



**CITY OF MONTROSE RIVER BUFFER OVERLAY ZONE ORDINANCE  
PROPOSED AMENDMENTS  
MARCH 18, 2010**

The following amendments to the River Buffer Overlay Zone Ordinance are proposed by Friends of the River Uncompahgre and are associated with the attached comments. The attached comments suggest, in addition to the proposed additional language proposed here, certain deletions and modifications of language and themes that exists in the Draft.

**I. "WHEREAS" CLAUSES**

**Insert the following clauses:**

WHEREAS, the 2008 City of Montrose Comprehensive Plan states at Goal 11/Policy 11.1 that a high priority should be given to continued preservation of the river corridor before additional development may preclude current opportunities, and

WHEREAS, the City of Montrose has recently initiated a master planning process to develop comprehensive river protection plans, and

WHEREAS, the river master planning process is expected to be completed by mid 2011 at which time a final Ordinance is expected to be adopted to replace this interim Ordinance, and

WHEREAS, it is in the best interests of the public's health, safety and welfare, and it is consistent with the 2008 City of Montrose Comprehensive Plan for the Montrose City Council to adopt an interim river corridor preservation ordinance to be effective until replaced with a River Corridor Master Plan and final implementing Ordinance and to ensure effective and consistent enforcement of this interim Ordinance until it is replaced.

**II. DEFINITIONS SECTION**

**Insert the following definition:**

**RIVER STEWARDSHIP TEAM:** a team of reviewers appointed by the City Council who will review all proposals for approval of any encroachment into the URBZ and who shall make unanimous or individual recommendations to the City Council concerning each such proposal prior to Council action on the proposal.

### III. RIVER STEWARDSHIP TEAM

**Insert the following language in a new Section 4-4-8.3A(3) or other appropriate location:**

The City Council shall appoint a River Stewardship Team (“RST”) with expertise in various fields of ecologic function and value of riverine systems to review proposals for development or disturbance in the URBZ prior to city council review and decision and to have the other duties as herein described.

### IV. PERFORMANCE STANDARDS

**Insert the following language at Section 4-4-8.3F (2) (d) or other appropriate location:**

General Standards Applicable Within the Outer Zone.

With the exception of Single Family Dwellings, any development, improvement or disturbance of any kind within the Outer Zone shall be allowed only upon a demonstration by the applicant that all of the following criteria have been satisfactorily met by the applicant’s proposal. Any application that fails to satisfy any of the following performance standards shall be denied. Exceptions to the these standards shall be granted or denied through the variance procedures set forth in Section 4-4-26 of the Official Code of the City of Montrose.

i. Administrative Requirements

Conditions of Approval: No proposal shall be approved unless the following conditions are satisfied:

- (1) All required submittals and demonstrations have been made and the proposal and supporting documentation have been reviewed by the River Stewardship Team prior to a minimum of one public hearing before the City Council.
- (2) All necessary state and federal permits for the overall project lying both within and outside of the URBZ shall be obtained prior to any surface disturbance within the URBZ.
- (3) The proposed project’s ability to satisfy each and every one of the performance standards set forth herein, under current conditions and under reasonably foreseeable future conditions shall be demonstrated to the satisfaction of the City Council.

ii. Visual Impact Standards

Any development along the river is encouraged to be oriented towards the river, to highlight the river as one of the city's visual assets. Increased visitor numbers to the river are encouraged. Therefore, any development within the Outer Zone must perform to achieve the goal of protecting and enhancing the natural aspects and natural aesthetic of the existing river corridor. Descriptions of this goal include the following:

- (1) Any new structures within the Outer Zone must include significant positive orientation towards the river. This should include some of the following features: Pedestrian and bicycle access, outside courtyards and seating areas and food and beverage service areas, small trash cans.
- (2) The following shall not be included on the river-side of any structure: dumpsters, service/delivery entrances for trucks with more than three axels.
- (3) The city's "big box" standards shall apply to any building larger than 5,500 square feet with the additional requirement that any side of the building facing the river shall be considered a 'front' or 'street' side and the additional exception that parking spaces along the river-side of any structure within the Outer Zone are prohibited. The number of bicycle park and lock locations must be equal to or greater than the number of car parking spaces.
- (4) The city's signage regulations shall apply within the Outer Zone with the exception that no interior-illuminated signs shall be allowed within the Outer Zone, and the maximum dimensions of any commercial sign within the Outer Zone shall be 5 feet wide and 2 feet tall.
- (5) Significant vegetative screening of structures within the Outer Zone must be included as part of any new development.
- (6) The height of any part of any structure built within the Outer Zone shall be reduced to the lowest practical extent for one-story buildings, and in no case shall the height be taller than any existing native vegetation within the URBZ.
- (7) The maximum height of exterior lighting and path illumination structures shall be 15 feet. Interior lighting inside any structure inside the zone that is visible from the zone shall be subject to the

dark-sky ordinance for exterior lighting. Small police related structures shall be exempt from this requirement.

iii. Ecological Systems

All proposals shall conduct and submit to the city pre-disturbance vegetative and wildlife baseline data and a report summarizing that data to be used in consideration of the applicant's proposal.

