

**TOWN OF RED CLIFF, COLORADO
ORDINANCE NO. 3, SERIES 2017**

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RED CLIFF,
COLORADO, AMENDING CHAPTERS 16 AND 17 OF THE RED CLIFF MUNICIPAL
CODE REGARDING PLANNING AND DEVELOPMENT WITHIN THE TOWN.

WHEREAS, the Town of Red Cliff, Colorado (“Town”) is a municipal corporation and body politic organized under the laws of the State of Colorado and possessing the maximum powers, authority, and privileges to which it is entitled under Colorado law; and

WHEREAS, the Town, by virtue of its status as a statutory town, may adopt ordinances relative to local municipal matters as may be necessary to effectuate the purposes and intents of the powers granted to municipalities, including land use and development within the Town; and

WHEREAS, the Town Board of Trustees (“Board”) has determined that it would benefit the Town and its citizens to clarify and improve certain provisions of the Town’s planning, development, and subdivision regulations to ensure protection and/or enhancement of existing water resources and riparian areas within the Town; and

WHEREAS, the Town Board now desires to amend Chapters 16 and 17 of the Red Cliff Municipal Code as provided in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RED CLIFF, COLORADO, AS FOLLOWS:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the Town Board.

2. Amendment. The following sections of the Red Cliff Municipal Code are hereby amended as set forth below with removed language ~~stricken~~ and new language in UPPERCASE. All other sections of Chapters 16 and 17, or portions thereof, not expressly amended herein shall remain unchanged and in full force and effect.

Sec. 16-1-40. Purpose and intent.

This Chapter encompasses the purposes and intents of the enabling legislation cited in § 16-1-20. It is the additional purpose and intent of this Chapter to encourage the most appropriate use of land within the Town of Red Cliff; CREATE INCENTIVES FOR DEVELOPMENT AND REDEVELOPMENT WITHIN THE TOWN; preserve, ~~and~~ protect, AND ENHANCE the Town of Red Cliff’s economy, heritage, ~~and~~ scenic beauty, AND NATURAL ENVIRONMENT, INCLUDING ITS WATER RESOURCES AND RIPARIAN AREAS; preserve and protect the Town of Red Cliff’s small town qualities and character; and promote the health safety, welfare, and convenience of the citizens of the Town of Red Cliff by:

(a) [no change]

(b) Establishing standards and requirements governing the location, erection, construction, reconstruction, alteration, and expansion of structures in the Town of Red Cliff THAT PROMOTE THE TOWN'S GOALS;

(c) – (l) [no change]

Sec. 16-2-20. Definitions.

STREAM IMPACT MITIGATION TECHNIQUES MEANS TECHNOLOGIES, INSTALLATIONS, PRACTICES, AND PROPOSALS INTENDED TO REDUCE THE NEGATIVE PHYSICAL, STRUCTURAL, AND QUALITY IMPACTS ON WATER BODIES AND RIPARIAN AREAS, INCLUDING, BUT NOT LIMITED TO, SILT FENCES; SELF-IMPOSED SETBACKS; SELF-IMPOSED ARCHITECTURAL AND/OR BUILDING TECHNOLOGY SOLUTIONS DIRECTED AT REDUCING AND/OR TREATING STORMWATER RUNOFF FROM ROOFS AND OTHER IMPROVEMENTS; ENHANCED SITE ENGINEERING FOR DRAINAGE AND RUNOFF PURPOSES; INCREASED LANDSCAPING AND VEGETATION; AND OTHERS.

Sec. 16-5-40. Administrative approval by Planning Director.

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(c) The proponent of development qualifying for administrative approval by the Planning Director pursuant to this section shall submit an application to the Planning Director on a form to be provided by the Planning Director. The application shall include and be accompanied by such documents, maps, plans, specifications, STUDIES, or materials, INCLUDING, PROPOSED STREAM IMPACT MITIGATION TECHNIQUES SPECIFIC TO AND LOCATED ON OR NEAR THE PROPERTY BEING DEVELOPED, as the Planning Director may require for adequate consideration of the application, determination whether the development qualifies for administrative approval pursuant to this section, and determination whether the development shall be approved. The application shall also be accompanied by any development approval application fee established by the Town and any fees required pursuant to § 16-3-80. The Planning Director may require the applicant to submit a survey of the site on which the development will occur dated no more than one year before the date of the application.

