- l. The location, layout, dimensions, areas, and uses of all lots and blocks numbered consecutively;
- m. The location, layout, dimensions, areas and uses of all outlots and tracts labeled consecutively by letters and include a table identifying ownership and maintenance responsibilities;
- n. Boundary lines, corner pins, and dimensions of the subject property, including land survey data to identify the parcel with section corners, distance and bearing to corners, quarter corners, township and range;
- o. The lengths of all arcs, radii and tangents. Sufficient data shall be shown for all curved lines on the plat to enable reestablishment of the curves in the field;
- p. Location and width of existing roadways, road rights-of-way and parking areas within the site;
- q. All street and road names shall be shown;
- r. Area of each individual lot and the total area of the proposed consolidation;
- s. The boundary lines and dimensions, shown accurately, of all easements, alleyways, sidewalks or paths, and similar features, including all other rights-of-way not otherwise or explicitly mentioned;
- t. The names of abutting subdivisions or, in the case of abutting unplatted property, the notation “unplatted” shall appear;
- u. Significant on-site features including: natural and artificial drainage ways, streams, ponds, waterways, wetland areas, irrigation ditches, hydrologic features and aquatic habitat; geologic features and hazards including slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic hazard areas, soil types and landslide areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development;
- v. Known, identified or designated one hundred (100) year flood plains and localized areas subject to periodic flooding. The distance between the mean identifiable high water mark of any creeks, streams or rivers and the nearest proposed development within the site shall also be shown;
- w. Existing and proposed parking areas, driveways, emergency turn-outs and emergency turnarounds, sidewalks, and paths and their dimensions;
- x. Public Access to the site, and internal circulation. Location, dimension, alignment and names of all existing and proposed streets, drives, alleys and roads on or adjoining the property. The general location and right-of-way width for all arterials and collectors shall be shown;

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- y. The location of any engineering for any existing or proposed wastewater systems, water mains, culverts, storm drains, sidewalks, gutters, fire hydrants along with the width and depth of pavement or subgrading to be provided, the depth of burial of all underground lines, pipes and tubing and typical cross sections of the proposed grading of roadways and sidewalks;
- z. Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the property and their dimensions;
- aa. The location, use and gross square footage of proposed structures within the subdivision;
- bb. Building envelopes in hazardous areas to protect trees and other natural resources, if deemed appropriate by planning staff;
- cc. Location and layout of lots and blocks, with lots and blocks numbered consecutively, and the dimensions and acreage of each lot;
- dd. Areas for landscaping, and delineation of the type and extent of vegetative cover on the site;
- ee. Existing land uses and zoning on adjoining properties;
- ff. Public or private sources of utility services and facilities;
- gg. Location and dimension of land to be held in common, open space devoted to community use, and land to be dedicated to town; and
- hh. The plat shall include executed certificates, notices, and statements in the standard format provided by the town.

## (iii) Supplemental Materials

The following items may be required to be submitted to the Town of Ridgway:

- a. Final Engineering Reports and Plans;
- b. Final improvements agreement meeting all standards and requirements set forth in Section 7-5-3(B), Improvement Agreement;
- c. Final drainage plan or study calculating historic and proposed surface and stormwater flows and how such flows will be managed;
- d. Final traffic statement or study identifying current and proposed traffic counts and proposed trip generation along with any needed or anticipated improvements to mitigate the projects use on the public transportation network and infrastructure;
- e. Covenants, restrictions, and by-laws, if applicable;
- f. Proof of minimum guaranteed water supply appropriate for the requested use;
- g. Traffic statement or study identifying current and proposed traffic counts and proposed trip generation along with any needed or anticipated improvements to mitigate the projects use on the public transportation network and infrastructure.

## (iv) Additional Requirements

- a. Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.

- (d) Completeness Review. The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section 7-5-2(B)(3), Completeness Review.



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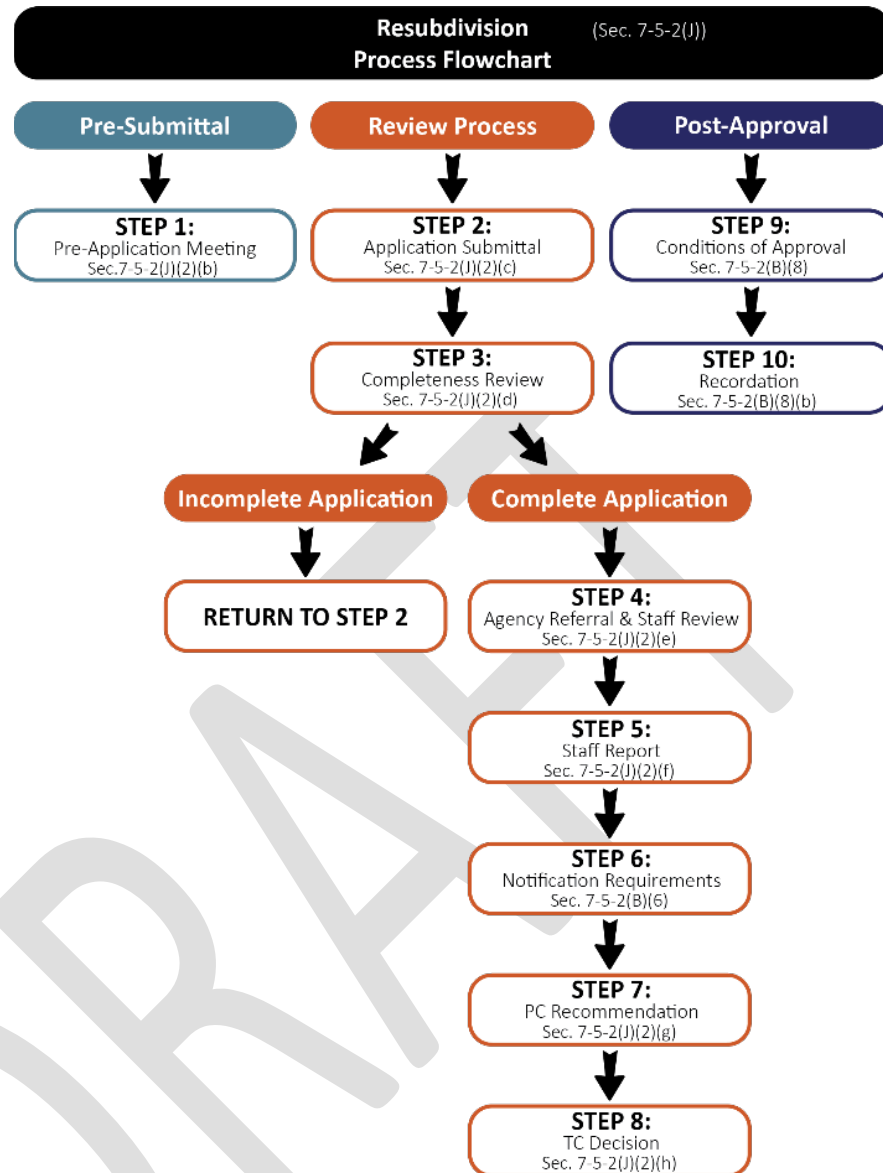
- (e) Evaluation by Staff and Referral Agencies. Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section 7-5-2(B)(4), Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.
- (f) Staff Report. A staff report shall be prepared and provided to the reviewing body in accordance with Section 7-5-2(B)(5), Staff Report.
- (g) Review and Action by the Planning Commission.
  - (i) The Planning Commission shall review the lot consolidation application in a manner consistent with Table T-5.1 to evaluate compliance with applicable standards. The final decision to approve, approve with conditions, or deny the application shall be made by the Planning Commission in a manner consistent with Table T-5.1 and be based upon the criteria set forth in Section 7-5-2(I)(3), Approval Criteria.
  - (ii) The Planning Commission may, in its sole discretion, continue or postpone the meeting to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to making a final decision.
- (h) Post Approval. The applicant shall follow the post approval procedurals in accordance with Section 7-5-2(B)(8), Post Approval, including recording the survey plat with the Ouray County Clerk and Recorder
- (3) Approval Criteria. A lot consolidation may be approved and accepted by the Planning Commission if the application is found to meet the following criteria:
  - (a) The proposed consolidation conforms to all applicable requirements for the zone district(s) in which the property is located.
  - (b) The proposed consolidation substantially conforms to all other applicable requirements of this code, ordinances, and resolutions; and
  - (c) The proposed consolidation is consistent with the applicable portions of the Master Plan in the reasonable judgement of the approving body.

### **(J) Resubdivision**

- (1) General Provisions. A resubdivision is required for any request to amend or revise a recorded plat that would not be defined as another type of special land division.
- (2) Review Procedures.
  - (a) Review Flowchart. Figure F-5.10, Resubdivision flowchart, depicts the Resubdivision application review process described in greater detail in this section.

*Figure F-5.10, Resubdivision Flowchart*

# EXHIBIT A



- (b) Pre-Application Meeting. A pre-application meeting may be held in accordance with the provisions set forth in Section 7-5-2(B)(1), Pre-Application Meeting.
- (c) Application Submittal Requirements. The following are the application materials required to be submitted for resubdivision requests. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.
  - (i) Basic Application Materials. All items set forth in Section 7-5-2(B)(2), Basic Application Materials.
  - (ii) Resubdivision Plat. The plat shall contain the following information submitted to the Town of Ridgway on 24" x 36" sheets at a scale suitable for technical review of the application.
    - a. A title clearly identifying the plat as a "Resubdivision Plat";
    - b. Standard certificate blocks as provided by the town;
    - c. Legal description of the property;

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- d. North arrow, scale, and legend;
- e. A vicinity map at a suitable scale;
- f. The name and address of the owner(s) of record of the land being platted and the same information for the applicant(s), if other than the owners;
- g. The name, address, and seal of the certifying registered land surveyor and the other individuals preparing the preliminary plat;
- h. The township, range, section and quarter section(s);
- i. Location and full description of all monuments as required by this article and by Title 38, Article 51, C.R.S.:
  - i. Permanent monuments shall be set on the external boundary of the subdivision pursuant to §38- 51-101, C.R.S.; and
  - ii. Block and lot monuments shall be set pursuant to §38-51-101, C.R.S.
- j. Information adequate to locate all monuments shall be noted on the plat;
- k. The location, layout, dimensions, areas, and uses of all lots and blocks numbered consecutively;
- l. The location, layout, dimensions, areas and uses of all outlots and tracts labeled consecutively by letters and include a table identifying ownership and maintenance responsibilities;
- m. Site data in chart form presenting:
  - i. Total area of the proposed subdivision; total area of the developed buildings, driveways and parking areas; total area of non-residential floor space;
  - ii. Total number of proposed lots; breakdown of the lot total by number of lots per use (i.e. residential use, business or commercial and industrial use, and other public and nonpublic uses);
  - iii. Total number of proposed off-street parking spaces;
  - iv. Total number of dwelling units; total number of dwelling units per structure proposed; and
  - v. Total gross density proposed.
- n. Boundary lines, corner pins, and dimensions of the subject property, including land survey data to identify the parcel with section corners, distance and bearing to corners, quarter corners, township and range;
- o. Topography shown at a minimum of two (2) foot contours intervals;
- p. Areas having slopes thirty (30) percent or more, or other significant topographic conditions, topography shown at two (2) foot contour intervals;
- q. Significant on-site features including: natural and artificial drainage ways, streams, ponds, waterways, wetland areas, irrigation ditches, hydrologic features and aquatic habitat; geologic features and hazards including slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic hazard areas, soil types and landslide areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development;
- r. Known, identified or designated one hundred (100) year flood plains and localized areas subject to periodic flooding. The distance between the mean identifiable

## EXHIBIT A

high-water mark of any creeks, streams or rivers and the nearest proposed development within the site shall also be shown;

- s. Existing and proposed parking areas, driveways, emergency turnouts and emergency turnarounds, sidewalks, and paths and their dimensions;
- t. Public Access to the site, and internal circulation. Location, dimension, alignment and names of all existing and proposed streets, drives, alleys and roads on or adjoining the property. The general location and right-of-way widths for all arterials and collectors shall be shown;
- u. The location of any engineering for any existing or proposed wastewater systems, water mains, culverts, storm drains, sidewalks, gutters, fire hydrants along with the width and depth of pavement or subgrading to be provided, the depth of burial of all underground lines, pipes and tubing and typical cross sections of the proposed grading of roadways and sidewalks;
- v. Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the property and their dimensions;
- w. The location, use and gross square footage of proposed structures within the subdivision;
- x. Anticipated number of employees for proposed commercial or industrial uses;
- y. Building envelopes in hazardous areas to protect trees and other natural resources, if deemed appropriate by planning staff;
- z. Location and layout of lots and blocks, with lots and blocks numbered consecutively, and the dimensions and acreage of each lot;
- aa. Areas for landscaping, and delineation of the type and extent of vegetative cover on the site;
- bb. Existing land uses and zoning on adjoining properties;
- cc. Public or private sources of utility services and facilities; and
- dd. Location and dimension of land to be held in common, open space devoted to community use, and land to be dedicated to town.

(iii) Final Landscape Plan. The landscape plan shall not include any plants or species identified as noxious weeds or invasive species by the Ouray County Weed District or on the USDA Colorado State Noxious Weed list. When landscaping is proposed, the landscape plan shall include the following elements:

- a. Topographic information at two (2) foot contour intervals;
- b. Location of all lot lines and improvements to the property and location of any easements of record;
- c. Location of all existing and proposed buildings, driveways, parking lots, walkways, sidewalks, and other impervious surfaces to remain or exist on the property;
- d. A plant schedule which identifies plants, species, and minimum size to be installed on the property;
- e. Identification of areas where existing vegetation will be preserved;
- f. Identification of areas where landscaping will be installed; and
- g. If an irrigation system is proposed, an irrigation plan depicting the location of irrigation lines and spray heads, irrigation zones, spray areas of each head, and make and model of irrigation system and sprinkler heads.

## EXHIBIT A

- (iv) Final Engineering Reports and Plans.
  - a. Final plan and profile design of all proposed streets, sidewalks, trails, walkways, and bikeways;
  - b. Final plan and profile design of all surface drainage and storm sewer conveyance facilities including, but not limited to, inlet locations, size and location of pipes, retention or detention facilities, and required water quality and erosion control measures;
  - c. Final engineering design and construction features for any bridges, culverts, or other drainage structures to be constructed;
  - d. Mitigation of any geologic hazard(s) impacting the project site;
  - e. Final plan and profile design of all wastewater collection and water supply and distribution system improvements necessary;
  - f. Final cost estimates for all public improvements.
- (v) Supplemental Materials. The following items may be required to be submitted to the Town of Ridgway:
  - a. Final improvements agreement meeting all standards and requirements set forth in Section 7-5-3(B), Improvement Agreement;
  - b. Final drainage plan or study calculating historic and proposed surface and stormwater flows and how such flows will be managed;
  - c. Final traffic statement or study identifying current and proposed traffic counts and proposed trip generation along with any needed or anticipated improvements to mitigate the projects use on the public transportation network and infrastructure;
  - d. Covenants, restrictions, and by-laws, if applicable;
  - e. Proof of minimum guaranteed water supply appropriate for the requested use;
  - f. Traffic statement or study identifying current and proposed traffic counts and proposed trip generation along with any needed or anticipated improvements to mitigate the projects use on the public transportation network and infrastructure.
- (vi) Additional Requirements. Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.
- (d) Completeness Review. The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section 7-5-2(B)(3), Completeness Review.
- (e) Evaluation by Staff and Referral Agencies. Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section 7-5-2(B)(4), Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.
- (f) Staff Report. A staff report shall be prepared and provided to the reviewing body in accordance with Section 7-5-2(B)(5), Staff Report.
- (g) Review and Recommendation by the Planning Commission. The Planning Commission shall review the resubdivision application in a manner consistent with Table T-5.1 to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission may provide either a recommendation to approve, approve with conditions, or deny the application to the Town Council based on the criteria set forth in Section 7-5-2(J)(3), Approval Criteria.

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The Planning Commission may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to providing a recommendation to the Town Council.

- (h) Review and Action by the Town Council.
  - (i) The final decision to approve, approve with conditions, or deny a resubdivision application shall be made by the Town Council in a manner consistent with Table T-5.1 and be based upon the criteria set forth in Section 7-5-2(J)(3), Approval Criteria.
  - (ii) The Town Council may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Town Council prior to making a final decision.
- (i) Post Approval. The applicant shall follow the post approval procedures in accordance with Section 7-5-2(B)(8), Post Approval, including recording the resubdivision with the Ouray County Clerk and Recorder.
- (3) Approval Criteria. A resubdivision may be approved and accepted by the Town Council if the application is found to meet the following criteria:
  - (a) The proposed subdivision conforms to all applicable requirements for the zone district(s) in which the property is located;
  - (b) The proposed subdivision substantially conforms to all other applicable requirements of this code, ordinances, and resolutions; and
  - (c) The proposed subdivision is consistent with the applicable portions of the Master Plan in the reasonable judgement of the approving body.

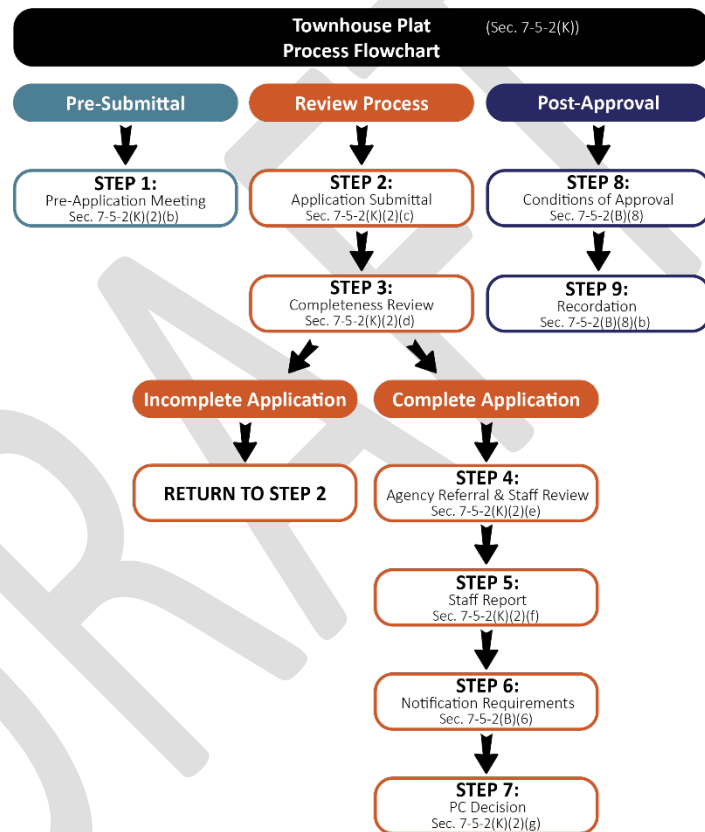
## **(K) Townhouse Plat**

- (1) General Provisions. Any division of a single-unit or multi-unit structure or structures into two or more fee simple estates consisting of townhouses for the purpose, whether immediate or future, of sale or building development. A townhouse may be resubdivided per the Town-approved foundation line shown on the site plan at the risk of the subdivider, or it may be resubdivided once the foundation has been poured.
- (a) Notwithstanding the definition of a “Townhouse” in Chapter 7, Article 9, a townhouse lot may be subdivided prior to the construction of the foundation for the townhouse provided that:
  - (i) The final plat of any such townhouse lot shall contain a plat note that provides as follows:
    - a. Within ninety (90) days after the construction of the foundation for the townhouse, the owner(s) of the townhouse lot shall have a survey of the location of the foundation prepared and, along with the owner(s) of any property that abuts the townhouse lot, shall make and pursue to completion an application to the Town to amend the plat of the townhouse that causes the townhouse lot to be coterminous with the foundation of the townhouse as constructed; and
  - (ii) Within ninety (90) days after the construction of the foundation for the townhouse, the owner(s) of the townhouse lot shall have a survey of the location of the foundation prepared and, along with the owner(s) of any property that abuts the townhouse lot, shall make and pursue to completion an application to the Town to amend the plat of the townhouse that cause the townhouse lot to be coterminous with the foundation of the townhouse as constructed.
- (b) With respect to a townhouse lot that has been subdivided prior to the construction of the townhouse or its foundation, it is unlawful:

## EXHIBIT A

- (i) For the owner(s) of the lot to fail to, within ninety (90) days after the construction of the foundation, have a survey of the location of the foundation prepared; and
  - (ii) For the owner(s) of the lot and the owner(s) of any property that abuts the townhouse lot, to fail to, within ninety (90) days after the construction of the foundation, make and pursue to completion an application to the Town to amend the plat of the townhouse lot that causes the townhouse lot to be coterminous with the foundation of the townhouse as constructed.
- (2) Review Procedures.
- (a) Review Flowchart. Figure F-5.11, Townhouse flowchart, depicts the townhouse application review process described in greater detail in this section.

