

## **River Corridor Overlay Zone (RCOZ)**

### **Article 5**

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The site is in one of two designated districts. The first is the CBD (central business district) River District, which recognizes the urban character and unique design considerations of the central business district. The second is the River Corridor District, which recognizes the less intensive development that exists within the RCOZ that is located north and south of the CBD River District. This zone applies to new development and construction proposals or any renovation or remodeling of existing structures. All uses within the RCOZ are either processed as special or conditional use permits.

#### **Viewsheds**

- 1) \_\_\_ New development and other development, as viewed from the river, do not encroach within the viewshed encroachment line.
- 2) \_\_\_ Mitigation, if it is impossible to avoid encroachment within the viewshed encroachment line due to topography, parcel size and shape, and the scale and bulk of the proposed development mitigation techniques:
  - Plant vegetative buffers or use other landscape techniques to screen or partially screen the structure from being seen from the river.
  - Erect a fence or wall made of natural materials such as wood or stone to screen the structure from being seen from the river.
  - Avoid or minimize the use of reflective surfaces on walls and roofs oriented towards the river.
  - Signs or advertising shall not be placed within the viewshed.
  - Use of earthtone colors designed to blend in with the background.
  - The setback from the river is the maximum feasible distance after taking into consideration other essential site factors such as: Required setbacks from streets and property lines; provision for adequate number of parking spaces; size and shape of the building so that it functions adequately for its intended use; landscaping; and orientation of the building so that it is visually compatible with surrounding development.
  - Orient large buildings (larger than five thousand (5,000) square feet), to the extent allowed by the considerations listed in section 5-1-4(a)(1)f. so that the visual impact on views from the river are minimized. For example orient the building at a forty-five-degree angle to the river rather than parallel to the river bank.
- 3) \_\_\_ Does the new development and other development obstruct views to the river, as viewed from a publicly accessible bicycle or pedestrian trail or path. Where obstructions are unavoidable, mitigation is required.
  - Given the existing urban character of the CBD River District, viewshed mitigation requirements described in sections 5-1-4(a)(1)b., 5-1-4(a)(1)d. through g. and 5-1-4(a)(2) shall not apply within the CBD River District. However, mitigation measures are encouraged where appropriate. Additional, more specific standards, such as setbacks, are required by section 5-1-5.
- 4) \_\_\_ New buildings or expansions to existing buildings have a minimum setback of 25 feet from an existing or proposed trail or path within the River Corridor District and a minimum setback of 10 feet from an existing or proposed trail or path within the CBD River District.

### **Vegetation**

- 1) \_\_\_ Wetland and riparian vegetation are not disturbed by new development and other development. Where this standard cannot be met (e.g., the need for river access, trail location, or the entire parcel is located within the riparian corridor), disturbance of wetland and riparian vegetation is minimized and/or mitigated.
- 2) \_\_\_ Areas that will be disturbed during construction activities shall be delineated on a site plan.
- 3) \_\_\_ Will project be reviewed by other jurisdictions, such as the Army Corps of Engineers.
- 4) \_\_\_ Have impacts of removal or alteration been documented prior to removal or alteration of riparian vegetation?
- 5) \_\_\_ Have other required permits (e.g., Army Corps of Engineers) are obtained.
- 6) \_\_\_ Are any other mitigation techniques required?
- 7) \_\_\_ Has disturbance of upland vegetation been minimized?