Sec. 16-5-50. Approval by Planning and Zoning Commission.

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(c) At the discretion of the applicant, the application may also include and be accompanied by such additional documents, maps, plans and other materials as the applicant deems necessary for the Commission to review, consider and evaluate the development pursuant to the criteria described in §16-5-70, including, but not limited to:

(1) A detailed description of the development, INCLUDING ANY NECESSARY STREAM IMPACT MITIGATION TECHNIQUES THAT WILL BE EMPLOYED ON THE PROPERTY;

(2) A site plan showing existing and proposed features on the site pertinent to the development, including site boundaries, required structure setbacks, existing and proposed structure locations, site topography and physical features, off-street parking spaces and loading areas, snow storage areas, traffic circulation, areas devoted to landscaping, utilities, drainage features, and stream setbacks, AND STREAM IMPACT MITIGATION TECHNIQUES.

(e) At the hearing, the Commission shall determine whether the information submitted by the applicant pursuant to subsections (b) and (c) is sufficient to allow it to evaluate and apply the criteria set forth in § 16-5-70 and recommend approval or disapproval of the development. If it determines that the information submitted by the applicant is sufficient allow it to evaluate and apply the criteria set forth in § 16-5-70, it shall proceed to issue a recommendation pursuant to § 16-5-60. If it determines that additional information is needed from the applicant in order to evaluate and apply the criteria set forth in § 16-5-70, INCLUDING, BUT NOT LIMITED TO, PROPOSED STREAM IMPACT MITIGATION TECHNIQUES SPECIFIC TO AND LOCATED ON OR NEAR THE PROPERTY BEING DEVELOPED, it shall continue the hearing and request that the applicant provide such additional materials and information to allow it to evaluate and apply the criteria set forth in § 16-5-70. In conjunction with such a request, the Commission may preliminarily or conceptually approve the development, may propose such modifications or conditions on the development and otherwise provide such guidance to the applicant as it deems appropriate. At a continued hearing pursuant to this subsection, the Commission shall proceed in accordance with this subsection.

Sec. 16-6-30. Snow Storage.

(a) Development that will result in an increase in or addition to the total impermeable surface area used for a purpose other than aboveground construction on the site at which development will occur shall satisfy and comply with the following requirements:

(1) – (4) [no change]

(5) Areas designated as snow storage areas shall be located, designed, and constructed in such a manner so as to avoid negatively impacting adjacent properties, sidewalks and public rights-of-way, AND STREAMS, WATER BODIES AND RIPARIAN AREAS from runoff.

SEC. 16-6-35. DRAINAGE.

IF PROPOSED DEVELOPMENT WILL MATERIALLY ALTER EXISTING DRAINAGE PATTERNS ON THE PROPERTY BEING DEVELOPED, THE DEVELOPER SHALL SUBMIT A DRAINAGE STUDY PREPARED BY A PROFESSIONAL ENGINEER, OBTAIN ALL NECESSARY DRAINAGE EASEMENTS, AND CONSTRUCT ALL DRAINAGE FACILITIES CALLED FOR IN THE STUDY FOR THE PROTECTION OF ADJACENT PROPERTIES, PUBLIC RIGHTS-OF-WAY, AND STREAMS, WATER BODIES, AND RIPARIAN AREAS. ALL DRAINAGE EASEMENTS SHALL BE A MINIMUM OF TWENTY (20) FEET

WIDE. ALL DRAINAGE FACILITIES SHALL BE DESIGNED BY A REGISTERED PROFESSIONAL ENGINEER QUALIFIED IN THE FIELDS OF HYDROLOGY AND HYDRAULICS AND IN A MANNER THAT WILL PROTECT ALL PUBLIC RIGHTS-OF-WAY, ADJACENT PROPERTIES, AND STREAMS, WATER BODIES, AND RIPARIAN AREAS ON THE PROPERTY OR AFFECTED BY THE DEVELOPMENT.