Figure F-5.11, Townhouse Plat Flowchart



- (b) Pre-Application Meeting. A pre-application meeting may be held in accordance with the provisions set forth in Section 7-5-2(B)(1), Pre-Application Meeting.
- (c) Application Submittal Requirements. The following are the application materials required to be submitted for townhouse requests. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.
- (i) Basic Application Materials. All items set forth in Section 7-5-2(B)(2), Basic Application Materials.
  - (ii) Written Narrative. A written narrative shall be submitted addressing all of the following items and any other information:
    - a. A general written narrative describing the purpose of the project;

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- b. Description of the current land use(s) on the property, the characteristics of the land within the property boundaries, and the current land use on all adjoining property; and
  - c. A time schedule for development.
- (iii) Townhouse Plat. The townhouse plat shall contain the following information submitted to the Town of Ridgway on 24" x 36" sheets at a scale suitable for technical review of the application.
- a. A title clearly identifying the plat as a "Townhouse Plat";
  - b. Standard certificate blocks as provided by the town;
  - c. Legal description of the property;
  - d. North arrow, scale, and legend;
  - e. A vicinity map at a suitable scale;
  - f. The name and address of the owner(s) of record of the land being platted and the same information for the applicant(s), if other than the owners;
  - g. The name, address, and seal of the certifying registered land surveyor and the other individuals preparing the preliminary plat;
  - h. The township, range, section and quarter section(s);
  - i. Location and full description of all monuments as required by this article and by Title 38, Article 51, C.R.S.:
    - i. Permanent monuments shall be set on the external boundary of the subdivision pursuant to §38- 51-101, C.R.S.; and
    - ii. Block and lot monuments shall be set pursuant to §38-51-101, C.R.S.
  - j. Information adequate to locate all monuments shall be noted on the plat;
  - k. The location, layout, dimensions, areas, and uses of all lots and blocks numbered consecutively;
  - l. The location, layout, dimensions, areas and uses of all outlots and tracts labeled consecutively by letters and include a table identifying ownership and maintenance responsibilities;
  - m. Site data in chart form presenting:
    - i. Total area of the proposed subdivision; total area of the developed buildings, driveways and parking areas; total area of non-residential floor space;
    - ii. Total number of proposed lots; breakdown of the lot total by number of lots per use (i.e. residential use, business or commercial and industrial use, and other public and nonpublic uses);
    - iii. Total number of proposed off-street parking spaces;
    - iv. Total number of dwelling units; total number of dwelling units per structure proposed; and
    - v. Total gross density proposed.
  - n. Boundary lines, corner pins, and dimensions of the subject property, including land survey data to identify the parcel with section corners, distance and bearing to corners, quarter corners, township and range;
  - o. Topography at the following minimum contour intervals:



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- i. Subdivision with one or more lots less than two (2) acres in size, topography shown at two (2) foot contour intervals.
    - ii. Subdivision with all lots two (2) acres or greater in size, topography shown at five (5) foot contour intervals.
    - iii. Areas having slopes thirty (30) percent or more, or other significant topographic conditions, topography shown at five (5) foot contour intervals.
  - p. Significant on-site features including: natural and artificial drainage ways, streams, ponds, waterways, wetland areas, irrigation ditches, hydrologic features and aquatic habitat; geologic features and hazards including slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic hazard areas, soil types and landslide areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development;
  - q. Known, identified or designated one hundred (100) year flood plains and localized areas subject to periodic flooding. The distance between the mean identifiable high water mark of any creeks, streams or rivers and the nearest proposed development within the site shall also be shown;
  - r. Existing and proposed parking areas, driveways, emergency turn-outs and emergency turnarounds, sidewalks, and paths and their dimensions;
  - s. Public Access to the site, and internal circulation. Location, dimension, alignment and names of all existing and proposed streets, drives, alleys and roads on or adjoining the property. The general location and right-of-way width for all arterials and collectors shall be shown;
  - t. The location of any preliminary engineering for any existing or proposed wastewater systems, water mains, culverts, storm drains, sidewalks, gutters, fire hydrants along with the width and depth of pavement or subgrading to be provided, the depth of burial of all underground lines, pipes and tubing and typical cross sections of the proposed grading of roadways and sidewalks;
  - u. Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the property and their dimensions;
  - v. The location, use and gross square footage of proposed structures within the subdivision;
  - w. Building envelopes in hazardous areas to protect trees and other natural resources, if deemed appropriate by planning staff;
  - x. Location and layout of lots and blocks, with lots and blocks numbered consecutively, and the dimensions and acreage of each lot;
  - y. Areas for landscaping, and delineation of the type and extent of vegetative cover on the site;
  - z. Existing land uses and zoning on adjoining properties;
  - aa. Public or private sources of utility services and facilities; and
  - bb. Location and dimension of land to be held in common, open space devoted to community use, and land to be dedicated to town.
- (iv) Supplemental Materials. The following items may be required to be submitted to the Town of Ridgway:
- a. Drainage plan or study calculating historic and proposed surface and stormwater flows and how such flows will be managed.

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- b. Traffic statement or study identifying current and proposed traffic counts and proposed trip generation along with any needed or anticipated improvements to mitigate the projects use on the public transportation network and infrastructure.
- c. Proof of minimum guaranteed water supply appropriate for the requested use.
- (v) Additional Requirements. In addition to the provisions for final townhouse subdivision approval, the following is needed:
  - i. A map showing all common areas (general, limited common area), usages of the building and grounds, and the building showing horizontal boundaries for the interior division of all units;
  - ii. A copy of the Townhouse Association's Articles of Incorporation, bylaws, and covenants;
  - iii. In addition, if there are any restrictive covenants, conditions, or restrictions other than specified in the declaration, they shall be filed concurrently to filing of the final plat;
  - iv. A copy of the declaration applicable to the Townhouse project, as defined in Section 38-33-105, C.R.S. 1973, as amended and/or as may be required pursuant to the Colorado Common Interest Ownership Act, C.R.S. 38-33.3-101 et. Seq., as amended;
  - v. A maintenance plan that states:
    - 1. The responsible entity for repair and maintenance of common areas.
    - 2. What will be included in the maintenance program, including but not limited to provisions for snow removal, trash removal, maintenance of pools, hot tubs, common areas, and other amenities.
    - 3. The mechanism used to fund the management and maintenance activities of the development.
  - vi. A management plan that states:
    - 1. The responsible party for managing the common area, lodging reservations, etc.
    - 2. Provisions for selecting, appointing, and securing management.
    - 3. Responsibilities and duties of the management entity.
    - 4. The responsible party for coordinating the use and rental unit occupancy of those units that are used for short-term lodging.
  - vii. Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.
- (d) Completeness Review. The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section 7-5-2(B)(3), Completeness Review.
- (e) Evaluation by Staff and Referral Agencies. Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section 7-5-2(B)(4), Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.
- (f) Staff Report. A staff report shall be prepared and provided to the reviewing body in accordance with Section 7-5-2(B)(5), Staff Report.
- (g) Review and Action by the Planning Commission.

## EXHIBIT A

- (i) The Planning Commission shall review the condominium plat application in a manner consistent with Table T-5.1 to evaluate compliance with applicable standards. The final decision to approve, approve with conditions, or deny the application shall be made by the Planning Commission in a manner consistent with Table T-5.1 and be based upon the criteria set forth in Section 7-5-2(K)(3), Approval Criteria.
- (ii) The Planning Commission may, in its sole discretion, continue or postpone the meeting to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to making a final decision.
- (h) Post Approval. The applicant shall follow the post approval procedurals in accordance with Section 7-5-2(B)(8), Post Approval, including recording the survey plat with the Ouray County Clerk and Recorder
- (3) Approval Criteria. A townhouse plat may be approved and accepted by the Planning Commission if the application is found to meet the following criteria:
  - (i) The proposed consolidation conforms to all applicable requirements for the zone district(s) in which the property is located;
  - (ii) The proposed consolidation substantially conforms to all other applicable requirements of this code, ordinances, and resolutions; and
  - (iii) The proposed consolidation is consistent with the applicable portions of the Master Plan in the reasonable judgement of the approving body.

### **(L) Right-of-Way Vacation**

- (1) General Provisions. The vacation of interests in rights-of-way owned or otherwise held by the Town of Ridgway shall be in accordance with the provisions of this Section 7-5-2(L), Right-of-Way Vacation, and Part 3 of Article 2 of Title 43, C.R.S.
- (2) Review Procedures.
  - (a) Review Flowchart. Figure F-5.12, Right-of-Way Vacation flowchart, depicts the right-of-way application review process described in greater detail in this section.

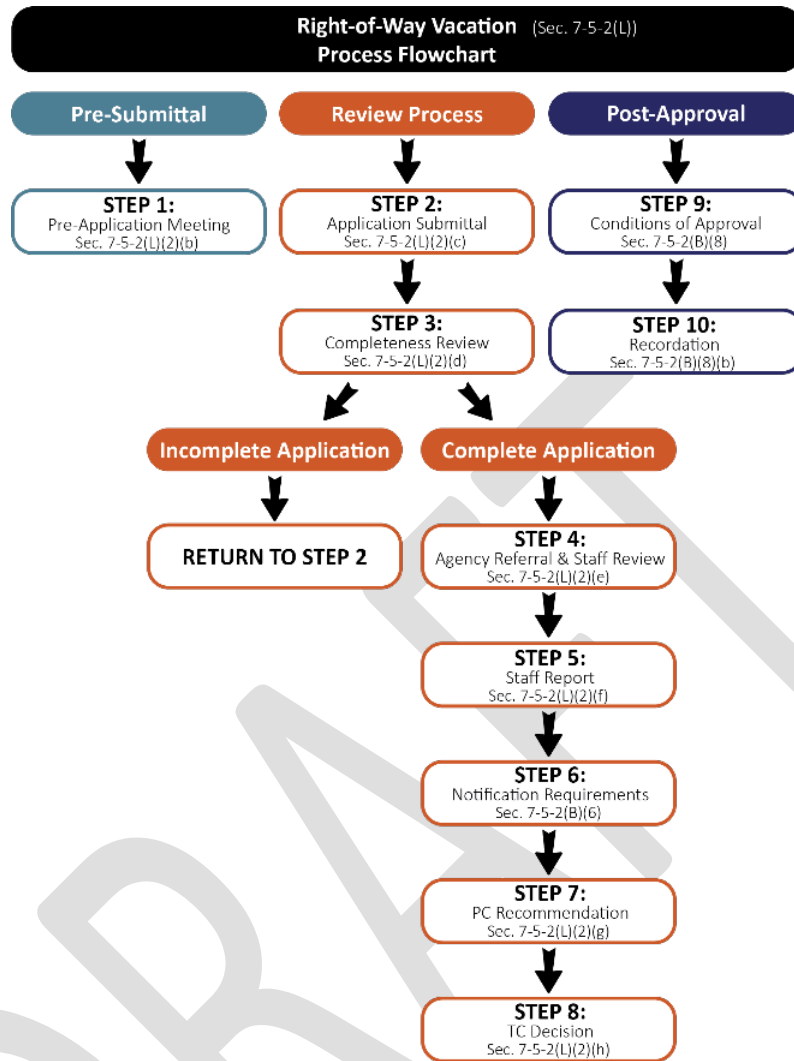
*Figure F-5.12, Right-of-Way Vacation Flowchart*

# EXHIBIT A

Ridgway Municipal Code

Draft Chapter 7 Updates: Sec. 5 – Subdivision Regulations

May 10, 2023



(b) Pre-Application Meeting. A pre-application meeting may be held in accordance with the provisions set forth in Section 7-5-2(B)(1), Pre-Application Meeting.

(c) Application Submittal Requirements. The following are the application materials required to be submitted for right-of-way vacation requests. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

(i) Basic Application Materials. All items set forth in Section 7-5-2(B)(2), Basic Application Materials.

(ii) Supplemental Materials.

- a. Legal description of the proposed right-of-way or portion thereof to be vacated, prepared, signed and sealed by a Colorado licensed Professional Land Surveyor;
- b. Name and mailing address of all property owners adjacent to or otherwise affected by the request;
- c. A copy of the original, recorded conveyance document in which the right-of-way was dedicated and conveyed for public purposes; and

## EXHIBIT A

- d. Narrative describing the reasons for the request for vacation, a description of the planned use(s) for the right-of-way proposed for vacation and description of the means of access to all properties affected by the request.
- (iii) Additional Requirements. Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.
- (d) Completeness Review. The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section 7-5-2(B)(3), Completeness Review.
- (e) Evaluation by Staff and Referral Agencies. Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section 7-5-2(B)(4), Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.
- (f) Staff Report. A staff report shall be prepared and provided to the reviewing body in accordance with Section 7-5-2(B)(5), Staff Report.
- (g) Review and Recommendation by the Planning Commission.
  - (i) The Planning Commission shall review the right-of-way vacation application in a manner consistent with Table T-5.1 to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission may provide either a recommendation to approve, approve with conditions, or deny the application to the Town Council based on the criteria set forth in Section 7-5-2(L)(3), Approval Criteria.
  - (ii) The Planning Commission may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to providing a recommendation to the Town Council.
- (h) Review and Action by the Town Council.
  - (i) The final decision to approve, approve with conditions, or deny a right-of-way vacation application shall be made by the Town Council in a manner consistent with Table T-5.1 and be based upon the criteria set forth in Section 7-5-2(L)(3), Approval Criteria.
  - (ii) The Town Council may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Town Council prior to making a final decision.
- (i) Post Approval. Upon approval of a right-of-way vacation by the Town Council, title to the vacated right-of-way shall vest with adjacent property owners or the original grantor or its successors-in-interest as provide by §43-2-301, et seq., C.R.S., as amended.
- (3) Approval Criteria. Prior to making a decision on a right-of-way vacation application, the Town Council, shall consider the following review criteria and find that each criterion has been met or determined to be inapplicable:
  - (iii) Vacation of the right-of-way will not leave any adjoining land without access to an established public right-of-way or private access easement connecting such land to another established public right-of-way;
  - (iv) Vacation of the right-of-way is consistent with the applicable portions of the Master Plan in the reasonable judgement of the approving body;
  - (v) Vacation of the right-of-way will not have a negative impact on the transportation network and infrastructure of the town; and
  - (vi) Adequate easements have been reserved for use and/or maintenance by the town or other utility agencies.

# EXHIBIT A

## 7-5-3 SUBDIVISION REQUIRED IMPROVEMENTS

### (A) Required Improvements

The following improvements shall be constructed at the expense of the subdivider in accordance with the design standards provided by these Regulations:

- (1) Survey monuments.
- (2) A sewer collection system connected to the Town's sewage system shall be required and dedicated to the Town.
- (3) A domestic water distribution system connected to the Town's system and dedicated to the Town.
- (4) A fire prevention system.
- (5) Electricity, telephone and CATV.
- (6) Streets within and adjacent to the subdivision as necessary to provide access to each lot. Existing streets maintained by the Town for public use shall be improved by the subdivider to the extent necessary to provide access to abutting lots and to provide proper drainage, grade and sidewalk grade. Streets shall be paved in circumstances where required by Town street specifications. Streets shall be dedicated to the Town.
- (7) Street signs, stop signs or similar traffic control devices.
- (8) A storm drainage system.
- (9) Streetlights.
- (10) Curb and gutter shall be provided along paved streets and where required by Town specifications. Concrete sidewalk shall be provided along all abutting streets except when the Planning Commission and Town Council determine that sidewalk is necessary on only one side of a local street because of the shortness of the street, unusual topographical factors or other circumstances which alleviate the need for such sidewalk. In those cases where the proper grade of the sidewalk cannot be determined, the Planning Commission and Town Council may authorize the execution and recording of an agreement on forms provided by the Town to join in an improvement district to install the sidewalk at such time as sidewalk construction becomes feasible instead of immediate construction.
- (11) Public trail easements shall be provided and constructed 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. The Town may waive this requirement if the property at issue has existing trail easements dedicated to the Town of Ridgway.

### (B) Subdivision Improvements Agreement.

- (1) Applicability. All applicants granted subdivision approval, or approval of public improvements deemed necessary to comply with required adequate public improvements as set forth in these Land Development Regulations, shall timely, completely, and satisfactorily construct or install all required improvements and infrastructure as called for in these Land Development Regulations and/or as may have been specified as a condition of approval. All improvements and infrastructure intended for public use shall be dedicated and/or transferred to the town, or appropriate agency, free of all liens and encumbrances.
- (2) Agreement and Guarantee. No final division of land shall be executed by the town and no building permits shall be issued for any lot, parcel or property within a division of land as regulated by this Article 5, Subdivision Regulations involving or requiring the installation of public improvements unless and until an improvement agreement is prepared and executed pursuant to this Section 7-5-3(B), Subdivision Improvement Agreement. Such agreement shall be recorded simultaneously with the final division of land with the Ouray County Clerk and Recorder.

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- (a) Contents of Agreement. Such agreement shall, at a minimum, set forth:
  - (i) Construction specifications for required public and private improvements;
  - (ii) A construction and completion schedule;
  - (iii) Security and guarantees concerning the timely and satisfactory completion of the improvements; and
  - (iv) The terms and conditions for the acceptance of the improvements by the town.
- (b) Timing of Agreement. The improvement agreement shall include a requirement that all improvements be maintained by the developer/subdivider at the cost of the developer/subdivider until such improvements have been fully accepted by the town.
- (c) Agreement to Run with the Land. The improvement agreement shall run with the land and bind all successors, heirs, and assignees of the developer/subdivider.
- (d) Security. The improvement agreement shall include a requirement for the posting of adequate financial security to ensure the timely, complete, and satisfactory construction or installation of all improvements and infrastructure as called for in the agreement.
  - (i) Amount of Security. Security shall be in an amount not less than one-hundred and fifteen (115) percent of the engineers cost estimate to complete all improvements or infrastructure and may be provided by letter of credit, cash escrow, or other financial instrument as approved by the Town Council within its sole discretion.
  - (ii) Letter of Credit. If a developer/subdivider posts a letter of credit as security, it shall:
    - a. Be irrevocable;
    - b. Be for a term, inclusive of renewals, sufficient to cover the completion, maintenance, and warranty periods as required in Section 4.14.B.2, Timing of Agreement; and
    - c. Require only that the town present the letter of credit on demand and an affidavit signed by the Town Manager attesting to the town's right to draw funds under the letter of credit.
  - (iii) Cash Escrow. If a developer/subdivider posts a cash escrow, the escrow instructions shall provide:
    - a. That the developer/subdivider shall have no right to a return of any of the funds except as provided in Section 4.14.B.4.d, Reduction of Security; and
    - b. That the escrow agent shall have a legal duty to deliver the funds to the town whenever the Town Manager presents an affidavit to the agent attesting to the town's right to receive funds, whether or not the developer/subdivider protests that right.
  - (iv) Reduction of Security.
    - a. Upon preliminary acceptance of a public improvement or public infrastructure, the town shall release all but fifteen (15) percent of the amount of financial security posted to secure the successful and timely completion of same, so long as the developer is not in default of any provision of the improvement agreement.
    - b. The residual fifteen (15) percent retained by the town shall act as security for the developer's/subdivider's guarantee that the public improvements and infrastructure remain free of defect during the applicable warranty period. The developer/subdivider may at any time during the preliminary acceptance or warranty period offer to provide a substitute or supplemental form of financial security to that security as originally posted with and/or retained by the town. The town may accept substitute or supplemental forms of security in its sole discretion.

