ORDINANCE NO. 4
SERIES 2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, AMENDING SECTION 5.4 E. 2., WETLAND AND STREAMS CORRIDOR PROTECTION, BUFFER/SETBACK AREAS, WETLANDS OF THE CITY OF GUNNISON LAND DEVELOPMENT CODE

WHEREAS, Section 5, Natural Resource Protection Standards of the City’s Land Development Code requires a setback from a delineated edge of a wetland; and

WHEREAS, in researching past memos and previous drafts of the code, City staff believes there was an error in the language of the final adopted code, which the original intent was geared around protection of Tomichi Creek (with the Gunnison Rising Annexation) and the Gunnison River; and

WHEREAS, the Community Development Director of the City of Gunnison has filed an application with the City of Gunnison, Colorado, seeking approval of a text amendment to Section 5, Natural Resource Protection Standards of the City’s Land Development Code; and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison, Colorado, held a public hearing on said application pursuant to notice published in accordance with the Land Development Code of the City of Gunnison, Colorado, on February 27, 2019; and

WHEREAS, Section 10.5 of the City of Gunnison Land Development Code states that approval of a text amendment to the Land Development Code may only occur if the application meets all the Review Standards for Text Amendment; and

WHEREAS, the Planning and Zoning Commission considered the amendment to the Land Development Code following a public hearing held on February 27, 2019, and recommends approval of the same. Therefore, staff requests Council to approve the amendments in the form incorporated herein; and

WHEREAS, the City Council of the City of Gunnison, Colorado, held a public hearing on the Text Amendment application to the Land Development Code on March 26, 2019;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, THAT:

Section 1. City of Gunnison Land Development Code, Section 5, Natural Resource Protection Standards, is hereby adopted in the form incorporated herein.

§5.4 WETLAND AND STREAMS CORRIDOR PROTECTION
E. Buffer/Setback Area

2. Wetlands

b. All buildings, accessory structures and parking lots shall be setback at least 50 feet horizontally (plan view) from the delineated edge of a wetland that is situated along the Gunnison River or Tomichi Creek (see Figure 1). Development on all other lots shall be setback at least 15 feet horizontally (plan view) from the delineated edge of a wetland. Development on lots that were approved for single-family residential use prior to the adoption of this LDC shall be exempt.

Section 2. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entire, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 26th day of March, 2019 on first reading, and introduced, read, passed and adopted on second and final reading this 9th day of April, 2019.
ATTEST:

Erica Boucher, City Clerk

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