(1) Vegetation

- a. Disturbance to native vegetation shall be minimized to the greatest extent practicable.
- b. Native wetland or riparian vegetation shall not be damaged or destroyed without a specific waiver from the RST and approved by the City Council. A waiver may only be considered if Applicant has demonstrated that disturbance is unavoidable. Prior to consideration of any waiver of this section, Applicant shall prepare and submit for approval a reclamation plan that reasonably ensures successful immediate restoration of all temporary disturbance using native plants and including restoration of pre-disturbance hydrologic regime.
- c. Non-native vegetation shall not be planted or otherwise introduced within the URBZ.
- d. Native trees or other native vegetation that exceeds 10' in height shall not be removed within the URBZ, except to control insects or disease in compliance with an approved pest management plan, for wildfire mitigation purposes in accordance with an approved fire management plan, or as otherwise conducted in accordance with a forestry or vegetation management plan approved by the River Stewardship Team.
- e. Disturbance of any plant species identified on the property as federally threatened or endangered is prohibited.
- f. All construction activities within the URBZ shall employ best management practices to avoid the introduction of non-native species and to control invasive species in a manner that preserves

water quality and natural ecological resources to the greatest extent practicable.

(2) Wildlife

- a. Wildlife movement along the riparian corridor shall not be impeded by the construction of fences, walls, or other structures that extend entirely across that portion of the property lying within the Outer Zone (no fencing is allowed within the Streamside Zone). All proposals shall be designed to allow realistic and effective wildlife movement along the river corridor. Applicant shall demonstrate that its proposed design is workable under current and reasonably foreseeable future circumstances.
- b. Unleashed domestic pets and animals, farm animals, livestock or other non-native animals shall be confined outside of the URBZ or confined entirely within approved buildings within the URBZ.
- c. Except for projects conducted by the Colorado Division of Wildlife, wildlife shall not be fed within the URBZ.

(3) Natural systems

- a. Functional natural systems shall be identified and preserved to the greatest extent practicable within the URBZ.
  - b. The use of chemicals, traps or other human devised methods of destroying native wildlife or plants shall be prohibited within the URBZ, except pursuant to a specific variance granted pursuant to Section 4-4-26 of the Official Code of the City of Montrose and then only to the minimal extent necessary to achieve activities otherwise permitted under this Ordinance, to restore or enhance the natural system or to fulfill a compelling public purpose.
- iv. Stream, riparian and floodplain function

All development within the Outer Zone shall minimize influence on the natural and beneficial values associated with the riparian/floodplain corridor. These benefits range from reducing the number and severity of floods, helping handle storm water runoff, minimizing non-point source water pollution, and sustaining physical, chemical, and biological attributes of water quality. The following Best Management Practices (BMPs) are

required to ensure the natural and beneficial values of the riparian/floodplain are sustained:

- (1) Development shall be accomplished in a manner that sustains the overall structure, composition, and density of the native riparian plant communities. Flood attenuation benefits from functioning floodplains are dependent on the vertical and structural roughness that riparian vegetation affords.
- (2) Development shall be designed to be compatible with natural disturbances (flooding, fire, diseases) when they occur within the URBZ. Natural disturbances are necessary to sustain a healthy and diverse range of plant community age classes (seral stages).
- (3) Development shall minimize the aerial extent of ground disturbance and the construction of impervious surfaces, to allow for unimpeded alluvial aquifer recharge and benefits to water quality and storm water runoff.
- (4) Development shall minimize any alteration of the natural topography to preserve the natural flooding characteristics of the floodplain.
- (5) All above ground, constructed facilities should be located as far from the active stream channel as practical and shall include design standards that minimize alterations to flood flow conveyance.
- (6) All large floatable objects, including mobile homes, located in flood prone areas shall be secured sufficiently to remain stationary during extreme flood events, to avoid becoming an obstruction to downstream flow and expanding the extent of flooding.

v. Water quality and storm water management

All development within the URBZ shall minimize storm water runoff impacts on water quality during and after construction activities to the greatest extent practicable. Emphasis shall be placed on reducing the overall extent of ground disturbance and maximizing the natural filtering abilities of perennial vegetation. Stormwater control shall implement the following measures:

- (1) Minimize the amount of impervious surfaces created.
- (2) Implement a construction sequence that will limit the total area disturbed.
- (3) Protect and enhance existing vegetation to the greatest extent possible, and immediately restore or enhance vegetation that is temporarily disturbed.
- (4) Limit the area of bare soil exposed during construction and re-vegetate disturbed areas as soon as possible.
- (5) Utilize protective mulch until permanent vegetation is re-established.
- (6) Where feasible, route runoff to vegetated swales or riparian areas rather than to storm sewers or concrete channels to avoid direct storm water discharge into water courses.
- (7) Design and construct detention basins that include perennial vegetation to slow and filter storm water inputs.
- (8) Avoid broad application of herbicides to control vegetation.