## EXHIBIT A

- (v) Temporary Improvements. The applicant shall build and pay for all costs of temporary improvements required by the town and shall maintain those temporary improvements for the period specified by the Town Council. Prior to construction of any temporary facility or improvement, the developer/subdivider shall file with the town a separate public improvements agreement and a letter of credit or cash escrow in the agreed upon amount for temporary facilities, which agreement and credit or escrow shall ensure that the temporary facilities will be properly constructed, maintained, and removed.
- (vi) Special Districts.
  - a. Required public improvements shall be made by the developer/subdivider, at its expense, without reimbursement by the town or any improvement district except that, as may be allowed under state law, the developer/subdivider may form or cause to be formed a special district or districts to construct and finance the construction of required public improvements excluding lot improvements on individual lots.
  - b. If the developer/subdivider does form or cause to be formed a special district for the purposes identified in this section, the town shall not release the developer/subdivider from its obligations under any public improvements agreement nor shall the town release any security, in whole or in part, until the special district has sold bonds or otherwise certifies to the town that it has an absolute right to raise revenues sufficient to construct, maintain, and warrant the quality of the required public improvements.
- (vii) Failure to Complete Improvements
  - a. For developments/subdivisions without an executed agreement or security, improvements shall be completed within a period specified by the town, or the associated development/subdivision application approval shall be deemed to have expired;
  - b. In those cases where a public improvements agreement has been executed and security has been posted and required public improvements have not been installed within the terms of the agreement, the town may:
    - i. Declare the agreement to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the agreement is declared to be in default;
    - ii. Suspend or revoke authorization for subdivision, including without limitation, suspension or revocation of previously issued building permits and suspend issuance of further building permits until the improvements are completed and record a document to that effect for the purpose of public notice.
  - c. No certificate of occupancy shall be processed or issued by the town for any lot or building within a development prior to the complete and satisfactory installation of all development improvements or infrastructure required to serve such lot or building, and the payment of any and all development fees then due to the town by the developer/subdivider;
  - d. Obtain funds under the security and complete improvements itself or through a third party;
  - e. Assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision for which improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete improvements in the subdivision; and/or



# EXHIBIT A

- f. Exercise any other rights available under the law.

## 7-5-4 DESIGN STANDARDS.

### (A) General Provisions

- (1) All subdivisions shall conform to the minimum design standards of, this Section. The Town Council may allow deviation from these standards if it determines that unusual topography or a hardship exists, or that alternative standards will more effectively protect the quality of the subdivision and the public welfare, or more effectively achieve the purposes of these Subdivision Regulations.
- (2) All subdivisions shall be developed in accordance with the Town's Master Plans, Zoning Regulations, Floodplain Regulations, and other applicable Town ordinances, regulations and specifications.

### (B) Streets, Alleys, Lots and Blocks:

- (1) All streets and alleys shall be constructed and designed in accordance with Town Street and Road Specifications.
- (2) All lots shall have access to a street connected to the public street system. In order to ensure access by emergency service responders, any new subdivision street system must be connected by at least two separate routes to the state highway system.
- (3) Access to any public highway under the jurisdiction of the State Department of Highways shall be subject to the provisions of the State Highway Access Code.
- (4) Driveways and street access shall be subject to subsection 14-5-15(B).
- (5) Streets shall be aligned to join with planned or existing streets and shall be designed to bear a logical relationship to the topography.
- (6) Intersections shall approximate right angles as closely as possible.
- (7) Cul-de-sacs shall be permitted, provided they are not more than 500 feet in length and have a turn-around diameter of at least 100 feet. Surface drainage shall be toward the intersecting street, or if this is not possible, a drainage easement shall be required through the cul-de-sac.
- (8) Dead-end streets, with the exception of cul-de-sacs, shall be prohibited unless they are designed to connect with future streets in adjacent land that has not been platted, in which cases a temporary turn-around easement of 80 feet shall be required.
- (9) Restriction of access shall be required when a subdivision or portion thereof adjoins an arterial highway. Marginal access streets, reverse frontage with screen planting contained in a non-access reservation, deep lots or similar treatment shall be required to reduce the impact of the traffic on residential properties and to avoid interference with the movement of the traffic on thoroughfares.
- (10) Half streets shall be prohibited.
- (11) Reverse curves on major arterials shall be joined by a tangent at least 200 feet in length.
- (12) Reserve strips controlling access to streets are permitted only if control of such strips is given to the Town.
- (13) Street, alley and easement right-of-way widths and grades shall not be less than the following:

	Width	Minimum Grade	Maximum Grade
Arterial Highways	120'	0.5	5%
Major Streets	100'	0.5	5%
Collector Streets	80'	0.5	7%
Local Streets	60'	0.5	7%

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Marginal Access Streets	40'	0.5	7%
Alleys (where permitted)	20'		
Easements	20'		

- (14) Alleys shall be provided in commercial and industrial areas, except that this requirement may be waived where other provisions are made and approved for service access.
- (15) Block lengths and widths shall be suitable for the uses contemplated and shall be adequate for requirements pertaining to minimum lot sizes and dimensions.
- (16) Lots with double frontage shall be avoided, except where essential to separation from major arterials or from incompatible land uses.
- (17) No single lot shall be divided by a district (i.e., zoning, sanitation, fire, etc.), municipal or county boundary line.
- (18) Except in the case of condominium building, commercial building, or a property line between duplex or townhouse units, no subdivision shall be approved that creates a property line that runs through a building.
- (19) Side lot lines shall be substantially at right angles or radial to street lines.
- (20) The Town may require any street, sidewalk and related infrastructure, on a steep slope, or where there is any evidence to suspect problems due to instability, or other adverse soil conditions, to be owned and maintained by the lot owners or an owners' association, or may require an extended warranty of maintenance and repair from the subdivider. A slope easement shall be dedicated to the Town to accommodate the area of any cut or fill off of the right-of-way and an additional ten feet beyond the cut or fill. Such easement shall allow the Town to maintain the slope, cut and fill, and street improvements. Additionally, such easements may be accompanied by a plat not holding the Town harmless on account of any sloughing or disturbance due to maintenance, the cut or the fill.

## **(C) Public Utilities and Utility Easements:**

- (1) Utility easements shall be a minimum of 20 feet centered on the rear or side lot lines, or where appropriate, ten feet on either side of a street.
- (2) All utilities shall be installed underground unless existing utilities are overhead and the existing poles can be used.
- (3) Utility easement widths may be reduced through written agreements with Utility Providers and the Town Engineer.

## **(D) Water and Sewer Systems:**

Water, fire prevention and sewer systems shall be designed by a professional engineer and constructed in accordance with good engineering practices to Town design and construction standards and specifications.

## **(E) Curb, Gutter and Sidewalks:**

Curb, gutter and sidewalks shall be designed and constructed in accordance with Town design and construction standards and specifications and good engineering practices.

## **(F) Monuments:**

Monuments shall be placed at the corners of all street intersections, at the intersections of the boundary of the subdivision with street right-of-way lines, at angle points and points of curve in each street, and at points of change and direction of the exterior of the subdivision and at other locations required by statute. The top of the monument shall have a metal cap set flush to identify the location. Lot corners shall be marked as required by law. Monuments shall be constructed as provided in Town street and road specifications.

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## **(G) Drainage Systems:**

Drainage systems shall be provided in accordance with the final plat as approved. Drainage easements shall generally direct the flow to the front of the lots or to natural drainage ways as such exist, utilizing a minimum 20-foot easement. Where water courses or ditches traverse the subdivision, lots and improvements shall be designed and provided to protect against flooding in accordance with the Town's Flood Plain Regulations. The drainage system shall be designed to avoid increasing the discharge to property outside the subdivision unless agreed to by the owner of any property affected.

## **(H) Other Improvements:**

Any other improvements provided shall comply with any applicable Town standards and specifications and shall be designed and constructed in accordance with good engineering practices.

## **(I) Plat Notes:**

- (1) Plat notes and covenants may be required by the Town as appropriate to implement the provisions of these regulations, and to hold the Town harmless from risks associated with natural hazards and conditions or other risks, which should be borne by the subdivider. Plat notes shall be on Town approved forms, run with the land and bind all successors in interest thereto.
- (2) Town standard plat notes shall be obtained at the Ridgway Town Hall.
- (3) Any plat notes on prior Town Subdivision or PUD plats, or plats of survey which created new parcels, including those notes requiring release by the Town Council, shall not be enforceable by the Town, and are superseded unless reiterated on the plat. Plat notes which are intended to benefit lot owners within the subdivision will be reiterated unless such owners sign a document to indicate their concurrence with the proposed plat notes.
- (4) Plat notes on prior Town plats are superseded unless reiterated or incorporated by reference on the plat.
- (5) Plat notes may be required in the following circumstances.
  - (a) To set out maintenance requirements of the lot owners, enforceable by the Town, for various improvements such as drainage, detention and retention facilities, commonly owned areas, private streets and other private improvements;
  - (b) To require engineered foundations in areas of steep slopes or other questionable soil conditions together with provisions giving notice of, and holding the Town harmless from, potential problems due to slopes, cut and fill areas, adverse soil conditions or other natural hazards.

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Chapter 7 – Chapter Name

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Annotation

Definitions

Table

## Chapter 7: Land Use Regulations

### Section 6 Planned Unit Development (PUD)

#### 7-6-1 GENERAL PUD REVIEW PROCEDURES

##### (A) Authorization

Planned Unit Developments (PUD) are an overlay zoning district authorized by state statute at Title 24, Article 67, C.R.S., Planned Unit Development Act of 1972.

##### (B) General Provisions

- (1) The intent of this Section is to encourage the development of unique projects and tracts of land in accordance with an overall development plan by providing flexibility with respect to dimensional and density requirements, design standards, and to promote the purposes of the Planned Unit Development Act of 1972.
- (2) An application for a PUD is a type of rezoning. A PUD zoning application shall be accompanied by a PUD development plan and a PUD development guide. If approved, the applicable zoning district standards shall be those established by the PUD development plan and the PUD development guide. Where the PUD does not address a specific development standard or requirement of the Ridgway Municipal Code currently in effect, the Code shall apply.

##### (C) Intent

These PUD regulations and standards are intended to serve as an overlay zoning district to:

- (1) Allow flexibility in the development of medium and large-scale sites with unique characteristics;
- (2) Permit development in a manner varying from standards and regulations set forth in this Chapter in exchange for innovative design and creative land use that might otherwise not be permitted by a standard Town zoning district when narrowly construed;
- (3) Promote the unified and integrated development and use of land at a feasible economic and visual values while protecting the natural physical environment of the town;
- (4) Foster development that arranges various land uses in appropriate relationship to each other, to commonly shared open space, and to common facilities;
- (5) Provide a greater variety in type, design, and layout of buildings and open space;
- (6) Utilize land and public services more efficiently; and
- (7) Provide a range of housing options at market and affordable rates.

##### (D) Application

A PUD may be requested for land located in any zoning district. A land use application and all submittal requirements shall be submitted to the Ridgway Town Hall as set forth in this Section 6, Planned Unit Development.

##### (E) Eligibility

- (1) A PUD should not be permitted on a project area of less than ~~two five~~ (52) acres in area. Such area may include one (1) or more contiguous lots, tracts, parcels, or properties.
- (2) The project area may be reduced if the following applies:
  - (a) Common and/or dedicated open space is provided commensurate with requested reduction; or
  - (b) If the layout and design of land uses and amenities provided in the PUD warrant an increase in density or a reduction of project size.

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- (3) The applicant may request a reduction in project area in conjunction with the PUD Zoning application and the request will be considered by the Planning Commission and Town Council as part of the overall request.

## **(F) Permitted Uses**

- (1) Any use that is allowed by right or by conditional use permit within the underlying zone district may be allowed in a PUD.
- (2) Uses that are consistent with the intent of the Master Plan in the reasonable judgment of the Town Council and compatible with the site's physical and environmental characteristics may be allowed in a PUD.

## **(G) Coordination with Subdivision and Zoning Regulations**

The PUD is a type of customized overlay zoning district. All standards and regulations set forth in Section 4, Zoning Regulations and Section 5, Subdivision Regulations, as applicable, apply to the PUD and such criteria shall be met in addition to all standards and criteria set forth in this Section, unless specifically permitted to be waived or varied by the Town Council.

- (1) It is the intent of these Land Use Regulations that subdivision hearings and review under Section 5, Subdivision Regulations may cover only a portion of the entire project when the development is built in stages or phases.
- (2) At the discretion of the applicant and subject to approval by the Town Council as a part of the PUD review, the applicant may choose to delay initiation of review of a subdivision application until final approval of PUD Zoning is obtained for the entire project area.

## **(H) Modification of Requirements**

The Town Council may waive or modify specifications, standards, and requirements such as density, setbacks, height restrictions, land dedications, improvement standards, architectural design standards, use standards, right-of-way standards, and related requirements that would otherwise be applicable to a particular land use provided such waiver or modification is found to further the objectives of these PUD regulations and the community goals, policies, and objectives.

## **7-6-2 PUD STANDARDS**

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### **(A) General Provisions**

The following provisions apply to all PUD application requests:

- (1) Conformity with the Master Plan. The proposed PUD shall be consistent with the applicable portions of the Master Plan in the reasonable judgement of the approving body.
- (2) Relationship to Surrounding Area. The PUD will not have an adverse effect on the surrounding area. The PUD shall be compatible with the scale, intensity, and type of uses located on adjacent and nearby properties.

### **(B) Affordable Housing**

- (1) The PUD development shall restrict the ownership, use, and occupancy of residential dwelling units in accordance with these standards. Such restrictions shall be in effect in perpetuity, shall not expire, and shall survive any foreclosure, unless the restrictions are otherwise released or modified with the written consent of the Town. A deed restriction shall be recorded on each unit to be restricted under these standards.
- (2) All PUD developments shall provide, at minimum, the following:
  - (a) A minimum of 25% of housing units shall be restricted in accordance with these standards;

# EXHIBIT A

- (b) Any owner of a restricted unit shall maintain his/her sole residence and abode in Ouray County, Colorado, or provide written intent of his/her desire and intent to do so within 30 days of purchasing the restricted unit;
- (c) At the time of purchase of a restricted unit, including the original property transfer and all subsequent resales and transfers of property, at least one person in the household shall earn the majority of their income in Ouray County, or from an employer based in Ouray County;
- (d) At the time of purchase, including the original property transfer and all subsequent resales and transfers of property, the household income will be 120% or less of the Area Median Income (AMI) for the unit, as the same are determined by the United States Department of Housing and Urban Development (HUD), as adjusted annually. Proof of this must be presented to the Town in advance of any transfer of a restricted unit. Proof shall include written documentation, such as income tax returns, verifying annual income for the prior year. HUD income limits are derived from the most recent data provided by HUD regarding AMI for Ouray County;
- (e) No short-term rentals shall be permitted for the restricted units.

## (C) Installation of Electric Vehicle Spaces

- (1) All new development within a PUD shall comply with Table T-6.1, EVSE Installed and EV Capable Space Requirements with regards to minimum number of spaces required for the provision of Electric Vehicle Supply Equipment (EVSE) installed and Electric Vehicle (EV) Capable parking spaces.

Table T-6.1, EVSE Installed and EV Capable Space Requirements.

Total Number of Parking Spaces	Minimum Number of EVSE Installed Spaces	Minimum Number of EV Capable Spaces
1-10	1	-
11-15	2	3
16-19	2	4
20-25	2	5
26+	2	20% of total parking spaces

## 7-6-3 GENERAL PUD REVIEW PROCEDURES.

This subsection outlines the review procedures that are common to all PUD applications. Table T-6.2, PUD Application Types and Processes, identifies the various PUD application types and their associated review procedures regulated by this article. The submittal requirements, review procedures, and approval criteria for each application type is laid out in subsequent sections of this article as identified in Table T-6.2. All documents and materials identified in Section 7-6-3, General PUD Review Procedures and the particular application type section shall be required.

## (A) Table of PUD Application Types and Processes

PUD applications shall be processed in accordance with Table T-6.2, PUD Application Types and Processes.

Table T-6.2, PUD Application Types and Processes

	Pre-Application Meeting	Completeness Review	Referrals	Notice of Hearing	Planning Commission	Town Council	Recording
R= Required; O=Optional; PH=Public Hearing; Rec = Recommendation; D= Decision							
PUD Zoning	R	R	R	R Posting	R PH/Rec	R PH/D	R



# EXHIBIT A

Ridgway Municipal Code  
Draft Chapter 7 Updates: Sec. 6 PUD  
May 10, 2023

<b>Major PUD Amendment</b>	R	R	R	R Posting	R PH/Rec	R PH/D	R
<b>Minor PUD Amendment</b>	O	R		O	R PH/Rec	R PH/D	R

## (B) Pre-Application Meeting

If the applicant or Town Manager or their designee, requests a pre-application meeting, the following process shall be followed:

- (1) Prior to the formal submission of the application, the applicant shall contact the Town Manager or their designee to schedule and request a pre-application meeting. Following receipt of a request, the pre-application meeting should be set for a date within ten (10) days of the date of the applicant's request. The Town Manager or their designee shall advise the applicant of the date and time of the pre-application meeting.
- (2) The applicant shall be prepared to discuss the proposed application with the Town Manager or their designee and appropriate Town staff. The applicant is encouraged to present such plats, plans, diagrams, or other preliminary information sufficient to allow a conceptual review of the proposed application.
- (3) The purpose of the pre-application meeting is to assist the applicant in understanding the town's application review processes and to allow the Town Manager or their designee and appropriate Town staff to determine the applicable process(es) and regulations for the proposed application.

## (C) Application Submittal Requirements

All of the following information and materials shall be submitted to the Town in a form acceptable to the Town Manager or designee. Additional information and materials required to be submitted for each specific application type identified in Table T-6.2 are set forth in this subsection and shall also be submitted in order to receive a determination of completeness.

- (1) Basic PUD Application Materials. The following materials are required for all applications regulated by Section 6, Planned Unit Development, unless waived by the Town Manager or their designee.
  - (a) Application Form. An application form for the request shall be obtained from the Town. Completed application forms and accompanying materials shall be submitted to the Town by the owner or applicant.
    - (i) Authorized Agent. If the applicant is not the owner of the land based on Ouray County Assessor records, the applicant shall submit a letter signed by the owner consenting to the submission of the application(s).
    - (ii) Applicant is Not the Sole Owner. If the applicant is not the sole owner of the land, the applicant shall submit a letter signed by all owners or an association representing all the owners, by which all owners consent to or join in the application.
  - (b) Fees. All application fees shall be in compliance with Section 7-1-6, Fees and Costs.
  - (c) Proof of Ownership. Proof of Ownership in the form of a copy of the property deed or a title commitment which has been issued within sixty (60) days of the application submittal along with copies of all documents listed in the exceptions.
  - (d) Legal Description. Legal description of the property subject to the development application.
  - (e) Mineral Interest Owners. List of all mineral interest owners with interests severed from the subject property.



# EXHIBIT A

- (f) Vicinity Map. A map locating the project limits, parcel(s), and property within Ridgway. The vicinity map shall clearly show the boundaries of the subject property and all property within a three-mile radius of the subject property.
- (g) General Written Narrative. A general written narrative identifying the development team, existing conditions of the property, proposed uses, density, lot layout, end users, financing, public dedications (including rights-of-way, parks, open space, infrastructure), and describing the purpose of the project, how the request meets the applicable approval criteria, furthers the goals and objectives specified in the Master Plan, and identifying any potential impacts on adjacent properties and public infrastructure and how those impacts are proposed to be mitigated.