PARTICULAR ATTENTION WILL BE GIVEN TO ITEMS WHICH WILL PREVENT OVERTOPPING EROSION OR SILTING UP OF DRAINAGE FACILITIES. HEADWALLS OR CULVERTS OF SUFFICIENT LENGTH TO EXTEND BEYOND THE POINT WHERE A TWO-HORIZONTAL-TO-ONE-VERTICAL SLOPE FROM THE EDGE OF THE ROAD SHOULDER INTERCEPTS THE BOTTOM OF THE CULVERT SHALL BE INSTALLED. ALL DRAINAGE FACILITIES UNDER A ROADWAY SHALL BE DESIGNED AND CONSTRUCTED TO WITHSTAND AN AASHTO-RECOMMENDED HS-20 LOADING. THE MINIMUM ACCEPTED CULVERT SIZE SHALL BE EIGHTEEN (18) INCHES IN DIAMETER. OPEN CHANNELS SHALL BE A TRAPEZOIDAL SHAPE WITH A MINIMUM SIDE SLOPE OF TWO (2) HORIZONTAL TO ONE (1) VERTICAL. THEY SHALL BE SIZED TO RETAIN THE ANTICIPATED FLOWS AT THE APPROVED VELOCITIES. DROP STRUCTURES SHALL BE INSTALLED AS NECESSARY.

Sec. 16-6-40. Stream Setbacks.

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(d) The requirements of this section are in addition to and not in lieu of any ~~county~~, TOWN ORDINANCES OR state or federal LAWS, RULES, regulations, restrictions, ~~ordinances~~ or guidelines prohibiting OR RESTRICTING development at, in, or near waterways, floodplains, or wetlands.

SEC. 16-6-55. DRIVEWAYS

DRIVEWAYS SHALL NOT EXCEED 4% GRADE FOR THE FIRST 10 FEET FROM THE ROAD AND SHOULD NOT EXCEED 4% GRADE FOR THE 10 FEET IN FRONT OF A GARAGE. UNDER NO CIRCUMSTANCES SHALL THE DRIVEWAY EXCEED 12% GRADE UNLESS IT IS HEATED AND SHALL NOT EXCEED 16% GRADE WITH HEAT. DRIVEWAYS SHALL ALSO BE AS CLOSE TO PERPENDICULAR TO THE ROAD AS POSSIBLE AND NOT EXCEED A 15 DEGREE DEVIATION FROM PERPENDICULAR WITHOUT A VARIANCE. RESIDENTIAL DRIVEWAYS SHALL BE A MINIMUM OF 12 FEET WIDE AND HAVE A MINIMUM CENTERLINE RADIUS OF 20 FEET. COMMERCIAL AND OTHER NON-RESIDENTIAL DRIVEWAYS SHALL BE A MINIMUM OF 20 FEET WIDE AND ACCOMMODATE DELIVERIES FROM LARGE AND OVERSIZED VEHICLES.

Sec. 16-11-20. Applicability.

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(o) Altering local traffic patterns to cause a significant increase in traffic or transit service needs; ~~and/or~~

(p) Being part of a larger project that, at any future stage, may involve any of the impacts listed above; AND/OR

(Q) ALTERING OR POTENTIALLY ALTERING THE PHYSICAL OR STRUCTURAL ASPECTS OF A WATER BODY, STREAM, AND/OR RIPARIAN AREA THAT IS LOCATED ON OR NEAR THE PROPERTY TO BE DEVELOPED AND/OR THE QUANTITY OR QUALITY OF WATER THEREIN.

Sec. 16-11-50

...