### **Erosion and stormwater runoff**

- 1) \_\_\_ Within the erosion exposure zone(s) located on a particular parcel, erosion and stormwater runoff from the parcel during construction and post-construction phases of development do not exceed existing levels of erosion, particulate materials and other sources of water pollution, and stormwater runoff from the site prior to the commencement of construction.
- 2) \_\_\_ Techniques to achieve limited erosion:
  - a. Avoid disturbance of riparian and wetland vegetation and minimize disturbance of upland vegetation.
  - b. Minimize the amount of impervious surface resulting from construction.
  - c. Where additional impervious surfaces are created if developers choose to exceed city requirements (such as creating additional parking spaces), additional impervious surfaces shall be compensated for by the provision of additional landscaping or drainage features. Control and mitigation for additional impervious surfaces shall be commensurable to the additional runoff created.
  - d. Plant additional vegetation between the developed area and the river to compensate for the creation of impervious surfaces.
  - e. Revegetate areas disturbed by construction.
  - f. Grade land surrounding the developed area at non-erosive grades (less than four (4) percent) and revegetate.
  - g. Use other landscape techniques, as appropriate.
  - h. Avoid the use of herbicides to control vegetation within the erosion exposure zone.
  - i. Install sump pits in culverts which filter out pollutants.
  - j. Construct detention/retention/filtration basins covered with vegetation to retard and filter stormwater.
  - k. Avoid piped unfiltered stormwater discharge directly into streams, creeks, and other stormwater conveyances.
  - l. Where feasible use existing open drainage (natural swales or arroyos) rather than to direct runoff into pipes or paved channels. Check dams or other suitable erosion controls should be applied to the natural drainage features if the surface runoff from the site may appreciably increase natural erosion rates.
- 3) \_\_\_ No alteration of the riverbank except as necessary to eliminate an existing hazard or to clean up or restore the riverbank.
- 4) \_\_\_ Prior to any riverbank alteration, a permit shall be obtained from the department, and any other agency having jurisdiction (e.g., Army Corps of Engineers).
- 5) \_\_\_ Placement of fill shall begin no closer than 3 feet from the top of the riverbank and outside the floodway.

- 6) \_\_\_ No dumping into the river of any debris, dirt, fill, vegetation, street snow or other material, except normal site runoff.
- 7) \_\_\_ Grading work on site must be consistent with natural contouring and vegetation.

#### **Access to trails and paths and the water's edge**

- 1) \_\_\_ New development or other development described in LUDC section 5-1-3(b) on parcels adjacent to an existing or proposed trail or path and on parcels through which an existing or proposed trail or path traverses provide a nonmotorized access easement to the trail or path from an existing public right-of-way.
- 2) \_\_\_ New development and other development described in LUDC section 5-1-3(b) on parcels abutting the water's edge of the Animas River provide a nonmotorized access easement to the water's edge.
- 3) \_\_\_ New development and other development described in LUDC section 5-1-3(b) on parcels abutting the water's edge of the Animas River are encouraged to provide motorized access to the water's edge if the staff recommends that such access is feasible and appropriate for a specific parcel.

#### **Provision for trails and paths**

- 1) \_\_\_ Proposals for new development or other development described in LUDC section 5-1-3(b) of parcels across which a proposed trail or path traverses shall include provisions for dedication of a trail easement in accordance with the city parkland dedication requirements and provisions for making improvements, such as grading and/or paving, as appropriate to the particular trail segment.
- 2) \_\_\_ Requirements for making improvements to trails or paths do not apply to single- and two-family residences located on individual parcels or within a subdivision or planned development which includes five (5) or fewer such structures.

#### **Floodplains**

- 1) \_\_\_ Development minimizes disturbance to land and water within the area of special flood hazard.
- 2) \_\_\_ Any disturbance is to be mitigated to the maximum feasible extent.
- 3) \_\_\_ No mining and drilling operations within the area of special flood hazard
- 4) \_\_\_ No activities which interrupt the river's navigability, including fencing and low bridge clearances

#### **Additional standards for the CBD River District**

- 1) \_\_\_ Maximum height of principle structure is 35 feet.
- 2) \_\_\_ Minimum front, side or rear setback is 25 feet from any public street right-of-way, 10 feet from any existing or proposed bicycle trail, and 25 feet from the top of the riverbank. In parcels where an existing or proposed bicycle path abuts the riverbank, the setback from the riverbank may be less than 25 feet, provided that the setback is at least 10 feet from the bicycle path.
- 3) \_\_\_ When more than 1 structure is constructed on a lot, a minimum distance of 15 feet is between buildings. The distance is exclusive of porches, eaves, overhangs, or balconies.
- 4) \_\_\_ Except as listed in LUDC sections 5-1-5(b), minimum interior side or rear setbacks are 7.5 feet.
- 5) \_\_\_ When a public easement is provided by the property owner connecting Camino del Rio with an existing or proposed bicycle path, no structure setback is required from that public easement except that any entries along the easement are recessed to provide for pedestrian safety.
- 6) \_\_\_ Parking space, parking area/lot development, and landscaping standards are as set forth in