## **(D) Completeness Review**

When a completeness determination is required pursuant to Table T-6.2, the following shall apply:

- (1) Within ten (10) days following receipt of an application, the Town Manager or their designee shall administratively review the application and determine whether it includes all the application content requirements of the Ridgway Municipal Code for the requested application type.
- (2) All plans, reports, maps, and other information required for the application type must be complete and legible. A failure of the application to meet the requirements of Chapter 7, Land Use Regulations and the Ridgway Municipal Code may delay the processing of the application until the application is sufficient and deemed complete.
- (3) When the Town Manager or designee determines that the application is complete as submitted, the Town Manager or designee shall process the application for review in accordance with the provisions set forth in this Section 6, Planned Unit Development.
- (4) In the event the Town Manager or designee determines that the application is incomplete, the Town Manager or designee shall inform the applicant in writing of the deficiencies in the application. No further processing of the incomplete application shall be undertaken until the Town Manager, or designee, determines that the applicant has remedied the application's deficiencies.

## **(E) Referral Agencies**

In accordance with Table T-6.2, applications shall be referred to any of the below referral agencies the Town Manager or their designee determines is necessary to complete a comprehensive review of the request. Referral of applications to other agencies shall be for a minimum time frame of twenty (20) working days. However, the time frame for review and comment may be extended if the application presents technical issues which require additional review, additional information is provided by the applicant, or the application is modified. Referral agencies include, but are not limited to, the following:

- (1) Bureau of Land Management (BLM)
- (2) Colorado Department of Transportation (CDOT)
- (3) Colorado Division of Reclamation, Mining & Safety
- (4) Colorado Division of Water Resources
- (5) Colorado Parks and Wildlife
- (6) Colorado State Forest Service
- (7) Ditch companies
- (8) Fire Protection District(s) or department(s)

# EXHIBIT A

- (9) Ouray County Departments (Assessor, Clerk & Recorder, Attorney, Health Department, Building Department, Road & Bridge, Sheriff Office, etc.) as appropriate
- (10) Town of Ridgway Departments (Town Clerk, Town Attorney, Engineering Department, Building Department, Public Works Department, Marshal, etc.) as appropriate
- (11) Water Conservation District(s)
- (12) San Miguel Power Authority
- (13) School district(s)
- (14) Soil Conservation District
- (15) Utility service providers and districts
- (16) US Army Corp of Engineers
- (17) US Environmental Protection Agency (EPA)
- (18) US Forest Service
- (19) Any other entity or agency deemed necessary by the Town Manager or their designee

## **(F) Staff Report**

The Town Manager or designee shall review the application to determine if the proposal satisfies the applicable standards. Once all review comments have been adequately addressed by the applicant, the Town Manager or their designee shall prepare a staff report discussing whether the applicable standards of the Ridgway Municipal Code have been satisfied. The staff report should identify issues raised through staff and referral agency review, potential mitigation requirements, any recommended conditions for approval, and any additional information pertinent to the review of the application.

## **(G) Notice Requirements**

All public notices of hearings required by this Section shall include the date, time, place, and purpose of the hearing, a general description of the property affected, and any other information deemed appropriate to apprise the public of the general nature of the action proposed. Errors or inaccuracies in the notice shall not be deemed sufficient cause to postpone or invalidate a hearing except where such errors are substantive in material and are found to have reasonably misled or misinformed the public.

### **(1) Notice by Posting**

When notice by posting is required for a public hearing by Table T-6.2, notice of the hearing shall be posted at Town Hall ten (10) days before the hearing and posted on the subject property in a location that is visible from each street frontage abutting the property, for at least ten (10) days prior to the hearing.

### **(2) Mineral Estates Notice.**

Per 24-65.5-103, C.R.S. if the surface estate and mineral estate are severed, the owners of severed mineral estates shall be entitled to notification of not less than thirty (30) days before the date scheduled for the public hearing for the application. A copy of the notice shall be given to the Town along with the applicant's certification of compliance with said notification requirements. Provided this notice is not required if notice was previously sent and such certification previously provided with respect to the same surface development, or the application is only platting an additional single lot, unless a mineral estate owner has requested notice pursuant to 24-6-402(7), C.R.S.

## **(H) Public Hearings**

# EXHIBIT A

When a PUD application requires a public hearing before the Planning Commission or the Town Council in accordance with Table T-6.2, the following shall apply:

- (1) The Town shall set the date and time of the public hearing. Notice of the public hearing shall be issued in accordance with Table T-6.2 and Section 7-6-3(G), Notice Requirements;
- (2) At the public hearing, the reviewing body shall review the application for conformance with the applicable review standards and approval criteria for the request;
- (3) Any public hearing or other action of the body may be continued or postponed at any time to a specified date and time in order to permit preparation of additional information for further review by the reviewing body;
- (4) When required, the Planning Commission recommendation shall be forwarded to the Town Council. Following a public hearing where the request is being considered, the Town Council shall approve, approve with conditions, or deny the application or continue the matter to a date certain;
- (5) The applicant shall bear the burden of presenting sufficient competent evidence at the public hearing to support the standards for approval set forth by this Ridgway Municipal Code. Any decision by the reviewing body to recommend, or to act to, approve, conditionally approve, or deny an application shall be based upon a consideration of all evidence presented during the public hearing. Where evidence presented is contradictory, the reviewing body shall weigh such evidence and judge the credibility and sufficiency of the evidence prior to rendering a decision.

## **(I) Post Approval**

- (1) Review. Prior to recording the approved documents, the applicant shall submit all final documents reflecting any conditions of approval to the Town Manager or their designee for final review and acknowledgement.
- (2) The approved PUD zoning and the approved PUD plan along with all exhibits are inseparable, and a PUD shall not be established without the approval of the related PUD plan.
- (3) Recording. Ordinances, resolutions, plats, and other documents as stated throughout this section, shall be required to be recorded with the Ouray County Clerk and Recorder shall be fully executed by the applicant and filed for execution by the Town and recorded. Recording of all documents shall be completed within ninety (90) days from the date of approval by the approving body.
- (4) Effective Upon Recording. The approval does not become effective until all approved documents have been properly recorded with the Ouray County Clerk and Recorder.
- (5) A PUD shall remain valid until the PUD is subsequently amended or rezoned to another zoning district in accordance with this Chapter.
- (6) The Town shall cause the Official Zoning Map to be updated to reflect approved Planned Unit Developments

## **7-6-4 PUD ZONING**

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### **(A) General Provisions**

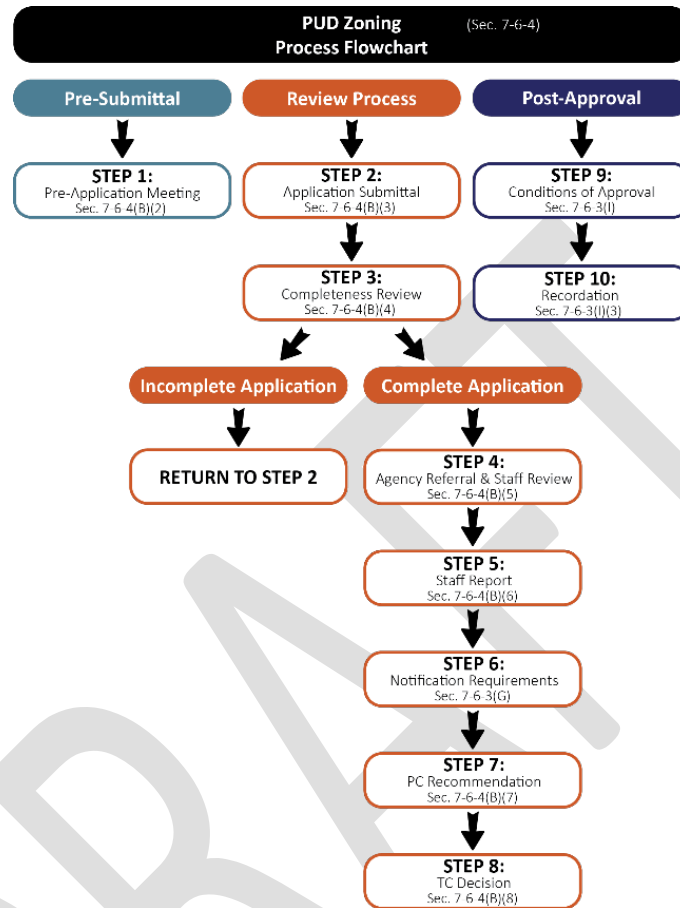
The review process for PUD zoning applications is set forth in Section 7-6-4(B), Review Procedures. Upon approval, the applicable zoning district standards shall be those established by the PUD development plan and the PUD development guide. Where the PUD does not address a specific development standard or requirement of the Ridgway Municipal Code currently in effect, the Code shall apply.

### **(B) Review Procedures**

## EXHIBIT A

- (1) Review Flowchart. Figure F-6.1, PUD Zoning Flowchart, depicts the PUD zoning application review process described in greater detail in this section.

Figure F-6.1, PUD Zoning Flowchart



- (2) Pre-Application Meeting. A pre-application meeting shall be held in accordance with the provisions set forth in Section 7-6-3(B), Pre-Application Meeting.
- (3) Application Submittal Requirements. The following are the application materials required to be submitted for a PUD zoning request. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.
- (i) Basic PUD Application Materials. All materials set forth in Section 7-6-3(C), Basic PUD Application Materials.
  - (ii) PUD Written Description. A written description of the proposal shall be submitted with a PUD zoning application including and addressing the following information:
    - a. The names and addresses of owner, applicant and representative;
    - b. General project concept and purpose of the request including, but not limited to, the character of the PUD, character and density of uses, and an explanation of how employee housing needs associated with the PUD will be met within the PUD and elsewhere;
    - c. Relationship of the proposed PUD development to the underlying zone district, existing land uses and adjacent property land uses;

# EXHIBIT A

- d. The expected schedule and phasing of the project including an explanation of how the phasing plan will satisfy basic needs of residents, visitors and future business owners of the project;
  - e. Compliance with the Master Plan;
  - f. Source of and legal right to water. Written confirmation of service availability from the Town if the property lies within a service boundary;
  - g. Method of wastewater treatment and disposal;
  - h. Method of fire protection;
  - i. Names and addresses of severed mineral rights owners on the affected property and mineral rights lessees; names and addresses of water rights owners;
  - j. Description of natural and manmade hazards which may exist on the property;
  - k. Discussion of impacts on services, including but not limited to county services, town services, and schools;
  - l. Discussion of impacts on existing flora and fauna, air quality, wildlife, historic lands or sites, drainage or mineral extraction;
  - m. A list of the modifications of standard zoning standards and regulations being requested and justification for such requests; and
  - n. A statement of proposed financing.
- (iii) PUD Development Plan. The development plan for a PUD zoning application must depict and contain the following information:
- a. The size of the plan shall be prepared at a size that is legible for reasonable review and interpretation, as determined by the Town Manager or designee;
  - b. A scale that is one (1) inch equals two hundred (100) feet or another suitable scale if approved by the Town Manager or designee;
  - c. Name or identifying title of the proposed development or use;
  - d. Legal description, date of preparation, north arrow, scale, and legend;
  - e. Vicinity map at a suitable scale;
  - f. Certification of taxes paid;
  - g. Total area of the site, in acres and square footage. If there are two or more lots included in the PUD, the gross and net acreage of individual lots, open space, common areas, and rights-of-way;
  - h. Name, address, telephone number, and e-mail address of the applicant, person preparing the map or plan, designer, engineer, surveyor, and any other consultants of the applicant;
  - i. The following signature and certificate blocks:
    - i. Certification of title showing the applicant is the landowner, contract purchaser or option-holder;
    - ii. Certification by the project surveyor certifying to the accuracy of the survey and plat;
    - iii. Certification of the Ridgway Planning Commission approval;
    - iv. Certification for approval of the Ridgway Town Council; and
    - v. Certification for the Ouray County Clerk and Recorder.

# EXHIBIT A

- j. Existing land uses and zoning on adjoining properties;
- k. Public or private sources of utility services and facilities including a statement concerning proposed financing and, where appropriate, types of security anticipated to assure installation of such facilities;
- l. Location and size of all existing and proposed land uses, including proposed densities, where applicable;
- m. Proposed use and gross floor area of structures and anticipated number of employees if commercial or industrial uses;
- n. Depiction of all natural and man-made water courses, retention areas, streams and lakes. Any known one hundred-year (100-yr) flood plains affecting the property shall also be delineated as per the national Flood Plain Insurance Map or those maps provided by the US Army Corp of Engineers or another recognized source;
- o. Building envelopes in hazardous areas to protect natural resources, if deemed appropriate by the county;
- p. Areas where geologic hazard, mineral resources, wildfire hazards, or other natural hazards may exist;
- q. Land to be used for common areas devoted to community use, and land dedicated to the town;
- r. The maximum height of all buildings;
- s. Areas that are to be conveyed, dedicated or reserved as public parks or open space, recreational areas, and as sites for schools or other civic uses;
- t. Topography at two-foot (12') contours, with delineation of areas having slopes twenty percent (20%) or more and other significant topographic conditions at more defined contours;
- u. The traffic and circulation network for vehicles, bicycles and pedestrians, off-street parking areas, service areas, loading areas and major points of access including the widths, lines, and names of all existing and proposed streets, drives, alleys, and roads on or affecting the site, and names of existing streets and alleys, if known, on or adjoining the property. The general location and right-of-way widths for all arterials and collectors shall be shown;
- v. A landscape plan identifying the location, spacing, size and proposed plant material and species schedule;
- w. Conceptual building elevations identifying the architectural intent and the means by which the intent will be achieved;
- x. Names and right-of-way width of each street or other right-of-way, even if for private maintenance and responsibility;
- y. Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the parcel, shown by location and dimension;
- z. Primary control points, or descriptions and "ties" to such control points to which all dimensions, angles, bearings, and similar data on the plat shall be referred. Control points shall be related to Ouray County coordinates and K19 elevations;
- aa. Location and description of monuments;
- bb. Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of residential lots and other sites, with accurate

# EXHIBIT A

dimensions, bearings or deflection angels and radius, arcs, and central angles of all curves;

cc. Number to identify each lot, parcel, tract, outlot or site, such as lot and block numbers;

dd. Preliminary street and road plans and profiles; and

ee. The location, size and character of proposed signs, lighting and advertising devices.

(iv) PUD Development Guide.

a. General. All PUD applications must include a proposed development guide that will be applicable only to that particular PUD and not to any other zone district or development. The development guide shall formally establish the standards and requirements for development within the entire PUD. The standards and requirements for development in the approved development guide may be different from the standards and practices established by this Ridgway Municipal Code if the requested modifications from those regulations are, in the opinion of the Town Council, reasonable as well as necessary to the overall project development, and not detrimental to the town or the residents thereof. The regulations and standards contained within this Ridgway Municipal Code, existing or as may be amended, shall be applicable to any matter which is not addressed in the approved development guide. Each PUD owner as well as their heirs, successors, or assigns shall be bound by all matters, covenants, restrictions, terms, and conditions contained in the approved and recorded development plan and development guide, and the same shall run with the land. The PUD development guide may be included as notation sheets within the PUD development plan or submitted as a separate document to be recorded with the PUD materials.

b. Contents of Development Guide. If no amendments or modifications are proposed for a particular standard or regulation, the standard or regulation set forth in this Ridgway Municipal Code shall apply to all uses and areas within the PUD. The development guide for all PUD applications must contain, at a minimum, provisions regarding the following development features:

i. Objective, purpose and intent. The development guide shall further public health, safety, and the general welfare; facilitate the efficient utilization of land; ensure that there shall be an appropriate relationship with surrounding land and generally encourage compatibility with overall town planning objectives.

ii. Ridgway Municipal Code. The development guide shall supersede the Ridgway Municipal Code to the extent there are conflicts between the development guide and the Ridgway Municipal Code.

iii. Definitions. Any term or word not defined within this Ridgway Municipal Code shall be defined within the PUD development guide. Any term not explicitly defined by the development guide shall default to the terms and words defined in Article 9, Definitions, of this Chapter.

iv. Land use planning areas. Land use planning areas and the uses permitted within each planning area.

v. Dimensional Standards. Dimensional standards for each land use planning area including setbacks, building height, lot size, lot width, and densities.

# EXHIBIT A

- vi. Streets. Street scape and cross-section design depicting the total right-of-way width, vehicle travel lanes, surface material, landscaping and/or sidewalk as required by this Chapter.
  - vii. Public facilities. Utilities and services (including water, stormwater, exterior lighting, irrigation, sewer, roads, electric, gas, telephone, fiber optic, police, fire, medical, solid waste, schools, and snow storage and removal) and the financing for construction, installation, and/or maintenance of those facilities and services.
  - viii. Estimated construction costs and proposed method of financing of the streets and related facilities including but not limited to: water distribution system, sewage collection system, storm drainage facilities, and such other utilities as may be required of the applicant by the town.
  - ix. Signs and outdoor advertisement. Signs shall conform to the requirements in effect for the underlying zone pursuant to Section 7-4-7, Sign Regulations, except that the PUD development guide may include amendments to those standards when it is determined by the Town Manager or designee that such amendments will result in better relationship of the signs to the general layout and design of the PUD.
  - x. Parking. On-and off-street parking & loading area requirements for each use and planning area. If no standards are proposed, the standards set forth in this Ridgway Municipal Code shall apply to all uses and areas within the PUD.
  - xi. Landscaping. Landscaping design guidelines which enhance the PUD project shall include design standards and criteria for the construction of parks, trails, rights-of-way (where applicable), common areas, and non-residential uses. Such standards shall identify species, layout, maintenance, and design that will survive the Ridgway climate and geography.
  - xii. Accessory structure and uses. Any desired accessory structure or use may be allowed within a PUD provided any potential impacts of the structure or use are mitigated to an acceptable level.
  - xiii. General development schedule. A general development schedule of construction of each phase including necessary public improvements for each phase.
  - c. Supplemental Submittal Materials
    - i. Domestic water supply and wastewater treatment systems complying with the standards of Section 7-5-4, Design Standards, and the State Division of Water Resources regulations.
    - ii. Proposed covenants, conditions, and restrictions.
    - iii. Erosion control plan and drainage report.
    - iv. Mechanism for maintaining and preserving open space and common areas.
- (v) Supplemental Materials. The following items are also required to be submitted to the Town of Ridgway:
- a. Proof of minimum guaranteed water supply.
- (vi) Additional Requirements.



# EXHIBIT A

Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.

- (4) Completeness Review. The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section 7-6-3(D), Completeness Review.
- (5) Evaluation by Staff and Review Agencies. Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section 7-6-3(E), Referral Agencies and review the application for conformance with the requirements and standards of this Section and Chapter 7, Land Use Regulations, and all other applicable regulations.
- (6) Staff Report. A staff report shall be prepared and provided to the reviewing body in accordance with Section 7-6-3(F), Staff Report.
- (7) Review and Recommendation by Planning Commission.
  - (a) The Planning Commission shall review the PUD Zoning application in a manner consistent with Table T-6.2 to evaluate compliance with applicable standards. Following their review of the application, the Planning Commission shall provide a recommendation to approve, approve with conditions, or deny the application to the Town Council based on the criteria set forth in Section 7-6-4(C), Approval Criteria.
  - (b) The Planning Commission may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to providing a recommendation to the Town Council.
- (8) Review and Action by Town Council.
  - (a) The final decision to approve, approve with conditions, or deny a PUD Zoning Application shall be made by the Town Council in a manner set forth in Table T-6.2 and be based upon the review criteria set forth in Section 7-6-4(C) Approval Criteria.
  - (b) The Town Council may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Town Council prior to making a final decision.
- (9) Recordation. The applicant shall cause the PUD development plan and PUD development guide to be recorded with the Ouray County Clerk and Recorder as required by Section 7-6-3(I), Post Approval.

## **(C) Approval Criteria**

The following criteria shall be found to be met by the application and supplemental materials in order for the Planning Commission and/or Town Council to recommend approval or approve a PUD zoning application and associated development plan and development guide:

- (1) There is a legitimate need for the proposed development to be processed as a PUD;
- (2) The PUD does not negatively impact the immediate area, including employee housing requirements;
- (3) An exception from the zoning and subdivision regulations and requirements is warranted by virtue of the design and amenities incorporated in the development plan and development guide;
- (4) The land surrounding the proposed PUD can be planned in coordination with the proposed PUD;
- (5) The proposed PUD zoning is consistent with the applicable portions of the Master Plan in the reasonable judgement of the approving body;

# EXHIBIT A

- (6) Existing and proposed utility services are adequate for the proposed development and that the methods of financing, construction and maintenance are acceptable to the town;
- (7) The overall PUD design concept as well as the general phasing scheme are suitable to the land, community, and local economy.