(f) The analysis portion of the environmental impact report shall assess the following items in reasonable detail:

(1) [no change]

(2) Mitigating measures proposed to minimize impacts, INCLUDING ANY STREAM IMPACT MITIGATION TECHNIQUES;

Sec. 17-8-10. Conformance.

The individual lots and subdivision layout, the constructed improvements, and engineering investigation and design shall conform to the provisions of this Chapter AS WELL AS THE DEVELOPMENT STANDARDS SET FORTH IN CHAPTER 16, ARTICLE 6. IN THE EVENT OF A CONFLICT BETWEEN CHAPTERS 16 AND 17 AS APPLIED TO A PARTICULAR PROPERTY, THE MORE RESTRICTIVE PROVISION SHALL CONTROL.

Sec. 17-8-290. Stream Setbacks.

A ~~thirty-foot~~ TEN-FOOT strip of land measured horizontally from the mean annual flood high-water mark on each side of any live stream located within OR ALONG THE OUTER boundaries of a proposed subdivision shall be protected in its natural state, with the exception that footpaths, bridges, irrigation structures, flood control, and erosion-protection devices may be constructed thereon with approval by the Town Engineer. ~~If such stream is along the outer boundaries of the subdivision, this requirement shall apply to that part of such stream and strip which is within the subdivision.~~ Underground utilities may be located in such protected area, provided that there is no practical alternative location for such utilities, that the plans are approved by the Board of Trustees, and that all construction scars are revegetated.

Sec. 17-8-380. Park sites; dedication.

The Board of Trustees may require the reservation or dedication of lands or sites for parks when such are reasonably necessary to serve the proposed subdivision and the future residents thereof. IN LIEU OF THE LAND DEDICATION REQUIREMENT SET

FORTH IN THIS SECTION, THE BOARD OF TRUSTEES MAY, IN ITS SOLE DISCRETION, ACCEPT (A) A CASH PAYMENT IN AN AMOUNT TO BE MUTUALLY AGREED UPON BY THE TOWN AND THE SUBDIVIDER, BUT NOT TO EXCEED THE FAIR MARKET VALUE OF THE PROPERTY THE TOWN WOULD HAVE OTHERWISE REQUIRED FOR DEDICATION; OR (B) RECREATION-RELATED SERVICES, AMENITIES, OR INFRASTRUCTURE TO BE PROVIDED BY THE SUBDIVIDER. ALL CASH PAYMENTS MADE IN LIEU OF LAND DEDICATION WILL BE RESERVED FOR AND USED BY THE TOWN FOR RECREATION-RELATED SERVICES AND INFRASTRUCTURE. The Town may require the costs of the park and park improvements to be shared by the subdivider.

3. Repeal. Any ordinance of the Town of Red Cliff or part thereof whose provisions are in conflict with this Ordinance is hereby repealed.

4. Severability. Each section of this Ordinance is an independent section and a holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof, and the remainder of this Ordinance shall continue in full force and effect.

5. Effective Date. Pursuant to C.R.S. § 31-16-105, this Ordinance shall become effective thirty (30) days after publication following final passage hereof.


INTRODUCED, TITLE READ IN FULL, APPROVED ON FIRST READING AND ORDERED POSTED IN FULL THIS 1ST DAY OF AUGUST, 2017. A public hearing on the SECOND READING of this Ordinance No. 1, Series 2017, will be held at the regular meeting of the Board of Trustees of the Town of Red Cliff on the 15th day of August, 2017, at 7:00 p.m. in the Town Hall of the Town of Red Cliff.

BOARD OF TRUSTEES OF TOWN OF
RED CLIFF, COLORADO



Anuschka Bales, Mayor

ATTEST:



Barb Smith, Town Clerk

ADOPTED AND ORDERED PUBLISHED by a vote of 7 to 0 at a duly noticed public meeting held by the Town of Red Cliff Board of Trustees this 15th day of August, 2017.

BOARD OF TRUSTEES OF THE TOWN
OF RED CLIFF, COLORADO


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