- LUDC sections 10-2, 4-3-12, and 5-2-8, as applicable.
- 7) \_\_\_ A minimum loading area of 300 square feet for every 2,000 gross square feet of structure area is provided except for residential uses.
  - 8) \_\_\_ Loading areas may be shared between adjacent structures if convenient and if complementary hours are established for loading and unloading, shall be easily accessible, well-lit, designated as a loading area, and posted for restricted hours for loading and unloading.
  - 9) \_\_\_ Loading areas are located to not be a safety hazard, and are not located on through traffic streets.
  - 10) \_\_\_ The treatment and retreatment of any site is sensitive to the systems of the riverbank, climate the region, any microclimates that might be recreated by development, the public spaces that are critical to the CBD River District and the views that exist or can be created.
  - 11) \_\_\_ Little to no obstruction of existing views and vistas
  - 12) \_\_\_ Creative use of landscaping and structures to frame or enhance views and vistas is encouraged.
  - 13) \_\_\_ Little to no removal of mature vegetation and any relandscaping recognizes species native to the riverfront area.
  - 14) \_\_\_ Site planning considers site erosion, riverbank stability, soil types and discharge.
  - 15) \_\_\_ Excavation and cut and fill are minimized, and natural topography of the site is utilized whenever possible.
  - 16) \_\_\_ Any slopes that are cut or filled are to be revegetated.
  - 17) \_\_\_ The dedication of a twenty-foot-wide pedestrian easement through any parcel is interpreted as meeting the open space requirements as may be required in this Code.
  - 18) \_\_\_ Attempts made to consolidate service roads and to limit interior roads to service vehicles whenever possible.
  - 19) \_\_\_ Entrances to development and structures are oriented to pedestrian traffic and pedestrian-focused activities are located along the public pedestrian easement.
  - 20) \_\_\_ Whenever feasible, all utilities are located underground.
  - 21) \_\_\_ Adequate fire lanes are provided in accordance with LUDC section 10-5.
  - 22) \_\_\_ Downtown design standards as set forth in LUDC section 5-2-8 apply.
  - 23) \_\_\_ All of LUDC section 10-3 (sign standards and procedures) applies, as well as the following:
    - A) \_\_\_ 1 sign per parcel may have a sign area up to 100 square feet
    - B) \_\_\_ All other signs on the parcel each have an area not to exceed 24 square feet.
    - C) \_\_\_ Signs posted only advertise the business(es) conducted on the premises.
    - D) \_\_\_ Monument signs are permitted but freestanding pole signs are not permitted.
  - 24) \_\_\_ Bicycle path(s) and public easements connecting public street rights-of-way to a path are at least 10 feet in width, running in continuous length through the property. For properties bordering the river, is recommended that no less than 30% of this pathway easement shall be adjacent to the riverbank.
  - 25) \_\_\_ Bicycle path(s) and public easements connecting public street rights-of-way to a path are located at ground level and connect with any other adjacent public pedestrian easement.
  - 26) \_\_\_ Bicycle path(s) and public easements connecting public street rights-of-way to a path are located in a safe and logical fashion and be usable by pedestrians.
  - 27) \_\_\_ Bicycle path(s) and public easements connecting public street rights-of-way to a path have a minimum finished height clearance of a least 12 feet.
  - 28) \_\_\_ Bicycle path(s) and public easements connecting public street rights-of-way to a path have a surface capable of withstanding four-wheel drive vehicles for purposes of maintenance and snow removal.

- 29) \_\_\_ The path shall be lighted with historic pedestrian lighting with fixtures being at fifty-foot intervals.
- 30) \_\_\_ Installation of an asphalt surface pedestrian easement relieve the applicant from any obligation to install or maintain sidewalks in accordance with LUDC section 10-5-7, public improvements.
- 31) \_\_\_ Facilities necessary for public use along the pedestrian easement are installed at the city's expense.