## **7-6-5 MAJOR PUD AMENDMENT**

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### **(A) General Provisions**

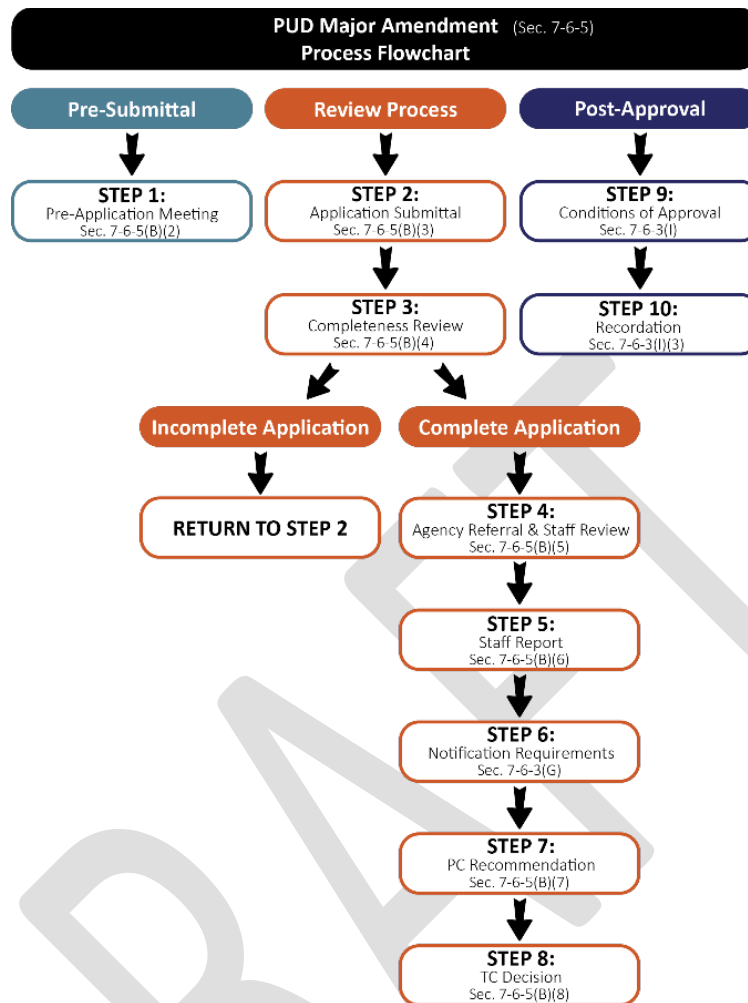
- (1) Major PUD amendments shall be determined by the Town Manager, or designee, and include any modification or amendment to an approved PUD development plan or development guide which:
  - (a) Modifies the approved phasing plan; or
  - (b) Modifies a use established by the PUD; or
  - (c) Modifies the density established by the PUD; or
  - (d) Modifies the commercial or industrial floor area; or
  - (e) Significantly alters the amount or arrangement of open space or recreational amenities, the treatment of environmentally sensitive areas that may exist on the site; or
  - (f) Significantly alter the approved architectural concept of the PUD development guide or PUD development plan; or
  - (g) Significantly alter the basic layout of the approved project infrastructure.
- (2) Amendments and modifications to an approved PUD development plan and/or development guides may be requested in accordance with this Section 7-6-5, Major PUD Amendment.
- (3) No amendments may be made to an approved PUD development plan and/or development guide during the construction of the improvements governed by the PUD.

### **(B) Review Procedures**

- (1) Review Flowchart. Figure F-6.2, Major PUD Amendment, depicts the Major PUD amendment application review process described in greater detail in this section.

*Figure F-6.2, Major PUD Amendment Flowchart*

# EXHIBIT A



- (2) Pre-Application Meeting. A pre-application meeting may be held in accordance with the provisions set forth in Section 7-6-3(B), Pre-Application Meeting.
- (3) Application Submittal Requirements. The following are the application materials required to be submitted for a major PUD amendment request. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.
- (i) Basic PUD Application Materials. All materials set forth in Section 7-6-3(C), Basic PUD Application Materials.
  - (ii) Written Narrative
    - a. General description of the amendment(s) being requested including the proposed amendments to the PUD general description, PUD development plan, and/or PUD development guide.
    - b. Written narrative and description of how the proposed PUD amendment(s) comply with the standards of this Ridgway Municipal Code and the criteria set forth in Section 7-6-5(C), Approval Criteria.
  - (iii) PUD Development Plan. All materials and information required to be included in a PUD zoning request as set forth in Section 7-6-4(B)(3)(iii), PUD Development Plan, shall be submitted with a major PUD amendment request.

# EXHIBIT A

- (iv) PUD Development Guide. All materials and information required to be included in a PUD zoning request as set forth in Section 7-6-4(B)(3)(iv), PUD Development Guide shall be submitted with a major PUD amendment request.
  - (v) Supplemental Materials. The following items are also required to be submitted to the Town of Ridgway.
    - a. Proof of minimum guaranteed water supply.
  - (vi) Additional Requirements. Any other information deemed necessary by the Town Manager or designee to assist in the review of the application.
- (4) Completeness Review. The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section 7-6-3(D), Completeness Review.
- (5) Evaluation by Staff and Review Agencies. Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section 7-6-3(E), Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.
- (6) Staff Report. A staff report shall be prepared and provided to the reviewing body in accordance with Section 7-6-3(F), Staff Report.
- (7) Review and Recommendation by Planning Commission.
  - (a) The Planning Commission shall review the major PUD Amendment application in a manner consistent with Table T-6.2 to evaluate compliance with applicable standards. Following their review of the application, the Planning Commission shall provide a recommendation to approve, approve with conditions, or deny the application to the Town Council based on the criteria set forth in Section 7-6-5(C), Approval Criteria.
  - (b) The Planning Commission may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to providing a recommendation to the Town Council.
- (8) Review and Action by Town Council.
  - (a) The final decision to approve, approve with conditions, or deny a PUD Zoning Application shall be made by the Town Council in a manner set forth in Table T-6.2 and be based upon the review criteria set forth in Section 7-6-5(C) Approval Criteria.
  - (b) The Town Council may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Town Council prior to making a final decision.
- (9) Recordation. The applicant shall cause the PUD development plan and PUD development guide to be recorded with the Ouray County Clerk and Recorder as required by Section 7-6-3(I), Post Approval.

## **(C) Approval Criteria**

The approval criteria for a PUD zoning application set forth in Section 7-6-4(C), Approval Criteria, for a PUD Zoning request shall be found to be met by the application and supplemental materials in order for the Planning Commission and/or Town Council to recommend or approve a major PUD amendment application and associated development plan and development guide.

## **7-6-6 MINOR PUD AMENDMENT**

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### **(A) General Provisions**

- (1) Minor PUD amendments shall be determined by the Town Manager, or designee, and include any modification or amendment to an approved PUD development plan or development guide

## EXHIBIT A

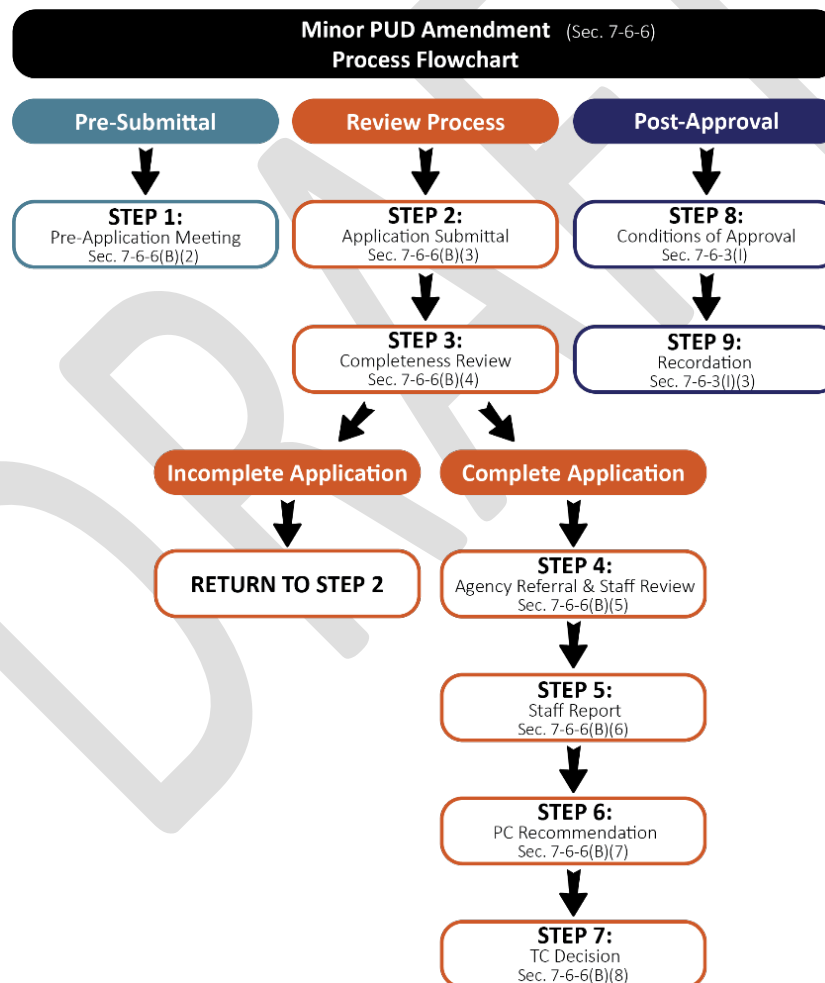
which does not constitute a major PUD amendment as defined in Section 7-6-5(A), General Provisions.

- (2) No minor PUD amendment shall affect the rights of the residents, occupants and owners of the PUD to maintain and enforce all provisions of law or in equity, except as to those lawfully modified, removed or released.
- (3) Minor amendments and/or modifications to an approved PUD development plan and/or development guides may be requested in accordance with this Section 7-6-6, Minor PUD Amendment.
- (4) No amendment may be made to an approved PUD plan and/or approved development guide during the construction of the improvements governed by the PUD.

### (B) Review Procedures

- (1) Review Flowchart. Figure F-6.3, Minor PUD Amendment, depicts the minor PUD amendment application review process described in greater detail in this section.

Figure F-6.3, Minor PUD Amendment Flowchart



- (2) Pre-Application Meeting. A pre-application meeting may be held in accordance with the provisions set forth in Section 7-6-3(B), Pre-Application Meeting.
- (3) Application Submittal Requirements. The following are the application materials required to be submitted for a minor PUD amendment request. The Town Manager or designee may waive

# EXHIBIT A

or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

- (a) Basic PUD Application Materials. All materials set forth in Section 7-6-3(C), Basic PUD Application Materials.
- (b) Written Narrative
  - (i) General description of the amendment(s) being requested including the proposed amendments to the PUD general description, PUD development plan, and/or PUD development guide.
  - (ii) Written narrative and description of how the proposed PUD amendment(s) comply with the standards of this Ridgway Municipal Code and the criteria set forth in Section 7-6-6(C), Approval Criteria.
- (c) PUD Development Plan. Updated PUD development plan depicting the proposed minor amendment(s), as applicable. The requirements of a PUD development plan identified in Section 7-6-4(B)(3)(iii), PUD Development Plan should be used as a template.
- (d) PUD Development Guide. Updated PUD development guide depicting the proposed minor amendment(s), as applicable. The requirements of a PUD development guide identified in Section 7-6-4(B)(3)(iv), PUD Development Guide should be used as a template.
- (e) Supplemental Materials. The following items are also required to be submitted to the Town of Ridgway.
  - (i) Proof of minimum guaranteed water supply.
- (f) Additional Requirements. Any other information deemed necessary by the Town Manager or designee to assist in the review of the application.
- (4) Completeness Review. The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section 7-6-3(D), Completeness Review.
- (5) Evaluation by Staff and Review Agencies. Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section 7-6-3(E), Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.
- (6) Staff Report. A staff report shall be prepared and provided to the reviewing body in accordance with Section 7-6-3(F), Staff Report.
- (7) Review and Recommendation by Planning Commission.
  - (a) The Planning Commission shall review the minor PUD Amendment application in a manner consistent with Table T-6.2 to evaluate compliance with applicable standards. Following their review of the application, the Planning Commission shall provide a recommendation to approve, approve with conditions, or deny the application to the Town Council based on the criteria set forth in Section 7-6-6(C), Approval Criteria.
  - (b) The Planning Commission may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to providing a recommendation to the Town Council.
- (8) Review and Action by Town Council.
  - (a) The final decision to approve, approve with conditions, or deny a minor PUD Amendment shall be made by the Town Council in a manner set forth in Table T-6.2 and be based upon the review criteria set forth in Section 7-6-6(C) Approval Criteria.

## EXHIBIT A

- (b) The Town Council may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Town Council prior to making a final decision.
- (9) Recordation. The applicant shall cause the PUD development plan and PUD development guide to be recorded with the Ouray County Clerk and Recorder as required by Section 7-6-3(I), Post Approval.

### **(C) Approval Criteria**

The following criteria shall be found to be met by the application and supplemental materials in order for the Planning Commission and/or Town Council to recommend or approve a minor PUD amendment application and associated development plan and development guide:

- (1) The minor PUD amendment is consistent with the efficient development and preservation of the entire PUD;
- (2) The minor PUD amendment is consistent with the applicable portions of the Master Plan in the reasonable judgement of the approving body;
- (3) The minor PUD amendment does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the PUD; and
- (4) The minor PUD amendment protects the public interest.

FORMAT GUIDE:

Chapter 7 – Chapter Name

Section 6      Section Name

7-6-1    HEADER 1

Body Style 1

(A) Header 2 TOC

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Body Style 2

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Body Style 3

(a) Header 4 TOC

Body Style 4

(i) Header 5

Body Style 5

a. Header 6

i. Header 7

1. Header 8

Annotation

Definitions

Table



## Chapter 7: Land Use Regulations

### Section 8    Annexation

#### 7-8-1    APPLICATION OF MUNICIPAL CODE

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- (A) This Section 8, Annexation, shall be known and cited as the “Ridgway Annexation Ordinance”.
- (B) Unless otherwise provided by an agreement or by ordinance governing the annexation of property into the Town, the ordinances, resolutions, rules, and regulations of the Town shall remain fully valid and effective upon any property annexed into the Town.

#### 7-8-2    PURPOSE

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- (A) The purpose of the Ridgway Annexation Ordinance, is to establish a procedure to bring land under the jurisdiction of the Town of Ridgway in compliance with the Colorado Municipal Annexation Act of 1965, as amended (“Act”). Section 31-12-101, et seq., C.R.S.
- (B) This Section, in part, provides supplemental requirements for annexation pursuant to the Act and is not to be construed as altering, modifying, eliminating, or replacing any requirement set forth in the Act or any requirements set forth in other portions of the Ridgway Municipal Code. In the event of a conflict between the Act, the provisions of this Section, the provisions of this Chapter 7, or any requirements set forth in other portions of the Ridgway Municipal Code, the more stringent provision shall control.
- (C) For the purposes of defining the certain words or phrases used herein and interpreting this Section, the provisions of Section 31-12-103, C.R.S., shall apply, which provisions are incorporated herein by this reference.

#### 7-8-3    STATEMENT OF POLICY AND REVIEW CRITERIA

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It shall be the general policy of the Town with respect to annexations and the consideration of annexation petitions that:

- (A) Annexation is a discretionary act. Except for the initiated petition for the annexation of an enclave, the Town shall exercise its sole discretion in the annexation of territory to the Town.
- (B) The land to be annexed and the uses proposed for the land shall conform to the goals, policies, and strategies of the Master Plan and to the land uses depicted on the Future Land Use Map, as amended.
- (C) Certain public facilities and amenities are necessary and must be constructed as part of any territory annexed to the Town in order that the public needs may be served by such facilities. These facilities include, but not limited to, streets, bridges, public parks and recreation areas, school sites, and storm drainage facilities. The annexation of lands to the Town shall not create any additional cost or burden on the then-existing residents of the Town to provide such public facilities in any newly annexed area.
- (D) The petitioner for annexation shall be responsible for paying the Town's full cost for processing the annexation petition, from initial discussion with Town staff before submittal of the petition through the approval and recording of the final annexation documents, in the event of the Town Council's approval of annexation.
- (E) Annexed areas will not divide tracts of land to prevent further annexation of adjoining parcels (for example, leaving a "gap" or a "strip" of land between property to be annexed and the adjoining property).
- (F) Adequate water rights are to be deeded to the Town, as determined necessary by the Town, at the time of annexation, to provide sufficient water for the annexed property and the uses thereon.

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- (G) The annexation process can be complex. A property owner considering an annexation petition may wish to consult with an attorney familiar with municipal annexation law. While the Town staff will cooperate with the property owner in the process of complying with state law or the Land Use Regulations, the Town cannot be bound by any representations made by the Town staff regarding the status of or the requirements of state law or the Land Use Regulations. As a general rule and except in extraordinary circumstances, annexation petitions should be accompanied by a request for zoning and, when appropriate, a sketch plan or other application(s), which may be needed pursuant to Chapter 7, Section 4, Land Use Regulations.
- (H) The property owner may request that the annexed property be placed in a specific zone district, or the Town may initiate a zoning action as part of the annexation process. However, no zoning action shall become effective prior to the effective date of the annexation ordinance concerning the property.
- (I) The Town may conduct zoning and subdivision review for the area proposed to be annexed after the Town Council adopts a resolution finding the petition for annexation (or annexation election) to be in substantial compliance with the state law and that the area is eligible for annexation. The Town Council shall not pass any ordinance approving a request for zoning and/or subdivision until an ordinance annexing the property to the Town has been approved by the Town Council.
- (J) The petitioner(s) shall enter into an annexation agreement with the Town for the development of the property to be annexed.

## **7-8-4 RESPONSIBILITIES OF APPLICANT**

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In addition to other duties imposed upon all applicants by these Land Use Regulations and the Act, as amended, all applicants shall have the following responsibilities:

- (A) The applicant is responsible for having a representative at all meetings where the request is reviewed. Failure to have a representative present is cause to have the item withdrawn from the agenda of that meeting.
- (B) The applicant shall consult with the Town Manager or designee to discuss any special conditions pertaining to the annexation and to obtain an annexation petition prior to submitting an annexation petition to the Town.

## **7-8-5 ANNEXATION PROCEDURES**

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### **(A) Eligibility**

Eligibility for annexation shall be determined by conformity with the requirements of the Act, including but not limited to Sections 31-12-104 and 31-12-105, C.R.S., and as determined by the Town Council in its sole discretion.

### **(B) Annexation Process Summary**

The annexation process shall be as follows:

- (1) Pre-Application Meeting
- (2) Submittal of Application and Petition
- (3) Resolution of Substantial Compliance and Setting the Public Hearing
- (4) Evaluation and Review of the Application and Petition
- (5) Planning Commission Consideration of Zoning
- (6) Town Council Consideration of Annexation Agreement, Annexation Ordinance, and Zoning
- (7) Post Approval Requirements

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## **(C) Pre-Application Meeting**

The application process begins with a preapplication conference with the Town Manager or designee and other appropriate Town staff to determine the feasibility of the annexation request. Following this informal meeting, the petitioner shall submit a letter of intent requesting annexation, the annexation petition, the completed annexation application form, annexation maps, applicable fees and supporting documents, as provided in this Section.

## **(D) Application and Petition Submittal Requirements**

All of the following information and materials shall be submitted to the Town in a form acceptable to the Town Manager or designee.

### **(1) Annexation Application Materials**

The following materials are required for all applications regulated by Section 8, Annexation, unless waived by the Town Manager or their designee.

- (a) Application Form. An application form for the request shall be obtained from the Town. Completed application forms and accompanying materials shall be submitted to the Town by the owner or applicant.
    - (i) Authorized Agent. If the applicant is not the owner of the land based on Ouray County Assessor records, the applicant shall submit a letter signed by the owner consenting to the submission of the application(s).
    - (ii) Applicant is Not the Sole Owner. If the applicant is not the sole owner of the land, the applicant shall submit a letter signed by all owners or an association representing all the owners, by which all owners consent to or join in the application.
  - (b) Fees as required by Section 7-1-6 General Provisions.
  - (c) Proof of Ownership. Proof of Ownership in the form of a copy of the property deed or a title commitment which has been issued within sixty (60) days of the application submittal along with copies of all documents listed in the exceptions.
  - (d) Legal Description. Legal description of the property subject to the petition and application.
  - (e) Vicinity Map. A map locating the project limits, parcel(s), and property within Ridgway. The vicinity map shall clearly show the boundaries of the subject property and all property within a three-mile radius of the subject property.
  - (f) General Written Narrative. A general written narrative identifying the development team, existing conditions of the property, proposed uses, density, lot layout, end users, financing, public dedications (including, but not limited to, rights-of-way, parks, open space, and infrastructure), and describing the purpose of the project, how the request meets the applicable approval criteria, furthers the goals and objectives specified in the Master Plan, and identifying any potential impacts on adjacent properties and public infrastructure and how those impacts are proposed to be mitigated.
- (2) Petition for annexation. A Petition for Annexation, in a form acceptable to the Town Attorney and complying with the requirements of the Act. The Town may provide a standard form petition. The Petition shall be signed by 100% of the owners of the private property described in the Petition.
- (3) Annexation map. All annexation maps shall be made with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet and shall be on a reproducible medium with outer dimensions of twenty-four (24) by thirty-six (36) inches. The annexation map shall contain the following information:

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- (a) The date of preparation, the scale and a symbol designating true north.
  - (b) The name of the annexation.
  - (c) The names, addresses and phone numbers of the applicant and the person responsible for preparing the annexation map.
  - (d) The legal description.
  - (e) Distinction of the boundary that is contiguous to the Town and the length of same.
  - (f) Lot and block numbers if the area is already platted.
  - (g) Existing and proposed easements and rights-of-way.
  - (h) Existing water courses with adequate easements for flood control.
  - (i) Existing and requested zoning and acreage of each requested zone.
  - (j) Ownership of all parcels within and adjacent to the annexation.
  - (k) Mailing addresses of all property owners within two hundred (200) feet of the annexation.
  - (l) Affidavit concerning the amount and historical use of all water rights owned.
- (4) Annexation Impact Report. Using information available at this stage of the development process, the application is to be accompanied by a narrative report assessing the effect of the proposed annexation upon the community and existing services and facilities. It shall detail the possible need for any expansion of those services and facilities to accommodate the development proposed for the property being annexed. The narratives shall be one or more paragraphs in length, and adequate to explain the needs, concepts, and proposed solutions for each of the following.
- (a) An assessment of the community needs for the proposed annexation and land use.
  - (b) The economic impact to the Town of the proposed annexation. This is to include an analysis of short-term and long-term revenues to the Town to be generated by the development, short-term and long-term expenses of the Town likely to be incurred as a result of the annexation and development, and proposals to mitigate any negative impacts.
  - (c) The school impact including an estimate of the number of students to be generated by development of the property, capital construction required to educate the students, and proposals to mitigate any negative school impacts.
  - (d) The source of water, both potable and non-potable, and sanitary sewer systems anticipated to serve the property, including a description of any regional facilities that must be constructed or upgraded to serve the development on the property.
  - (e) The impact on the existing transportation system and proposals to mitigate any negative transportation impacts upon the community (arterial and collector street improvements, intersection improvements, intersection signalization, alternative modes of transportation, etc.)
  - (f) The impact of the proposed development on the existing storm drainage system and proposals to mitigate any negative drainage impacts upon the community (historic rainfall drainage patterns, detention and retention areas, storm sewer requirements, discharged irrigation ditches, floodways and floodplains, etc.).
  - (g) The impact of the proposed development on law enforcement and proposals to mitigate any impact upon the existing law enforcement services (special security needs, additional officers required, additional equipment requirements, etc.).
  - (h) The impact of the proposed development on the fire district and proposals to mitigate any impact upon the existing fire protection services (special fire hazards, fire prevention, fire

## EXHIBIT A

- detection, emergency access, additional equipment requirements, additional manpower requirements, additional fire stations, etc.).
- (i) The impact of the proposed development on town park facilities and recreation programs and proposals to mitigate any impact upon the existing facilities and programs.
  - (j) The impact of the proposed development on the environment of the town and proposals to mitigate any negative impact (identify environmentally sensitive areas, endangered species, significant habitats, etc.).
  - (k) The short-term and long-term economic development potential for the property (numbers of jobs to be created, sales and use tax generation, property tax generation, utility revenue generation, incentives to be offered, etc.).
  - (l) The compatibility of the proposed development with the town's current and future transportation infrastructure and road network and proposals for mitigating any negative impact.
  - (m) The compatibility of the proposed development with the Master Plan and any plan amendments that may be necessary for the proposed development.
  - (n) The compatibility of the proposed development with the Land Development Regulations and Ridgway Municipal Code and any deviations in setbacks, space requirements, and permitted uses that may be required for the proposed development.
  - (o) A review of existing and adjacent land uses, areas of compatibility or conflict, and possible mitigation measures that may be required for the proposed development.
- (5) Concept development plan map. The concept development plan map(s) shall be a neat, clear, permanent, legible and reproducible document and shall contain the following:
- (a) The boundary of the area to be developed;
  - (b) A written legal description of the area to be developed;
  - (c) The general location of each proposed land use on the property and the percentage of the whole for each use. General location of land uses may be shown as irregular graphic shapes depicting the approximate size and relationship to adjacent land uses. A table shall be used to list densities and land use by type, including the area of each, the density of residential development and the maximum and minimum lot sizes, and the maximum square footage of commercial and industrial buildings and the maximum and minimum lot sizes;
  - (d) Existing and proposed arterial and collector streets and their relationship to the principal land uses on the site;
  - (e) Existing and proposed major utility lines or facilities and their relationship to the principal land uses on the site;
  - (f) Contour lines at 10 foot intervals, except when there are significant geographical features on the land and a different interval is determined to be more appropriate; and
  - (g) Significant natural or manmade features on the site and contiguous to the property, including but not limited to, bluffs, tree galleries, lakes and ponds, irrigation ditches watercourses and wetlands.
- (6) For all annexations in excess of ten (10) acres, the applicant shall obtain from the school district governing the area to be annexed a statement of the effect of the annexation upon the school district, including an estimate of the number of students generated by the proposed annexation and the capital construction required to educate such students.
- (7) Property tax statement. A copy of the prior year's property tax statement for all property to be annexed.

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- (8) Public hearing notification envelopes. In addition, the applicant shall provide such envelopes for the County Commissioners, County Attorney, and School District.
- (9) Surrounding and interested property ownership report.
- (10) Statement of conformance to the Master Plan. A narrative of how the project conforms to the Future Land Use Classification and the goals, policies and strategies identified in the Master Plan.
- (11) Water rights. A "Water Rights Report" for the property prepared by a licensed water engineer or water attorney detailing the water rights appurtenant to and severed from the property to be annexed and their historical use. The report must include both surface (tributary) and subsurface (non-tributary and not non-tributary groundwater). The applicant shall provide to the Town a signed warranty deed(s) for sufficient water rights as defined by the Town Engineer and in a form acceptable to the Town Attorney to provide the domestic needs of property to be developed as a result of the annexation. In addition the applicant shall provide to the Town a signed standard form warranty deed for the transfer of all subsurface (non-tributary) water rights to the Town. The timing and form of required water rights dedication may be modified in the Annexation Agreement.
- (12) Application for zoning of property to be annexed. The petitioner must submit a completed Zoning Map Amendment application, and all required submittal requirements as set forth in Section 7-4-3(C), Zoning Map Amendment of this Chapter.

## **(E) Completeness Review**

The Town Manager or designee shall review the petition for annexation and all other submitted materials for completeness as follows:

- (1) Within ten (10) days following receipt of a petition or application, the Town Manager or designee shall administratively review the application and determine whether it includes all the application content requirements of the Ridgway Municipal Code for the requested application type.
- (2) All plans, reports, maps, and other information required for the application type must be complete and legible. A failure of the application to meet the requirements of the Act, Chapter 7, Land Use Regulations and the Ridgway Municipal Code may delay the processing of the application until the application is sufficient and deemed complete.
- (3) When the Town Manager or designee determines that the application is complete as submitted, the Town Manager or designee shall process the application for review in accordance with the provisions set forth in this Section 8, Annexation.
- (4) In the event the Town Manager or designee determines that the application is incomplete, the Town Manager or designee shall inform the petitioner in writing of the deficiencies in the application. No further processing of the incomplete application shall be undertaken until the Town Manager, or designee, determines that the applicant has remedied the application's deficiencies.

## **(F) Substantial Compliance**

- (1) Annexation petition referral to Town Council. Upon the Town staff's determination that the petition and supporting documentation are complete and in compliance with provisions of this Chapter, the Act, and the Ridgway Municipal Code, the Town Manager or designee shall refer the petition to the Town Council for review and consideration.
- (2) Town Council determination of substantial compliance. The Town Council shall consider at a regular or special meeting whether the petition is in substantial compliance with provisions of the Act.

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- (a) If the petition is found to be in substantial compliance with the Act, the Town Council may, by the adoption of a Resolution of Substantial Compliance, set the annexation and zoning, for a public hearing as provided in the Act.
- (b) If the petition is found to not be in compliance with the Act, no further action shall be taken, except that the findings shall be made by resolution of the Town Council.

## **(G) Evaluation and Review of Application and Petition**

Town Staff shall analyze the feasibility of annexing the proposed property, such analysis including but not limited to, the ability to serve with streets, water, sanitary sewer, storm sewer, parks and recreation, schools, law enforcement and fire protection. The analysis shall also consider the following: compliance with the Town's Comprehensive Plan, codes and policies; sources of revenue from the property; the Town's costs to serve development proposed for the property; and any other related matters.

## **(H) Notice of Public Hearing**

After adoption by the Council of a Resolution of Substantial Compliance, the Town shall provide notice of the public hearing as provided in the Act and Chapter 7, Land Use Regulations.

## **(I) Planning Commission Review**

The Planning Commission shall review the Map Amendment application in a manner consistent with Section 4, Zoning Regulations to evaluate compliance with applicable standards. Following their review of the application, the Planning Commission shall provide a recommendation to approve, approve with conditions, or deny the application to the Town Council based on the criteria set forth in Section 7-4-3(C), Approval Criteria.

- (1) The Planning Commission may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to providing a recommendation to the Town Council.

## **(J) Town Council**

The final decision to approve, approve with conditions, or deny an Annexation, Annexation Agreement, and initial zoning request shall be made by the Town Council in a manner consistent with the Act.

- (1) The Town Council may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Town Council prior to making a final decision.

## **(K) Post Approval**

- (1) Review. Prior to recording of the approved documents, the applicant shall submit all final documents reflecting any conditions of approval to the Town Manager or their designee for final review and acknowledgement.
- (2) Recording. Any documents required to be recorded with the Ouray County Clerk and Recorder shall be fully executed by the applicant and filed for execution by the town and recorded. Recording of all documents shall be completed within a reasonable period of time from the date of approval by the approving body.
- (3) Effective Upon Recording. A plat does not become effective until it is properly filed for recording with the Ouray County Clerk and Recorder.



## Chapter 7: Land Use Regulations

### Section 9 Definitions

#### 7-9-1 DEFINITIONS OF GENERAL USE CATEGORIES

##### (A) Agricultural Uses

Agricultural, farming, and ranching activities, including nurseries and facilities for processing and selling agricultural products. Agricultural uses involve farming, dairying, pasturage, apiculture, horticulture, floriculture, and viticulture.

##### (B) Animal Services

Animal-related uses include the boarding and care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas.

##### (C) Child Care Facilities

Establishments that provide care for children on a regular basis away from their primary residence. Accessory uses include offices, recreation areas, and parking. This category does not include public or private schools or facilities operated in connection with an employment use, shopping center, or other principal use, where children are cared for while parents or guardians are occupied on the premises.

##### (D) Community and Cultural Facilities

Uses including buildings, structures, or facilities owned, operated, or occupied by a governmental entity or nonprofit organization to provide a service to the public.

##### (E) Educational Facilities

Public, private, and parochial institutions at the primary, elementary, middle, high school, or postsecondary level, or trade or business schools, that provide educational instruction to students. Accessory uses include play areas, parking, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.

##### (F) Food and Beverage

Establishments involved in serving prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation and storage areas, offices, and parking.

##### (G) Group Living

Uses characterized by residential occupancy of a structure by a group of people who do not meet the definition of "household living." Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, group living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff.

##### (H) Healthcare Facilities

Any facility or use providing direct health care to the public such as hospitals, mental health institutions, sanitariums, special care centers, and clinics.

##### (I) Household Living

Uses characterized by residential occupancy of a dwelling unit as a household. Tenancy is arranged on a month-to-month or longer basis (lodging where tenancy may be arranged for a period of less than 30 days is classified under the "lodging facilities" category). Common accessory uses include farm structures, recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and parking of the occupants' vehicles.



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## **(J) Lodging Facilities**

For-profit facilities where lodging, parking, meals, and the like are provided to transient visitors and guests for a defined period.

## **(K) Manufacturing and Production**

Uses including all transformative processes, regardless of whether or not the new product is finished or semi-finished. Production is typically for commercial wholesaling rather than for direct sales. This use category may also include industrial service and research uses including the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Such uses generally have fewer on-site customers. Accessory activities may include retail or wholesale sales, offices, parking and storage.

## **(L) Parks and Open Space**

Uses with a focus on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses may include clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking.

## **(M) Personal Services & Offices**

Establishments that provide individual services and office space related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer, which have been treated or processed at that location or another location. Examples include but are not limited to beauty and barbershops, laundromats, shoe repair shops, and tailor shops. Offices may be for executive, management, administrative, or professional services and do not involve the sale of merchandise except as incidental to a permitted use. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the building or patrons to the permitted uses.

## **(N) Public Utilities and Facilities**

All lines, buildings, easements, passageways, or structures used or intended to be used by any public or private utility related to the provision, distribution, collection, transmission, or disposal of power, oil, gas, water, sanitary sewage, communication signals, or other similar services at a local level.

## **(O) Recreation**

Uses that provide recreation or entertainment activities. Accessory uses may include concessions, snack bars, parking, and maintenance facilities.

## **(P) Retail**

Uses involving the sale of a product directly to the final consumer for any purpose. Examples include but are not limited to bookstores, coffee shops, restaurants, antique stores, bakeries, grocery stores, household product stores, and similar uses.

## **(Q) Vehicles and Equipment**

Uses include a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair and storage and offices.

## **(R) Warehouse and Freight**

Uses that are engaged in the storage or movement of goods for the owner or other firms or persons. Goods are generally delivered to other firms or the final consumer, except for some will call pickups. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, and maintenance areas.

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## 7-9-2 GENERAL DEFINITIONS

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

**ACCESS:** The way by which pedestrians and vehicles enter and leave property.

**ACCESSORY DWELLING UNIT:** A second, subordinate dwelling unit located on the same lot as a primary dwelling unit or commercial unit. 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 dwelling unit or commercial unit. The unit may have a separate entrance or an entrance to an internal common area accessible to the outside.

**ACCESSORY STRUCTURE:** A subordinate building or structure on the same property and not attached to the primary unit. Examples of accessory buildings include storage sheds, gazebos, detached carports, and detached residential garages.

**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 eight or fewer children, shall be considered an accessory use to a residence in all districts.

**ADAPTIVE CONTROLS:** Devices such as timers, motion-sensors and light-sensitive switches used to actively regulate the emission of light from light fixtures.

**AFFORDABLE HOUSING:** A dwelling unit that is restricted in perpetuity to occupancy by individuals meeting the income limitations and occupancy standards as established from time to time by the Town. Occupancy standards include requirements for primary residency and local employment.

**AGRICULTURAL LAND:** Any land used primarily for the production of crops or livestock, including irrigated meadows, irrigated and dry pasture, and irrigation ditches; stock drive routes; lands used for barns, corrals and storage of crops or agricultural products. "Agricultural Land" does not include lands used primarily for the production of commercial timber.

**ANIMAL, VETERINARY CLINIC:** A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-term boarding and shall be only incidental to the hospital or clinic use.

**ANIMAL KENNEL OR BOARDING FACILITY:** Any establishment where dogs and/or cats are bred or raised for sale, or boarded, trained, cared for and/or groomed commercially.

**APPLICANT:** The owner of land or the owner's authorized representative of the land, as well as mineral owners and lessees, when the same are applicants for land development approval.

**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 custom goods as produced on-site, as evidenced through allocation of customer floor area or gross sales receipts of the business.

**ART AND ENTERTAINMENT CENTER, INDOOR:** A structure or facility for the presentation of exclusively indoor performing arts, including indoor motion picture theaters, theaters for indoor live performances, and studios for performing arts education, such as dance or theater.

**AUTOMOBILE SERVICE OR WASH:** The use of the site for the repair, washing, polishing, or detailing of motor vehicles and recreational vehicles. This includes the sale and on-site installation of parts, wheel and brake shops, body and fender shops and similar repair and service but excludes salvage and servicing semi-tractor trailers.

**AUTOMOBILE FUEL SALES:** An establishment operated at a fixed location at which gasoline, or any other motor vehicle engine fuel is offered for sale to the public.

**AUTOMOBILE, BOAT, AND RECREATIONAL VEHICLE SALES OR LEASING:** The use of any building or land for a business involving the sale or leasing of new or used motor vehicles, boats, and

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recreational vehicles. Such establishments may include office space, parking lots for the display and storage of vehicles available for sale, parking areas for customers and employees, vehicle repair facilities, facilities for body work, painting, or restoration and sale of parts.

**BAR OR TAVERN:** An establishment providing or dispensing fermented malt beverages, and/or malt, vinous or spirituous liquors and in which the sale of food products such as sandwiches or light snacks is secondary.

**BED & BREAKFAST:** A place of lodging that provides eight or fewer rooms for rent for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

**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.

**BREW PUB:** An eating place that includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. The area used for brewing, including bottling and kegging, shall not exceed twenty-five (25) percent of the total floor area of the commercial space and the facility shall have a capacity no more than that of a microbrewery.

**BREWERY:** An industrial use that brews ales, beers, meads, and/or similar beverages on site. Breweries are classified as a use that manufactures more than it stores and/or small breweries operated in conjunction with a bar or restaurant defined herein as an accessory use.

**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.

**BUILDING SUPPLIES AND MATERIAL SALES:** A commercial enterprise devoted to the sale of goods and services related to the building industry, including construction supplies, building materials and plumbing, roofing, and interior remodeling supplies. Building materials businesses may include wholesale operations.

**CAMPGROUND:** An outdoor area providing space for vacationers to temporarily occupy in tents or recreational vehicles. A campground may also include an area with rental cabins, rental tents, and site amenities, but its primary function is to accommodate visitors providing their own shelter.

**CEMETERY:** Land used or intended for the burial of the dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

**CHANGE IN LAND USE:** Any development, grading, construction, activity or operation that changes the basic character, configuration or use of land or structures after the enactment of this Code.

**CHILD CARE CENTER:** A facility that is maintained for the whole or part of a day for the care of five (5) or more children who are eighteen years of age or younger and who are not related to the owner, operator, or manager thereof, whether the facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes, but is not limited to, facilities commonly known as day care centers, school-age childcare centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for developmentally disabled children and are regulated and licensed by the state of Colorado.

**CHURCH:** See *Religious Assembly Facility*.

**CLUBS AND LODGES:** Organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics or other common goals, interests or activities, characterized by membership

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qualifications, dues or regular meetings, excluding clubs operated for profit and/or religious assembly facilities.

CODE: The Ridgway Municipal Code.

COMMUNITY CENTER: A place, structure, area, or other facility used for and providing religious, fraternal, social, or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community. May also be referred to as a convention center or civic center.

CONDITIONAL USE: Land uses that have potential for causing adverse impacts on other uses because of such factors as location, method of operation, scale or intensity of activity, or traffic generated.

CONDOMINIUM: A building or buildings consisting of separately owned air space units of a multi-unit property. Generally, the units or portions of the units are stacked one above another. In addition to the interest acquired in a particular unit, each unit owner has an undivided interest in the land or buildings as parts thereof used in common by all the unit owners (common elements). This does not prohibit the ownership of common areas by a homeowners association holding title to such areas for and on behalf of the owner of a condominium unit.

CONDOMINIUMIZATION: The development or use of the land and existing structures as a condominium project, regardless of the present or prior use of such lands and structures and regardless of whether substantial improvements have been made to structures.

CONTRACTOR STORAGE YARD: Facilities for building, heating, plumbing, or electrical contractors, and related storage facilities. The site may include an unenclosed portion upon which a contractor maintains an area used to store equipment and other materials customarily used in the trade carried on by the contractor. This definition excludes temporary contractor storage associated with the site of an ongoing construction project.

DENSITY: A unit of measurement, specific to development, to be interpreted as the number of dwelling units per acre of land.

DEVELOPMENT: Any construction or activity which changes the basic character or the use of the land on which the construction or activity occurs.

DEVELOPMENT AGREEMENT: The agreement between the owner and the county which specifies the terms and conditions of the land use permit approval. This agreement may also implement the site-specific development plan which establishes vested rights under Article 68 of Title 24, C.R.S.

DISTILLERY: A facility for the on-site distillation of spirits in quantities not to exceed 75,000 gallons per year. The distillery operation processes the ingredients to make spirits by mashing, cooking, and fermenting. The distillery operation does not include the production of any other alcoholic beverage. A distillery may include a tasting room open to the public.

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, 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 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 childcare.

## EXHIBIT A

Ridgway Municipal Code  
Draft Chapter 7 Updates: Sec. 9 - Definitions  
May 10, 2023

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**DWELLING, DUPLEX:** A single building containing two dwelling units, each of which shares a common unpierced wall that extends from ground to roof and that totally separates the enclosed living areas within the dwelling units or the enclosed area within attached accessory garages.



*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.

**DWELLING, MULTIPLE FAMILY:** Five or more dwelling units, within a single building and located on a single lot, including apartments and condominiums.



*Sample multiple family dwelling*

**DWELLING, SINGLE-FAMILY :** 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*

# EXHIBIT A

Ridgway Municipal Code  
Draft Chapter 7 Updates: Sec. 9 - Definitions  
May 10, 2023

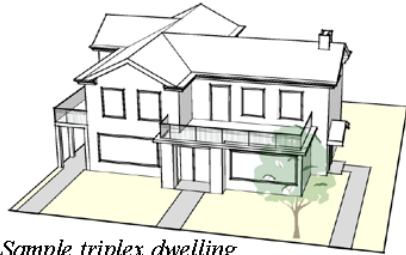
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**DWELLING, TOWNHOUSE:** An individually owned residential unit that has an undivided interest in common with other unit owners in the common elements of a project including land and infrastructure. Townhouse ownership includes the structure, from foundation to roof in an unbroken vertical plane, and the land on which the foundation of the Townhouse is constructed. In order for footings to be considered a foundation in any location, that area must have an unbroken vertical plane to the roof and must be physically attached to the building. Townhouse units or portions thereof cannot be stacked one above another. Nothing shall be construed to prohibit the ownership of common areas by a homeowner's association holding title to such areas for and on behalf of the individual owners of a townhouse unit.



*Sample townhouse 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.



*Sample triplex dwelling*

**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.

**EDUCATIONAL FACILITY:** Buildings and uses for instruction or research activities associated with an academic institution which has curriculum for technical or vocational training, including but not limited to kindergarten, elementary, secondary, or higher education.

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

**FACTORY-BUILT HOUSING:** Any structure, or component of a structure, designed primarily for residential occupancy, either permanent or temporary, 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.

# EXHIBIT A

**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.

**FAMILY DAY CARE:** The use of a residence for the care of eight (8) or fewer children other than the occupant's own children for periods of less than twenty-four (24) hours per day, as designated by rules of the Colorado Department of Human Services.

**FARM USE:** The use of land for the purpose of obtaining a profit from the production and sale of agricultural products, animals or animal products, including accessory uses. See also agricultural uses.

**FEED STORAGE AND SALES:** A retail store selling primarily agricultural products, including the bulk storage of fertilizers and related agrichemicals.

**FENCE:** A structure, which serves as a barrier intended to prevent escape or intrusion, to mark a boundary, to shield or screen view, or to serve any similar purpose constructed of materials other than vegetation.

**GENERAL FARMING AND RANCHING:** The growing of crops, plants, and trees or the maintaining of animals.

**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.

**GRAVEL EXTRACTION:** A lot or land or part thereof used for the purpose of extracting stone, sand, gravel, or topsoil for sale and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

**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. This definition does not include a hotel, motel, boarding or rooming house, 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 eight or more persons whose right to live together is protected by the federal Fair Housing Amendments Act. Group homes shall include state licensed personal care and alternative care personnel.

**HEALTH, RECREATION, AND EXERCISE ESTABLISHMENT:** An establishment or facility designed and equipped for the conduct of sports, exercise activities and other customary and usual recreational activities, including but not limited to tennis, racquetball, handball and squash courts, weight and aerobic exercise rooms, running facilities, swimming pools, yoga, bowling, martial arts, dance, and whirlpool and sauna facilities. Permitted accessory uses may include child care, sun tanning booths, health and nutrition counseling services, retail sales of sporting goods and restaurant services.

**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:** A lawful commercial activity carried on within a dwelling unit or an associated accessory structure by a member or members of the household who occupy the dwelling unit, and up to one additional full time employee, where the occupation is clearly secondary to the use of the dwelling unit for living purposes and the residential character of the dwelling is maintained. Such occupation shall not generate traffic or parking requirements which significantly or adversely affect the residential character of the neighborhood.

**HOMEOWNERS' ASSOCIATION:** Any entity, whether corporation, partnership, nonprofit, unincorporated association, or other entity existing for the purpose of maintaining commonly owned facilities

# EXHIBIT A

and/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.

**IMPROVEMENT AGREEMENT:** An agreement including a list of all agreed-upon improvements, an estimate of the cost of such improvements, the form of guarantee for the improvements, and any other provisions or conditions deemed necessary by the Town Council to ensure that all improvements will be completed in a timely, quality and cost-effective manner. Improvement agreements shall run with and be a burden upon the land.

**LAND USE CHANGE:** Any land use or development activity that changes the basic character, configuration or use of land or buildings and structures after the enactment of this Land Use Code.

**LAUNDROMAT, COMMERCIAL/INDUSTRIAL:** An establishment that cleans fabrics and textiles (apparel, uniforms, towels, bedding, table linens, draperies, rugs, upholstery, etc.) for other businesses, with no more than 30% of the gross floor area occupied by an accessory self-service laundromat use. The establishment may include drop-off facilities and collection/delivery services.

**LAUNDROMAT, SELF-SERVICE:** On-site laundry facilities that are an accessory use to a principal commercial, industrial, or institutional use, and are a part of normal business operations in industries such as healthcare, veterinary services, emergency services, sports and athletics, hospitality, spas and salons, farming and agriculture, manufacturing, etc.

**LIBRARY:** A public, nonprofit facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility but are not normally offered for sale.

**LOADING AREA:** A parking space other than a public street or alley for parking commercial vehicles for the purpose of loading or unloading materials or merchandise.

**LOT:** A portion or parcel of land, including a portion of a platted subdivision, occupied or intended to be occupied by a building or use and its accessories, together with such yards as required under the provisions of this title, that is an integral unit of land held under unified ownership in fee or co-tenancy, or under legal control tantamount to such ownership.

**LOT AREA:** The total horizontal area within the boundary lines of a lot, exclusive of any road rights-of-way.

**LOT CONSOLIDATION:** A division of land process to combine two (2) or more lots, tracts, properties or parcels within the same unit of a platted subdivision which actually deletes the common boundary lines, and results in fewer lots remaining than were started with.

**LOT WIDTH:** Measured at the frontage of that abutting public street which provides actual access to the lot.

**KENNEL:** Any use, other than a veterinary clinic in which household pets are kept commercially for board, propagation, grooming, or sale. Animals used as a part of an agricultural activity are not included in this definition.

**KENNEL, BOARDING:** Any kennel use which is primarily used to house, board, keep, or care for household pets for a temporary period of time.

**KENNEL, BREEDING:** Any kennel use which is primarily used for the propagation, breeding or raising of household pets for commercial sale.

**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 50 percent or more of the total gross floor area of the existing structure before addition or renovation.



# EXHIBIT A

**MANUFACTURE OF MATERIALS:** The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, or resins.

**MANUFACTURING, LIGHT:** The manufacture, predominantly from previous prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. All light manufacturing activities are contained entirely within the building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building.

**MANUFACTURING, MEDIUM:** The processing and manufacturing of materials or products predominately from extracted or raw materials. These activities do not necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. This use shall include any packaging of the product being manufactured on site. This term includes, but is not limited to, machine and welding shops.

**MANUFACTURING, HEAVY:** The manufacture or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter, or explosive materials needed for the manufacturing process. This term includes but is not limited to: (a) fabrication of metal products; (b) chemical manufacturing; (c) stone-work or concrete product manufacturing; (d) manufacturing of agricultural, construction, or mining machinery; (f) motor vehicle manufacturing; (g) lumber milling; (h) permanent concrete/batch plant.

**MANUFACTURED HOME, LARGE:** A single-family dwelling which: (1) is partially or entirely manufactured in a factory; (2) is not less than twenty-four (24) feet in width and thirty-six (36) feet in length; (3) is installed on an engineered, permanent foundation; (4) is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., as amended; and (6) is built for the Colorado climate and snow load according to the Department of Housing and Urban Development Standards established under the provisions of 42 U.S.C. Section 5401, et seq.

**MANUFACTURED HOME, SMALL:** A single-family dwelling which: (1) is partially or entirely manufactured in a factory; (2) is less than twenty-four (24) feet in width and thirty-six (36) feet in length; (3) is installed on an engineered, permanent foundation; (4) is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., as amended; and (6) is built for the Colorado climate and snow load according to the Department of Housing and Urban Development Standards established under the provisions of 42 U.S.C. Section 5401, et seq.

**MARIJUANA:** Shall have meanings as defined in CRS, Title 12, Article 43.3.

**MARIJUANA CULTIVATION FACILITY:** Shall have meanings as defined in CRS, Title 12, Article 43.3.

**MARIJUANA PRODUCT MANUFACTURING FACILITY:** Shall have meanings as defined in CRS, Title 12, Article 43.3.

**MARIJUANA TESTING FACILITY:** Shall have meanings as defined in CRS, Title 12, Article 43.3.

**MEDICAL, MARIJUANA:** Shall have meanings as defined in CRS, Title 12, Article 43.3.

**MEDICAL MARIJUANA CENTER:** Shall have meanings as defined in CRS, Title 12, Article 43.3.

**MEDICAL MARIJUANA-INFUSED PRODUCTS, MANUFACTURING:** Shall have meanings as defined in CRS, Title 12, Article 43.3.

**MICROBREWERY:** A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off-premises, with a capacity of not more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

**MINI-STORAGE WAREHOUSE:** A building, group of buildings, or other facility having compartments, rooms, spaces, or other types of units that are individually rented or leased or otherwise contracted by

# EXHIBIT A

customers for the storage of personal or business goods or property. For the purposes of this Title, "mini-warehouse" shall be considered synonymous with mini-storage or self-storage facility.

**MIXED-USE SITE:** An undivided or combination of undivided lots under one or more ownership or lease agreement used for a mixture of commercial, industrial, institutional, and residential uses.

**MULTIFAMILY RESIDENTIAL SITE:** An undivided or combination of undivided lots under one or more ownership or lease arrangements occupied by multiple dwelling units.

**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.

**MOBILE HOME:** A structure which: (1) is transportable in one or more sections; (2) is built on a permanent chassis; (3) is designed to be used as a place of living for a single-family, with or without a permanent foundation, when connected to the required utilities; and (6) includes the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home", large or small, is not included within the definition of "mobile home."

**MOTOR VEHICLE PARKING LOT:** An open, all-weather surfaced area, other than street or public way, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

**MUSEUM:** An establishment for preserving and exhibiting artistic, historical, scientific, natural, or man-made objects of interest. Such activity may include the sale of the objects collected and memorabilia, the sale of crafts work and artwork, boutiques, and the holding of meetings and social events.

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

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

**NONRESIDENTIAL SITE:** An undivided or combination of undivided lots under one or more ownership or lease agreement used for commercial, industrial, or institutional uses.

**NURSERY:** An enterprise that conducts the retail and/or wholesale of plants grown on the premises, as well as accessory items (but not power equipment, such as gas or electric lawn mowers and farm implements) directly related to their care and maintenance.

**NURSING HOME:** A home licensed by the state for the aged or chronically or incurably ill persons in which five or more such persons not of the immediate family are provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

**OFFICE:** A building or portions of a building in which commercial activities take place but where goods are not produced, sold or repaired. These include but are not limited to general and professional services, governmental offices, insurance offices, real estate offices, travel agency, utility offices; radio broadcasting and similar uses.

**OFFICE, MEDICAL:** A building or portion of buildings that contains establishments dispensing health services, and/or that provides support to the medical profession and patients. Examples include but are not limited to medical and dental laboratories, blood banks, oxygen providers, integrative medicine and holistic or homeopathic therapies, and other miscellaneous types of medical services.

**OPEN SPACE:** Any land or water area which serves the specific use of providing park and recreation opportunities, conserving natural areas and environmental resources, or protecting areas of agricultural, archeological or historical significance. Open space shall not be considered synonymous with vacant or unused land or yards as part of a platted lot.

**OPTIONAL PREMISES CULTIVATION OPERATION:** Shall have meanings as defined in CRS, Title 12, Article 43.3.

# EXHIBIT A

**OUTDOOR AMUSEMENT AND ENTERTAINMENT FACILITIES:** The provision of entertainment or games of skill to the general public for a fee where any portion of the activity takes place outside of a building, including but not limited to a golf driving range, archery range, miniature golf course or a scenic railroad.

**OUTDOOR GUIDING:** A use where professional outdoor guides lead groups on outdoor activities such as hunting, fishing, skiing, camping, photography, or other outdoor recreational activities. This may include accessory retail or rental of equipment for the patrons participating in the outings. Outdoor guiding does not include outdoor recreational equipment rentals.

**OUTDOOR RECREATION EQUIPMENT RENTAL:** Any use where motorized recreation equipment such as snowmobiles, off-highway vehicles, or utility vehicles are stored or displayed outdoors for rental purposes. This use may include office space and repair and maintenance of rental equipment.

**OUTDOOR STORAGE, NONRESIDENTIAL:** An outdoor area in which items that are used for commercial or construction activities (e.g., portable or mechanized equipment, building materials, manufacturing inputs, or merchandise) are stored for, in an unroofed area, in the same place for more than twenty-four hours.

**OUTDOOR STORAGE, RESIDENTIAL:** The keeping of any equipment, materials, or other items outdoors on property with a principal use of residential. The material or items are incidental to normal residential use of property and are owned by the owner or tenant residing on the property, including but not limited to lawn and garden equipment, snowmobiles, motor bikes, bicycles, snow blowers and other household items, excepting all items as defined in rubbish.

**OUTFITTING:** See Outdoor guiding.

**PARK:** Areas open to the general public and reserved for recreational, educational or scenic purposes.

**PARKING FACILITY:** Any parking lot or parking structure which is used primarily or habitually for the parking of vehicles (excluding street or alley right-of-ways).

**PERSON:** means any individual, firm, partnership, corporation, association, LLC, or other entity, including to the extent allowed by law, the United States and the State of Colorado, and any agency or political subdivision thereof.

**PERSONAL SERVICES:** Establishments primarily engaged in providing services involving the care of a person or his/her personal goods, including but not limited to, dry cleaning pickup, cosmetics, beauty and barbershops, spas, nail salons, shoe repair shops, tailor shops, funeral services, and domestic services.

**PLAN, PRELIMINARY:** The plat and/or maps of a proposed subdivision or planned unit development and specified supporting materials, drawn and submitted in accordance with the requirements of adopted regulations, including detailed engineering and design.

**PLAN, SKETCH:** A map of a proposed subdivision or planned unit development, drawn and submitted in accordance with the requirements of this Code, to evaluate feasibility and design characteristics at an early stage in the planning.

**PLANNED UNIT DEVELOPMENT (PUD):** A tract, lot, parcel, or property developed under single ownership or unified control, which includes one or more principal buildings and/or uses and is processed under the planned unit development provisions of this Code.

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

**PRINCIPAL USE:** The primary purpose or function for which the land, building or structure is used.

**PUBLIC ASSEMBLY FACILITY:** A permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar

# EXHIBIT A

facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters.

**PUBLIC BUILDING:** Any building held, used, or controlled exclusively for public purposes by any department or branch of government, public agency, or special district without reference to the ownership of the building or of the realty upon which it is situated. A building belonging to or used by the public for the transaction of public or quasi-public business.

**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.

**RECYCLING FACILITY:** A facility that accepts recyclable materials and may perform some processing activities. The principal function is to separate and store materials that are ready for shipment to end-use markets, such as paper mills, aluminum smelters, or plastic remanufacturing plants.

**REGISTERED PROFESSIONAL ENGINEER:** A professional engineer means a person who is qualified to perform engineering work and who is registered in conformance with Title 12, Article 25 of the C.R.S.

**RELIGIOUS ASSEMBLY FACILITY:** A facility or site used by a bona fide religious group primarily or exclusively for religious worship and related religious services, including a place of worship, retreat site, or religious camp.

**RESEARCH AND DEVELOPMENT:** An establishment or other facility for carrying on investigation in the natural, physical, or social sciences, which may include engineering and product development.

**RESTAURANT/EATING & DRINKING ESTABLISHMENT:** A structure in which the principal use is the preparation and sale of food and beverages.

**RESTAURANT WITH DRIVE UP WINDOW:** A restaurant accommodating the patron's automobile from which the occupants may receive a service or in which products purchased from the establishment may be consumed.

**RETAIL:** A facility or area for the retail sale of general merchandise or food to the general public for direct use. This use includes but is not limited to sale of general merchandise, clothing and other apparel, flowers and household plants, dry goods, convenience and specialty foods, hardware, liquor, and similar consumer goods.

**RETAIL, CONTRACTOR CONSTRUCTION YARD:** An unenclosed portion of the lot or parcel upon which a construction contractor maintains its principal office or a permanent business office. Designation of the lot or parcel as a contractor's storage yard would allow this area to be used to store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor.

**RETAIL, CONVENIENCE STORE:** Any retail establishment selling consumer products including primarily prepackaged or prepared food items and household items, having a gross floor area of less than five thousand (5,000) square feet. A convenience store may also have associated retail sale of gasoline and other petroleum products.

**SETBACK:** 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.

**SINGLE-FAMILY RESIDENTIAL SITE:** An undivided or combination of undivided lots under one ownership occupied by a single-family residential structure and related accessory structures.

**SOLID WASTE DISPOSAL:** A lot of land or part thereof used primarily for the disposal, by abandonment, dumping, burial, burning, or any other means and for what purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

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**STRUCTURE HEIGHT:** Shall be determined as follows for application of the limitations as set forth herein:

- (1) The height of any structure shall be determined by measuring the vertical distance between the elevation of the lowest point of the natural grade abutting any exterior wall or supporting structure and the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable or a pitched or hipped roof. Structures that do not have roofs shall be measured to the height of the structure.
- (2) The height of each separate terrace or step for terraced or stepped buildings shall be considered for the purpose of application of these limits.
- (3) Allowable building height may be increased by six inches if the roof design includes raised heel trusses.

**SUBDIVISION** means a parcel of land which is divided into two or more parcels, lots, tracts or other interests including condominiums; townhouses, other common interest ownership properties; and apartment complexes or other development involving more than one primary building; and any act creating such results. Provided, however, the following shall not be considered to be a subdivision for the purpose or application of these regulations:

- (1) A division of land which creates cemetery lots;
- (2) The creation of separate but undivided interests in a tract of land such as joint tenancy, tenancy in common, tenancy in entirety, trust, lien, mortgage, deed of trust or other security interest, unless such separate interests apply to less than all of the tract;
- (3) An interest severing the oil, gas, minerals or water from the surface estate;
- (4) Creation of a utility easement or an easement unrelated to the use of the surface;
- (5) Any division of property created by acts of a Town;
- (6) Boundary adjustments which resolve a disputed boundary or boundary survey problem such as overlaps or gaps, so long as the boundary adjustment or transaction does not result in the transfer from one parcel to another of an area in excess of 10,000 square feet.

**SUBDIVIDE** means any act which is intended to or does result in the creation of a subdivision, and **SUBDIVIDER** means any person performing such act or processing a subdivision pursuant to Section 5 of these Land Use Regulations.

**SUBDIVISION, BUILDING FOOTPRINT:** A previously approved commercial or mixed-use building footprint that is intended for individual ownership and which includes in such ownership an undivided interest in the common elements of a project, including land and infrastructure. Ownership includes the building, from foundation to roof in an unbroken vertical plane, and the land on which the foundation is constructed. A building footprint subdivision may be defined by the building foundation line delineated on an approved site plan/preliminary plat and may be subdivided per a site plan/preliminary plat prior to the actual pouring of the foundation at the risk of the subdivider. The building footprint subdivision must be defined by resubdivision once the foundation has been poured. This does not prohibit the ownership of common areas by an owner's association holding title to such areas for and on behalf of the individual owners of a commercial pad.

**SUBDIVISION, CONDOMINIUM:** The development or use of the land and existing structures as a condominium project, regardless of the present or prior use of such lands and structures and regardless of whether substantial improvements have been made to structures.

**SUBDIVISION, MAJOR:** A major subdivision is any division of land that is not defined as a "boundary or lot line adjustment, a "building footprint subdivision", a "condominium subdivision, a "lot consolidation", a "minor subdivision", a "resubdivision", a "townhouse subdivision", or a "right-of-way vacation".

**SUBDIVISION, MINOR:** A minor subdivision is a division of land creating four (4) or fewer lots, and a subdivision creating a second single-family dwelling unit on one parcel.

# EXHIBIT A

**TELECOMMUNICATION FACILITY:** A facility that transmits and/or receives electromagnetic wireless communications signals. It includes antennas, microwave dishes, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.

**TOWN:** means Town of Ridgway, Colorado, and any authorized officer, employee or agent thereof.

**TRAVEL HOME:** Any movable or relocatable dwelling unit with a living area of less than 500 square feet or which is required to have a license plate.

**TRAVEL HOME PARK:** A park or campground for the temporary use of travel homes, including, but not limited to, campers, motorhomes, pick-up truck campers, trailers and trailer coaches.

**TRUCK REPAIR SHOP:** The use of the site for the repair, washing, polishing, or detailing semi-tractor trailers.

**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 Land Use Regulations and other applicable Town ordinances and regulations.

**VETERINARY HOSPITAL:** An establishment that provides medical treatment and care to animals, and which may include temporary or overnight boarding of animals that are recuperating from treatment. A veterinarian clinic or office may include a kennel.

**WAREHOUSE FACILITY:** An establishment whose primary activity is the storage of residential, commercial, industrial, or other goods, including inventory and/or finished products, and where no such goods are sold either at wholesale or at retail. This use does not include the storage of goods incidental to a different primary use on the same lot, which is considered an accessory use.

**WHOLESALE ESTABLISHMENT:** An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use. This term includes but is not limited to: (a) Building supplies material and 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. Wholesale establishments may include associated outdoor storage of goods connected directly to the operations of the establishment.

**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.

**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.

# EXHIBIT A

*Ridgway Municipal Code  
Draft Chapter 7 Updates: Sec. 9 - Definitions  
May 10, 2023*

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DRAFT

FORMAT GUIDE:

Chapter 7 – Chapter Name

Section 10 Section Name

7-10-1 HEADER 1

Body Style 1

(A) Header 2 TOC

(A) Header 2 Body

Body Style 2

(1) Header 3

Body Style 3

(a) Header 4 TOC

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(i) Header 5

Body Style 5

Annotation

Definitions



## AGENDA ITEM #14

**BYLAWS OF THE TOWN OF RIDGWAY  
WORKFORCE AND AFFORDABLE HOUSING COMMITTEE**

**ARTICLE I – THE COMMITTEE**

Section 1. Name and Authority of the Committee. Pursuant to Resolution No. 23-08 of the Town of Ridgway Town Council (the “Town Council”), the Workforce and Affordable Housing Committee is established. The name of the Committee shall be the “Town of Ridgway Workforce and Affordable Housing Committee” (the “Committee”).

Section 2. Membership. The Committee is made up of the Council Members of the Town of Ridgway (the “Town”). Should any Committee Member cease to be a member of the Town Council, their membership shall automatically terminate.

Section 3. Office. The Committee’s office shall be the Ridgway Town Hall, 201 N. Railroad Street, PO Box 10, Ridgway, CO 81432 (“Town Hall”).

Section 4. Meetings and Meeting Place. The Committee shall meet once a fiscal quarter, or as set by the Town Council. All Committee meetings shall be open to the public. A notice and agenda of all Committee meetings shall be posted at least 24 hours prior to any meeting, in accordance with all applicable Colorado open meeting laws. Notices shall be posted at the Town’s designated posting place. Unless otherwise posted, all Committee meetings shall be at Town Hall.

**ARTICLE II –MISSION AND PURPOSE**

Section 1. Mission. The mission of the Committee is to create and manage affordable and workforce housing within the Town of Ridgway.

Section 2. Purpose. The purpose of the Committee is as follows:

- i. Administration of all affordable housing and workforce housing projects within the Town;
- ii. Review and recommendation of workforce and affordable housing guidelines and requirements;
- iii. Planning, financing, acquiring, developing, constructing, reconstructing and repairing affordable housing and work force housing projects within the Town;
- iv. Developing, implementing, and enforcing affordable and workforce housing guidelines and regulations;

- v. Hosting all applicable housing lotteries; and
- vi. Working with regional partners to find and develop affordable and workforce housing for the citizens of the Town.

### ARTICLE III – OFFICERS

Section 1. Officers. The officers of the Committee shall be a Chair, Vice-Chair and Secretary Treasurer.

Section 2. Chair. The Chair shall preside over all meetings of the Committee. The Chair shall set the agenda for all Committee meetings. The Chair shall have the authority to duly sign all proper and approved documents on behalf of the Committee.

Section 3. Vice Chair. The Vice Chair shall perform the duties of the Chair in the absence or incapacity of the Chair.

Section 4. Secretary / Treasurer. The Secretary Treasurer need not be a member of the Committee. The Secretary / Treasurer shall keep copies of meeting minutes of all Committee meetings. The Secretary / Treasurer shall attest to all duly adopted and authorized Committee documents. The Secretary / Treasurer shall have custody of all Committee funds and shall keep a full and accurate account of all receipts, disbursements, and financial transactions of the Committee. The Secretary Treasurer shall perform such duties as the Committee may designate.

Section 5. Additional Duties. The officers of the Committee shall perform such other duties and functions as may from time to time be required by the Chair or by action of the Committee.

Section 6. Appointment of Officers. The Chair of the Committee shall be the Mayor. The Vice Chair of the Committee shall be the Mayor Pro Tem. The Secretary / Treasurer shall be appointed by the Committee and shall serve at the pleasure of the Committee.

Section 7. Additional Personnel. The Committee may retain or appoint such other officers, agents or employees as it requires.

### ARTICLE IV - MEETINGS

Section 1. Regular meetings. Regular meetings of the Committee shall be held once a quarter, as designed by the Town Council. Meetings of the Committee may be held during or in conjunction with a regular or special meeting of the Council.

Section 2. Special Meetings. Any special meeting of the Committee may be called in accordance with Section 2-1-1(B) of the Town Code.

Section 3. Quorum. A quorum of Council shall constitute a quorum of the Committee. No action shall be taken unless a quorum is present.

Section 4. Order of Business. At regular meetings of the Committee, the following shall be the order of business:

- i. Call to Order
- ii. Roll Call
- iii. Public Comment
- iv. Consent Agenda
- v. Old Business
- vi. New Business
- vii. Staff and Sub-Committee Reports
- viii. Future Meeting Date
- ix. Adjournment

Section 5. Voting. The vote of each Committee member upon every resolution and action shall be recorded in the minutes. Each Committee member shall be required to vote on every question unless the Committee member has a substantial personal or financial interest in the matter.

Section 6. Remote Meetings. Committee members may participate in any meeting by remote or electronic means, subject to any attendance policies adopted by the Council.

#### ARTICLE V – SUBCOMMITTEES

Section 1. Subcommittees. The Committee has the authority to establish and dissolve subcommittees. Subcommittees shall serve a short-term function and/or to complete a specific task of the Committee. Subcommittee members need not be members of the Committee. Subcommittees shall be provide a report or presentation to the Committee as tasked or requested.

#### ARTICLE VI – ADDITIONAL PROVISIONS

Section 1. Controlling Provisions. This Committee and its members are subject to the Home Rule Charter for the Town of Ridgway, and the Ridgway Municipal Code.

Section 2. Amendment. These Bylaws may be amended with the approval of the majority of the Committee Members.

ADOPTED AND APPROVED THIS 10<sup>TH</sup> DAY OF MAY, 2023, BY THE RIDGWAY TOWN COUNCIL.

TOWN OF RIDGWAY

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JOHN CLARK, MAYOR

ATTEST:

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PAM KRAFT, TOWN CLERK

## AGENDA ITEM #15



To: Honorable Mayor Clark and Ridgway Town Council  
From: Preston Neill, Town Manager  
Date: May 2, 2023  
Agenda Topic: **Dedicated revenue source to address housing challenges**

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## SUMMARY

As a result of last month's work session where Council continued discussing and evaluating strategies for a dedicated revenue source for affordable housing, Council provided the following direction to staff:

1. Focus efforts on the Lodging Tax rate and the earmark percentages.
2. Research existing Lodging Tax rates in other communities. The following communities were cited during the work session on April 17, 2023:
  - Ouray
  - Telluride
  - Mountain Village
  - Montrose
  - Gunnison
  - Silverton
  - Palisade
3. Further explore an *Inclusionary Zoning Fee-in-Lieu* that would allow developers looking to construct market-rate housing developments to either provide on-site affordable units or pay fees in lieu thereof.
4. Further explore an *Affordable Housing Mitigation Fee*, similar to the Town of Telluride's.

## LODGING TAX

In November 2015, the Ridgway electorate approved a ballot question changing the Town's Lodging Tax rate from \$2 per room per night to 3.5 percent per room per night. In addition, voters agreed that "up to 70% of the proceeds of the Lodging Tax be used for tourism promotion and economic development and the remainder be used for expenses attributable to tourism and growth."

If Council were to pursue asking voters to increase the Town's Lodging Tax rate, it would also be necessary to ask voters to approve modifying how the proceeds are earmarked. In looking at reported revenues over the last several years, a Lodging Tax increase between 4% and 10% would generate the following amounts per year:



## 2022

Tax percentage	Projected annual revenue	70% (tourism promotion)	30% (affordable housing)	60% (tourism promotion)	40% (affordable housing)	50% (tourism promotion)	50% (affordable housing)
4%	\$168,524.41	\$117,967.09	\$50,557.32	\$101,114.64	\$67,409.76	\$84,262.20	\$84,262.20
5%	\$210,655.51	\$147,458.86	\$63,196.65	\$126,393.31	\$84,262.20	\$105,327.75	\$105,327.75
6%	\$252,786.61	\$176,950.63	\$75,835.98	\$151,671.97	\$101,114.64	\$126,393.31	\$126,393.31
7%	\$294,917.71	\$206,442.40	\$88,475.31	\$176,950.63	\$117,967.09	\$147,458.86	\$147,458.86
8%	\$337,048.82	\$235,934.17	\$101,114.64	\$202,229.29	\$134,819.53	\$168,524.41	\$168,524.41
9%	\$379,179.92	\$265,425.94	\$113,753.98	\$227,507.95	\$151,671.97	\$189,589.96	\$189,589.96
10%	\$421,311.02	\$294,917.71	\$126,393.31	\$252,786.61	\$168,524.41	\$210,655.51	\$210,655.51

## 2021

Tax percentage	Projected annual revenue	70% (tourism promotion)	30% (affordable housing)	60% (tourism promotion)	40% (affordable housing)	50% (tourism promotion)	50% (affordable housing)
4%	\$161,402.22	\$112,981.55	\$48,420.66	\$96,841.33	\$64,560.89	\$80,701.11	\$80,701.11
5%	\$201,752.77	\$141,226.94	\$60,525.83	\$121,051.66	\$80,701.11	\$100,876.38	\$100,876.38
6%	\$242,103.32	\$169,472.33	\$72,631.00	\$145,261.99	\$96,841.33	\$121,051.66	\$121,051.66
7%	\$282,453.88	\$197,717.71	\$84,736.16	\$169,472.33	\$112,981.55	\$141,226.94	\$141,226.94
8%	\$322,804.43	\$225,963.10	\$96,841.33	\$193,682.66	\$129,121.77	\$161,402.22	\$161,402.22
9%	\$363,154.98	\$254,208.49	\$108,946.50	\$217,892.99	\$145,261.99	\$181,577.49	\$181,577.49
10%	\$403,505.54	\$282,453.88	\$121,051.66	\$242,103.32	\$161,402.22	\$201,752.77	\$201,752.77

## 2020

Tax percentage	Projected annual revenue	70% (tourism promotion)	30% (affordable housing)	60% (tourism promotion)	40% (affordable housing)	50% (tourism promotion)	50% (affordable housing)
4%	\$108,706.56	\$76,094.60	\$32,611.97	\$65,223.94	\$43,482.63	\$54,353.28	\$54,353.28
5%	\$135,883.21	\$95,118.24	\$40,764.96	\$81,529.92	\$54,353.28	\$67,941.60	\$67,941.60
6%	\$163,059.85	\$114,141.89	\$48,917.95	\$97,835.91	\$65,223.94	\$81,529.92	\$81,529.92
7%	\$190,236.49	\$133,165.54	\$57,070.95	\$114,141.89	\$76,094.60	\$95,118.24	\$95,118.24
8%	\$217,413.13	\$152,189.19	\$65,223.94	\$130,447.88	\$86,965.25	\$108,706.56	\$108,706.56
9%	\$244,589.77	\$171,212.84	\$73,376.93	\$146,753.86	\$97,835.91	\$122,294.88	\$122,294.88
10%	\$271,766.41	\$190,236.49	\$81,529.92	\$163,059.85	\$108,706.56	\$135,883.21	\$135,883.21

## TAX RATES IN OTHER COMMUNITIES

Ouray	3.5%
Telluride	2% Lodgers' Tax & 2% Excise Tax on Food and Lodging
Mountain Village	4%
Montrose	0.9%
Gunnison	4%
Silverton	\$2 per room per night and \$1 per campsite per night
Palisade	\$6 per room per night





Delta	n/a
Paonia	n/a
Grand Junction	6%

#### **SAMPLE BALLOT LANGUAGE (FOR DISCUSSION PURPOSES ONLY)**

SHALL THE TOWN OF RIDGWAY LODGING TAX BE INCREASED BY \$75,000.00 ANNUALLY, BEGINNING IN 2024, WHICH WILL BE THE FIRST FULL FISCAL YEAR OF THE INCREASE, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER, BY INCREASING THE RATE OF THE TOWN'S LODGING TAX ONE AND A HALF PERCENT (1.5%), FOR A TOTAL LODGING TAX OF FIVE PERCENT (5%), WITH UP TO 60% OF THE PROCEEDS OF THE LODGING TAX TO BE USED FOR TOURISM PROMOTION AND ECONOMIC DEVELOPMENT AND THE REMAINDER TO BE USED FOR THE DEVELOPMENT, OPERATION, MAINTENANCE OF, AND ANY OTHER ACTION(S) BY THE TOWN OR IN PARTNERSHIP, TO PROVIDE AFFORDABLE AND WORKFORCE HOUSING, AND FUNDING PROGRAM(S) TO FACILITATE HOMEOWNERSHIP, AND OTHER ACTION(S) AND PROGRAM(S) NOT INCONSISTENT WITH THESE PURPOSES, EXCEPT THAT NO VENDOR PROCESSING FEE SHALL APPLY TO THE TAX INCREASE, AND SHALL THE REVENUES GENERATED BY SUCH TAX INCREASE AND PROCEEDS BE COLLECTED AND SPENT BY THE TOWN AS A VOTER APPROVED REVENUE CHANGE, WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

#### **INCLUSIONARY ZONING FEE-IN-LIEU**

Inclusionary zoning or inclusionary housing ordinances are requirements to include income-restricted housing in new developments. The Town does not currently have any inclusionary zoning components within the Ridgway Municipal Code. However, it has been a policy for many years now that a minimum of 10% of housing units shall be deed restricted. Most inclusionary zoning or inclusionary housing ordinances allow developers to pay a fee-in lieu of construction of the affordable (income restricted) units and fee revenues are typically dedicated to an affordable housing trust fund.

Each jurisdiction must determine how to set their fee level. There are several common approaches, but no single right formula. A key factor that shapes the decision about which formula to use is whether a jurisdiction wants to encourage on-site performance or collect the revenue to leverage other sources of funding and to build funds to do things like construct affordable units off site. The higher the fee, the higher the chance that developers will choose to build units on site.

As mentioned above, there are a variety of approaches or methods for calculating the in-lieu fee. One method, known as the "affordability gap method", bases the in-lieu fee on the typical difference in price, or rent, between market rate and affordable units. For example, if a typical market rate



home sold for \$400,000 and the affordable price was \$300,000, the fee would be \$100,000. Another method, known as the “production costs method”, bases the in-lieu fee on the average amount that the public has historically invested to produce each additional off-site affordable unit. For example, if it generally cost \$300,000 to build a new unit and qualified low-income buyers could generally afford \$250,000, then the fee would be \$50,000.

Town staff and consultants are continuing to advance the proposed updates to RMC Chapter 7. Though it won’t be codified with bulk of the RMC Chapter 7 updates, a section on affordable housing with inclusionary zoning and incentive components has been proposed and evaluated by the Planning Commission. It will be prioritized for further review and consideration once the process for updating the Town’s zoning and subdivision concludes this summer. Therefore, staff recommends that Council provide direction to further evaluate and propose a fee-in-lieu as part of the process to modify and propose the new affordable housing and inclusionary zoning regulations.

#### **AFFORDABLE HOUSING MITIGATION FEE**

The Town of Telluride has “Affordable Housing Requirements” in place that include mitigation fees to offset the impacts created when new free-market housing is built in town. The town’s affordable-housing mitigation rate is based on the number of permanent employees a new build generates. Each employee is then broken down into the amount of square footage that an employee needs. The current mitigation requirements state that each square foot can be paid for at a specific rate per square foot, and that someone constructing a new house must mitigate a specific percentage of the impact on housing generated by the new employee. Once the fee is calculated, a developer would then have the choice to either pay for that fee or build affordable housing. Fees collected are used to help pay for town-constructed affordable-housing projects.

Staff recommends that “Affordable Housing Requirements”, including a mitigation rate, be prioritized and further evaluated once the process of updating the Town’s zoning and subdivision concludes this summer.

#### **DIRECTION REQUESTED:**

Staff is requesting further direction from Council on how to proceed with this initiative. To submit a ballot question to hold a special municipal election as a coordinated election with Ouray County in November 2023, the Town would need to submit a notice of intent to the *Ouray County Clerk & Recorder’s Office* by July 28, 2023. A ballot title and content for the ballot issue would need to be finalized by Council, approved via resolution, and issued to Ouray County before September 8, 2023.

## AGENDA ITEM #16

## AGENDA ITEM #17